U. S. Congress.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE SEVENTIETH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXX—PART 5

FEBRUARY 26 TO MARCH 4, 1929

(Pages 4331 to 5258)



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1929

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Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
SECOND SESSION

SENATE

TUESDAY, *February 26, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

SENATOR FROM PENNSYLVANIA

Mr. NORRIS. Mr. President, I was unable to be here yesterday, or I would have made the announcement then that I want to make this morning.

The Senator from Arkansas [Mr. ROBINSON] very kindly introduced a resolution yesterday in my behalf in regard to the Vare investigation. My own idea is that the special committee have extended every courtesy that could possibly be extended to Mr. VARE in making the investigation. They have shown him every leniency and given him every accommodation that anyone could ask. Nevertheless, Mr. VARE is a very sick man, and, of course, I, like others, sympathize with him in that condition and sincerely hope he will soon be restored to health.

I desire to say that while I think the Senate and the committee have done their full duty, nevertheless, on account of these conditions I do not intend to press to a final vote the resolution which was introduced yesterday, and I shall not ask that it be taken up during the present session of Congress. I am mindful and aware of the fact that if it goes over the votes of Senators who are opposed to my position in the matter will be greater in number at the next session and in the next Congress than at present. However, notwithstanding that fact, I do not feel under the circumstances that I want to press the resolution during the present serious illness of Mr. VARE. Neither do I see how his presence could change the situation. He has been extended every privilege I believe that could possibly be extended to him. But for the reasons stated I do not intend to ask the Senate to consider the resolution, although it is a privileged matter and I think I would have a right to force it to a vote.

I desire, however, to leave no doubt about the continuance of the authority of the committee and about the extension of the resolution which has heretofore been passed giving authority to the committee. I read the RECORD this morining, and I noticed that Senators yesterday expressed themselves to the effect that the resolutions were still in force and effect and would so continue. But the resolution granting the extension does not contain one resolution that I think is very important, and that is the resolution adopted at the beginning of this session of Congress known as Senate Resolution No. 2. It is the resolution which directed the present investigation so far as it has gone. It is the resolution which denies to Mr. VARE the right to take his seat until the final determination of the case. It is the resolution which gives to Mr. VARE the right to be present and to be heard if he desires. So I have prepared a resolution, for the present consideration of which I ask unanimous consent. It simply extends the life of the committee and extends the life of the resolution to which I have referred. I ask for its present consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 341), as follows:

Resolved, That Senate Resolutions 195, 227, 258, and 324 of the Sixty-ninth Congress and Senate Resolution 2 of the Seventieth Congress be, and the same are hereby, continued in full force and effect and to the same extent as though herein fully set forth until the special committee appointed under said Senate Resolution 195 is finally discharged by the Senate, and said special committee is hereby continued in office during the interim between the final adjournment of the Seventieth Congress and the convening of the first session of the Seventy-first Congress and thereafter during the life of said Congress unless sooner discharged by the Senate.

Mr. REED of Pennsylvania. Mr. President, I think the attitude of the Senator from Nebraska in this matter is entirely fair. I have no doubt but that the committee is continued by the resolutions already adopted by the Senate, but in order that there may be no doubt in anyone's mind I am perfectly willing to have the resolution adopted, and I join with the Senator from Nebraska in asking unanimous consent that it may be considered now.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BLEASE. Mr. President, I do not expect to object to the adoption of the resolution. But we hear a great deal of talk about the Constitution. We hear nearly every day in the Senate about somebody violating the Constitution; somebody not doing this and somebody not doing that. Last night we heard it in connection with the reapportionment bill and what a great violation of the Constitution it is not to reapportion the country. I would like to know where there could be a greater violation of our oaths than when we deprive the State of Pennsylvania or any other State of its representation in this body?

Pennsylvania is a sovereign State and has a right to have two representatives in this body. I suppose I am just about as far politically from Pennsylvania as any man in the world, but I do not think this matter should be carried over in this manner. I believe we ought to be men enough to meet the issue. If we are going to let Mr. VARE have his seat, let him have it and let the State of Pennsylvania have her two Senators as she is allowed to have them under the Constitution of the United States. If we are not going to let Mr. VARE have his seat, then it is our duty to so declare in order that the State of Pennsylvania may have the opportunity to fill the vacancy and have her representation as she is allowed and as she is required to have it under the Constitution of the United States.

If the Senator from Pennsylvania, who represents his State, is willing to have the resolution considered I have not any objection, but I want to say now that Senators should quit talking about the Constitution, whether it is in reference to a half pint of liquor or reapportionment or whatever else it may be, as long as they sit in this body and deprive the sovereign people of a sovereign State from their proper representation in this body.

Mr. REED of Pennsylvania. Mr. President, I feel as the Senator from South Carolina does about the constitutional rights of the State of Pennsylvania, but I realize that those rights are not likely to be accorded by opposing the resolution submitted by the Senator from Nebraska. Therefore I hope it will be adopted.

Mr. HEFLIN. Mr. President, buying by anybody of a seat in this body is a very serious question. The purchase of a seat here as men buy seats on the stock exchange is shocking, insulting, and dangerous to our free institutions. I think the sooner the Senate acts upon the Vare case the better it will be for the Senate and for the country. Mr. VARE has either acquired his seat corruptly or he has not. The Senate thus far has denied him the right to a seat here because of the fearful things disclosed in the testimony. During that time the State of Pennsylvania, as the Senator from South Carolina has said, has been represented by but one Senator in this body.

So, Mr. President, the Senate ought to get early action upon the Vare case. We all sympathize with Mr. VARE in his illness. I do. I served with him in the House. I like him personally. He is a very clever man. But we can not afford to let our sympathies, our likes and dislikes for a person control our action here. The Senate must be firm and steadfast in the position

that seats in the United States Senate are not for sale, and whoever buys a seat in this body, whether he be a Democrat or Republican, he will not be allowed to have a seat in this body.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Nebraska.

The resolution was agreed to.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

Ashurst	Edwards	King	Sheppard
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Glenn	Neely	Stephens
Bratton	Goff	Norbeck	Swanson
Brookhart	Gould	Norris	Thomas, Idaho
Broussard	Greene	Nye	Thomas, Okla.
Bruce	Hale	Oddie	Trammell
Burton	Harris	Overman	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hastings	Pittman	Vandenberg
Copeland	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Schall	Wheeler

Mr. BRATTON. My colleague [Mr. LARRAZOLO] is detained from the Chamber on account of illness. This announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Minnesota [Mr. SHIPSTEAD] is detained from the Senate by illness.

Mr. WATERMAN. I wish to announce that my colleague the senior Senator from Colorado [Mr. PHIPPS] is absent from the Senate because of illness. I ask that this announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Interstate Commerce:

Senate Joint Memorial 6, memorializing the Senate of the United States for early passage of the special resolution by Senator CAPPER directing the Senate Interstate Commerce Committee to take immediate action relative to the special export rates on grain

To the honorable Senate of the United States:

Whereas the question of export grain rates is of paramount importance to farm relief organizations; and

Whereas the American price of wheat is theoretically based upon the surplus minus the transportation charge, which results in discrimination against the American producer because of the fact that the Canadian transportation rate is lower than that of the United States; and

Whereas the Interstate Commerce Commission has heretofore failed to take any action that might remedy this condition in spite of the fact that our agricultural interests have proved that a period of depression in this basic industry exists and has become a matter of serious economic importance: Now therefore be it

Resolved by the Legislative Assembly of the State of Montana, That we do hereby petition the Senate of the United States to take early action upon the special resolution of Senator CAPPER to the end that the Senate Committee on Interstate Commerce will give speedy relief to the American grain growers by the adjustment and establishment of reasonable export grain rates which will meet the competition of the Canadian rates; be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to the honorable Senate of the United States and to the Senators from the State of Montana with the request that they exert every effort within their power to bring about the relief herein expressly desired.

Approved by J. E. Erickson, governor, February 19, 1929.

Mr. WALSH of Montana presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Agriculture and Forestry:

Senate Joint Memorial 4

A memorial to the honorable Secretary of Agriculture of the United States advocating the establishment and promulgation of grades and standards of wheat which shall take into account its protein content

To the honorable Secretary of Agriculture of the United States:

Your memorialists, the Twenty-first Legislative Assembly of the State of Montana, respectfully represent that:

Whereas the protein content of wheat is an important factor in determining its quality; and

Whereas the present grades and standards of wheat, as fixed by your honorable Secretary, are established without regard to said protein content; and

Whereas your memorialists believe that this important quality-determining factor should be taken into consideration as an element entering into the establishment of grades of wheat; that if grades and standards are established giving due regard to the quality of the wheat as determined by its protein content, such action will promote a more uniform market for wheat throughout the United States; will enable the producer thereof to obtain and the purchaser to pay the true value thereof; will eliminate the competition between millers that now arises by virtue of the fact that millers in some parts of the country refuse to pay a price for wheat that is based upon its milling quality as determined by its protein content, while in other parts of the country the millers pay a premium above the regular market price for high protein wheat, and that this difference in price is reflected in the prices of flour quoted to purchasers thereof, to the disadvantage of the miller paying the said premium; that the establishment of such grades and standards would prevent territorial discrimination in the prices paid producers of wheat, and would promote the raising of a better quality of wheat, facilitate the handling thereof, and tend to establish uniform prices therefor: Therefore be it

Resolved by the Twenty-first Legislative Assembly of the State of Montana, That we do hereby memorialize the honorable Secretary of Agriculture of the United States that he establish and promulgate grades and standards of wheat, which said grades and standards shall take into account the protein content of the wheat; and be it further

Resolved, That a copy of this memorial be forwarded to the honorable Secretary of Agriculture of the United States and to each of the Senators and Representatives in Congress from Montana.

Approved by J. E. Erickson, governor, February 19, 1929.

Mr. WALSH of Montana also presented a joint memorial of the Legislature of the State of Montana praying for the early passage of a resolution, submitted by Mr. CAPPER, directing the Senate Interstate Commerce Committee to take immediate action relative to special export rates on grain, etc., which was referred to the Committee on Interstate Commerce. (See joint memorial printed in full when presented to-day by the Vice President.)

Mr. BROOKHART presented the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Agriculture and Forestry:

House Concurrent Resolution 5 (by committee on agriculture)

Whereas the livestock producers of this country are, from justice and necessity, entitled to a market for the sale of their livestock which will insure most advantageous results to them, governed either by the natural laws of competition and supply and demand or some other system equally effective; and

Whereas during the last few years there is in existence a system of direct or private buying that has so expanded as to endanger, in the opinion of many, the open competitive livestock markets which have been built up in this country over a period of 50 years; and

Whereas it is the opinion of the vast majority of the stock growers that if the open competitive markets do not prevail the direct or private system of buying is, as it operates to-day, dangerous to the livestock interests of the country; and

Whereas approximately 40 per cent of the hogs now being shipped to the big terminal markets are bought in the country by packing agents and shipped to private stockyards and by this system are kept out of the competitive market: Therefore be it

Resolved, That our Representatives in Congress are hereby requested and strongly urged to conduct a thorough and fair investigation of the questions of marketing livestock in all of its phases, especially with respect to the setting up of some form which will be satisfactory to livestock producers if the competitive market is becoming obsolete; such investigation to be made on a basis which will inspire confidence in the conclusions and result among the producers, the consumers, and the packers, the stockyards and all other marketing agencies; that will tend to settle adequately the questions which have perplexed the country

and Congress so much in the past, concerning marketing problems of the livestock industry; be it further

Resolved, That a copy of this resolution be sent to each of our Representatives in Congress.

J. H. JOHNSON,
Speaker of the House.
ARCHER MCFARLAND,
President of the Senate.

I hereby certify that the foregoing concurrent resolution was duly adopted by the Forty-third General Assembly of the State of Iowa.

A. C. GUSTAFSON,
Chief Clerk of the House.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes;

S. 4517. An act appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the General Council and Business Committee, and for other purposes;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

The message also announced that the House had passed the following bills and joint resolution of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying; and

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 8746. An act to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park;

H. R. 11476. An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels;

H. R. 11801. An act to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto;

H. R. 11802. An act establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information;

H. R. 11916. An act to provide for the care and preservation of certain land and monuments in the Washington Parish Burial Ground (Congressional Cemetery);

H. R. 13211. An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 14449. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 14938. An act to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes;

H. R. 15218. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 15656. An act to provide for the erection of monuments at Dalton, Resaca, Cassville, and New Hope Church, in the State of Georgia, in commemoration of these historic points and battle fields of the Sherman-Johnston campaign in 1864, and to provide for the erection of markers at other points of historic interest along the Sherman-Johnston line of march;

H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap, County, State of Washington;

H. R. 16036. An act to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system;

H. R. 16167. An act to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.);

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md.;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project;

H. R. 16214. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress;

H. R. 16314. An act to amend section 198 of the Code of Law for the District of Columbia;

H. R. 16349. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at or near Cambridge, Md.;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16394. An act to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause;

H. R. 16397. An act granting authority to the Secretary of War to relocate levee of Conway district No. 1, Conway County, Ark.;

H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a toll bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens;

H. R. 16451. An act to provide for the inspection of the battle field of Star Fort, S. C.;

H. R. 16565. An act authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 16612. An act granting the consent of Congress for the construction of a dam or dams in Neches River, Tex.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928;

H. R. 16662. An act to authorize appropriations for buildings, sites, and other facilities for the free Public Library of the District of Columbia;

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interest of navigation, opposite or near Chattanooga, Hamilton County, Tenn.;

H. R. 16720. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16726. An act authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation, La.;

H. R. 16771. An act granting the consent of Congress to compacts or agreements between the States of Wyoming and Idaho with respect to the boundary line between said States;

H. R. 16792. An act to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia;

H. R. 16838. An act authorizing Llewellyn Evans and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.;

H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.;

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 16985. An act authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17007. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17060. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 17062. An act to provide for the conveyance of Deer and Virgin Islands in Wheeler Lake, Oconto County, Wis., to the county of Oconto, State of Wisconsin, for public-park purposes;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. R. 17101. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio;

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.;

H. J. Res. 382. Joint resolution to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930;

H. J. Res. 390. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale;

H. J. Res. 392. Joint resolution to provide for the erection on Government land of a permanent building for the use of the American National Red Cross; and

H. J. Res. 399. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements.

THE CALENDAR

The PRESIDING OFFICER (Mr. FESS in the chair). In accordance with the unanimous-consent agreement already entered into, the calendar will be taken up for unobjected bills. The clerk will report the first number in order on the calendar.

FOX RIVER FOOT BRIDGE, ILLINOIS

The bill (H. R. 13593) granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill., was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on Commerce with an amendment to strike out the following after the enacting clause:

That the consent of Congress is hereby granted to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River, at a point suitable to the interests of navigation, between said villages, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

And in lieu thereof to insert:

That the bridge now being constructed across the Fox River at the foot of North Street, East Dundee, Ill., by the village of East Dundee, Ill., if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to legalize a bridge across the Fox River at East Dundee, Ill."

CLAIMS AGAINST THE UNITED STATES

The bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. KING. Mr. President, I have a number of amendments which I desire to propose to that bill. I did not think it would be reached on the calendar so soon, and I therefore ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

TRESTLE, LOG DUMP, AND BOOM IN HENDERSON INLET, WASH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15382) to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash; which was read, as follows:

Be it enacted, etc., That the trestle, log dump, and boom built by the Weyerhaeuser Timber Co. in Henderson Inlet, State of Washington, on the westerly side near the mouth of Chapman Bay and the mouth of Woodards Bay, which is about 7 miles northeast of the city of Olympia, in the State of Washington, be, and the same are hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said trestle, log dump, and boom: *Provided*, That any changes in said trestle, log dump, and boom which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE NEAR CANNELTON, IND.

The bill (S. 5511) granting the consent of Congress to the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was announced as next in order.

Mr. WATSON. Mr. President, this is a bridge bill. The House on yesterday passed a bill, H. R. 16565, which is identical with the Senate bill which has just been read by title and as it has been reported by the Committee on Commerce. I therefore ask to substitute the House bill for the Senate bill.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to substitute the House bill named by him for the Senate bill, the title of which has been stated. Is there objection?

There being no objection, the bill (H. R. 16565) authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind., was read twice by its title, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WATSON. I move that the Senate bill No. 5511 be indefinitely postponed.

The motion was agreed to.

FRANK C. MESSENGER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12390) for the relief of Frank C. Messenger, which was read, as follows:

Be it enacted, etc., That the President is authorized to appoint Frank C. Messenger (retired), formerly chief gunner in the United States Navy, a lieutenant in the United States Navy, and place him upon the retired list of the Navy with the retired pay and allowance of that grade: *Provided*, That no back pay, allowance, or emoluments shall become due as a result of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. SHACKLETTE

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12666) for the relief of William S. Shacklette, which was read, as follows:

Be it enacted, etc., That hereafter William S. Shacklette, who was retired for physical disabilities, incurred in line of duty at the time of the explosion of the boilers of the U. S. S. *Bennington*, at San Diego, Calif., July 21, 1905, and was awarded the congressional medal of honor for "extraordinary heroism displayed at the time of the accident," shall receive the retired pay of chief pharmacist, equivalent to the maximum pay and allowance of that grade provided by law.

Mr. KING. Mr. President, will the Senator from Nevada [Mr. ODDIE], who reported the bill, kindly explain its object?

Mr. ODDIE. Mr. President, this bill is one of the most meritorious bills that I have seen come before the Senate. Mr. Shacklette was awarded the congressional medal of honor for great bravery displayed while he was in an injured condition, after the explosion on one of our naval ships. I can read the report to the Senator from Utah [Mr. KING], if he desires me to do so.

Mr. KING. Since asking the Senator from Nevada for an explanation of the bill I have read the report, and I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEA SCOUT DEPARTMENT OF BOY SCOUTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15577) to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America, which was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, in his discretion, to dispose of, without charge, except for transportation and delivery, to the sea scout department of the Boy Scouts of America, such obsolete material as may not be needed for the Navy, and such other material as may be spared, at prices representing its fair value to the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL MILITARY PARK AT BATTLE FIELD OF MONOCACY, MD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11722) to establish a national military park at the battle field of Monocacy, Md., which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That for the purpose of commemorating the Battle of Monocacy, Md., the Secretary of War is authorized and directed to (1) acquire not to exceed 1 acre of land, free of cost to the United States, at the above-named battle field; (2) fence the parcel of land so acquired; (3) build an approach to such parcel of land; and (4) erect a suitable marker on such parcel of land.

SEC. 2. There is authorized to be appropriated the sum of $5,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act.

SEC. 3. The parcel of land acquired under section 1 of this act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such parcel of land, fence, approach, and marker a sum not to exceed $250 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide for the commemoration of the Battle of Monocacy, Md."

MARGARET I. VARNUM

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 264) for the relief of Margaret I. Varnum, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, George Smith, late private of Company K, Twenty-first Regiment Massachusetts Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 4th day of March, 1862: *Provided*, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES EVANS

The bill (S. 4274) for the relief of James Evans was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Texas [Mr. SHEPPARD], who reported the bill, explain it?

Mr. SHEPPARD. Mr. President, James Evans served a year or more in the Union Army; he was captured in battle and paroled, but was prevented by an illness which lasted during the remainder of the war from rejoining the Union Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Evans, formerly a private in Company F, Fourteenth Indiana Infantry, shall be held and considered to have been honorably discharged in December, 1862, from the military service of the United

States in his final service as a private in Company F, Fourteenth Regiment Indiana Volunteer Infantry: *Provided*, That no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF EMERGENCY OFFICERS

The bill (S. 4708) to amend the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," was announced as next in order.

Mr. KING. Let the bill go over, Mr. President.

Mr. BINGHAM. Mr. President, will the Senator from Utah withhold his objection for a moment?

Mr. KING. Yes.

Mr. BINGHAM. Mr. President, the Senator from Utah, who has asked that the bill go over, will remember that I was one of those who fought from the first days of my service on this floor against the bill which was known as the emergency officers' retirement bill because I believed that it was an unwise bill. In that, however, both Houses of Congress, by an overwhelming majority, decided that I was wrong, and that the President also was wrong in vetoing the bill. The bill became a law. In its administration, however, by an opinion of the Comptroller General and by the method in which the bill had been administered a very large number of those who Congress believed would be benefited by the bill are not benefited by it.

It will be remembered that those of us who objected to the bill put into the RECORD the names of a large number of officers to show the Congress exactly the type of disabled officer who was to be benefited by the bill, and it was our understanding in opposing the bill that those officers would be retired. Now, due to various decisions that have been made, those officers have not been retired. All that this bill proposes to do, I will say to the Senator from Utah, is to provide that the officers who we thought would be provided for shall be retired, but that they may be given one year more than the original bill provided to have their cases taken care of and to be retired.

Mr. ROBINSON of Arkansas. May I ask the Senator from Connecticut whether the difficulty of administration grows out of the practice now prevailing of attempting to determine at the time of application for the benefits of the act the percentage of disability of the officer rather than the percentage of disability existing at the time the act was passed?

Mr. BINGHAM. That is exactly the trouble.

Mr. ROBINSON of Arkansas. So that an officer now who is found to possess a disability of 29 per cent, for the purposes of illustration, although at the time of the passage of the act he could theoretically at least, have had a disability of 40 per cent would be deprived of any benefit under the act.

Mr. BINGHAM. The Senator is exactly correct. My sense of justice has led me to introduce this bill, because when the Veterans' Bureau rated a man as permanently disabled at 30 per cent or more, I do not think there is a Senator on this floor who supposed that the act did not mean what it said in its reference to permanent disability.

Mr. ROBINSON of Arkansas. Particularly when the rating had been made without regard even to the prospect of legislation of this character.

Mr. BINGHAM. Exactly.

Mr. ROBINSON of Arkansas. If some such rule as that provided in this bill shall not be adopted every application presented for the benefits of the act will find the question reopened as to the extent of disability existing at the time of the consideration of the application.

Mr. BINGHAM. And the Comptroller General has ruled that it is the duty of the Veterans' Bureau to decide those cases by the present rules of the Veterans' Bureau, rather than by the rules which prevailed when the men originally received their ratings.

Mr. KING. Mr. President, I have some information which I will be glad to communicate to the Senator from Connecticut. I ask that the bill go over for the present. I will be very glad to confer with him about it.

Mr. BINGHAM. The Senator knows that there are very few hours left of the present session in which to pass this bill and get it over to the House.

The PRESIDING OFFICER. The bill will be passed over.

LANDS FOR EASTERN NEW MEXICO NORMAL SCHOOL

The Senate, as in Committee of the Whole, considered the bill (S. 3940) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes, which was read, as follows:

Be it enacted, etc., That there is hereby granted and confirmed to the State of New Mexico 76,667 acres of surveyed, nonmineral, unappropriated, and unreserved public lands of the United States in the State of New Mexico, for the use and benefit of the Eastern New Mexico Normal School, at Portales, Roosevelt County, N. Mex., to be used solely for normal-school purposes. Such lands shall be in addition to the lands granted to the State of New Mexico for normal-school purposes under the provisions of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, as amended, and the grant of such lands shall be subject to the same terms and conditions as are imposed upon the grants made by such act of June 20, 1910, as amended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW JACKSON SEWARD, JR., DECEASED

The Senate, as in Committee of the Whole, considered the bill (H. R. 2486) for the relief of Andrew Jackson Seward, jr., deceased, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, or marines, Andrew Jackson Seward, jr., deceased, who was seaman on the United States ship *Nevada*, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as seaman on or about the 19th day of June, 1919: *Provided*, That no back pay or allowances shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY J. MULCAHY

The Senate, as in Committee of the Whole, considered the bill (H. R. 4770) for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, the sum of $315.65, to reimburse said officer for certain unauthorized overpayments to various enlisted men while he was acting in the capacity of disbursing officer at the United States receiving ship, navy yard, Philadelphia, Pa., which amount said officer refunded to the Government to remove the disallowance in his accounts because of such overpayments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN THE STATE OF WASHINGTON

The bill (S. 5046) to relinquish all right, title, and interest of the United States in certain lands in the State of Washington was announced as next in order.

Mr. DILL. Mr. President, the House yesterday passed an identical bill, amended as the Senate bill is proposed to be amended by the committee. I therefore ask that the House bill may be substituted for the Senate bill.

The PRESIDING OFFICER. The Chair will state to the Senator from Washington that the House bill has not as yet been messaged over to the Senate.

Mr. DILL. Then I ask that the Senate bill may be passed over without prejudice until I can have the House bill sent over.

The PRESIDING OFFICER. The bill will be passed over temporarily.

Mr. DILL subsequently said: Mr. President, earlier in the day Senate bill 5046 on the calendar was passed over until a House bill on the same subject could be messaged over, that I might substitute it for the Senate bill. I ask unanimous consent now to substitute the House bill, which is identical with the Senate bill as amended on the calendar, and ask for immediate consideration of the House bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15727) to relinquish all right, title, and interest of the United States in certain lands in the State of Washington.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 5046 will be indefinitely postponed.

LIEUT. L. A. WILLIAMS

The bill (H. R. 10238) for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. L. A. Williams, Supply Corps, United States Navy, in the amount of $63.12, which amount represents funds deposited by Lieut. L. A. Williams with the Treasurer of the United States by order of the Secretary of the Navy covering payments made by Lieut. L. A. Williams to certain men of the United States Navy, these payments later disallowed by the Comptroller General of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. H. SANBORN

The bill (H. R. 5286) for the relief of J. H. Sanborn was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. H. Sanborn, of Ontario, Calif., the sum of $1,077.55, in full settlement of all claims against the Government and as compensation for personal injury to him resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless, and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETTA C. SANBORN

The bill (H. R. 5287) for the relief of Etta C. Sanborn, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury and not otherwise appropriated, to Etta C. Sanborn, of Ontario, Calif., the sum of $3,434.08, in full settlement of all claims against the Government and as compensation for personal injury to her resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless, and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. KALLWEIT

The bill (H. R. 5288) for the relief of William F. Kallweit was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William F. Kallweit, of Ontario, Calif., the sum of $299.33, in full settlement of all claims against the Government and as compensation for personal injuries to him, resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless, and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORETTA KALLWEIT

The bill (H. R. 5289) for the relief of Loretta Kallweit was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury and not otherwise appropriated, to Loretta Kallweit, of Ontario, Calif., the sum of $193.22, in full settlement of all claims against the Government and as compensation for personal injuries to her resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless, and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. WRIGHT

The bill (H. R. 12638) for the relief of David A. Wright was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $13,187.50 to David A. Wright, of Chicago, Ill., for money paid by him to the United States as a part of the purchase price of certain machinery which was agreed to be purchased by him from the United States in 1920, but which was not delivered in accordance with the terms of sale, and in order to reimburse and compensate the said David A. Wright for the cost of transportation, unloading, handling, and storage by him in his warehouse in Chicago, Ill., of machinery belonging to the United States.

Mr. KING. Mr. President, I should like to have an explanation of the bill from the Senator from Florida [Mr. TRAMMELL], who reported it.

Mr. TRAMMELL. Mr. President, briefly the facts in this case are that Mr. Wright had a contract with the Ordnance Department for the purchase of tools and had received delivery of about 75 of the particular kind of implements which he was buying. I think they are lathes. After about 75 of 160 odd had been delivered they ceased shipping him the lathes, according to his understanding and agreement, for some little time, due to the fact that they were filling an order of the Belgian Government. This delay extended over a period of some months, as I recall the facts, and during that time he was unable to carry on the sale or the delivery of machines which he had contracted to deliver on account of the Government's failure to deliver to him. After filling the order with the Belgian Government, the Ordnance Department shipped him 40 carloads, without any understanding on his part that they should dump 40 carloads of these materials on him. He received them at that time, but his business had been completely disorganized on account of the long delay. He paid the freight on them, and certain charges for storage, and so forth. He refused to accept the delivery of the 40 cars, and after some negotiations the Government finally took back the materials.

The items involved here are for expenses of freight and storage, and so forth, while he was holding that 40 carloads of material. He claimed a much larger sum. He claimed, I think, thirty-seven thousand and odd dollars; but the House committee trimmed that down to the amount specified in the bill, which, I think, is $13,000.

The committee was impressed that the bill was thoroughly meritorious and recommended its passage.

Those are the facts, in brief.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVA BRODERICK

The bill (S. 5030) for the relief of Eva Broderick was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of," to strike out "$130" and insert "$91"; in line 6, after the word "Broderick," to strike out "or as much thereof as is necessary"; in line 7, after the word "automobile," to insert "at the rate of 7 cents a mile for 1,300 miles"; and in line 9, before the words "the doctor," to strike out "furnished to" and insert "by," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $91 to Eva Broderick, in full and final settlement for the use of her automobile, at the rate of 7 cents a mile for 1,300 miles, by the doctor at Mission Agency in California during the fiscal year 1928 for use in making calls upon sick Indians, such services having been furnished with the knowledge and approval of the superintendent in charge of the said agency.

Mr. KING. Mr. President, I should like to ask the Senator from Mississippi, who reported the bill, if at this Indian reservation there was not a physician, and if they did not have automobiles? There are usually many upon these reservations.

Mr. STEPHENS. Mr. President, my recollection of the bill—I have not seen the report for some time—is that the physician had no car of his own. They were hiring a public car and paying, I think, 20 cents per mile for it. Later on the car belonging to the wife of some man on the reservation was hired for 10 cents per mile; and this small amount was unpaid because of the fact that she was the wife of an employee and under the law could not be paid. The committee felt, however, that there was a saving of 50 per cent; that the sum was a small one; and that it was very proper for the lady to be reimbursed for the use of her car.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUTH B. LINCOLN

The bill (H. R. 13632) for the relief of Ruth B. Lincoln was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAN FRANCISCO, NAPA & CALISTOGA RAILWAY

The bill (H. R. 2474) for the relief of the San Francisco, Napa & Calistoga Railway was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF MARITIME EMPLOYEES' COMPENSATION ACT

The bill (S. 5503) to amend section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended, is hereby amended to read as follows:

"SEC. 22. Upon his own initiative, or upon application of any party in interest, on the ground of a change in conditions or proof of erroneous wage rate, the deputy commissioner may at any time review any decision or compensation order in accordance with the procedure prescribed in respect to claims in section 19, and in accordance with such section issue a new compensation order which may terminate, continue, increase, or decrease such compensation. Such new order shall not affect any compensation paid under authority of the prior order except that an order increasing the compensation rate may be made effective from the date of injury, and except that if any part of the compensation due or to become due is unpaid, an order decreasing the compensation rate may be made effective from the date of injury, and any payments made prior thereto in excess of such decreased rate shall be deducted from any unpaid compensation in such manner and by such method as may be determined by the deputy commissioner."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF STATE OF NEVADA

The bill (S. 5717) for the relief of the State of Nevada was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the net balance due the State of Nevada of $595,076.53, as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ODDIE. I ask that the report of the Committee on the Judiciary upon the bill may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 1826, 70th Cong., 2d sess.]

REIMBURSEMENT OF THE STATE OF NEVADA

Mr. WATERMAN, from the Committee on the Judiciary, submitted the following report to accompany amendment to second deficiency appropriation bill, H. R. ———:

The Committee on the Judiciary, to whom was referred the amendment proposed to the second deficiency appropriation bill (H. R. ———) providing for the reimbursement of the State of Nevada in accordance with the statement of account rendered by the Comptroller General of the United States dated January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, after due consideration beg to report said amendment favorably, with the recommendation that it be referred to the Committee on Appropriations for insertion in the second deficiency appropriation bill.

Said amendment is as follows:

"To reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, the sum of $595,076.53."

In support of said amendment there is hereto attached and made a part hereof Senate Report No. 1706, submitted by your committee on S. 5717.

Senate Report No. 1706, Seventieth Congress, second session, follows:

[S. Rept. No. 1706, 70th Cong., 2d sess.]

The Committee on the Judiciary, to whom was referred the bill (S. 5717) providing for the relief of the State of Nevada, after consideration reports the same favorably to the Senate and recommends that the bill do pass without amendment.

The subject matter of the bill was thoroughly examined into by your committee under S. J. Res. 41, and quite extensive hearings were held by a subcommittee and by the full committee, resulting in Senate Report No. 433, Seventieth Congress, first session. Reference is here made to said printed hearings and said report. S. J. Res. 41 passed the Senate March 2, 1928.

Under a resolution of the Senate (S. Res. 295) the Comptroller General, under date of January 26, 1929, rendered the account between the State of Nevada and the United States for moneys advanced and actually expended in aid of the Government during the War between the States. The report of the Comptroller General (S. Doc. No. 210, 70th Cong., 2d sess.) is as follows:

WASHINGTON, D. C., *January 26, 1929.*

The PRESIDENT OF THE SENATE.

SIR: There has been received Senate Resolution 295, Seventieth Congress, second session, authorizing and directing me to—

"* * * reopen and restate the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement (1) to accept as a basis of calculation the balance due the State of Nevada on January 1, 1900, stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the comptroller of the State of Nevada as actually paid by said State on the sums so advanced and expended from January 1, 1900, to December 31, 1928; (3) to deduct from the total sum so stated the interest at 5 per cent per annum on $8,559.61 repaid by the United States on April 10, 1888, from the date of payment to December 31, 1928; (4) to deduct $12,283.04 repaid by the United States on July 1, 1910, together with interest thereon at the rate of 5 per cent per annum from July 1, 1910, to December 31, 1928, and certify to the Senate the balance found due the State of Nevada."

Complying therewith I have the honor to certify that the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States has been reopened and restated as directed in said resolution, and on said reopening and restatement the balance found due to the State of Nevada is $595,076.53, as follows:

1. Basis of calculation, balance due to the State of Nevada on Jan. 1, 1900, as stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session		$462,441.97
2. Plus interest certified by the comptroller of the State of Nevada as actually paid by the State of Nevada on the sums so advanced and expended from Jan. 1, 1900, to Dec. 31, 1928, at 5 per cent per annum, on principal sum of $119,800.12 advanced and expended by the State of Nevada in aid of the Government of the United States during the War between the States	173,710.17	
	636,152.14	
3. Less interest at 5 per cent per annum on $8,559.61 repaid by the United States on Apr. 10, 1888, from date of payment to Dec. 31, 1928	17,429.92	
	618,722.22	
4. Less $12,283.04 repaid by the United States on July 1, 1910, with interest thereon at 5 per cent per annum from July 1, 1910, to Dec. 31, 1928, $11,362.65, or a total deduction of	23,645.69	
Net balance		595,076.53

Respectfully,

J. R. MCCARL,
Comptroller General of the United States.

For the information of the Senate a general statement of facts on which reimbursement is founded follows:

GEOGRAPHICAL FACTORS

In 1864, when said expenditures on behalf of the United States were made, the following state of facts obtained:

(1) West of Kansas the only States were California and Oregon on the far Pacific coast. The vast region between was partitioned into Territories, sparsely settled, and occupied by powerful Indian tribes, restive and resentful of the westward migration of the whites, and incited to hostilities by the general war conditions prevailing. No railroads west of the Missouri River; emigrant travel and transportation of passengers, mail, express, freight, and military supplies were by stagecoach, wagon trains, or saddleback. The westward route followed was the Overland Trail, made by the tread of emigrant trains (1844 to 1864) from St. Joseph, Mo., to Sacramento, Calif., a distance of over 1,500 miles.

(2) This fourth and crucial year of the Civil War, ocean communication with the Pacific coast via the Isthmus or Cape Horn was all but abandoned from war hazard.

THE OVERLAND TRAIL

(3) The Overland Trail thus became the most important line of communication between the East and West. Along it, moreover, stretched the Western Union telegraph, whilst corps of surveyors and engineers of the Union Pacific and Central Pacific Railroad Cos., chartered by acts of Congress in 1862, were exploring its course for favorable mountain passes and connecting routes across the plains and deserts to link West with East by railroad, which the Secretary of War had declared was of the utmost military importance (An. Rept. War Dept. 1864–65, p. 149) and the Government (July 2, 1864) was to aid with loans and land grants.

TERRITORY OF NEVADA

The Territory of Nevada at this time had become the goal of fortune seekers West and East. In five years the magic of discovered gold and silver had populated its wastes with some 15,000 adventurous people. Virginia City sprang into existence as the most important town on the Overland Trail.

James W. Nye, governor, was a commanding figure. Formerly on the bench of New York and first president of the metropolitan board of police, subsequently United States Senator, a close friend of Lincoln and Seward, he ranked among the foremost orators of his time. Other residents of the Territory were destined to play large parts in the affairs of the Nation. Samuel L. Clemens (Mark Twain), deputy secretary, was gathering the materials for Roughing It, the immortal picture of a phase of American history and life without counterpart.

Assessed valuation of property was under twenty millions. The Territory was too poor to own or contemplate a capitol building, its officials commonly having offices in their residences. The Territorial assembly, a score or more of whose members were from New York and the New England States, sat on rude benches in a building donated by a public-spirited citizen, the floors carpeted with sawdust and the two houses separated by a canvas partition. Despite the wealth of the mines and the extreme carefulness with which public funds were appropriated, the treasury uniformly ran dry before the receipt of the December taxes. On November 1, 1864, when the State government succeeded the Territorial, there was but $1,101.98 cash balance in the treasury, with $39,228.54 outstanding warrants issued against it.

FIRST REQUISITION FOR TROOPS

Regular troops stationed along the Pacific coast had been withdrawn to the Atlantic seaboard the first years of the war. California volunteers, by 1863, were protecting not only that State but the Southwest Territories to the boundary of Texas; those of Oregon were similarly extended to guard the Northwest.

Interruption of ocean communication with the Pacific coast by 1863 had made the protection of the Overland Trail a matter of grave military and national concern.

The first call on Nevada Territory for volunteers, dated April 2, 1863, was addressed the governor by General Wright, commander of the Department of the Pacific:

"SIR: I have been authorized by the War Department to raise volunteer companies in Nevada Territory for the purpose of moving east over the overland mail route in the direction of Great Salt Lake City. If it is possible to raise three or four companies in the Territory for this service, I have to request your excellency may be pleased to have them organized. I should be glad to get two companies of Cavalry and two of Infantry, the mounted troops to furnish their own horses and equipments. Arms, ammunition, etc., will be furnished by the United States. Should your excellency consider it improbable that this volunteer force can be raised, even one company will be accepted. I will send a plan of organization and an officer with the necessary instructions for mustering them into the service."

While correspondence was in progress the following telegram was transmitted:

HEADQUARTERS OF THE ARMY,
Washington, D. C., April 15, 1863.

Brig. Gen. G. WRIGHT,
San Francisco, Calif.:

The Secretary of War authorizes you to raise additional regiments in California and Nevada to reenforce General Conner and protect the overland route. Can not companies be raised in Nevada and pushed forward immediately? General Conner may be able to raise some companies in Utah or out of emigrant trains.

H. W. HALLECK, *General in Chief.*

General Wright the following day, April 16, 1863, addressed a second and more urgent appeal to the governor, in all material parts as follows:

"The Indian disturbances along the line of the overland mail route east of Carson City threaten the entire suspension of our mail facilities, as well as preventing any portion of the vast immigration approaching from the east reaching Nevada. * * * My force immediately available for operation on that line is small. * * * Some Infantry companies will be thrown forward from this side of the mountains as soon as transportation can be prepared and the roads are in order. In the meantime it is of such importance to keep the mail and emigrant route east of you open that I would earnestly recommend that one or two companies of Cavalry be promptly organized and prepared for muster into the service of the United States. It is impossible for us at this moment to purchase horses and equipments. Each man would have to furnish his own. I can furnish arms, ammunition, forage, clothing, provisions, etc.; in fact, everything except horses and equipments. * * * This is the first appeal that has been made to Nevada Territory * * *." (Hearings on S. J. Res. 41, 70th Cong.)

FOUR COMPANIES RECRUITED

The response was a proclamation of the governor of the Territory eight days later calling for volunteers to serve three years or during the war.

Four companies of cavalry were recruited and mustered into the service, of which two were stationed at Fort Churchill, Nev., the others sent to Fort Douglas, Utah.

SECOND CALL FOR TROOPS

The latter part of November following, General Wright requisitioned the Territory "under authority conferred upon me by the War Department" (see letter Brigadier General Wright to Adjutant General U. S. Army, December 22, 1863) for "one regiment of infantry and two more companies of cavalry."

December 4, 1863, a second proclamation of the governor was issued calling for volunteers.

TREASURY DEPARTMENT ORDER OF FEBRUARY 9, 1863

The four companies of cavalry enlisted under the first call, despite delay in securing horses and equipment at the soldiers' expense, had been recruited and mustered in the service in a few months.

Under the second call, however, so little progress was made in securing volunteers that by February it was clear only a small part of the quota could be enlisted without remedial action by the Territorial assembly.

The situation arose from an order of the Treasury Department, dated February 9, 1863, instructing the Assistant Treasurer of the United States at San Francisco that—

"checks of disbursing officers must be paid in United States notes." (See letter of Deputy Paymaster Gen. George H. Riggold, February 13, 1863.)

Up to this time troops and marines of the Department of the Pacific had been paid in coin.

It is pertinent to remark that the subtreasury at San Francisco held a vast amount of gold and silver, product largely of the mines of California and Nevada. Also, that in the same month as the departmental order the price of gold in Treasury notes on the New York Stock Exchange, February 28, 1863) touched 170.

EFFECT OF THE ORDER ON SOLDIERS' PAY

The effect of this order on the troops of the Department of the Pacific, as well as on further recruiting, may be gathered from a recital of certain conditions, as follows:

First. That during the entire period of the Civil War and subsequently, the only money in circulation or common usage on the Pacific coast was gold and silver coin; all transactions, obligations, prices, salaries, wage, and services being stated therein.

Second. The greater part of all manufactured commodities were imported; with the interruption of ocean transportation as stocks on hand diminished, prices rose accordingly.

Third. In the Territory of Nevada such condition was accentuated by the fact that nearly everything used or consumed, apart from lumber, fuel, beef, and hay, had to be freighted over the Sierra Nevada Mountains, blocked from December to May by snow, in mule trains, the distance from Sacramento ranging from 200 to 450 miles. Freight costs per ton to Virginia City approximated $80, and correspondingly higher to other mining towns. From Leavenworth, Kans., freight approximated $800 per ton. A bushel of corn shipped from Leavenworth, Kans., to Salt Lake City cost $17. (Rept. Secretary of War, 1865–66, pt. 1, pp. 23–112. Also report of General Halleck to Secretary of War, War Dept. Rept., 1866, pp. 31–32.) The range of prices of necessities in Nevada, 1861–1865, gold valuation, was from 50 to 100 per cent higher than the corresponding currency prices east of the Missouri River.

Finally, Treasury notes in regions remote from San Francisco could not be used as money except at an extortionate discount below the current New York quotations.

March 16, 1863, General Wright, commander of the Department of the Pacific, transmitted to The Adjutant General of the United States Army a letter of Major Drew, commandant at Fort Baker, Oreg., containing an explicit statement of the effects of and a formal protest against paying his men in greenbacks, to which General Wright added his own indorsement, saying:

"The difficulties and embarrassments enumerated in the major's communication are common to all the troops in this department, and I must seriously ask the consideration of the general in chief and of the War Department to this subject. * * *"

SITUATION IN NEVADA

The four companies of Nevada Cavalry had been raised before the Treasury order of February 9, 1863, had become generally known or its effects understood. Troops in the outlying districts were not paid with any regularity, frequently being months in arrears, and this appears to have been the case in Nevada.

When the governor's second proclamation was issued, however, the situation was well known. Pure patriotism alone could induce men to accept $13 per month Army pay, when choice required the relinquishment of fortune seeking or employment at from $4 to $10 daily wage in gold. When the soldier's pay was cut by departmental order to the equivalent of about $6 per month, payable in Treasury notes having no currency on the Pacific coast, justice and fair play required some character of relief be granted to help the volunteeers to meet the high cost of living.

THE TERRITORIAL VOLUNTEERS ACT

February 20, 1864, an act of the Territorial Assembly of Nevada was approved, entitled:

"An act to encourage enlistments and give bounties and extra pay to our volunteer soldiers." (Nev. Ter. Laws, p. 81.)

The Territorial volunteers act provided, in all material particulars, as follows:

"Bounties, so called, were authorized to be paid to captains or commanding officers of companies of $10 in gold per capita per recruit enlisted and mustered into the service of the United States in lieu.

"Extra pay, so called, was authorized to be paid volunteer troops, officers, and soldiers, of $5 per month in gold during the period of service; first settlement at the expiration of one year, unless sooner terminated by death or honorable discharge; final settlement at the termination of enlistment or muster out.

"To provide the moneys therefor a soldiers' fund of $100,000 was created; bonds in that amount to bear 10 per cent interest authorized to be issued and sold at an annual tax of 25 cents on each hundred dollars taxable property levied to meet the debt."

THIRD CALL FOR TROOPS

The effect of the Territorial volunteers act is shown in the muster rolls. The exigencies of the Government in protecting the Overland Trail had become so acute that in October, 1864, Gen. Irwin McDowell, then commander of the Department of the Pacific, removed his headquarters to Virginia City, Nevada Territory, and on the 13th requisitioned the Territory "under authority of the Secretary of War," to complete the organization of a regiment of Cavalry and one of Infantry. About the end of the year Nevada had recruited a total of six companies of Cavalry and three of Infantry, aggregating 1,180 men. These troops were actively engaged, 1864 to 1866, in Nevada, Utah, Wyoming, Colorado, Nebraska, and Kansas. (Hearings on S. J. Res. 41, 70th Cong.)

NEVADA ADMITTED AS A STATE

Eight months after the passage of the Territorial volunteers act (October 31, 1864) Nevada was admitted into the Union. The State constitution provided that all laws of the Territory not repugnant to its provisions were continued in full effect until modified or repealed by the State legislature. The Territorial debt and obligations were assumed and authorized to be carried separately from and independent of the limitations governing the State debt proper.

The soldiers' fund bonds had proved unsalable, and the burden of meeting the liabilities accrued and accruing under the Territorial volunteers act devolved upon the State.

The State legislature authorized the issue and sale of $150,000 bonds bearing 2 per cent per month interest. It was out of the proceeds of this issue that the State met the first accrued claims of the Territorial volunteers. Twenty-four per cent interest to raise funds in 1865, 18 per cent in 1866, and 15 per cent 1867 to 1872 (not to mention 9½ per cent 1872 to 1879) were the prices Nevada paid for statehood.

STATEHOOD ASSUMED FROM LOYALTY

It is pertinent at this point to mention that Nevada assumed the burden of statehood at the invitation of the United States, persuaded from loyalty to do what its sound judgment had rejected. For in the year 1864, on the 19th day of January, the people of the Territory overwhelmingly defeated a proposed State constitution and application for admission as a State. On March 21 following, the Congress of the United States, notwithstanding such rejection, passed an enabling act inviting Nevada into the Union. An additional State was required to insure the adoption of the thirteenth amendment, and the choice of President Lincoln was Nevada. (See Recollections of the Civil War, by Charles A. Dana, Assistant Secretary of War, Lincoln's administration, p. 174.) (Senate Hearings on S. J. Res. 41, 70th Cong.)

STATE VOLUNTEERS ACT

The Territorial volunteers' act had made provision partially to equalize the soldier's pay on account of the abnormal prices prevailing, but had not provided for any additional pay to officers in excess of that allowed volunteers in general. Public sentiment in Nevada in favor of doing justice became strongly urgent that some measure of relief should be given the Nevada volunteer officers.

The State legislature then being in session and considering the matter of such relief, on March 8, 1865, the commander of the department of the Pacific wrote the Governor of Nevada concerning the progress made in recruiting and recommending additional pay to volunteers.

It was the receipt of this letter which caused the legislature to pass the State volunteers act of March 11, 1865, continuing the provisions of the Territorial volunteers act of February 20, 1864, notwithstanding the veto of the governor (Blaisdell).

NEVADA'S EXPENDITURES TO PROTECT THE OVERLAND TRAIL

The liabilities assumed by the State of Nevada as successor to the Territory of Nevada and honorably fulfilled cost the State, as shown by the official reports, the principal sum of $119,800.12, of which $109,048.53 were for so-called bounties and extra pay, no part of which has ever been reimbursed.

Of the remainder of said amount of $119,800.12, $8,559.61 was reimbursed the State as of April 10, 1888, leaving unreimbursed the further amount of $2,191.98. The items of this latter portion of the principal sum comprise salary and expenses of the adjutant general of Nevada and of his office from the date of the official close of the war to the final muster out in 1866 of the last contingent of Nevada volunteers. Inasmuch as the adjutant general of Nevada was the officer designated under the Territorial volunteers act and subsequent State volunteers act to audit the claims of officers and soldiers for bounty and extra pay, such unreimbursed expenditures accrued in consequence of said Territorial volunteers act and are properly inclusive within its force and legal authorization.

It is established by the reports of the successive State comptrollers of Nevada and the statutes of the State that from February 10, 1865, to the present time, Nevada has carried said principal sum as a Territorial debt and paid interest thereon, and that of the interest so paid but $12,283.04 (settlement of July 1, 1910) has been reimbursed the State, leaving the net balance due the State of Nevada, as reported by the Comptroller General on January 26, 1929 (S. Doc. 210, 70th Cong.), of the sum of $595,076.53.

REIMBURSEMENT BEFORE PREVIOUS CONGRESSES

Misconception of fact and law at the foundation of the Nevada Civil War expenditures for the benefit of the Government has hitherto deferred settlement.

The assumption has been in error that reimbursement accrued only as an obligation of the Government under the act of Congress of July 27, 1861.

It accrued instead under an act of the Legislative Assembly and Governor of the Territory of Nevada, subsequently approved and ratified by the Congress of the United States, and the legal, equitable, and moral commitment of the United States to its settlement rests solely thereon. Hence reimbursement, in its controlling aspects, was not before the Court of Claims nor adjudicated in its decision of March 14, 1910, all of which will hereinafter be conclusively shown.

No valid understanding of the unprecedented nature of Nevada's disbursements for the benefit of the United States can be had apart from review, such as hereinbefore presented, of its geographic, economic, and historical setting and the controlling circumstances of time and locality.

The expenditures of Nevada were exhaustively investigated by committees of the two Houses of the Fiftieth, Fifty-first, Fifty-second, Fifty-fourth, and Fifty-sixth Congresses and favorably reported for settlement by direct appropriation, the Senate invariably passing the bills, but such bills failed from one cause or another in the House.

The special nature of the expenditures was then recognized, but until after the Fifty-sixth Congress there had been no decisions of the Supreme Court of the United States under which its legal authorization by Congress and the commitment of the Government to its indemnification could be defined.

The equitable and moral validity of reimbursement, however, was attested by those best informed on its character and merits, as shown by the following extracts from the CONGRESSIONAL RECORD (56th Cong., 1st sess., vol. 33, pt. 7, p. 6278):

"Senator Hawley, of Connecticut, chairman Committee on Military Affairs: 'There is no sort of question of its justice.'

"Senator Eugene Hale, of Maine, ranking member Committee on Appropriations: 'The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass.'

"Senator Teller, of Colorado, chairman Committee on Claims: 'If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds.'" (Hearings on S. J. Res. 41, 70th Cong.)

Nevertheless, after the lapse of many years, Nevada yet carries the debt so incurred, the benefits of which accrued to the imperiled Union and the burden of which fell on the State. And at a cost then and since to its sparse population in excess of half a million dollars.

The set-offs thereto are one of $8,559.61 applicable to the principal sum, and the other of $12,283.04 as interest thereon, both of which items with interest from time of payment to date have been credited to the United States in the report of the Comptroller General dated January 26, 1929. (S. Doc. No. 210, 70th Cong., 2d sess.)

REIMBURSEMENT OF NEVADA BEFORE THE DEPARTMENTS

On November 1, 1882, pursuant to the act of June 27, 1882 (22 Stat. 111), the State of Nevada transmitted to the authorities of the Government a statement of the aforesaid expenditures accompanied with the original vouchers and other evidence of every kind then in her possession. It was not until four years later that provision was made for the detail of a board of three Army officers under Special Orders, No. 232, dated October 6, 1886, to examine and report on said expenditures. The board, in 1887, submitted majority and minority reports; the latter allowed $8,559.61 of such expenditures, which amount was approved and paid the State on April 10, 1888. The particular differences in the allowances of the two reports related to the salary of the adjutant general of Nevada and expenses of his office, the minority report terminating it as of August 20, 1866, the official date of the end of the war, instead of December 31 following, as approved by the majority, when its affairs were wound up and the office terminated.

The audit of the board discovered a double charge for rent of $38.33 which the State had paid; no other errors or improper items being found in the disbursements.

SO-CALLED BOUNTIES AND EXTRA PAY

As hitherto stated, up to that time there had been no decisions of the Supreme Court of the United States under which any legal commitment of the Government to reimburse the Nevada Territorial expenditures, as distinguished from the expenditures of other States and Territories, could be established; hence reimbursement of Nevada was included under the act of June 27, 1882, supra, with those of Texas, Colorado, Oregon, Nebraska, California, and Kansas for Civil War and Indian war expenditures. The act was general in its provisions for the entire section embraced and among other things provided:

"SEC. 2. That no higher rate shall be allowed for the services of said forces, and for supplies, transportation, and other expenses, than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in said States and Territories * * *."

With respect to Nevada Territory, it is pertinent to remark that there was no United States Army in the Territory or State when the Nevada expenditures were made except as comprised the Nevada volunteers.

The provisions of the foregoing act, morever, were construed by the department in connection with the act of July 27, 1861 (12 Stat. 276), and the Chase regulations governing its provisions, particularly in the following:

"III. Personal expenses of commissioned officers in recruiting their companies prior to their being mustered into the service will not be allowed; but commissioned officers may be allowed the same rates for subsistence and quarters (board and lodging) as privates from the date of enrollment until muster into the service * * *.

"VIII. Bounties or donations to men or their families to induce men to volunteer will not be recognized * * *."

REPORT OF WAR-CLAIMS EXAMINERS

The report of the war-claims examiners contains the following statements relative to bounties and extra pay as allowed and paid by Nevada:

"The bounty was paid to captains for expenses incurred by them in enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service, in lieu thereof, as is shown by the fact that no other bills are presented for those expenses, and, under the circumstances, this expense was economical; but this claim having been submitted by the State of Nevada as a premium or bounty, the examiners are debarred from considering it, as, under the second section of the act of 1882, no higher rate can be allowed than was paid by the United States, which was $2 per enlistment.

* * * * * * *

"Prices of commodities of every kind were extravagantly high during the war period in Nevada, which depended for the transportation of its supplies upon wagon roads across mountain ranges that were impassable for six months of every year; and at certain times at least during the said period the rich yields of newly opened mines produced an extraordinary demand for labor, largely increasing wages and salaries. These high prices of commodities and services were consistent with, though in their causes independent of, the depreciation of the Treasury notes, which did not pass current in that section of the country, though accepted through necessity by the troops serving there; and it is safe to say that in Nevada the soldier could buy no more with a gold dollar than could the soldier serving in the Eastern States with the greenback or paper dollar.

"On the whole, therefore, we are decided in the conviction that in granting them this extra compensation the legislature was mainly instigated by a desire to do a plain act of justice to the United States Volunteers raised in the State and performing as arduous frontier service, by placing them on the same footing, as regards compensation, with the great mass of the officers and soldiers of the United States Army serving east of the Rocky Mountains. * * * But the fact remains that the declared purpose of the monthly allowance was to give a compensation to the Nevada volunteers, and that when measured by the current prices of the country in which they were serving their compensation from all sources did not exceed if, indeed, it was equal to the value of the money received as pay by the troops stationed elsewhere; i. e., outside of the Department of the Pacific." (S. Rept. No. 433, 70th Cong., 1st sess.)

Nevertheless, because the Territory of Nevada had used the words "bounty" and "extra pay" in the statute under which it had reimbursed officers the costs of recruiting in lieu thereof and did a "plain act of justice" to its volunteers, all but a small fraction of its expenditures made for the benefit of the United States was rejected on such technical ground.

REIMBURSEMENT BEFORE THE COURT OF CLAIMS

The act of Congress of May 27, 1902 (32 Stat. 235), making appropriation for the payment of certain claims, among other things, provided:

"That the claim of the State of Nevada for costs, charges, and expenses properly incurred by the Territory of Nevada * * * under the act of Congress of July 27, 1861 (12 Stat. 276), and joint resolution of March 8, 1862 (12 Stat. 615), as interpreted and applied by the Supreme Court of the United States in * * * New York against the United States, decided January 6, 1896 (160 U. S. 598), not hitherto allowed or hitherto disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

The particular force of the New York decision referred to was to declare interest paid by a State on moneys borrowed for the benefit of the United States was an expenditure "properly incurred" within the meaning of the acts of 1861 and 1862.

The controversial questions of fact and law submitted to the Court of Claims for determination amounted to these: (1) What classes of expenditures should be allowed the State of Nevada and (2) what interest charges are allowable?

The court in its opinion (45 Ct. Cl. 279) specifically states:

"The sole question of law before the court is whether the expenditures for which claim is made by the State were 'properly incurred' within the meaning of the acts of 1861 and 1862.

"The question of the good faith of the State in incurring the expenditures for which it now claims reimbursement; the question of the pressing need of the State for troops during the period of the Civil War; the duty of the United States to provide for the common defense, and the benefits which may have accrued to them from troops raised in Nevada to aid in protecting the Pacific coast may all be conceded without enlarging the liability of the United States under the acts of 1861 and 1862."

That the State may have an equitable claim against the United States was conceded (p. 285, supra):

"That laws enacted * * * at the instance of the officer commanding the military department of the Pacific to provide funds with which to meet the expense of volunteers was quite natural and commendable under the conditions existing * * * and may give rise to some equity in favor of the claim; but that can have no legal force in the construction of the act of 1861 * * * but where there is a law, equity must follow, and hence we are called upon to determine, not the equities of the claim, but the controverted questions of law."

The court upheld the rules promulgated by Secretary Chase as governing the construction of the act of 1861. As all but $8,559.61 of the claim had been disallowed in 1887 under such rules as hereinbefore set forth, the sole effect of the decision was the allowance of interest on $8,559.61 amounting to $12,283.04, which was paid the State July 1, 1910.

That portion of the opinion which held that—

"Whatever valid claim exists in favor of the State of Nevada for reimbursement for moneys expended in raising troops to aid in suppressing the rebellion accrued, if at all, under the act of July 27, 1861"—

is obiter dicta; no question having been submitted, nor was within the jurisdiction of the court to hear and determine under the statute submitting the claim, as to any liability of the United States in the premises other than as accrued under the acts of 1861 and 1862.

ACTS OF 1861 AND 1862 NOT APPLICABLE

The acts of 1861 and 1862 specifically applied to States in their soverign capacities and were not intended to, nor did they, apply to the Territories which were under the direct authority of Congress. The act of Congress of July 27, 1861 (as amended by the joint resolution of March 8, 1862), in all pertinent provisions provided as follows:

"*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed * * * to pay to the governor of any State * * * the cost, charges, and expenses properly incurred by such State for enrolling * * * paying and transporting its troops employed in aiding the United States * * *." (12 Stat. 276.)

The radical distinction in relationship to the General Government of the States and Territories precludes any construction that said act applied, or was intended to apply, to the Territories.

"The State is a sovereign having no derivative powers, exercising its sovereignty by divine right. It gets none of its powers from the General Government. It has bound itself by compact with the other sovereign States not to exercise certain of its sovereign rights, and has conceded these to the Union, but in every other respect it retains its sovereignty which existed anterior to and independent of the Union. (Lowenstein *v.* Evans, 69 Fed. 908.)

"See also New Hampshire *v.* Louisiana, 108 U. S. 76; Ohio L. Ins. etc., Co. *v.* DeBolt, 16 How. 416; Spooner *v.* McConnell, 22 Fed. Cases No. 13245."

As contradistinguished from this reserved, unconceded sovereignty of the States, Chief Justice Waite, in the case of Brunswick First National Bank *v.* Yankton County (Dakota Territory, 1880), 101 U. S. 129, held:

"All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme and for the purposes of this department of its governmental authority has all the powers of the people of the United States except such as have been expressly or by implication reserved in the prohibitions of the Constitution."

In the more recent opinion in the case of Christensen *v.* King County (Wash.), 239 U. S. 356, the Supreme Court stated:

"There is, of course, no dispute as to the sovereignty of the United States over the Territory of Washington or as to the consequent control of Congress. As an organized political division the Territory possessed only the powers which Congress had conferred. * * *

"See also Ex parte Morgan (Ark. 1883) 20 Fed. 208; Murphy *v.* Ramsey (Utah 1885), 114 U. S. 15; Church of Jesus Christ *v.* U. S. (Utah, 1890), 136 U. S. 1; U. S. *v.* McMillan (Utah, 1897), 165 U. S. 604."

It was not until October 31, 1864, date of Nevada's admission into the Union, that the acts of 1861 and 1862 were made applicable by the express provisions of section 11 of the enabling act of Congress of March 21, 1864—

"That from and after the admission of the said State of Nevada into the Union, in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same force and effect within said State as elsewhere within the United States."

Prior thereto, on February 20, 1864, the Territory had passed the act under which the expenditures here in question were made.

LEGAL, EQUITABLE, AND MORAL BASIS OF REIMBURSEMENT

The question of the legal, equitable, and moral liability of the United States in the premises resolves primarily into what congressional authorization, approval, or ratification, if any, attaches to the Territorial volunteers act and so invests it with a status different from that of an ordinary act of a Territorial assembly or the similar acts of States.

ACT RATIFIED BY CONGRESS

The organic act of the Territory of Nevada, approved March 2, 1861, required (sec. 3) that copies of the laws and proceedings of the legislative assembly and governor be transmitted to the President and the Congress of the United States. It appears from the following section of the Revised Law of the United States (1878):

"SEC. 1850. All laws passed by the legislative assembly and governor of any Territory except the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress and if disapproved shall be null and void"—

that the only other Territories, during the period 1861–1865, subject to this requirement were Nevada, New Mexico, Arizona, Washington, and Utah.

The Nevada Territorial volunteers act was duly transmitted and laid before the two Houses of Congress. (House Journal No. 62, 38th Cong., 2d sess., 1864–65, p. 7.)

Congress having the authority—and in respect to another act of the Territorial Assembly of Nevada, relating to corporations (12 Stat. 709), having exercised such authority—to disapprove and annul all or any portion of said act and not so doing, but allowing said act to stand, thereby approved and, in the premises, ratified said act as the act of the Territory of Nevada under authority of the United States; and is estopped from denying reimbursement. (Sowers case, 213 U. S. 5.)

The Territorial volunteers act was not an ordinary, but instead an extraordinary, act of the Legislative Assembly and Governor of the Territory of Nevada. It was not related to, but dissociated from, the ordinary subjects of Territorial legislation. It was, in effect, the assumption of an obligation of the Government of the United States and not of its own, in order to aid and assist the Government in an exigency with which the Government was unprepared to meet and cope. The Territory of Nevada was its primary resource, as hithereto shown, and acted only on urgent requisitions transmitted through the commander of the Department of the Pacific on behalf of the Secretary of War.

TERRITORIAL VOLUNTEERS ACT GOVERNS

The acts of 1861 and 1862 supra, not having been extended or made applicable to Nevada Territory, the Territorial volunteers act, as so approved and ratified by the Congress of the United States, became the governing law in the premises, to wit: An act of the Territory of Nevada under authority of the United States.

On this point the Supreme Court of the United States in the case of McLean *v.* D. & R. G. R. R. Co. (203 U. S. p. 38) held:

"The right to legislate in the Territories is conferred under constitutional authority by the Congress of the United States and the passage of a Territorial law is the exertion of an authority exercised under the United States."

In the case of Atchison, Topeka & Santa Fe Railway Co. *v.* Sowers (213 U. S. 5) the Supreme Court reaffirmed the decision in the McLean case and stated:

"The passage of a legislative act of a Territory is the exercise of authority under the United States."

The force of the Nevada Territorial volunteers act did not terminate with the admission of Nevada as a State. Section 2 of article 17 of its constitution, as approved by President Lincoln under authority, and "without further action whatever on the part of Congress" (Nevada enabling act of March 21, 1864), provided:

"SEC. 2. All laws of the Territory of Nevada at the time of the admission of this State, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature."

On March 11, 1865, for reasons hereinbefore stated, the State Legislature of Nevada passed an act, notwithstanding the veto of the governor, repealing and simultaneously reenacting the provisions of the Territorial volunteers act; the sole material change being an increase of extra pay to officers according to rank and so equating their compensation on substantially the same basis relatively as allowed the soldiers; the relief made retroactive to cover the period of service.

"The repeal and simultaneous reenactment of substantially the same statutory provisions is to be construed, not as an implied repeal of the original statute but as a continuation thereof." (36 Cyc. 1084.)

Federal and State decisions supporting the above text are so uniform and voluminous that it has become an accepted principle of law.

The State of Nevada having been in honor bound to assume the liabilities accrued and accruing under the Territorial volunteers act, and the Congress of the United States having approved such assumption, the State is entitled to the full benefit of the Territorial volunteers act as the governing law defining the liability of the United States in the premises. It would therefore now appear that Congress inadvertently specified the act of 1861 applying to States only instead of the Nevada Territorial act under which the expenditures were made in the reference of the Nevada case to the Court of Claims.

ADJUSTMENT OF OFFICERS' PAY

The only portion of the unreimbursed principal sum of the expenditures made by the State of Nevada which did not accrue under the original provisions of the Territorial volunteers act was the increased allowance to officers by the State's amendment of March 11, 1865, the amount of which is comparatively small.

On the foregoing date the following state of facts obtained:

No premonition that the Civil War would speedily end.

The exigency of the Government for troops to protect the Overland Trail continuing and Nevada its primary recourse.

The third requisition of the Secretary of War upon Nevada to complete the recruiting of a regiment of cavalry and one of infantry still lacking, respectively four and seven companies to complete the quota.

Recruiting halted by the fact that men suitable for officers were needed both for the service and to recruit the men they were to command and who were unable, on account of the high cost of living, to make the sacrifice without some assistance.

Under these circumstances the State legislature, on March 11, 1865, had the right to rely on the Territorial volunteers act as governing in the premises and that the approval by Congress of said Territorial act sanctioned the granting of extra pay to Nevada volunteers in the exigency presented.

Moreover, Nevada, in responding to the urgent requisitions of the War Department to recruit troops to protect the Overland Trail, had acted and still was acting for and in behalf of the United States as principal. In the agency so undertaken, the situation being remote, the conditions being extraordinary, and the emergency one of national concern, it was expected to act in concurrence with the recommendations of the commander of the Department of the Pacific, as seemed best to accomplish the ends for which the agency was imposed.

Nevada so acted by amending the Territorial volunteers act as stated, and which action was necessary, proper, and indispensable in the premises and the authority for which was the Territorial volunteers act

itself and the continuation of the exigency which had caused its sanction by Congress.

The rule of agency as expressed in Story on Agency is applicable:

"Whether the authority be expressed or implied, it necessarily carries with it or includes in it as an incident all the powers which are necessary or proper or usual as means to effectuate the purposes for which the agency was created."

The leading case defining the authority of an agent in an emergency is that of Forrestier *v.* Bordman (9th Fed. Case 4945, also 1 Story, 43). The principal laid down therein has since threaded all American jurisprudence. If we substitute the word "agent" for "supercargo" and "principal" for "owner" as used by Justice Story in the decision, the governing rule is as follows:

"An agent is not bound to observe the exact terms of his instructions if thereby the interests of the principal would be sacrificed or his objects frustrated.

"In cases of necessity or great urgency it is only necessary that the agent should act bona fide and with reasonable discretion in order to bind the principal."

In United States *v.* Sheridan-Kirk Contract Co. (149 Fed. 809) the court held that when the emergency passes the privilege ceases.

On March 11, 1865, neither the emergency situation along the Overland Trail nor the exigency of the United States for troops to protect it had passed. The Legislature of Nevada was not bound to observe the exact terms of the Territorial volunteers act if thereby the interests of the United States would be sacrificed or its objects frustrated. It was only necessary that it should act in good faith and with reasonable discretion.

That it acted in good faith and with reasonable discretion has never been questioned. Moreover, it so acted at the express suggestion of the chief military officer of the United States in the region of the emergency, the commander of the Department of the Pacific (letter of March 8, 1865), and not independently of nor contrary to his recommendations.

The opinion of the Supreme Court of the United States in Miners' Bank case, cited by the court in the Atchison *v.* Sowers case, supra, is very pursuasive. From the opinion written by Mr. Justice Daniel we quote the following excerpt:

"Congress, in creating the Territorial governments, and in conferring upon them powers of general legislation, did not, from obvious principles of policy and necessity, ordain a suspension of all acts proceeding from those powers until expressly sanctioned by themselves, whilst, for considerations equally strong, they reserved the power of disapproving or annulling such acts of Territorial legislation as might be deemed detrimental. A different system of procedure would have been fatal to all practical improvement in those Territories, however urgently called for; nay, might have disarmed them of the very power of self-preservation. An invasion or insurrection or any other crisis demanding the most strenuous action, would have had to remain without preventive or remedy 'till the Congress, if not in session, could be convened, or, when in session, must have awaited its possibly procrastinated aid.'" (Miners' Bank *v.* State of Iowa, 12 How. 8; 19 U. S. 6.)

Applying the foregoing statements to the actual conditions existing in the Territory of Nevada at the time the debt in question was contracted by the Territorial legislature solely for the benefit of the United States—a vast desert region, sparsely populated, shut off from the rest of the Nation by impassable mountain barriers, both to the east and the west, for practically six months of each year; an Indian uprising which lasted for many years which, according to the commanding general of the Pacific, threatened the entire closure of communication with the Pacific coast—the action of the Territorial legislature under these circumstances was directly in accordance with the powers by it possessed, as stated by the Supreme Court in the Miners' Bank case rendered in 1861, such action receiving the approval of Congress.

LIABILITY OF THE UNITED STATES

The legal liability of the United States rests on the following grounds: (1) By approving said Territorial act of February 20, 1864, providing extra pay, Congress accepted said act as a modification of the act of 1861 and the regulations made thereunder so far as Nevada alone was concerned and thereby made such extra pay here in dispute valid. (2) It is proven that such extra pay was made by the Territory of Nevada avowedly for the benefit of the United States alone with the approval of Congress; and as stated by the Supreme Court such Territorial act was the exercise of the authority of the United States. (3) Congress is estopped from denying just reimbursement.

The moral liability of the United States rests on the fact that its sparse people struggled to build a commonwealth upon a desert, burdened themselves with the costs of statehood and debt to serve the Union in its exigencies at its urgent call.

The Supreme Court of the United States in United States *v.* Realty Co. (163 U. S. 427) said:

"That the case as presented to Congress was enough upon which to base the assertion that there was a moral and honorable claim upon the Public Treasury which that body had the constitutional right to recognize and pay; that even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an 'equitable, moral, or honorable nature'; that the Nation, speaking broadly, owed a 'debt' to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

Reimbursement in accordance with the account stated by the Comptroller General in Senate Document No. 210, Seventieth Congress, second session, is strongly based on "right and justice," as the State of Nevada is not asking Congress to appropriate a dollar she has not actually expended for the benefit of the United States.

BILLS PASSED OVER

The bill (H. R. 13685) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4937) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, was announced as next in order.

Mr. COPELAND. I ask that this bill go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. ROBERT O'HAGAN, SUPPLY CORPS, UNITED STATES NAVY

The bill (S. 3981) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy, was announced as next in order.

Mr. EDGE. Mr. President, I ask that Order of Business 1828, House bill 13812, which is identical with this bill, be substituted for the bill just read.

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13812) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3981 is indefinitely postponed.

BILL PASSED OVER

The bill (H. R. 12502) for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased, was announced as next in order.

Mr. KING. I should like an explanation of that bill, Mr. President. [A pause.] Let it be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

HUGH ANTHONY M'GUIGAN

The bill (H. R. 13658) for the relief of Hugh Anthony McGuigan was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN I. CHATCUFF

The bill (H. R. 13721) for the relief of Edwin I. Chatcuff was considered as in Commtitee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 5581) to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.," approved May 16, 1928, was announced as next in order.

Mr. HAYDEN. I ask that this bill may be temporarily passed over until an identical House bill, which passed the House yesterday, may be messaged to the Senate.

The PRESIDING OFFICER. That order will be made.

FRANCIS LEO SHEA

The bill (H. R. 9009) for the relief of Francis Leo Shea was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like an explanation of this bill.

Mr. COPELAND. Mr. President, this is a bill where no money is involved. It is simply to do justice to a young man who was sent to Haiti, and on that account was not able to take an examination. The Senator will observe, however, that it is provided that a duly constituted naval retiring board must find that he incurred physical disability in line of duty; and it is also provided that no back pay, allowances, or emoluments shall become due him as a result of the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS J. M'DONALD

The bill (S. 2986) for the relief of Francis J. McDonald was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis J. McDonald, owner of the American schooner *Henry W. Cramp*, the sum of $25,000, such sum representing losses sustained by the owner of the schooner because of the interruption of a voyage by reason of the intervention of the United States Shipping Board, effective August 21, 1917, causing the vessel to breach her charter party. The acceptance of such sum by the owner of the schooner shall be in full satisfaction of all claims of the owner in respect to such losses.

Mr. KING. Mr. President, I should like an explanation of this bill; and I will ask the Senator who reported it, if there is any liability at all, why it should not be paid out of the Shipping Board fund?

Mr. BLACK. Mr. President, this bill was originally introduced in a way which would have sent it to the Court of Claims for determination. On that bill, as a subcommittee, I reported unfavorably. The question then came up in the committee as to whether or not a part of the claim should be allowed. The Senator from Oregon [Mr. STEIWER] and myself then investigated it together as a subcommittee, having before us the men interested in the claim.

The claim is this:

Before the war, or before any activities which would have made it dangerous for shipping to cross the ocean, a contract was made to deliver certain goods to a foreign country. The boat started from a Gulf port, deviated from its course, and went to Norfolk. I reached the conclusion, and the committee agreed with me, that the deviation from its course would prohibit any liability, either equitable, moral, or legal, so far as the Government was concerned, as to any damages occurring up to that time.

The boat then stayed there for a short time, preparing to leave the port. After it had been there for several weeks, clearance was granted, and the boat prepared to get away. In the meantime the Shipping Board issued an order prohibiting this boat from going across the water. Other boats were permitted to clear from other ports. In other instances the Shipping Board took the cargo on the Government's own boat and transported it across the ocean. This cargo was held up. They did not permit it to go, although vigorous protests were filed; and finally the boat was towed up to Philadelphia, and great losses were sustained. A suit was filed against the shipper by a man named Rosasco, to whom he had agreed to transport the cargo. A judgment was rendered for something over $100,000, which judgment was sustained by the Supreme Court of the United States.

The Senator from Oregon and myself and the Senator from Colorado [Mr. WATERMAN], acting with us a part of the time, investigating as to the damages resulting, had full information given us. Claim was made for damages amounting to about $80,000. We investigated the matter fully, and cut down the amount to what we believed to be a minimum so low that no complaint could be made, and did not believe it wise to send the matter to the Court of Claims, which would simply cause additional expense; and we were very much of the opinion that if it went to the Court of Claims to determine the damages a larger amount probably would be awarded.

That is the bill under consideration.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. KING. In my time, may I ask the Senator why the Shipping Board prohibited this boat from sailing?

Mr. BLACK. The Shipping Board prohibited it by reason of the fact that it was considered dangerous at that time to transport cargoes across the water; and in most instances the Shipping Board itself took the cargo and transported it, and thereby any damages which might have resulted were prevented. This man has been out over $100,000 by reason of that order.

Mr. BAYARD. Mr. President, may I further state to the Senator from Utah a fact to which I think he has not paid attention, which was remarked upon by the Senator from Alabama, and that is that the Shipping Board took other cargoes from other vessels under similar circumstances, put them in Shipping Board boats and transported them, but refused to take this cargo.

Mr. KING. I paid attention to that, and I am wondering why they did it.

Mr. BAYARD. They gave no reason.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD C. DUNLAP

The bill (S. 5091) for the relief of Edward C. Dunlap was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to Edward C. Dunlap, on account of injuries sustained on January 25, 1909, while employed by the Reclamation Service in the construction of the Gunnison Tunnel, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, without regard to the time of the filing of his claim for such benefits.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPACT BETWEEN COLORADO AND UTAH

The bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with amendments, on page 1, line 4, after the word "Colorado," to insert "Wyoming, New Mexico"; on page 2, line 3, after the word "interested," to insert "*Provided, however*, That such compacts or agreements shall be subsidiary to and subject to the terms of the Colorado River compact, signed at Santa Fe November 24, 1922, if and when approved"; on line 7, after the words "Sec. 2," to strike out "Such consent is given upon condition that a representative of the United States from the Department of the Interior" and insert "Upon request of the governors of said States, a representative of the United States"; and in line 11, after the word "negotiations," to insert "respecting any of said streams," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado, Wyoming, New Mexico, and Utah to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested: *Provided, however*, That such compacts or agreements shall be subsidiary to and subject to the terms of the Colorado River compact, signed at Santa Fe November 24, 1922, if and when approved.

SEC. 2. Upon request of the governors of said States, a representative of the United States, to be appointed by the President, shall participate in the negotiations respecting any of said streams and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative is authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Wyoming, New Mexico, and Utah with respect to the division and apportionment of the waters of the

Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested."

C. C. SPILLER, DECEASED

The bill (S. 5787) for the relief of the estate of C. C. Spiller, deceased, was considered as in Committee of the Whole and was was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of $8,000, found to be due him by the Court of Claims, in congressional case No. 10549 as appears by Senate Document No. 173, Fifty-ninth Congress, second session, being his share of the reasonable charter value, together with the destruction thereof, of a small steamboat, known as the *Paint Rock,* taken and used by the United States, and while in their possession accidentally destroyed and never paid for, all while the said C. C. Spiller, deceased, was a loyal citizen of the United States, as evidenced by the findings or report, dated June 27, 1864, of a board of claims designated by the commanding officer of the Department of the Cumberland, by Special Field Orders, No. 104, dated April 12, 1864, still of record in the War Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WYNONA A. DIXON

The bill (S. 5776) for the relief of Wynona A. Dixon was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,666.67 to Wynona A. Dixon, that being the value of certain of her property seized and appropriated by the military forces of the United States during the late Civil War, as found by the Court of Claims and reported in Senate Document No. 333, Sixty-first Congress, first session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 5, line 6, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Morrow B. Wilson, late of Battery H, Ohio Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the words "rate of," to strike out "$30" and insert "$12," so as to read:

The name of Emma C. Bragg, widow of Herbert E. Bragg, late of United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to strike out:

The name of May R. Gehlbach, widow of William C. Gehlbach, late of the Seventy-third Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional for each minor child of the soldier until they shall attain the age of 16 years, respectively.

The amendment was agreed to.

The next amendment was, on page 8, line 10, after the words "rate of," to strike out "$90" and insert "$72," so as to read:

The name of George Curry, late of Company K, Eleventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 3, after the words "rate of," to strike out "$30" and insert "$20," so as to read:

The name of Sarah A. Byam, widow of William C. Byam, late of the United States Navy, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 21, after the words "rate of," to strike out "$30" and insert "$20," so as to read:

The name of Nancy M. Oglesby, widow of William W. Oglesby, late captain Company G, Second Regiment Oregon State Militia, Bannock Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to insert:

The name of Sarah E. Boothe, helpless child of William H. Boothe, late of Company E, Second Regiment Kentucky Infantry, Mexican War, and pay her a pension at the rate of $20 per month.

The name of Archibald A. Cameron, late of Hospital Corps, United States Army, and pay him a pension at the rate of $20 per month.

The name of Mary A. Walters, widow of James A. Walters, late of Company G, Second Regiment Idaho Volunteer Militia, and pay her a pension at the rate of $12 per month.

The name of Burel E. Pollard, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Richard C. Baalke, late of Company F, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Peter Huntsman, late of Capt. James C. Owens's company, Utah Militia Cavalry, and pay him a pension at the rate of $20 per month.

The name of John E. Sutton, alias William Mitchell, late of Company H, Fourth Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of William A. Hawkins, late of Company I, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank Preusser, late of Company F, Third Regiment New Mexico Territorial Militia Volunteers, and pay him a pension at the rate of $12 per month.

The name of Richard C. Stirk, late Indian scout with Fifth United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Henry Y. Blackwell, late of Capt. Frank Maddox's company, Oregon Militia, and Captain Green's company, Oregon Cavalry, and pay him a pension at the rate of $12 per month.

The name of George Dixon, late of Field Artillery Detachment, United States Military Academy, and pay him a pension at the rate of $20 per month.

The name of Minnie A. Colbert, widow of George W. Colbert, alias George W. Willis, late of Battery D, Fourth United States Artillery, and pay her a pension at the rate of $20 per month.

The name of John S. Gates, late of Company C, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $8 per month.

The name of Edith Quick, widow of John Henry Quick, late of United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving in the Veterans' Bureau.

The name of Amelia V. Briscoe, widow of William J. Briscoe, late of Company A, Twenty-ninth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving in the Veterans' Bureau.

The name of Wallace Cayton, late of Battery F, Fourth United States Artillery, and pay him a pension at the rate of $12 per month.

The name of Frank H. Bruce, late of Ninety-fifth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hutcheson, late of Company H, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary C. Von Ezdorf, widow of Rudolph H. Von Ezdorf, late assistant surgeon, United States Public Health Service, and pay her a pension at the rate of $30 per month.

The name of John Curran, late of Thirty-seventh Company, United States Coast Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Hugh M. Jones, late of Company I, Twenty-first Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Anna M. Barnes, widow of Percy A. Barnes, late of Company G, Thirteenth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $20 per month.

The name of Walter L. Harmon, late of Troop E, Third United States Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of James T. Wood, late of Capt. D. W. Roberts Company D, Texas Frontier Battalion, and pay him a pension at the rate of $12 per month.

The name of Virgil H. Effinger, late of Company G, Seventh Regiment Ohio Infantry, and pay him a pension at the rate of $20 per month.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws:

The name of Mary Rowe Welsh, widow of John F. Welsh, late of Company F, Second Regiment Missouri Infantry, war with Spain, and pay her a pension at the rate of $30 per month.

The name of Fannie A. Struhs, widow of Martin C. Struhs, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Samuel A. Kersey, late of Company B, Third Regiment Georgia Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Louise E. Prall, widow of Delaney L. Prall, late of Company K, Second Regiment Indiana National Guard, border defense, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of William Haywood Revelle, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $10 per month.

The name of Margaret E. Hays, dependent mother of Wade H. Hayes, late of Company L, Second Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Ida C. Watson, dependent mother of Thomas C. Watson, late of Company G, Second Regiment South Carolina Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Mary J. Thomas, dependent mother of John H. S. Thomas, late of Company D, First Regiment Florida Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Sarah Stanfield, dependent mother of John G. Stanfield, late of Company K, Nineteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Mary C. Judson, widow of George H. Judson, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional for each minor child of the sailor until they shall attain the age of 16 years, respectively.

The name of Carolina Ryder, dependent mother of Walter Ryder, late of Company A, Independent Battalion, Washington Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Mary Peterson, widow of Thomas H. Peterson, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Fred Koeckritz, late of Company M, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $18 per month.

The name of Frank B. McCartney, late of Company B, Fifteenth Regiment Pennsylvania Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Rose Z. Cote, helpless and dependent child of Joseph H. Cote, late of Company G, First Regiment Maine Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Sarah R. Atwood, dependent mother of Wiley M. Atwood, late of the Sixty-fourth Company, United States Coast Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Clinton A. Short, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $25 per month.

The name of Elizabeth A. Wilkinson, dependent mother of James Wilkinson, late of Company H, Sixteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of George E. Jones, late of Battery E, Sixth Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sam H. Wilkinson, late of Capt. L. H. McNelly's Company A, Washington County, Texas Volunteer Militia, Indian wars, and pay him a pension at the rate of $12 per month.

The name of John F. Halpin, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Morrow B. Wilson, late of Battery H, Ohio Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Clarence Dehart, late of Company F, Thirty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of John Stoll, late of Battery E, Sixty-fourth Coast Artillery, Regular Establishment, and pay him a pension at the rate of $25 per month.

The name of Emma P. Ripley, widow of John C. Ripley, late of Company G, Sixteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catharine Krips, dependent mother of John Krips, late of Company K, Fourteenth Regiment Minnesota Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Urtilla N. Schroeder, widow of Emil C. Schroeder, late second lieutenant, Fifteenth Regiment Minnesota Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Emma C. Bragg, widow of Herbert E. Bragg, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Americus Watt, late of Company M, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Edward G. Murton, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $10 per month.

The name of Kate Thomas, dependent mother of William J. Thomas, late of the Sixteenth Company, United States Coast Artillery, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret C. Donovan, widow of John Donovan, late scout, Forsyth Scouts, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Noonan, dependent mother of Dennis F. Noonan, late of Company E, Nineteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Lena Jenkins, widow of Cecil D. Jenkins, late of the Air Service, Hawaiian Department, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month, with $2 per month additional for each of the minor children until they shall attain the age of 16 years, respectively, in lieu of that she is now receiving.

The name of Minnie V. Stahl, widow of August J. Stahl, late of Troop K, Second Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $30 per month.

The name of Carola M. Tonry, widow of Albert S. Tonry, late of Company L, Fifth Maryland Infantry, war with Spain, and pay her a pension at the rate of $30 per month.

The name of Clara E. Moor, widow of Daniel S. Moor, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Anna Steele, widow of Bernard C. Steele, late of Troop A, Fourth Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Ellis B. McNeeley, late of Company E, Sixth United States Infantry, Regular Establishment, and pay him a pension at the rate of $15 per month.

The name of George Curry, late of Company K, Eleventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Peter F. Van Auken, late of Battery B, Sixth United States Artillery, war with Spain, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Rachel L. Morris, widow of William A. Morris, late of Company U, Montague County, Texas Minute Men, Indian wars, and pay her a pension at the rate of $20 per month.

The name of Johanna Moss, widow of Christopher T. Moss, late of Companies B and A, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah A. Byam, widow of William C. Byam, late of the United States Navy, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles R. Reist, late of Company F, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The name of Margaret Harrold, dependent mother of Edward A. Hilgendorf, late of Company F, Sixth Regiment Ohio Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Lizzie Gullett, widow of Frank H. Gullett, late of the Eighty-fifth Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional for each minor child of the soldier until they shall attain the age of 16 years, respectively.

The name of Nancy M. Oglesby, widow of William W. Oglesby, late captain, Company G, Second Regiment Oregon State Militia, Bannock Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Thompson, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas Waters, dependent father of Eddie Waters, late of Company L, Tenth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Minnie Yearout, dependent mother of Samuel L. Yearout, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of William E. Dollard, late of Headquarters Detachment Second Battalion, Seventh Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Maggie L. Gibson, dependent mother of Frederick A. Gibson, late of Company A, Second Regiment South Carolina Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of William W. Cook, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mary H. Goldberger, widow of Joseph Goldberger, late surgeon, United States Public Health Service, and pay her a pension at the rate of $125 per month in special recognition of the services of Doctor Goldberger in discovering the essential cause of pellagra and means of its cure and prevention.

The name of Mary Dunn, widow of Peter J. Dunn, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Robert J. Edwards, late of the Forty-first Company, United States Coast Artillery Corps, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Martha A. Osborne, widow of John J. Osborne, late of Company H, Nineteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and in the event of death of the widow, Martha A. Osborne, a pension of $20 per month shall continue to Willard D. Osborne, the dependent and helpless child of the claimant.

The name of Samuel Round, late of the United States Navy, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Mary C. Brown, dependent mother of George W. Cleaver, late of Company F, Second Regiment, Kentucky Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Sarah E. Boothe, helpless child of William H. Boothe, late of Company E, Second Regiment Kentucky Infantry, Mexican War, and pay her a pension at the rate of $20 per month.

The name of Archibald A. Cameron, late of Hospital Corps, United States Army, and pay him a pension at the rate of $20 per month.

The name of Mary A. Walters, widow of James A. Walters, late of Company G, Second Regiment Idaho Volunteer Militia, and pay her a pension at the rate of $12 per month.

The name of Burel E. Pollard, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Richard C. Baalke, late of Company F, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Peter Huntsman, late of Capt. James C. Owens's company, Utah Militia Cavalry, and pay him a pension at the rate of $20 per month.

The name of John E. Sutton, alias William Mitchell, late of Company H, Fourth Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of William A. Hawkins, late of Company I, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank Preusser, late of Company F, Third Regiment New Mexico Territorial Militia Volunteers, and pay him a pension at the rate of $12 per month.

The name of Richard C. Stirk, late Indian scout with Fifth United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Henry Y. Blackwell, late of Capt. Frank Maddox's company, Oregon Militia, and Captain Green's company, Oregon Cavalry, and pay him a pension at the rate of $12 per month.

The name of George Dixon, late of Field Artillery Detachment, United States Military Academy, and pay him a pension at the rate of $20 per month.

The name of Minnie A. Colbert, widow of George W. Colbert, alias George W. Willis, late of Battery D, Fourth United States Artillery, and pay her a pension at the rate of $20 per month.

The name of John S. Gates, late of Company C, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $8 per month.

The name of Edith Quick, widow of John Henry Quick, late of United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving in the Veterans' Bureau.

The name of Amelia V. Briscoe, widow of William J. Briscoe, late of Company A, Twenty-ninth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving in the Veterans' Bureau.

The name of Wallace Cayton, late of Battery F, Fourth United States Artillery, and pay him a pension at the rate of $12 per month.

The name of Frank H. Bruce, late of Ninety-fifth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hutcheson, late of Company H, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary C. von Ezdorf, widow of Rudolph H. von Ezdorf, late assistant surgeon, United States Public Health Service, and pay her a pension at the rate of $30 per month.

The name of John Curran, late of Thirty-seventh Company, United States Coast Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Hugh M. Jones, late of Company I, Twenty-first Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

Mr. OVERMAN. Mr. President, I send an amendment to the desk which I ask to have read.

The PRESIDING OFFICER. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 14, line 14, at the end of the line, strike out "$30" and insert in lieu thereof "$125."

Mr. OVERMAN. Mr. President, a bill for the relief of this lady passed the Senate, and also passed the House, providing that this widow be allowed $4,500. It passed the Senate, it passed the House, but got tangled up at the end of the last session, and never was enacted.

Instead of giving this widow $4,500 I have concluded it best to give her a pension. She is an old lady, and somebody might take the $4,500, or she might lose it, and she has to have aid to support a child. This is a just claim. I will ask to have printed in the RECORD a copy of the House committee report on the bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[H. Rept. No. 1470, 67th Cong., 4th sess.]

WIDOW OF RUDOLPH H. VON EZDORF

Mr. EDMONDS, from the Committee on Claims, submitted the following report (to accompany S. 528):

The Committee on Claims, to whom was referred the bill (S. 528) for the relief of the widow of Rudolph H. von Ezdorf, deceased, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out the preamble.

Attached herewith is Senate Report No. 766.

There is also attached communication from the Secretary of the Treasury under date of January 20, 1923, with inclosure.

[S. Rept. No. 766, 67th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 528) for the relief of the widow of Rudolph H. von Ezdorf, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

On page 2, line 5, strike out the words "two years" and insert in lieu thereof the words "one year."

The facts in the case are fully set forth in Senate Report No. 436, Sixty-sixth Congress, second session, which is appended hereto and made a part of this report.

[S. Rept. No. 436, 66th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 3205) for the relief of the widow of Rudolph H. von Ezdorf, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 465, Sixty-fifth Congress, second session, which is appended hereto and made a part of this report.

[S. Rept. No. 465, 65th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 2474) for the relief of the widow of Rudolph H. von Ezdorf, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

On page 2, line 2, strike out the figures "$9,000" and insert in lieu thereof the figures "$4,500."

The bill provides for the payment to the widow of Rudolph H. von Ezdorf, a late surgeon and a commissioned officer in the United States Public Health Service, the sum of $9,000 on account of the death of her husband, which was caused by myocarditis, contracted as a sequel to an attack of yellow fever incurred in the line of duty while an assistant surgeon engaged on the special work of suppressing an epidemic of yellow fever in the State of Mississippi during the year 1898.

After a careful consideration of the bill your committee is of the opinion that the bill should be amended so as to allow a sum equal to a year's salary, and as so amended recommend its passage.

The facts are carefully set forth in the following letter and memorandum, dated January 30, 1918, from Hon. James H. Moyle, Assistant Secretary of the Treasury, which is appended hereto and made a part of this report:

TREASURY DEPARTMENT,
Washington, January 30, 1918.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR: In reference to your letter of January 28, requesting information relative to the provisions of bill S. 2474, for the relief of the widow of the late Surg. R. H. von Ezdorf, and also requesting an expression of opinion from this department as to the merits of this proposed legislation, I have to transmit herewith a memorandum containing data in respect to Surgeon von Ezdorf's services as an officer of the United States Public Health Service and the circumstances leading up to his death.

It is the opinion of this department that the proposed measure is a meritorious one and deserving of favorable consideration.

Respectfully,

J. H. MOYLE, *Assistant Secretary.*

MEMORANDUM FOR THE CHAIRMAN OF THE COMMITTEE ON CLAIMS, UNITED STATES SENATE, RELATIVE TO BILL S. 2774

On June 18, 1917, this bill was introduced in the Senate by Senator Owen and was referred to the Committee on Claims.

The bill provides for the relief of the widow of the late Surg. R. H. von Ezdorf, United States Public Health Service. Doctor von Ezdorf entered the Public Health Service in March, 1898. He passed a rigid physical examination at that time and was found to be physically sound. In the fall of 1898 he was ordered by the Surgeon General of the Public Health Service to duty in connection with the suppression of a yellow-fever epidemic at Taylor, Miss., and while so engaged contracted the disease in a serious form. From the nature of the relapse he had at that time it was evident that the heart muscles were considerably affected. Subsequently, however, he recovered and until the date of his death led a very active life in public-health work, more especially in the investigation of the control of malarial fever in the Southern States.

He served as quarantine officer at Santiago during the intervention by the United States, and later at Habana and Matanzas, Cuba. He also served at Colon and Cristobal, Canal Zone, when the Government first acquired those possessions. In 1914, at the request of the Secretary of the Navy, Doctor von Ezdorf was assigned to duty with the forces of occupation accompanying the battleship fleet to Vera Cruz, where he was port medical officer and consultant in the sanitation of that port. Aside from these various details he served in epidemics of yellow fever, plague, and cholera, and subsequent to 1912 was engaged in extensive investigations of malarial fever in the United States and measures for its eradication and prevention. His death occurred near Lincolnton, N. C., on September 8, 1916, from acute dilatation of the heart while running for shelter to escape an oncoming storm. At the time of his death he was making a field investigation of malarial fever in that section. The exertion which caused the acute dilatation in this connection was not sufficient to affect the normal heart, and in studying the case the only cause to which the cardiac weakness can be ascribed is the attack of yellow fever in 1898. His heart was perfectly sound when he entered the service, and he had no other illness except yellow fever since becoming a service officer.

This case appears similar to that of the late Maj. James Carroll, Medical Corps, United States Army, who died in 1907 of a cardiac condition attributed to an attack of yellow fever acquired by him in 1898. Congress in the case of Major Carroll voted a special pension to his widow of $125 per month. There is no provision in law granting a pension to the widows of Public Health Service officers who have died in the line of duty, and the commission for the enforcement of the employees' compensation act has ruled that an officer is not an employee within the meaning of the referred to act, and consequently is not entitled to any of the benefits prescribed therein.

This legislation may well be based on the grounds that Doctor von Ezdorf's death was incurred in line of duty, and that the actual cause and contributing factors were the result of the performance of his official duties.

Congress has apparently acquiesced in the justice of such an argument, as instanced by Private Act No. 56, of May 6, 1910, which provided for Mrs. W. W. Miller, widow of Assistant Surgeon Miller, deceased, a sum equivalent to two years' pay and allowances of Assistant Surgeon Miller, who died in the line of duty from typhoid fever contracted while engaged on a typhoid survey.

The widow of the late Passed Asst. Surg. T. B. McClintic, by Private Act No. 47, of June 24, 1914, was given the amount of salary and allowances for two years of Passed Assistant Surgeon McClintic, who died from Rocky Mountain spotted fever incurred in the line of duty.

The Southern Medical Association, southern health officers, Louisiana State Board of Health, and various other medical organizations of the Southern States at various dates subsequent to Surgeon von Ezdorf's death passed resolutions in recognition of his efforts and achievements in the field of sanitation in the Southern States.

Doctor von Ezdorf at the time of his death was 44 years of age. He is survived by a wife and minor child.

WASHINGTON, *September 17, 1898.*

Assistant Surgeon VON EZDORF,
Marine Hospital Service, Morgan City, La.:

Take first train and proceed to Taylor, Miss., reporting to Cobb for duty at Orwood. Do not stop in Astronomer.

WYMAN.

Epidemic fund, Bailhache.

Official:

RUPERT BLUE, *Surgeon General.*

MARINE HOSPITAL SERVICE,
New Orleans, La., October 26, 1898.

The SURGEON GENERAL, UNITED STATES MARINE HOSPITAL SERVICE,
Washington, D. C.

(Through the medical officer in command.)

SIR: I would respectfully request sick leave for 15 days, beginning October 31, 1898, in order to properly recuperate from my recent attack of yellow fever and relapse contracted during duty at Taylor and Orwood, Miss.

Respectfully yours,

R. H. VON EZDORF,
Assistant Surgeon, Marine Hospital Service.

Respectfully forwarded, approved. Doctor von Ezdorf is unable to do duty at present and can recuperate better away from his work. Has nowhere to stay here save at hotel.

H. R. CARTER,
Surgeon, Marine Hospital Service.

Official:

RUPERT BLUE, *Surgeon General.*

FEBRUARY 2, 1915.

Surg. R H. VON EZDORF,
United States Marine Hospital, New Orleans, La.

SIR: For the purpose of conducting systematic investigations of malaria, you are hereby authorized to proceed, with the approval of the bureau, to such points in the Southern States as may be necessary in order to make malaria surveys and to collect specimens and other data. You are also authorized to order, with the approval of the bureau, the personnel employed in field investigations of malaria to proceed on like duty to points in the Southern States. Previous orders issued to you on this subject are hereby revoked.

While carrying out these orders, your status will be that of special temporary duty, and upon completion of the duty enjoined you will return to your station at New Orleans, La.

Respectfully,

RUPERT BLUE, *Surgeon General.*

The expenses incurred in carrying out the foregoing instructions are hereby authorized.

B. R. NEWTON, *Assistant Secretary.*

SEPTEMBER 5, 1916.

VON EZDORF,
Public Health Service, Fort Lawn, S. C.:

At request superior court of Lincoln County, N. C., proceed Indian Creek, Lincoln County, and vicinity to investigate relation impounded waters to malaria prevalence. Attorney L. B. Wetmore, Lincoln, N. C., states drainage commission, Indian Creek drainage district, will reimburse expenses incurred. Information obtained to be presented before court in case coming for trial October term Lincoln County court.

GLENNAN, *Acting.*

NEW ORLEANS, LA., *February 24, 1917.*

To the UNITED STATES SENATE,
Washington, D. C.

GENTLEMEN: In view of the fact that Senate bill 8190, introduced by Senator Owen February 8, 1917, for the relief of the widow of Rudolph von Ezdorf, is now pending in the Senate, we, the undersigned, feel it our duty in appreciation of the magnificent services rendered by Doctor von Ezdorf in his official capacity in this section of our country to urge upon you to lend every assistance you can to the end that this bill may become a law.

We do not wish to take your time with a recitation of the many benefits which have come to us in the South and indirectly to the whole country on account of the great work performed by Doctor von Ezdorf against yellow fever and malaria, but can not refrain from saying that we believe the relief contemplated by the bill will be but a small return by this country for the benefits received from Doctor von Ezdorf's services.

Respectfully,

W. H. SEEMANN, M. D.,
President Louisiana Medical Society.
P. J. GELPI, M. D.,
President Orleans Parish Medical Society.
W. H. ROBIN, M. D.,
Acting Superintendent of Health, City of New Orleans.

(To Senators BROUSSARD and RANSDELL.)

FEBRUARY 17, 1917.

The following resolution was unanimously adopted by the Louisiana State Board of Health October 18, 1916:

"*Resolved*, That in the death of Dr. R. H. von Ezdorf, late surgeon of the United States Public Health Service, the Louisiana State Board of Health has sustained a loss. His work in Louisiana as a health official and especially his courteous, cordial, and efficient cooperation with this board in the study and eradication of malaria, should be remembered as a lasting tribute to his services to the State of Louisiana."

A true copy.

[SEAL.]

M. W. SWORDS,
Secretary Louisiana State Board of Health.

RESOLUTION PREPARED BY DR. OSCAR DOWLING, PRESIDENT STATE BOARD OF HEALTH, STATE OF LOUISIANA

Whereas the late distinguished Dr. Rudolph von Ezdorf was for many years engaged in the Public Health Service; and

Whereas in his death the service and medical profession has lost one of its greatest leaders: Be it

Resolved, That we, southern health officers assembled, representing nine States in which his untiring efforts and devotion to the cause of disease prevention are best known, do extend our most sincere sympathy to his family; that we deplore his untimely death, and take this occasion to give expression to our appreciation of his efforts to better health conditions throughout the Southern States, and to pay tribute to his gentle nature, his efficiency, initiative, spirit of self-sacrifice, and his achievements.

A true copy.

OSCAR DOWLING.

TREASURY DEPARTMENT,
Washington, January 23, 1923.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims,
House of Representatives, Washington, D. C.

MY DEAR MR. EDMONDS: Referring to the request of your committee for an expression of opinion as to the merits of the bill (S. 3205) for the relief of the widow of Rudolph H. von Ezdorf, deceased, I have the honor to transmit herewith a memorandum containing data with respect to Surgeon von Ezdorf's services as an officer of the United States Public Health Service and the circumstances leading up to his death.

In view of these facts, it is the opinion of this department that the proposed measure is a meritorious one and deserving of favorable consideration.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

MEMORANDUM RELATIVE TO THE PROPOSED ACT FOR THE RELIEF OF THE WIDOW OF R. H. VON EZDORF, DECEASED

This legislation is requested on the grounds that Doctor von Ezdorf's death was incurred in the line of duty, and that the actual cause and contributing factors were the results of the performance of his official duties.

Congress has apparently acquiesced in the justice of such an argument, as instanced in Private Act No. 56, of May 6, 1910, which gave to Mrs. W. W. Miller, widow of Assistant Surgeon Miller, deceased, a sum equivalent to two years' pay and allowances of Assistant Surgeon Miller, who died in line of duty from typhoid fever, contracted while working on a typhoid survey.

The widow of Passed Asst. Surg. T. B. McClintic, by Private Act No. 47, of June 24, 1914, was given the amount of salary and allowances for two years of Passed Assistant Surgeon McClintic, who died from Rocky Mountain spotted fever incurred in line of duty.

Doctor von Ezdorf entered the Public Health Service in March, 1898. He was physically sound at that time and passed a rigid physical examination. In the fall of 1898 he was ordered by the Surgeon General of the Public Health Service to duty in connection with the suppression of a yellow-fever epidemic at Taylor, Miss., and while so engaged contracted the disease in a serious form. From the nature of the relapse which he had at that time it is evident that the heart muscles were considerably affected. Subsequently, however, he recovered, and from that time until the date of his death led a very active life in public-health work, more especially in the investigation and control of malarial fever in the South.

He was promoted to the grade of passed assistant surgeon in 1903 and to the grade of surgeon in 1912.

He served as quarantine officer at Santiago during the intervention of the United States and later at Habana and Matanzas, Cuba. He also served at Colon and Cristobal, Canal Zone, when the Government first acquired those possessions. In 1914, at the request of the Secretary of the Navy, Doctor von Ezdorf was assigned to duty with the forces of occupation accompanying the Battleship Fleet to Vera Cruz, where he was port officer of the city and consultant in the sanitation of that port.

Aside from these details, he served in various epidemics of yellow fever, plague, and cholera, and subsequent to 1912 was engaged in extensive investigations of malarial fever in the Southern States and in measures for its prevention and eradication.

His death occurred near Lincolnton, N. C., on September 8, 1916, from acute dilatation of the heart, as a result of unusual exertion in running for shelter to escape an oncoming storm. At the time of his death he was making a field investigation of the prevalence of malarial fever in that section.

The exertion which caused acute cardiac dilatation in this connection was not sufficient to affect a normal heart, and it is only reasonable to assume that Doctor von Ezdorf had a certain cardiac weakness, and in studying the case the only cause to which the cardiac weakness can be ascribed is the attack of yellow fever in 1898, as his heart was perfectly sound when he entered the service, and he had had no illness other than yellow fever since being a service officer.

Doctor von Ezdorf is survived by a wife and daughter.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, a member of the Pensions Committee of the House who has been sick a long time had a bill before the Pensions Committee to pay the widow of a soldier $20, and I will send forward another amendment covering that case.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. Insert at the end of the bill the following:

The name of Sarah D. Rich, dependent mother of Wade T. Hall, late of Company K, Third Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I ask to have printed in the RECORD a statement of the facts in this case, so the House conferees will have them.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 22, 1929.

In re House bill 15991.

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR OVERMAN: Referring to my conversation with you over the telephone on yesterday concerning a bill I introduced in the House for the relief of Mrs. Sarah D. Rich, Randleman, mother of Wade T. Hall, who was killed on the Mexican border while serving with the National Guard, I furnish you with the following data:

House bill 15991 provides for a pension of $20 a month to Mrs. Sarah D. Rich, dependent mother of the late Wade T. Hall, who was killed while serving in Company K, Third North Carolina Infantry. This bill would have been acted upon favorably by the Pensions Committee, of which I am a member, so I am advised by members of the committee and by the clerk to the committee, but it was not reached. All I had done in the matter was to furnish the data requested by the committee. Just after the bill had been introduced I was taken ill and could not appear before the committee in the matter.

The claimant, Mrs. Sarah D. Rich, has no real estate and no personal property except $200 which she acquired from the property of her late husband. She has this money on interest. She is unable to work, and this money is her only income. Mrs. Rich lives with her son, who boards her. She furnishes her own clothing. The son with whom she lives is a day laborer at small wages and has a family to support, and it is with great difficulty that he can provide the actual necessities of life. Medical care of Mrs. Rich is required constantly. She has myocarditis and is unable to do any kind of work. This disease, as I understand it, affects the muscles of the heart and is extremely dangerous, and sometimes follows as an aftermath of the influenza.

The foregoing facts were taken from a statement made by the attending physician, Dr. C. E. Wilkerson, and by a near neighbor, Mr. D. R. Bulla, who is one of the best and most trustworthy citizens of my country.

I have known Mrs. Rich a long time, and knew her first husband and her second husband. Her son, Wade T. Hall, was not married. Wade T. Hall was serving with the National Guard on the Mexican border, at El Paso, Tex., at the time he was killed. He was killed December 31, 1916.

Mrs. Rich filed a claim with the Pension Bureau, but the claim was disallowed on the ground that the injury causing the death of her son was not in line of duty; but it was as much or more in the line of duty, according to my view on the matter, than several cases that have been acted upon favorably by the Pension Bureau.

I would, indeed, be glad if you could get this through. It is not my purpose to ask for anything that does not have merit.

This is the first and only bill I have ever had before my committee asking for the relief for any person in the congressional district which

I have the honor to represent in Congress. I do not ask for its passage on that account, but from the evidence produced. I have never made a raid upon the Treasury.

Thanking you for the favor and with best wishes, I am,

Sincerely yours,

WM. C. HAMMER.

Mr. BRATTON. I send forward an amendment which I ask to have agreed to.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. Insert at the end of the committee amendment at the end of the bill and after the amendment of Mr. OVERMAN the following:

The name of Alpha W. Felter, late of Company A, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. TYSON. Mr. President, my colleague the senior Senator from Tennessee [Mr. MCKELLAR] has offered an amendment. He is engaged in the Committee on Post Offices and Post Roads in reference to the Memphis postmaster. I do not know the details of the amendment, but I ask to have it read.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 11, after line 25, insert the following:

The name of Mary Frances McConnell, dependent widow of Lieut. Frank Brower McConnell, late of the One hundred and fifth Observation Squadron, killed by a falling airplane while on duty in said plane, and pay her a pension at the rate of $150 per month.

Mr. ROBINSON of Indiana. Mr. President, is that offered on behalf of the senior Senator from Tennessee?

Mr. TYSON. The senior Senator from Tennessee has offered that as an amendment. I do not know the details of it.

Mr. ROBINSON of Indiana. I was under the impression it was to be offered for $50 a month. The Senator spoke to me about the matter, and in that I thought we had agreed.

Mr. TYSON. I know nothing about it, except that I found it here, and I did not want the bill to be passed without having an opportunity to have this incorporated. I offer it as an amendment.

Mr. NORBECK. Mr. President, on behalf of the committee I want to say that we can not accept the amendment in that sum. If the Senator will make it $50 a month, I see no objection to accepting it.

Mr. BRATTON. As a member of the Committee on Pensions I desire to join in the expression just made, and I express the hope that it be submitted for $50 a month, in line with the understanding between the senior Senator from Tennessee and the chairman of the committee.

Mr. TYSON. Will the Senator permit me to have it passed over for a moment until I see my colleague?

Mr. BLEASE. That is the request I was about to make. The senior Senator from Tennessee is engaged in a meeting of the Committee on Post Offices and Post Roads about the postmaster of his home city.

Mr. TYSON. I understand from the senior Senator from Texas [Mr. SHEPPARD] that my colleague had left word with him that he was willing to have it made $50 a month. I therefore submit the amendment in that sum.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

At this point Mr. MCKELLAR reentered the Chamber.

Mr. MCKELLAR. Mr. President, I was detained in the Committee on Post Offices and Post Roads on the Memphis postmaster nomination, or I would have been here sooner.

This amendment was offered by me for the purpose of compensating Mary Frances McConnell, dependent widow of Frank B. McConnell, formerly of Nashville, Tenn. Lieutenant McConnell was a lieutenant in the Air Corps, being a member of the One hundred and fifth Observation Squadron, Tennessee National Guard. Nearly two years ago, early in June, 1927, Lieutenant McConnell was called to duty at Langley Field, Va. While engaged in air maneuvers in the service of their country Lieutenant McConnell and Lieut. C. A. Anderson were killed. Their plane crashed near the post incinerator and burst into flames as it hit the ground, both airmen being burned almost beyond recognition. Lieutenant Anderson and Lieutenant McConnell were members of the Tennessee National Guard. The machine, *O–26* plane, was about 150 feet in the air when it suddenly crashed earthward. The cause of the accident was not known. The plane was on its way to the target grounds for machine-gun practice when it crashed. Witnesses say that the machine went into a tail spin while apparently trying to make a turn.

Maj. J. C. Bennett, when told of the accident, said that it was hard to believe in the light of Lieutenant McConnell's ability as a pilot. He recalled the time of McConnell's enlistment four years ago and his steady climb through the ranks to the office of first lieutenant. In addition to his skill as a pilot, Lieutenant McConnell was praised by his superior as an unusually well-qualified officer, due to his inherent qualities and experience gained during his service during the World War with the marines.

In 1916, during the trouble on the Mexican border, McConnell enlisted in the National Guard and served with the American troops under command of General Pershing. Upon the return of the troops, while the United States had not yet entered the European war, he enlisted in the United States Marine Corps and received his early training at Paris Island. He returned to Nashville with the noncommissioned rank of sergeant and served on recruiting duty. During his recruiting service the Nashville station made a wonderful record in war-time enlistments. He was then sent to Quantico, Va., for further training and there received his commission as second lieutenant in the Marine Corps. During the war he saw service in Haiti and Cuba, the marines playing an important part in quelling the revolution in Haiti. He joined the One hundred and fifth Observation Squadron in 1923 and was then sent to Brooks Field, Tex., in 1925, where he was commissioned a second lieutenant. He was later commissioned first lieutenant and was made commanding officer of the One hundred and sixty-fifth Photo Section and officer in charge of Blackwood Field. He was an expert with the pistol and a sharpshooter, having won medals for proficiency in these lines in the Marine Corps.

Mr. President, the reason I have accepted $50 is because I can not at this time get more. One hundred and fifty dollars would be little enough surely, but rather than get nothing I have accepted what the chairman has agreed to.

Mr. President, I ask unanimous consent to insert in the RECORD certain newspaper articles which give an account of the accident, and a history of this soldier.

TWO YOUNG FLYERS

Nashville was deeply shocked and grieved yesterday afternoon when it was learned that the lives of Lieuts. F. B. McConnell and C. A. Anderson had been claimed by one of the air's abrupt tragedies at Langley Field in Virginia. Both these fliers were young men who were only in the beginning of careers that promised much of worth-while achievement. That they were possessed of daring and adventurous spirits is testified by the fact that they were flyers. Men do not go up in the air in ships unless they have something more of courage and initiative than is granted the average person among us. When these two young flyers met their doom they were engaged in patriotic service no less commendable than if it had been in time of war. On account of superior skill and interest in their important branch of military service, they had been assigned to take a special flying course at Langley Field.

Why these two young men should have been marked by death is one of those things that mortal man can but confess he does not and can not understand. Certain it is, however, that the end of their lives came while they were employed in the endeavor to fit themselves to be of more efficient service to their native land if the need should arise. The lives of these two young men may be put down as part of the price man is paying for a more certain knowledge of the navigation of the air and as sacrifices paid that those who come after them may live more fully. The pioneers of the air have been and are as courageous as those other pioneers who braved wilderness and savage. Sorrow for the loss of these two young flyers is widespread and genuine and tempered only by the thought that they died as men must who do and dare beyond the ordinary.

[From the editorial page of the Tennesseean, June 15]

LIEUTENANTS M'CONNELL AND ANDERSON

Accustomed as we are to air tragedies, the shocking deaths of two Nashville aviators, Lieut. Frank B. McConnell and Lieut. Cornelius Anderson, at Langley Field, Va., while in the performance of their duties, has cast a pall of gloom over the city and State and will be a source of poignant grief among an unusually large circle of friends and associates. Their deaths in the air again emphasizes the dangers of aviation despite all of the progress that has been made. They were both accomplished pilots; both had been promoted because of their proficiency as aviators. They had each made enviable records in the air service of the State and Nation.

Pending an investigation and official inquiry, it is yet too early to determine the cause of this deplorable accident. It is gratifying by reason of the admirable record that both had made in the field of aviation to know that their deaths were due to some mechanical fault

and in no sense to any error that they made. All human progress has been builded on the sacrifices, the heroism, the daring, and the blood of the pioneers. It does seem to us, however, that aviation, great achievement that it is for mankind, has exacted a terrible toll in human life. This is the second awful tragedy of this kind in American aviation within the month.

Lieutenant McConnell, a native of Nashville, had made an enviable record in the service of his country. He was with Pershing on the Mexican border and served with the armed forces during the World War. After peace he did not cease in his service to his country but became a member of the local aero squadron, where his aptitude as a flyer soon gained recognition. He was a capable and trusted officer and wore the uniform of his country with credit. His companion, Lieutenant Anderson, was a Nashvillian by adoption. He was educated here and served ably in the aviation service of the State.

It is highly fitting that these gallant and intrepid young soldiers should be buried with all military honors. They fell at the front in line of duty, as much so as if they had been brought to earth by the bullets of some enemy. In this dark hour the family and friends of our young heroes may have their grief assuaged in the knowledge that they possess the entire sympathy of their fellow citizens and of Americans everywhere who prize and applaud devotion to duty.

[From the Tennessecan, June 15]

COMPLETE PLANS FOR FUNERAL OF ILL-FATED FLYER—LIEUTENANT McCONNELL'S BODY TO BE TAKEN TO FATHER'S HOME

Accompanied by a military escort from Langley Field, where he and Lieut. Cornelius Anderson were killed when their plane fell in flames Monday morning, the body of Lieut. F. B. McConnell left Newport News at 5 o'clock Tuesday afternoon. The funeral cortege will arrive in Nashville at 8.40 o'clock Thursday morning over the Louisville & Nashville Railway, according to news received by Adjt. Gen. W. C. Boyd and members of Lieutenant McConnell's family from the field commandant Tuesday night. At the request of W. A. Anderson, of La Centre, Ky., Lieutenant Anderson, formerly a medical student at Vanderbilt University, will be buried at Arlington Cemetery.

Lieutenant McConnell's remains will be escorted to the home of his father, Frank B. McConnell, 1304 Sixteenth Avenue, South, where funeral services will be held at 1.30 p. m. followed by special services at Vine Street Christian Church at 2 o'clock, conducted by the Rev. Roger Nooe. Burial will be in Mount Olivet Cemetery.

FLYERS PALLBEARERS

Members of the Aviation Corps in which Lieutenant McConnell had for years had his chief interest and in serving which he met his death will be with the body the entire route from Langley Field to the grave. For the detail of four men under the command of First Lieut. Alfred I. Puryear, of the Field Air Corps, which arrives here with the body Thursday morning, will be relieved by members of the One hundred and fifth Observation Squadron of the Tennessee National Guard, in which Lieutenant McConnell won his commission a year ago.

Officers of the local flying squadron will serve as pallbearers, including General Boyd, Maj. Nat H. Dye, Capt. Richard Gleaves, Capt. J. B. Hibbitts, Capt. Herbert Fox, Capt. Charles G. Blackard, Capt. Walter Williams, Maj. J. C. Bennett, jr., Lieuts. Sam E. Hartsfeld, James H. Douglas, John F. Outlaw, William V. Andrews, Louis H. Hibbitts, Bailey Rascoe, Lee Conway, David S. Lansden, Jesse Zellner, James P. McFarland, A. J. Robert, jr., William E. Barr, John McCall, Richard Barr, jr., Justin Potter, August S. Keim, Clarence L. Sanders, Richard Boutell, and Lewis T. Edwards.

MILITARY ESCORT

General Boyd has notified members of Company F of the One hundred and seventeenth Infantry to act as a military escort and to fire a salute at the grave. Members are requested to meet at the armory Thursday noon.

Dr. Roger T. Nooe, who is a member of the faculty of the Ovoca Christian Pastors' School, will return to-day in order to conduct the services.

At the gates of Mount Olivet the body will be transferred to an artillery caisson, while overhead members of the local flying squadron will circle their planes in a last sweeping courtesy to the former member of the squadron. The band of the One hundred and seventeenth Infantry will play the funeral march at the cemetery.

Lieutenant McConnell, who with Lieutenant Anderson had only recently joined the training school at Langley Field, is survived by his wife, Mrs. Mary Frances McConnell; a small daughter, Frances Dinwiddie McConnell; a sister, Miss Alta McConnell; three brothers, C. H. McConnell, C. W. McConnell, and J. J. McConnell, besides his father.

Two days before his death Lieutenant McConnell had piloted a plane in the convoy which welcomed Lindbergh to Washington. Born in Nashville 29 years ago, Lieutenant McConnell had spent almost his entire young manhood in military pursuits, having served with American troops on the Mexican border in 1916 and serving with the Marine Corps during the World War. After the war he became interested in aviation and went to Brooks Field, Tex., for his first training, later joining the local squadron.

Lieutenant Anderson, who was with him when the plane crashed 200 feet to burst into flames, was a student at Vanderbilt in 1924 and 1926, and a member of Beta Theta Pi. He had planned to take up his studies at the university this fall, but in recent months had given almost his entire time to aviation.

[From the Tennessecan, June 14]

MILITARY FUNERAL PLANNED HERE FOR LIEUTENANT McCONNELL—LIEUTENANT ANDERSON, OTHER VICTIM, TO BE BURIED AT ARLINGTON—PROBE ORDERED—FLIERS HAD BEEN MEMBERS OF COLONEL LINDBERGH'S CONVOY

With War Department machinery at Washington moving to fix the cause of the crash of a plane at Langley Field, Va., yesterday afternoon, killing Lieuts. Frank G. McConnell and Cornelius Anderson, members of the One hundred and fifth Observation Squadron, Tennessee National Guard, arrangements were being made here for a military funeral for Lieutenant McConnell in pursuance to request from his family. Lieutenant Anderson's father, in La Centre, Ky., has requested that his son's body be buried in Arlington Cemetery.

Lieutenant McConnell's wife, from her home at 1304 Sixteenth Avenue south, last night communicated with Maj. J. C. Bennett, commander of the squadron, to make arrangements to have her husband's body brought back here for burial. While definite arrangements for the funeral are still to be made, it is believed the body will arrive here Wednesday or Thursday.

It is expected that Dr. Roger T. Nooe will conduct the funeral services. He is at Avoca, Tenn., but will return when notified of complete plans.

BURSTS INTO FLAMES

Lieutenant McConnell and Lieutenant Anderson, who were participating in the air maneuvers at Langley Field, came to their death when their plane went into a nose dive at a height of 200 feet and crashed to earth, bursting into flames.

Both flyers were incinerated before their bodies could be removed from the wreckage.

They went to Virginia June 4, and in addition to taking part in the maneuvers Lieutenant McConnell had been a member of the flying convoy which served as escort to Col. Charles Lindbergh on his arrival in Washington Saturday.

Yesterday afternoon, still participating in the maneuvers, they had just brought their plane into position for target practice in machine gun and bombing activities, when it was seen to plunge to the ground, the first serious accident to mark the maneuvers during the four years they have been held.

Lieutenant McConnell, a son of Frank McConnell, chief law agent of the Nashville, Chattanooga & St. Louis Railway, lived at 1304 Sixteenth Avenue South with his wife and child.

Interested in aviation in this section for the past three years, he had made a host of friends through his flying, done for the most part at Blackwood Field. Three weeks ago he was slightly injured when a plane he was piloting, owned by himself and Lieut. William Barr, fell.

He was born here July 6, 1896, and received his early education in the public schools, later attending Montgomery Bell Academy and Webb School, Bell Buckle, Tenn. In school he gained praise for his athletic prowess, specializing in baseball and football.

His first connection with the National Guard came during the trouble on the Mexican border, when he enlisted for service under General Pershing. Upon his return from the border he enlisted in the marines and went to Parris Island, S. C., returning here later as sergeant assigned to recruiting service. Later he was transferred to Quantico, Va., where he was commissioned a second lieutenant.

During the war he saw service in Cuba and Haiti, returning here at its termination to employment in the ticket office at the Union Station. He remained in that field until three years ago, when he became interested in aviation.

His early flying training was obtained at Brooks Field, Tex., where he was commissioned a second lieutenant. Later he was promoted to a first lieutenancy and placed in command of the One hundred and sixty-fifth Photo Section and officer in charge of Blackwood Field.

ANDERSON VANDERBILT MAN

Lieutenant Anderson, while a native of Kentucky, where he leaves his father, W. A. Anderson, has spent considerable time in the last few years here. In the years 1924 to 1926 he was a student at Vanderbilt Medical School and planned to resume his studies this fall.

Since leaving school a year ago he had devoted most of his time to flying and was chosen by Major Bennett to accompany McConnell because of his proficiency as an observer.

Major Bennett, upon learning of the deaths of the two men yesterday, paid high tribute to them and expressed profound sorrow at their loss. He recounted Lieutenant McConnell's enlistment with the squadron four years ago and spoke with pride of his gradual rise to his latest post. He lauded his skill as a pilot and his inherent flying ability.

LIEUTENANT M'CONNELL LAID TO REST AMID HUM OF PALS' PLANES—MOUNT OLIVET JAMMED AS HUNDREDS PAY TRIBUTE TO FLYER

While the roaring motors of his comrades' planes drummed a dirge, brother officers of the One hundred and twenty-fifth Observation Squadron Thursday afternoon said their final farewell to Lieut. Frank B. McConnell and lowered the flag-draped casket containing his body into a grave at Mount Olivet Cemetery.

As the casket came to a rest, a shadow streaked across the grave, the throb of a wide-open motor caused all to give a startled upward glance and a shower of roses fluttered down upon the grave while a plane zoomed up sharply from the very treetops. It was the squadron's final salute to a brave comrade who had flown on beyond the "ceiling" of mortal flights.

The roses fell slowly through the trees, coming to earth gently on and about the grave. The planes droned off in the distance. The first few shovels of earth fell on the casket. A rattle of musketry rang out. The painfully sweet notes of taps rose and fell over the silent crowd. That was all. A brave flier had gone to pitch his tent with the thousands of other courageous airmen whose wings are folded forever.

It was an impressive farewell that Nashville gave Lieutenant McConnell. One of the largest crowds ever seen at Mount Olivet Cemetery followed the funeral cortège to the grave, the line of cars extending back for more than a mile. Representatives of civil and military authority of both city and State were in the crowd.

Tiny cars crawled in the procession beside great limousines. It was as if the city had opened its heart to pour out a spontaneous tribute to a brave son whose wings were clipped short just as he had barely learned to use them.

The crowd grouped about the grave in a great circle. Still they came, old and young, men and women, with somber faces; children with eager eyes turned upward for a sight of the airships.

Long before the casket reached the grave, three planes, their silver wings glinting in the westering sun, hummed above the cemetery, banked and circled to hum back again. It was the aviators' last salute, like eagles wheeling above the rock where a stricken eagle lay.

A fourth airplane soon appeared from the east, flying lower than the others and weaving back and forth over the cemetery.

Then a band began beating out the measured cadence of a funeral march. The family of Lieutenant McConnell filed in as the crowd stood silent with bared heads.

"Attention," the military command fell flat on the hushed air.

Another command struck the silence. There was a click as rifles came to present arms and the officer in command lifted his saber in salute.

Their faces showing plainly the grief they felt at losing a loved and brave comrade, the officers of the squadron, headed by Maj. John C. Bennett, jr., commandant, trudged up the grass lane, bearing the casket of their fellow flier who had made his last flight.

The casket reached the grave. While the soldiers stood at attention Dr. Roger T. Nooe said a few brief words of benediction. None heard them. The roaring motors drowned all else. Then a quartet, in which was one of Lieutenant McConnell's flying comrades, sang, but none heard. Again the motors drowned all.

TAPS SOUNDED

The lone plane, sweeping back and forth over the trees, snarled as if in anger that the failure of another motor had cut down one of its erstwhile pilots.

Then the plane swept out of view. A moment later the motor snarled at an even higher pitch. A woman screamed, "O, I knew he'd fall," and out of the west, preceded by a racing shadow, the plane, but a few feet above the green treetops swept across the grave, and up toward the blue, red roses fluttering down in its wake.

Then the earth was filled in on the grave. It was piled high with flowers, including handsome tributes from the officers. The salute and taps was sounded and the crowd dispersed, while the planes sang on back to Blackwood Field, a few miles to the east.

Previous to the service at the grave, services scarcely less impressive had been held at the Vine Street Christian Church. Scores had been turned away from the church.

Piled high about the bier of Lieutenant McConnell was a blanket of floral tributes from family, friends, acquaintances, and organizations with which he had come in contact before his sacrifice to the progress of aviation.

Over the family monument was placed a miniature airplane, fashioned of brilliantly colored flowers—the tribute of Geny Bros. Beneath it were those of the One hundred and fifth Squadron, of which he was a member, the American Legion, the Nashville Police Department, his Masonic lodge, and scores of others.

Preceding the services at the grave, rites equally impressive were held in the Vine Street Church, where Dr. Rogers T. Nooe eulogized the flyer.

"I saw him once," he said, "in the sanctity of his home, amid the flush of a narrow escape. I saw him in fine manliness and modesty turn the heart of a child to an aged father and mother. I saw him as a loving comrade to his life's companion. I saw him as an adoring father of his little girl, and I marked him as a man and claimed him as a friend.

"Let us honor this man's memory with an appreciation of the courage that marked his life. Some are too cowardly and some too selfish to pay the price of progress, but this man was neither. God has given it to man to have dominion, and the conquest of the air rightly used is in the path of progress.

"Measured by the standard of loyal manhood, Lieutenant McConnell enlisted the admiration of every passing acquaintance and merited the love of all who knew him."

[From the Nashville Banner]

FLYER TO REST IN MOUNT OLIVET—LIEUT. FRANK BROWER MCCONNELL TO BE BURIED WITH MILITARY HONORS—PRIVATE CAR TENDERED—ARMY REGULATIONS MAY PREVENT BURIAL OF LIEUTENANT ANDERSON IN ARLINGTON—MESSAGES OF SYMPATHY

Borne to its last resting place upon a military caisson, while a convoy of planes manned by his former associates of the One hundred and fifth Observation Squadron flies overhead, the body of Lieut. Frank Brower McConnell, who met death Monday at Langley Field, Va., will be laid to rest Thursday afternoon in Mount Olivet Cemetery with military honors.

Lieutenant McConnell's remains under a military guard of honor since leaving Newport News Tuesday morning, will be met by the McConnell family in Louisville and returned to Nashville in the private car of James B. Hill, president of the Nashville, Chattanooga & St. Louis Railway. The body will arrive there at 5 p. m. to-day. The private car bearing the family and the remains will leave Louisville about midnight and arrive here Thursday morning at 8.40. Upon arrival here the escort will be relieved by members of the One hundred and fifth Observation Squadron.

MAY REST IN ARLINGTON

Lieut. Cornelius Anderson, who went to his death with Lieutenant McConnell when their plane crashed in flames, probably will be buried at Arlington Cemetery, at the request of his father, W. A. Anderson, of La Center, Ky., with military honors.

Although there has been a hitch in the plans to inter the aviator at Washington, Adjt. Gen. W. C. Boyd is in communication with Secretary of War Dwight F. Davis, Senators MCKELLAR and TYSON, and Representatives TAYLOR and REECE, and believes there will be no difficulty in having the burial there. The appeal to Tennessee Congressmen and the Secretary of War was made because General Boyd had been notified by the War Department that, due to Lieutenant Anderson's not being a member of the Regular Army, he would not be entitled to rest in Arlington Cemetery. General Boyd takes the stand that technically the aviator is eligible because he was in training at a Regular Army field and died in line of duty. He is expecting an answer from Secretary Davis to-day.

Funeral services will be held from the home of the aviator's father, A. F. McConnell, 1304 Sixteenth Avenue south, at 1.30 p. m., which will be followed by special services at the Vine Street Christian Church, conducted by Dr. Roger T. Nooe at 2.30 o'clock.

Officers of the One hundred and fifth Observation Squadron who will serve as pallbearers, including Gen. W. C. Boyd and Maj. Nat H. Dye, are Maj. J. C. Bennett, jr., commander; Capt. Richard Gleaves, Capt. J. B. Hibbitts, Capt. Herbert Fox, Capt. Charles G. Blackard, Capt. Walter Williams, and Lieuts. Sam E. Hartsfield, James H. Douglas, John F. Outlaw, William V. Andrews, Louis H. Hibbitts, Bailey Rascoe, Lee Conway, David S. Lansden, Jesse Zellner, James P. McFarland, A. J. Roberts, jr., William E. Barr, John McCall, Richard Barr, jr., Justin Potter, August S. Keim, Clarence L. Sanders, Richard Boutell, and Lewis T. Edwards.

Company F of the One hundred and seventeenth Infantry will form a guard of honor and fire a salute at the grave. Members of the company will meet at the armory Thursday at noon. The One hundred and seventeenth Infantry band will play the funeral march at the cemetery.

Lieutenant McConnell is survived by his father and mother; his wife, Mrs. Mary Frances McConnell; a small daughter, Frances Dinwiddie McConnell; a sister, Miss Alta McConnell; three brothers, C. H., C. W., and J. J. McConnell.

He served first with General Pershing on the Mexican border, saw service with the marines during the World War, and other expeditions, and finally, unable to put aside his country's call to service, enlisted in the One hundred and fifth Observation Squadron, where he rapidly rose to the office he was holding at the time of his death.

Each year a skilled team is picked from the various State aviation organizations and sent to the Regular Army flying fields for instruction in bombing, machine gunning, and observation. It was on this mission that the two young officers lost their lives at Langley Field. After participating in the Lindbergh reception up the Potomac River Saturday they were making their way to target practice Monday morning when the accident occurred.

Lieutenant Anderson, observer on the team, had temporarily given up a medical course at the Vanderbilt Medical School for the study of aviation. He had planned to return to the university this fall, where he

had been prominent in student activities. He was a member of the Beta Theta Pi fraternity.

MESSAGES OF SYMPATHY

Messages of heartfelt sympathy are coming from far and near to the bereaved family of Lieutenant McConnell, of which the following are typical:

"Deeply distressed and shocked to learn of the death of your splendid son, of whom I was very fond. My heartfelt sympathy goes out to you and all the family," wired Gus T. Fitzhugh to Mr. A. F. McConnell, father of the dead aviator.

From Maj. Gen. E. J. Williams, commanding officer of the Thirtieth Division, came the message to Adjt. Gen. W. C. Boyd:

"Just saw account deaths of Lieutenants McConnell and Anderson. Sincerest sympathy to their families and Hundred and fifth Squadron."

Lieut. W. V. Andrews, instructor of the local squadron, received the following wire from Major Brereton, commanding officer of the Second Bombardment Group, to Major Bennett and his fellow pilots for loss of Anderson and McConnell:

"Regret exceedingly to learn of the death of Lieutenants McConnell and Anderson, of the One hundred and fifth Observation Squadron. Please extend my deepest sympathy to the families of these National Guard officers."

"Overshadowing brilliant triumph Colonel Lindbergh New York came the sad news your irreparable loss. To die for a high, noble cause is Godlike and far better than to live a life of self-incloistered ease. May God be with you in this your hour of grief. All my sympathy."

"WILLIAM N. CARUTHERS,
"New York City."

"Mrs. Beesley and I were shocked to hear of your great sorrow, and our hearts are overflowing with sympathy for you and your family.

"JESSE C. BEESLEY,
"Murfreesboro, Tenn."

"You and your family have my deepest sympathy at his untimely taking.

"CHAS. B. ROGAN,
"Gallatin, Tenn."

Among other messages of condolence were wires from Lieut. M. D. McKnight, of the One hundred and fifth Squadron, who is on a leave of absence in west Tennessee; from Ben Hall, passenger agent at Jacksonville, Fla.. James G. Ploden, Greenville, S. C.; Brown & Spurlock, Chattanooga, Tenn.; Judge Clem Jones, Athens, Tenn.; F. W. Kelsey, Chattanooga, Tenn.; W. B. Lamb, Fayetteville, Tenn.; Richard R. Gest, Chattanooga, Tenn.; Mr. and Mrs. C. C. Anderson and family, Huntsville, Ala.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PAIUTE INDIAN RESERVATION LANDS

The bill (S. 5346) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes, was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 4, after the word "be," insert the words "made at the same time and"; on page 2, line 4, before the word "said," insert the words "the Reclamation Bureau by"; and on page 1, line 5, after the word "necessary" and the comma, insert the words "reimbursable, but not to be collected during the time the title remains in the original allottee," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,096.01, or so much thereof as may be necessary, for paying the Truckee-Carson irrigation district, Fallon, Nev., in 60 semiannual installments, as equally as may be, the proportionate share of the benefits received by 4,877⅞ irrigable acres of Paiute Indian lands within the Newlands irrigation project, for necessary repairs to the Truckee Canal to restore said canal to its original capacity, said payments to be made at the same time and at the same rate per irrigable acre as that paid to the Reclamation Bureau by said district for other irrigable lands located therein.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS

The bill (S. 4520) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended, was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. EDGE. Mr. President, I move that House bill 13857, which has been passed by the House, be substituted for the Senate bill.

The PRESIDING OFFICER. The Senator from Utah asks that the Senator explain the bill.

Mr. EDGE. I can explain it in a few words. The contractors for the construction of the courthouse building in Washington, D. C., according to the specifications, presented their bids on the morning of April 7, 1917, as is required by other legislation of this character that has been favorably acted upon in the Senate. Later, April 6, the day before this bid went in, was made the date for a readjustment of bids because of war conditions.

The claim was referred to the Comptroller General, but under the strict interpretation of the law the Comptroller General held that it was impossible for him to order payment of the bill. On two separate occasions following that, as is shown by the report from the Secretary of the Treasury, again he was asked if, under the circumstances surrounding this bid, it did not come within the regulations provided, and upon the decision that it did not, this special bill was prepared. It has passed the House, and has been reported by the Senate committee, and I ask for the substitution in order that we may pass the House bill rather than the Senate bill.

Mr. KING. I can not yet understand what obligation the Government might assume on the passage of the bill.

Mr. EDGE. There is so much confusion in the Chamber it is almost impossible to hear the Senator's query.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. EDGE. Will the Senator propound his question again?

Mr. KING. I did not quite understand, because I could not hear, just what the obligation of the Government is, and what the bill will do toward imposing an obligation upon the Government.

Mr. EDGE. I will be glad to reexplain the bill. In inviting proposals for the construction of the courthouse building in Washington the Treasury Department proposed that the bids should be presented on April 7, 1917, at 12 o'clock noon. Agreeably to that proposal the Fuller Co., a company incorporated in New Jersey, presented their specifications and bid for the construction of certain portions of the building and were awarded the contract and carried out the work.

Later, as it had been decided in a number of cases where readjustment was permited because of unusual conditions surrounding the war times, it was provided that April 6, the day before the bid went in, which was the day of the declaration of war, as we all recall, would be the day fixed for the readjustment of all contracts signed on that day or previous to that day.

This company bid on constructing a Government building, meeting the requirements and specifications in the proposal as to hour and date, but lost out by approximately 18 or 20 hours. They went through with their contract completely, and now their claim can not be readjusted because of the fixing of this arbitrary date 15 or 18 hours earlier.

I repeat, the Treasury Department, believing in the absolute justice of the claim, referred it to the Comptroller General on three distinct occasions, asking the Comptroller General if under the circumstances of the bids these did not come within the specifications.

Mr. HARRIS. It only provides that the company shall file a claim with the Treasury Department.

Mr. EDGE. Yes; and I think the Senator from Georgia has in charge a similar bill which follows on the calendar.

Mr. HARRIS. Yes; I have.

Mr. FLETCHER. May I ask what is the amount of the claim contemplated?

Mr. EDGE. In answer to the Senator I will say there is no specific amount of claim. The bill merely provides for a reconsideration of the conditions prevailing at that time as to this company, just as has been done for dozens and dozens of other companies. It does not provide any specific amount. In other words, it gives them a day in court.

The PRESIDING OFFICER. The Senator from New Jersey has asked unanimous consent that the Senate proceed to the consideration of House bill 13857 in the place of Senate bill 4520.

There being no objection, the bill (H. R. 13857) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under

the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, was read twice by its title and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 4520 will be indefinitely postponed.

The bill (H. R. 10957) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other bulidings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT MICHAEL WHITE

The bill (H. R. 5952) for the relief of Robert Michael White was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT WAYNE, IND.

The bill (H. R. 12409) to grant to the city of Fort Wayne, Ind., an easement over certain Government property was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL BUILDING AT DES MOINES, IOWA

The bill (H. R. 13957) to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUBTREASURY BUILDING, NEW ORLEANS

The bill (H. R. 15468) to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF PHILIPPINE CORPORATION LAW

The bill (S. 5738) to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928, was announced as next in order.

Mr. BAYARD. Mr. President, House bill 16881, Order of Business 1772, is a bill which passed the House February 13, 1929. It is identical with Senate bill 5738, and I ask that the House bill be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16881) to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

Mr. KING. Mr. President, will the Senator explain this bill? When any measure affects the right of the Filipinos to govern themselves I want to make some inquiry about it.

Mr. BAYARD. I will be very glad to explain it. This bill was passed at the urgent request of the Philippine Congress in both branches, the leaders of the Filipinos in the Philippine Congress, and at the earnest request of the Governor General, Mr. Stimson.

The purpose of the bill is to modify and broaden the present corporation laws in the Philippines. We passed an act in Congress in 1902, and then we passed the organic act of 1916, which were both very stiff in regard to the granting of corporate powers to chartered companies in the Philippines. It has been found under the practice obtaining there that these restrictive provisions have militated against good commerce and the ability of the Filipinos and those interested in Philippine commerce to extend their operations.

At the request of the Filipinos themselves this matter was taken up, it was thrashed out with great care, not only by both branches of the Philippine Congress but by the Governor General, Mr. Stimson. It came to Congress after the unanimous action of both houses and with the Governor General's approval and recommendation.

I will state to the Senator that it in no way interferes with the right of the Federal Congress to change, alter, amend, or repeal the corporate charters granted thereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 5738 will be indefinitely postponed.

MUNICIPAL CENTER IN THE DISTRICT OF COLUMBIA

The bill (H. R. 16274) to provide for the establishment of a municipal center in the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, all of squares Nos. 490, 491, 533, and reservation 10, in the District of Columbia, including buildings and other structures thereon, as a site for a municipal center, and to construct thereon necessary buildings to house municipal activities: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to close and vacate such portions of streets and alleys as lie between or within such squares, as in the judgment of said commissioners may be necessary, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such site: *Provided further*, That if this property or any part thereof shall be condemned, the Commissioners of the District of Columbia shall be entitled to enter immediately into the possession of any such property for which an award shall have been made by paying the amount of such award into the registry of the Supreme Court of the District of Columbia.

SEC. 2. That there is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia, such sums as may be necessary to carry out the provisions of this act, including not to exceed $10,000 for the employment, by contract or otherwise, of architectural and other professional services, as approved by the commissioners and without reference to the classification act of 1923, as amended.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHILDREN'S TUBERCULOSIS SANATORIUM

The bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to cause to be constructed thereon, in accordance with plans and specifications approved by such commissioners, suitable buildings and structures for use as a children's tuberculosis sanatorium, including necessary approaches and roadways, heating and ventilating apparatus, furniture, equipment, and accessories.

SEC. 2. There is authorized to be appropriated the sum of $500,000, or so much thereof as may be necessary, to carry out the provisions of this act, to be appropriated in like manner as other appropriations for the District of Columbia.

Mr. BINGHAM. Mr. President, I ask the chairman of the Committee on the District of Columbia whether he would be willing to have an amendment in line 1, striking out the words "and directed"? This would leave the bill as an authorization.

Mr. CAPPER. The Senator would limit it to an authorization?

Mr. BINGHAM. Yes.

Mr. CAPPER. I have no objection to the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, strike out the words "and directed," so as to make the clause read: "That the Commissioners of the District of Columbia are authorized to acquire, by purchase, condemnation, or otherwise, a site," etc.

The amendment was agreed to.

Mr. KING. Mr. President, may I ask the Senator from Connecticut whether his committee has agreed to the expenditure of $500,000?

Mr. BINGHAM. I may say that that matter has never come before the Committee on Appropriations. All the Appropriations Committee did was to provide $1,500 for a study of the question so as to see what was the first thing to be done in the way of a hospital for tubercular children.

Mr. KING. I am familiar with that. I am wondering if it is wise to pass a bill now authorizing $500,000 before the report has been made.

Mr. BINGHAM. The Senator is a member of the District of Columbia Committee, and I am not.

Mr. KING. I was unfortunately not able to be present when the bill was considered.

Mr. CAPPER. The committee went into the matter pretty carefully and it was given very careful consideration by the District Committee of the House. Mr. SIMMONS, who was in charge of the District appropriation bill in the House, was very much in favor of the bill as it is now reported to the Senate.

Mr. COPELAND. Mr. President, may I say, too, that the Appropriations Committee gave the matter very careful consideration and I hope the bill will pass.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAND FOR INDIAN COLONY, NEAR ELY, NEV.

The bill (S. 5245) to purchase land for the Indian colony near the city of Ely, Nev., and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $1,000 for the purchase of 10 acres of land now occupied as a camp by the Indian colony near the city of Ely, Nev., and $600 to connect the camp with the city water service by the purchase and installation of pipe and hydrants and the erection of a standpipe with necessary protective structure, the title to be held in the name of the United States Government, for the use of the Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes."

DISABILITY COMPENSATION, DISTRICT OF COLUMBIA

The bill (S. 5676) to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928, be, and it is hereby, amended by adding at the end of said section the following:

"No person who is an officer or employee in the service of any war veterans' or fraternal organization or any lodge or social club not organized for profit, and whether incorporated or unincorporated shall be deemed to be an employee if his usual period of service shall not exceed four hours on one day at intervals of a week or more."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA CODE

The bill (H. R. 12697) to amend the Code of Laws of the District of Columbia relating to interest and usury was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, that is an important measure. I would like to have an explanation of it.

The PRESIDENT pro tempore. The attention of the Senator from Wisconsin [Mr. BLAINE] is requested.

Mr. BLAINE. Mr. President, I want to explain to the Senator from Arkansas that the bill rewrites the present Code of the District of Columbia with reference to usury and adds that if any transaction involving $100,000 or more no corporation shall interpose a defense of a plea of usury in any action at low or in equity.

Mr. ROBINSON of Arkansas. Why is the right of a litigant to plead any defense that the law recognizes denied and the denial based on the question of the amount involved?

Mr. BLAINE. I will explain to the Senator the purpose of the amendment. There are a great many promotion schemes in the District of Columbia. Corporations are organized and in order to get money to carry out their promotion schemes they will contract to pay a very high rate of interest. They will sell their bonds to innocent parties, and then when the interest on the bonds falls due and a suit is brought they interpose the defense of usury. The promotion schemes ought not to be permitted and the purpose of the bill is to prevent a corporation, which enters into a contract providing for the payment of a higher rate of interest than is allowed by law, from having the right to interpose such usury contracts as a defense.

Mr. ROBINSON of Arkansas. I shall ask that the bill go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

ALONZO DURWARD ALLEN

The bill (H. R. 12793) for the relief of Alonzo Durward Allen was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to determine, in accordance with the provisions of the World War veterans' act, 1924, as amended, the degree of disability, if any, of Alonzo Durward Allen, due to the aggravation of an attack of typhoid fever on or immediately after September 18, 1917, resulting from reporting at Memphis, Tenn., for enrollment on said date, and to pay him compensation at the same rate, in the same manner, and subject to the same conditions and limitations as if such disability were the result of such aggravation in the line of duty in the military service of the United States during the World War; except that no compensation shall be payable for any period prior to such determination.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I would like to offer an amendment to the bill. I move to amend it by striking out, on page 2, lines 21 and 22, the words "except that no compensation shall be payable for any period prior to such determination."

This young man is in such condition that he probably will not live a great while and if he is compelled to wait until after its determination before he gets any compensation, he may not live to get any at all. I hope the amendment may be adopted and the bill passed as amended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Mississippi.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 5752) authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims was announced as next in order.

Mr. KING. Mr. President, my understanding is that a similar bill passed some time ago and went to the House, and that they have passed it with some amendments. It has not been returned to the Senate yet. Therefore I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 16877) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as next in order.

Mr. WHEELER. Over.

Mr. BINGHAM. Mr. President, may I ask the Senator his reason for objecting? I may say to him that the bill had very full consideration in the House. The Philippine Delegate made a very eloquent speech in the House urging its passage.

Mr. WHEELER. I objected because I do not know anything about it. I want to look into it before I agree to its passage.

Mr. BINGHAM. Will the Senator be kind enough to ask any question he desires? The House has passed the bill twice.

Mr. WALSH of Massachusetts. Mr. President, the subject matter of this bill has been before the Committee to Audit and Control the Contingent Expenses of the Senate. While we think the bill has some merit, some of us are of the opinion that we are establishing a very dangerous precedent. If we send a board of visitors every two years to the Philippine Islands, we will then have to send a board of visitors to Alaska, to the Hawaiian Islands, to the Virgin Islands, and to Porto Rico, and we will have a continuous activity of this sort.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5601) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma was announced as next in order.

Mr. THOMAS of Oklahoma. Mr. President, this matter is now pending before the Committee on Appropriations in connection with the deficiency appropriation bill, so I ask that the bill may be passed over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over.

MISSISSIPPI RIVER BRIDGE AT VICKSBURG, MISS.

The bill (H. R. 14472) to extend the time for completing the construction of a bridge across the Mississippi River at the city of Vicksburg, Miss., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Mississippi River at the city of Vicksburg, Miss., authorized by the act of Congress entitled "An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg," approved May 3, 1926, be, and the same is hereby, extended to May 3, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, all calendar numbers to and including 1783, being similar bridge bills, will be regarded as having passed through their various parliamentary stages and passed.

Mr. McKELLAR. Mr. President, just a moment. In so far as Calendar No. 1783 is concerned, the House has passed the identical bill, but it has not been reported here yet.

Mr. ROBINSON of Arkansas. Mr. President, I can not consent to that method of passing bills. I think it is absolutely imperative that the bills be called separately, so that the status of them may be checked, even though they are merely bridge bills.

The PRESIDENT pro tempore. The Chair suggested that they are identical bills.

Mr. McKELLAR. Mr. President, a parliamentary inquiry. Has Calendar No. 1783 been passed?

The PRESIDENT pro tempore. At the request of the Senator from Arkansas the bills will be called separately and considered in their order. The Clerk will state the next bill.

OHIO RIVER BRIDGE, KENTUCKY AND OHIO

The bill (H. R. 15201) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio, authorized to be built by the Maysville Bridge Co., its successors and assigns, by the act of Congress approved March 12, 1928, are hereby extended one and three years, respectively, from March 12, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OCMULGEE RIVER BRIDGE, FITZGERALD, GA.

The bill (H. R. 15714) to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga., authorized to be built by J. E. Turner, his heirs, legal representatives, or assigns, by the act of Congress approved April 4, 1928, are hereby extended one and three years, respectively, from April 4, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, RANDOLPH, MO.

The bill (H. R. 16026) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by the act of Congress approved May 24, 1928, to be built by the Kansas City Southern Railway Co. across the Missouri River at or near a point approximately 1 mile southeast of Randolph, Mo., are hereby extended one and three years, respectively, from May 24, 1929.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 5685) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn., was announced as next in order.

Mr. McKELLAR. Mr. President, the House has passed an identical bill and I want to substitute that bill for the Senate bill and pass the House bill and indefinitely postpone the Senate bill. The House bill is H. R. 16959.

Mr. ROBINSON of Arkansas. Has it reached the Senate?

Mr. McKELLAR. It has not and the question is raised in my mind whether we can pass it before it reaches the Senate.

The PRESIDENT pro tempore. The Chair will hold that that may not be done.

Mr. McKELLAR. Then I will ask that the bill may go over for the present and later on in the day after the House bill has been reported to the Senate I will ask permission for its consideration.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4975) to create a commission on establishing a country summer White House was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AMERICAN NATIONAL RED CROSS BUILDING, WASHINGTON, D. C.

The joint resolution (S. J. Res. 185) granting authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C., was considered in Committee of the Whole and was read, as follows:

Resolved, etc., That authority be, and is hereby, given to the American National Red Cross to erect upon square 172, in the city of Washington, D. C., in replacement of the temporary building or buildings erected on such lot under Public Resolution No. 3, Sixty-fifth Congress (S. J. Res. 61), a permanent building for the use of the American National Red Cross in connection with its work in cooperation with the Government of the United States: *Provided*, That the plans for any building which may be erected under this authority shall have been approved by the Commission of Fine Arts, and that such building shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital: *Provided further*, That the cost of the removal of the temporary building or buildings and the erection of the permanent building be borne by the American National Red Cross without expense to the United States: *And provided further*, That said permanent building shall remain the property of the United States Government but under the supervision of the Director of Public Buildings and Public Parks of the National Capital; and the American National Red Cross shall at all times be charged with the responsibility, the care, keeping, and maintenance of the said building without expense to the United States.

Mr. KING. Mr. President, may I ask whether the bill requires any expenditure by the Government or is the expense to be borne entirely by the Red Cross?

The PRESIDENT pro tempore. The attention of the Senator from Ohio is requested.

Mr. FESS. What is the Senator's question?

Mr. KING. Does the bill involve any expenditure by the Government, or is it to be borne by the Red Cross itself?

Mr. FESS. Under this bill the expense is to be paid in full by the Red Cross organization. However, my opinion is that the Government ought to cooperate and pay part of it, but the bill as it stands is without any cost to the Government. A House bill relating to the same subject includes some cost to the Government.

Mr. ROBINSON of Arkansas. The Senate joint resolution under consideration also provides that at all times the Red Cross shall be charged with the upkeep and maintenance of the building.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. ADAMS

The bill (H. R. 1993) to correct the naval record of William E. Adams was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That William E. Adams shall hereafter be held and considered to have been honorably discharged from service in the United States Navy as of the 20th day of October, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5758) amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools

or beaches in the District of Columbia was announced as next in order.

Mr. BAYARD. Mr. President, I would like an explanation of the bill.

Mr. BRATTON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

POLICE AND FIRE DEPARTMENTS, DISTRICT OF COLUMBIA

The bill (S. 5512) to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the official recognition of outstanding acts in the line of duty by the members of the police and fire departments of the District of Columbia there shall be awarded annually one gold medal and one silver medal, appropriately inscribed, to those two members of each department who have by outstanding or conspicuous services earned such awards.

SEC. 2. The awards shall be made annually by a committee of five persons, consisting of the head of each department and three civilians appointed by the commissioners of said District; all to serve without compensation on such committee of award.

SEC. 3. When promotions are being made in the departments the holders of such medals shall be preferred to other members of said departments, other things being equal.

SEC. 4. To provide for the cost of such medals there is hereby authorized to be appropriated annually such sum as the Commissioners of the District of Columbia may deem necessary for the purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN NEVADA

The bill (S. 5379) to authorize the disposition of certain public lands in the State of Nevada was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Western Pacific Railroad Co., a California corporation, be permitted to purchase from the United States, at the price of $2.50 per acre, the south half of the southwest quarter of section 28, township 34 north, range 66 east, Mount Diablo meridian, in Elko County, Nev., containing 80 acres; and that patent shall, after such purchase, issue to said company therefor: *Provided*, That the Western Pacific Railroad Co. file in the district land office at Carson City, Nev., an application for the said lands, and tender payment therefor at the price fixed herein within 60 days of the passage of this act: *Provided further*, That patent issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the land so patented, except sand and gravel, together with the right to prospect for, mine, and remove the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 320) for the adoption of the report of the Committee on Public Lands and Surveys on the investigation conducted under Senate Resolution 202 was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

STATE LIVESTOCK QUARANTINE

The joint resolution (S. J. Res. 202) for the amendment of the act of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist which is not covered by regulatory action of the Department of Agriculture, and for other purposes, was considered as in Committe of the Whole.

The joint resolution had been reported from the Committee on Agriculture and Forestry with an amendment, on page 3, line 4, to strike out the numerals "531" and insert the numerals "831," so as to make the joint resolution read:

Resolved, etc., That the act of February 2, 1903 (32 U. S. Stat. L. 792), as amended by the act of February 7, 1928 (45 U. S. Stat. L. 59), be, and the same is hereby, further amended by adding at the end of section 2 thereof the following:

"*Provided*, That until the Secretary of Agriculture shall have made regulations and taken measures to prevent the introduction or dissemination of the contagion of a contagious, infectious, or communicable disease of livestock, including live poultry, from one State or Territory or the District of Columbia to another, nothing in said act shall prevent or shall be construed to prevent any State, Territory, or District from enacting, promulgating, and enforcing any quarantine, prohibiting or restricting the transportation of any livestock, including live poultry, into or through such State, Territory, District, or portion thereof, from any other State, Terriotry, District, or portion thereof, when it shall be found, by the State, Territory, or District promulgating or enacting the same, that such contagious, infectious, or communicable disease exists in such other State, Territory, District, or portion thereof: *Provided further*, That the Secretary of Agriculture is hereby authorized, whenever he deems such action advisable and necessary to carry out the purposes of this act, as amended, to cooperate with any State, Territory, or District, in connection with any quarantine, enacted or promulgated by such State, Territory, or District, as specified in the preceding proviso."

SEC. 2. That the act of March 3, 1905 (32 U. S. Stat. L. 1264), as amended by the acts of March 4, 1913 (37 U. S. Stat. L. 831), and February 7, 1928 (45 U. S. Stat. L. 59), be, and the same is hereby, further amended by adding at the end of section 1 thereof the following:

"*Provided*, That until the Secretary of Agriculture shall have determined the fact that cattle or other livestock, including poultry, are affected with a contagious, infectious, or communicable disease, and has quarantined a State, Territory, or the District of Columbia, or a portion thereof, with reference to such disease, as provided in this act, as amended, nothing in said act shall prevent or shall be construed to prevent any State, Territory, or District from enacting, promulgating, and enforcing any quarantine, prohibiting or restricting the transportation of any livestock, including live poultry, into or through such State, Territory, District, or portion thereof, from any other State, Territory, District, or portion thereof, when it shall be found, by the State, Territory, or Distict promulgating or enacting the same, that such contagious, infectious, or communicable disease exists in such other State, Territory, District, or portion thereof: *Provided further*, That the Secretary of Agriculture is hereby authorized, whenever he deems such action advisable and necessary to carry out the purpose of this act, as amended, to cooperate with any State, Territory, or District, in connection with any quarantine, enacted or promulgated by such State, Territory, or District, as specified in the preceding proviso."

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Montana explain the purposes of the joint resolution and the changes in the existing law?

Mr. WALSH of Montana. Mr. President, under existing law quarantines against cattle and poultry can be established exclusively by the Department of Agriculture. It was intended to give to the States the authority to establish quarantines wherever the United States has not established one. We enacted a similar law two years ago in relation to plant quarantine, which has proven exceedingly beneficial in operation. The bill is approved by the Department of Agriculture and is regarded as very necessary for the preservation and prosperity of the livestock industry.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. WALSH of Montana. I ask permission to have printed in the RECORD in connection with my remarks just made a letter received by me from W. J. Butler, State veterinary surgeon of Montana.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MONTANA LIVESTOCK SANITARY BOARD,
Helena, December 14, 1928.

Hon. T. J. WALSH,
Washington, D. C.

DEAR SENATOR WALSH: I was chairman of the United States Live Stock Sanitary Association committee on uniform regulations this year. This association, as you know, is an association of regulatory officials interested in livestock sanitary work in various States of the United States, the Federal Government, and the Dominion of Canada.

One recommendation which was made reads as follows:

"Your committee again calls your attention to the decision of the Supreme Court of the United States, No. 187, October term, 1925. This decision, in effect, declared that State quarantines were not operative on interstate shipments when specific authority to govern the spread of disease has been delegated to the Federal Government.

"We recommend that this association authorizes its legislative committee to have drafted and presented to Congress an amendment to the existing Federal laws which will give States the right to establish and enforce quarantine for animal and poultry diseases, on shipments of livestock or poultry consigned to or passing through their respective States."

I do not know just how to go about securing an amendment to the Federal laws, and I am appealing to you for assistance. This amendment, I believe, would require similar action to that which you took for the Department of Agriculture in securing for them Federal recognition for plant quarantine.

We understand that the Supreme Court of Pennsylvania upheld the Pennsylvania Bureau of Animal Industry quarantine restricting the

movement of cattle into or passing through the State of Pennsylvania during the last foot-and-mouth disease outbreak. We also understand that the United States Department of Agriculture regulation provides for the recognition of State quarantines; but I believe we would be in a much safer position if Congress amended the present law so as to give the States the right to establish and enforce quarantines on the interstate shipment of livestock or poultry consigned to or passing through their respective States.

Yours very truly,

W. J. BUTLER,
State Veterinary Surgeon.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ANNUAL LEAVE OF DEPARTMENT OF AGRICULTURE EMPLOYEES

The bill (S. 5307) equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States was considered as in Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with an amendment, in line 4, after the word "of," to insert the words "the act of June 30, 1914 (U. S. C. 58, sec. 535), and," so as to make the bill read:

Be it enacted, etc., That the provisions of the act of June 30, 1914 (U. S. C. 58, sec. 535), and the act of July 24, 1919 (U. S. C. 58, sec. 536), with respect to annual and cumulative leave for certain employees of the Department of Agriculture stationed in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands shall hereafter apply to all employees of said department assigned to permanent duty at any place outside the continental limits of the United States.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, I would like to have the Senator from Arizona [Mr. HAYDEN], who introduced the bill, or the Senator from Oregon [Mr. MCNARY], who reported it, explain it.

Mr. HAYDEN. Mr. President, as the report indicates, the bill affects about 130 employees of the Department of Agriculture out of a total of over 16,000. It applies only to those employees of the Department of Agriculture outside of continental United States, some of whom at this time have the privilege of 30 days' annual leave which may be accumulated for four years, whereas others have no such privilege and in fact have only 15 days' leave. The matter came to my attention when an employee of the Department of Agriculture in Haiti and another one in Panama told me that they were entitled to but 15 days' annual leave, and that it took them a week to come to the United States and a week to go back, so that their leave would all be used up in travel. The bill is strongly recommended by the Secretary of Agriculture and others and is intended to place all these employees on an equal basis.

The bill is strongly recommended by the Secretary of Agriculture. It affects comparatively few persons, and merely proposes to place them all upon an equality.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

Mr. SMOOT. Mr. President, I want to ask the Senator a question. Have not the employees in the Department of Agriculture who are stationed outside of the continental limits of the United States the same leave of absence as have the employees of the other departments?

Mr. HAYDEN. No; there are 37 of them in number who have 30 days' annual leave, which may be accumulated for four years, but there are 135 of them who do not have that privilege, and I am trying to place all upon an equality.

Mr. SMOOT. That is in only one department, however. How about the other departments of the Government?

Mr. HAYDEN. In the War Department, the State Department, and other departments employees may accumulate their leave.

Mr. SMOOT. They have 30 days' leave?

Mr. HAYDEN. Yes.

Mr. SMOOT. Then I have no objection if the employees in the other departments have 30 days' leave, but if they have not I certainly should object to the employees of the Agricultural Department having any advantage.

Mr. HAYDEN. As I understand, the accumulated leave is allowed in the other departments of the Government.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CRATER NATIONAL FOREST

The bill (S. 5529) to add certain lands to the Crater National Forest was announced as next in order.

Mr. MCNARY. Mr. President, I ask that that bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

LEVEE AND DRAINAGE DISTRICTS IN ARKANSAS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement district benefits against certain lands, and for other purposes, which was read, as follows:

Be it enacted, etc., That the consent of the Government of the United States to the levy of special assessments, based upon benefits estimated to be derived from local levee and drainage districts within the boundaries of the St. Francis Levee district of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying said special assessments and providing for the enforcement of such levy and the establishment of a lien and of all remedies pertaining thereto are expressly made applicable to the lands described in this act: *Provided*, That no levy, assessment, or collection of any special assessment shall attach or be applicable to any lands of the United States, nor permit the collection of any special assessment for such tax from the United States Government, nor from any entryman or person as to any such lands until the date when the entryman or purchaser shall become entitled to a patent from the United States for such land. Such levy, special assessment, or tax shall not operate against the Government of the United States, and shall only operate and take effect and be in force when and if the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser, and such entryman or purchaser shall have become entitled to patent therefor.

SEC. 2. That all the acts, levies, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all levies and assessments of benefits against lands, the equitable title to which had passed as provided in section 1 of this act, are hereby cured and confirmed, and the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings based upon the want of authority now conferred by this act.

SEC. 3. That this act shall be available to the St. Francis Levee district of Arkansas, and to any drainage district within the boundaries of the St. Francis Levee district heretofore or hereafter created, as expressing the consent of the Government to the special assessments fixed substantially in accordance with the laws of Arkansas and this act.

SEC. 4. That in all cases where there has been a foreclosure of the liens of any improvement district and said lands have been purchased by the said districts, it shall be the duty of the Commissioner of the General Land Office, upon proof of such sale and purchase and upon the payment of the sum of $5 per acre, together with the usual fees and commissions charged entry of lands under the homestead laws, where such payment has not heretofore been made, to execute to said district or districts a patent to said lands; and in all cases of future foreclosures and purchases by said districts it shall be the duty of the Commissioner of the General Land Office, upon the payment of a like sum and proof of the foreclosure and purchase by the said districts, to execute to them patents for the lands so purchased upon the expiration of the period of redemption in the areas in Mississippi and Poinsett Counties, described in the act of January 17, 1920.

SEC. 5. If any portion of this act be held unconstitutional, such decision shall not affect the remaining provisions of the act.

SEC. 6. This act shall repeal all laws and parts of laws in conflict herewith and shall take effect forthwith.

Mr. KING. Mr. President, I should like to ask the Senator from Arkansas to favor us with an explanation of that bill.

Mr. CARAWAY. Mr. President, I hope I may do so quite briefly. Drainage and levee districts were established in my State to reclaim lands from overflows and from accumulated surplus waters. All of the cost of those drainage and levee districts is paid by the landowners who are benefited by the drainage work. A decision of the Supreme Court exempted out about 20,000 acres of such land because the title was in the Government at the time the districts were formed, although the landowners petitioned for the improvement. As everybody could not be made to pay, others similiarly situated quit. We passed a measure through the Senate intended to accomplish the same purpose as this bill, but some lawyer down there thought there was a difference between a bill and a Senate joint resolution. So we propose to pass this new measure.

Mr. KING. There is no obligation imposed on the Government?

Mr. CARAWAY. No.

Mr. ROBINSON of Arkansas. It is merely proposed to permit land formerly owned by the Government and passing to private ownership to bear its share of burdens?

Mr. CARAWAY. Yes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCES BY CENTRAL PACIFIC AND SOUTHERN PACIFIC RAILWAYS

The Senate, as in the Committee of the Whole, proceeded to consider the bill (H. R. 14457) validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., which was read, as follows:

Be it enacted, etc., That the conveyances hereinafter particularly described and heretofore executed by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain lands or interests therein, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, and forming a part of the right of way of said Central Pacific Railway Co., granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (vol. 12, U. S. Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862" (vol. 13, U. S. Stat. L. 356), are hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyances by the corporations making the same under absolute fee simple title.

The conveyances, recorded in office of county recorder of San Joaquin County, Calif., in book of official records, which are hereby legalized, validated, and confirmed, are as follows:

1. September 6, 1928; Mary A. Larson; volume 247, page 211.
2. September 6, 1928; Pacific Fruit Exchange, a corporation; volume 247, page 213.
3. September 6, 1928; San Joaquin County Table Grape Growers' Association, a corporation; volume 247, page 214.
4. October 3, 1928; San Joaquin County Almond Growers' Association, a corporation; volume 247, page 260.
5. October 3, 1928; National Fruit Products Co., a corporation; volume 247, page 261.
6. October 3, 1928; Beckman, Welch & Thompson Co., a corporation; volume 248, page 480.
7. September 6, 1928; C. C. Bidwell; volume 249, page 371.
8. September 6, 1928; Bert Rinfret; volume 249, page 373.
9. August 28, 1928; Joseph P. Gilbeau, also known as J. P. Gilbeau; volume 249, page 374.
10. September 6, 1928; Annie T. Kels; volume 249, page 376.
11. August 28, 1928; Theodore H. Beckman; volume 249, page 377.
12. September 6, 1928; J. Henry Pope; volume 249, page 379.
13. September 6, 1928; Frank H. Buck Co., a corporation; volume 249, page 380.
14. September 6, 1928; Silas W. Hopkins; volume 250, page 302.
15. September 6, 1928; Emma Corbin; volume 250, page 303.
16. September 6, 1928; Vineyard Farming Co., a corporation; volume 250, page 304.
17. September 6, 1928; county of San Joaquin, a political subdivision of the State of California; volume 250, page 306.
18. October 3, 1928; The Lodi Canning Co., a corporation; volume 250, page 354.
19. October 3, 1928; John C. Bewley; volume 250, page 356.
20. September 6, 1928; Lawrence Holding Co., a corporation; volume 255, page 216.
21. September 6, 1928; Theodore H. Beckman; volume 255, page 218.
22. September 6, 1928; Pacific Gas & Electric Co., a corporation; volume 256, page 173.
23. September 6, 1928; Union Ice Co., a corporation; volume 256, page 174.
24. September 6, 1928; Adolphus Eddlemon; volume 256, page 175.
25. September 6, 1928; Nellie R. Henderson and Georgia H. Garner; volume 256, page 177.
26. September 6, 1928; Sarah J. Graham; volume 256, page 178.
27. September 6, 1928; C. R. Van Bushkirk; volume 256, page 179.
28. September 6, 1928; George Le Feber; volume 256, page 181.
29. September 6, 1928; City of Lodi, a municipal corporation of the State of California; volume 256, page 182.
30. September 6, 1928; George Kaiser and Mattie M. Stein; volume 256, page 184.
31. September 12, 1928; California Trust Co., a corporation; volume 256, page 192.
32. October 3, 1928; Henry C. Beckman, also known as H. C. Beckman; volume 256, page 248.
33. October 6, 1928; Lee Jones; volume 256, page 262.
34. September 6, 1928; George W. Ashley; volume 257, page 241.
35. September 6, 1928; John N. Ballantyne and John C. Bewley; volume 257, page 243.
36. September 6, 1928; Lodi Fruit Growers Association, a corporation; volume 257, page 244.
37. August 28, 1928; A. V. Friedberger, Leo Friedberger, Maurice Friedberger, Ray Friedberger, and William Friedberger; volume 257, page 246.
38. September 6, 1928; Security Building and Loan Association, a corporation; volume 257, page 247.
39. September 6, 1928; Herschel T. Mason; volume 257, page 249.
40. October 3, 1928; Earl Fruit Co., a corporation; volume 257, page 320.
41. October 3, 1928; the Citizens' National Bank of Lodi, a corporation; volume 262, page 16.
42. October 6, 1928; Lodi Storage and Milling Co., a corporation; volume 262, page 32.

Provided, That such legalization, validation, and confirmation shall not in any instance diminish said right of way to a width less than 50 feet on either side of the center of the main track or tracks of said Central Pacific Railway Co. as now established and maintained: *And provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Co. and its lessee, Southern Pacific Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. ROBINSON of Arkansas. Mr. President, I should like to have a statement of the purpose of this bill.

Mr. JOHNSON. Mr. President, in the vicinity of the little city of Lodi and the city of Acampo there are certain lands that have been held by various individuals and their predecessors for 30, 40, and 50 years, respectively. The Central Pacific Railroad was one of the land-grant railroads, and to it was granted the right of way for its railroad tracks in that vicinity. The individuals who come here seeking relief, in asking that their title be validated, are those who acquired from the United States Government and have been in possession for the periods of time I have indicated. Their title never had been questioned, for the right of way never was utilized by the railroad company until in 1925 the Southern Pacific Co. began an action to recover certain lands embraced within streets in the city of Stockton. Then the title companies, for the first time, questioned the title of individuals at Lodi and others near Acampo on the right of way of the Central Pacific. Everybody is agreed upon the measure, so far as that is concerned, including the railroad company, the Government, and the landowners. The desire is simply to settle the one technical question of title that has been raised by one of the title companies.

Mr. WALSH of Montana. Is this land within the exterior limits of the right of way?

Mr. JOHNSON. Yes, sir.

Mr. WALSH of Montana. Am I to understand that the bill provides that the consent of the railroad company be given?

Mr. JOHNSON. Yes, sir; and they have already executed quitclaim deeds to it.

Mr. WALSH of Montana. This is for the purpose of quieting the title of their grantees?

Mr. JOHNSON. Yes, sir.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LASSEN VOLCANIC NATIONAL PARK IN CALIFORNIA

The bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That, when the public interests will be benefited thereby, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept, on behalf of the United States, title to any land within exterior boundaries of Lassen Volcanic National Park which, in the opinion of the Director of the National Park Service, are chiefly valuable for forest or recreational and national park purposes, and in exchange therefor may patent not to exceed an equal value of such national-park land within the exterior boundaries of said national park; or the Secretary of the Interior may authorize the grantor to cut and remove an equal value of timber in exchange therefor from certain designated areas within the exterior boundaries of said national park: *Provided*, That such timber shall be cut and removed from such designated area in a manner that will not injure the national park for recreational purposes and under such forestry regulations as shall be stipulated, the values in each case to be determined by the Secretary of the Interior. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of Lassen Volcanic National Park.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUNICIPAL BATHING POOLS, DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, I ask unanimous consent to revert to Order of Business 1778, being House bill 5758, which was passed over a few moments ago during my absence from the floor. The bill authorizes the construction of bathing pools in the District of Columbia and provides a program which is now desired by all the city authorities. Three years ago Congress authorized the construction of two large bathing pools. Quite a controversy arose; that plan was abandoned, and this plan, which has the approval of all groups at interest and of the civic associations and the District authorities, was substituted for that plan. Already two small pools have been constructed, and there has been no objection from anyone. This bill contemplates some other smaller pools.

Mr. ROBINSON of Arkansas. May I ask the Senator where the pools are to be located?

Mr. CAPPER. That is left, according to the bill, to the Director of Public Buildings and Public Parks of the National Capital, subject to the approval of the National Park and Planning Commission, and after consultation with the Commission of Fine Arts. The bill does not designate the location.

Mr. KING. Will the Senator explain whether the funds for this purpose are chargeable in part to the District or are entirely to be paid by the Government of the United States?

Mr. CAPPER. The money for the purpose is to come out of appropriations for the expenses of the government of the District of Columbia.

Mr. KING. I did not understand the Senator.

Mr. CAPPER. The Senator will find on page 2, lines 12, 13, and 14, that—

> the appropriation of the sums necessary for the purposes named is hereby authorized to be paid in like manner as other appropriations for the expenses of the government of the District of Columbia.

The PRESIDENT pro tempore. Is there objection to the request preferred by the Senator from Kansas, namely, that the Senate recur to Order of Business No. 1788?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5758) amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia, which was read, as follows:

Be it enacted, etc., That the act entitled "An act for the establishment of artificial bathing pools or beaches in the District of Columbia," approved May 4, 1926 (44 Stat. L. 394), is hereby amended and reenacted so as to read as follows:

SECTION 1. That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to locate and construct in the District of Columbia, subject to the approval of the National Capital Park and Planning Commission, and after consultation with the Commission of Fine Arts, as appropriations shall be provided therefor, artificial bathing pools or beaches, not exceeding six in number, with suitable buildings, shower baths, lockers, provisions for the use of filtered water, purification of the water, and all things necessary for the proper conduct of such pools or beaches, and to conduct and maintain the same. The cost of construction of any of these pools or beaches, with buildings and equipment, shall not exceed $150,000 each, and the appropriation of the sums necessary for the purposes named is hereby authorized to be paid in like manner as other appropriations for the expenses of the government of the District of Columbia.

SEC. 2. The Director of Public Buildings and Public Parks of the National Capital may, in the interest of economy and good administration, with the consent of the Commissioners of the District of Columbia, transfer for such period as he shall determine, to said commissioners the possession, control, and maintenance of any of said bathing pools or beaches. Otherwise they shall be operated and maintained by the said Director of Public Buildings and Public Parks, and in either case the official conducting any bathing pool or beach is hereby authorized to charge and collect a reasonable fee for the use and enjoyment of such pool or beach, such fees to be paid weekly to the collector of taxes of the District of Columbia for deposit in the Treasury to the credit of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COUNTRY SUMMER WHITE HOUSE

Mr. BLAINE. Mr. President, I ask unanimous consent to revert to Order of Business 1784, being the bill (S. 4975) to create a commission on establishing a country summer White House.

The PRESIDENT pro tempore. Is there objection?

Mr. BLEASE. I ask that the bill go over.

Mr. FESS. Mr. President, will the Senator withhold objection for just a moment?

Mr. BLEASE. I am opposed to the bill. It will simply take up the time of the Senate, and I object.

Mr. FESS. Will the Senator withhold his objection for just a moment?

Mr. BLEASE. I withhold it if the Senator wants to talk, but, as I say, it will merely take up time.

Mr. FESS. Mr. President, there has been considerable contention about the proposal to provide for a summer White House. The one seeming rational position to take would be to establish a commission made up of the Vice President, the Speaker of the House, the chairman of the respective Committees on Public Buildings and Grounds of the House and Senate; the ranking member of those committees in each body, and the Architect of the Capitol, together with the chairman of the Park and Planning Commission.

There has been some doubt as to the wisdom of the proposal which has been made, accompanied by a recommendation which is here before the Senate and also before the House, that a certain amount be appropriated to put in shape buildings at a certain location now owned by the Government. Consequently, it seems to me that the proper thing to do would be to create such a commission as that provided for in this bill to which such proposals may be submitted. If it then appears wise that action be taken the commission can so report. On the other hand, if the commission deems it unwise——

Mr. McKELLAR. Mr. President——

Mr. WALSH of Montana. I ask for the regular order.

The PRESIDING OFFICER. Unanimous consent is refused and the bill will go over. The clerk will report the next bill on the calendar.

The bill (H. R. 15651) for the relief of Leonidas L. Cochran was announced as next in order.

Mr. FESS. Mr. President, I will speak on that bill.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. FESS. The commission would be the best judge of the wisdom of the recommendation coming from the Budget Bureau for an appropriation of $48,000 to put in shape a property already owned by the Government.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. FESS. I will yield in a moment. If, on the other hand, it should appear unwise to establish either a summer White House at some other location or to improve the grounds already owned by the Government, the commission would be the best judge of that. I am attempting to lodge this question with a commission whose judgment would be wise and could guide us in the course which should be pursued. That is why I have provided in this bill for a permanent commission to be created. I now yield to the Senator from Pennsylvania.

Mr. GLASS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. GLASS. Has the bill been objected to?

The PRESIDENT pro tempore. The bill has been objected to and passed over, but the Senator from Ohio was recognized to speak upon Order of Business No. 1800, which is now before the Senate.

Mr. GLASS. But he is not doing that.

Mr. FESS. I am exercising my rights under the rules of the Senate.

The PRESIDENT pro tempore. The Chair believes the Senator from Ohio is still within his rights under the rules.

Mr. REED of Pennsylvania. I saw it reported in the newspapers that a bill was pending here to put in order as a summer White House Government property at a place called Mount Weather, Va.

Mr. FESS. Yes.

Mr. REED of Pennsylvania. Is there such a bill on the calendar?

Mr. FESS. There is no such bill on the calendar. Such a bill has been introduced, but it has not been acted upon. Not only that, but there is a recommendation that comes from the Budget Bureau that $48,000 be appropriated for that purpose. I am not certain that it ought to be done.

Mr. REED of Pennsylvania. The pictures of Mount Weather as shown in the newspapers indicate that it has about as much charm as a reform school.

Mr. FESS. That is my impression.

Mr. REED of Pennsylvania. There would appear to be no trees there.

Mr. FESS. I agree with the Senator. My hope was that we could place this matter in the hands of a commission whose judgment could be relied upon.

Mr. DILL and Mr. McKELLAR addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. FESS. I yield first to the Senator from Washington.

Mr. DILL. Does not the Senator think that the same kind of a commission might well give consideration to the question of a home for the Vice President?

Mr. FESS. That is another important feature which I should like to see the Senate consider.

Mr. McKELLAR. Mr. President, does not the Senator think that the President ought to be permitted to select his own place for having a summer vacation?

Mr. FESS. I think that, of course, goes without saying.

Mr. McKELLAR. I think he should.

Mr. COPELAND. Mr. President, I am hoping that there will be a Democratic President some time, and I should like to see a summer White House where he could be made comfortable. Pending that time, I think we should do our part to make the President of the United States comfortable during the heated season in this city.

I am usually out of harmony with the Senator from Ohio, but this time I think he is right, and I hope his project will succeed.

The PRESIDENT pro tempore. It can not to-day, in view of the objection raised by the Senator from South Carolina.

LEONIDAS L. COCHRAN

The PRESIDENT pro tempore. Is there objection to the consideration of House bill 15651?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOULA NATIONAL FOREST, MONT.

The bill (H. R. 14148) to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 14761) for the relief of Clarence Stevens was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 14981) for the relief of Josephine Laforge (Sage Woman) was announced as next in order.

Mr. WALSH of Montana. I ask to have that bill also go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM W. HEAD, DECEASED

The bill (H. R. 15700) for the relief of the heirs of William W. Head, deceased, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXCHANGE OF LANDS IN MONTANA

The bill (H. R. 15724) to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREE TEXTBOOKS FOR PUPILS OF DISTRICT PUBLIC SCHOOLS

The bill (H. R. 12739) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was considered as in Committee of the Whole.

Mr. CAPPER. Mr. President, I submit two amendments to this bill.

The PRESIDENT pro tempore. The amendments will be stated.

The CHIEF CLERK. On page 1, lines 6 and 7, it is proposed to strike out the comma following the word "textbooks" and the words "supplemental books, and other necessary educational books."

Mr. BAYARD. Mr. President, it is entirely impossible to hear anything that is going on. Can we not have order?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BAYARD. May the amendment be stated again?

The PRESIDENT pro tempore. The amendment will again be stated.

The CHIEF CLERK. On page 1, lines 6 and 7, it is proposed to strike out the comma following the word "textbooks" and the words "supplemental books, and other necessary educational books."

Mr. KING. Mr. President, the Senator from Colorado [Mr. PHIPPS] has objected to this bill several times. I do not think the Senate should take it up in his absence.

Mr. CAPPER. The amendments I have just presented are suggested by the Senator from Colorado and made the bill entirely satisfactory to him. They are also agreed to by the superintendent of schools and the Board of Education.

Mr. HEFLIN. Mr. President, I have two amendments to this bill. If the Senator from Kansas will accept them, very well. If not, the bill must go over. I ask to have them read at the desk.

The PRESIDENT pro tempore. We must dispose of the amendment that has already been stated to the Senate.

Mr. BLACK. Mr. President, I desire to ask the Senator from Kansas a question about that amendment. I have some objections which have been received in my office to this bill, with the statement that the Senator from Colorado [Mr. PHIPPS] has amended it in some way so as to prevent the furnishing of free textbooks to all the pupils in the schools, and a protest by the Board of Education of the District of Columbia.

Mr. CAPPER. The Board of Education of the District of Columbia agrees to the amendments I have submitted. The terms of the bill were rather broad as it was first presented to the Senate; and the Senator from Colorado thought it gave too much leeway in the selection of supplemental or extra books for the students of the senior and junior high schools. The Board of Education advise us that the amendments will make the bill entirely satisfactory to them, and they can obtain all the books that are required by the students of the junior and senior high schools.

Mr. McKELLAR. Will the Chair permit the amendments to be restated, so that we may understand what they are?

The PRESIDENT pro tempore. The amendment will be stated once more.

The CHIEF CLERK. The first amendment is, on page 1, lines 6 and 7, to strike out the comma following the word "textbooks" and the words "supplemental books, and other necessary educational books."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. GLASS. Mr. President, I have no objection to the amendment proposed, but it seems that we are to have other amendments; and if the bill is going to take up the time of the Senate, and prevent us from reaching other bills on the Unanimous Consent Calendar, I am going to object.

The PRESIDENT pro tempore. The bill will go over under the objection raised by the Senator from Virginia.

Mr. CAPPER. To the amendment I have submitted there is no one objecting.

Mr. GLASS. I am not objecting to the Senator's amendment, but other amendments are to be proposed.

Mr. CAPPER. I know nothing as to the other amendments.

Mr. HEFLIN. I have some amendments. I should like to have them read.

The PRESIDENT pro tempore. May we not have action on the amendment that has been stated?

Mr. BRATTON. I think the bill should go over.

The PRESIDENT pro tempore. On the objection of the Senator from New Mexico, the bill will be passed over.

Mr. SACKETT. Mr. President, would the Senator object to having this one amendment disposed of, so that we may perfect the bill?

Mr. HEFLIN. Mr. President, I ask that the bill go over unless my amendments are going to be accepted, because there is going to be a vote on them.

The PRESIDENT pro tempore. The bill will be passed over.

FEDERAL CONTROL OF RAILROADS

The bill (S. 3623) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, was announced as next in order.

Mr. KING. Mr. President, will the Senator from Michigan [Mr. COUZENS] give us a brief explanation of this bill? It is a very important measure and I should like to understand its terms.

Mr. COUZENS. Mr. President, this bill, Senate bill 3623, was introduced at the last session of Congress for the purpose of carrying out a difference of opinion that arose between the Director General of Railroads and the Interstate Commerce Commission. It applies solely to the short-line railroads.

A controversy arose between the Interstate Commerce Commission and the Director General of Railroads as to when, if

at all, certain short-line railroads went under Government control. This bill, as proposed to be amended by the Committee on Interstate Commerce, gives permission to have a trial case brought before the court in the District to determine whether the Director General or the Interstate Commerce Commission interprets section 202 of the transportation act correctly. The bill provides for incurring no expense at all, but gives to the court jurisdiction to determine which of these two agencies of the Government is correct in its interpretation of this act.

Mr. McKELLAR. Mr. President, do I understand the Senator to say that all that is provided for is that there may be a lawsuit about the matter, in order that the courts may decide the situation upon the law and the evidence?

Mr. COUZENS. That is correct; and they have agreed to make one test case, instead of cluttering up the courts with different suits brought by the short-line railroads.

Mr. ROBINSON of Arkansas. Mr. President, what is the question that the courts will be empowered to decide if the bill passes?

Mr. COUZENS. If the Senator will look at the report he will find that at one time the Director General of Railroads said that certain railroads under President Wilson's order came under Government control. The Interstate Commerce Commission said that there was another time when they came under Government control; and the court is to determine the time when they did come under Government control for the purpose of settling the claims either of the Government against the short-line railroads or of the short-line railroads against the Government.

Mr. ROBINSON of Arkansas. Why can not that question be determined now in a proper proceeding? Why has it not been determined?

Mr. COUZENS. Because the Interstate Commerce Commission and the Director General of Railroads have not agreed, and the Interstate Commerce Commission has reversed itself as to the determination of the time and left certain short-line railroads up in the air, without any way of adjudicating their cases, and other cases have been adjudicated.

Mr. ROBINSON of Arkansas. It is found necessary in order to adjudicate the claims of the short-line railroads?

Mr. COUZENS. Yes. The Interstate Commerce Committee have been negotiating with the Interstate Commerce Commission and the short-line railroads for over a year to devise language that was satisfactory to the Interstate Commerce Commission to have this matter adjudicated.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. COUZENS. I yield.

Mr. BLAINE. If I understand the Senator correctly, the case will be a moot case.

Mr. COUZENS. Oh, no; they will take one concrete case which involves the same principle that is involved in all the other cases.

Mr. ROBINSON of Arkansas. It will be a test case.

Mr. BLAINE. Will it be seeking an advisory opinion?

Mr. COUZENS. Oh, no; it will be a test case. It will be a concrete case, with the same principle involved that is involved in the cases of all the other short-line railroads.

Mr. BLAINE. Brought by one of the roads against the department?

Mr. COUZENS. Yes.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COUZENS. Yes.

Mr. FESS. I have two or three telegrams from Cleveland protesting against the passage of the bill. If the bill does nothing more than the Senator says—and I have no reason to believe that he is incorrect about it—it seems to me there is no objection to the passage of the bill. Notwithstanding the fact that I have some telegrams expressing opposition to it, I am inclined to let the bill go through.

Mr. COUZENS. I think the Senator's constituents have misunderstood the nature of the bill.

Mr. ROBINSON of Arkansas. Mr. President, we can not hear what is being said. If there is anything important going on over there, we should like to hear it.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. FESS. I was just stating to the Senator that I had had some protests in the form of telegrams from Cleveland, Ohio, against the passage of this bill; but I can not see any basis for the protests, for, as the Senator explains the matter, this is simply an opportunity to adjudicate a point in difference that ought to be cleared up. For that reason I am not inclined to oppose the bill.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and insert:

That section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, be amended and reenacted by adding thereto a new paragraph to be known as paragraph (h).

(h) If the claim of any carrier under this section is denied in whole or in part by the commission, the several district courts of the United States shall have jurisdiction, upon a petition of such carrier to enjoin and set aside such action of the commission, to hear and determine questions of law arising upon such claims in the same manner and to the same extent as they now hear and determine questions of law in cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission under the act entitled "An act to create a commerce court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, as amended by the act entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes," approved October 22, 1913; and the provisions of said act shall apply to all such proceedings under this amendment: *Provided*, That if the petition is for the enjoining and setting aside of any such action taken by the commission prior to the approval of this amendment said petition shall be filed within one year from the time when this act is approved, and not after; and if the petition is for the enjoining and setting aside of any such action taken by the commission after the approval of this amendment, said petition shall be filed within one year from the time when such action is taken by the commission, unless within such period the carrier and the commission agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of the final decision in one or more named cases then pending before the courts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF FARMERS IN ORANGE COUNTY, N. Y.

The bill (S. 5743) authorizing an appropriation of $50,000 for the purchase of seed, feed, and fertilizer to be supplied to farmers in the flooded sections of Orange County, N. Y., and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. COPELAND. Mr. President, was this bill objected to?

The PRESIDENT pro tempore. Yes.

Mr. COPELAND. I do not know who made the objection.

Mr. BAYARD. I made the objection.

Mr. COPELAND. If the Senator will withhold his objection for a moment, I should like to explain the object of the bill.

Mr. BAYARD. I shall be glad to do so.

Mr. COPELAND. In the Wallkill Valley over two or three years there have been several floods, and as a result of them a thousand families are without means of support. They have no money to buy seed or fertilizer; and the object of this bill is the very obvious purpose of relieving their necessities.

Mr. BAYARD. I shall have to continue my objection, Mr. President.

The PRESIDENT pro tempore. The objection is maintained, and the bill will be passed over.

BILL PASSED OVER

The bill (S. 3913) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, was announced as next in order.

Mr. KING. Let the bill be explained, Mr. President.

The PRESIDENT pro tempore. Neither the author of the bill nor the Senator who reported it is present.

SEVERAL SENATORS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

INCINERATORS FOR REFUSE IN THE DISTRICT

The bill (S. 5598) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern high-temperature incinerators for the destruction of combustible refuse, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 4, line 12, after the word "exceeding," to strike out "$725,000" and insert "$850,000," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to acquire, by purchase at such price or prices as, in their judgment, they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation, in accordance with the provisions of Chapter XV of the Code of Laws for the District of Columbia, under a proceeding or proceedings in rem instituted in the Supreme Court of the District of Columbia, two suitable and properly located sites in the District of Columbia, one in the southeastern section not exceeding 100,000 square feet in area, and one in Georgetown, not exceeding 49,000 square feet in area: *Provided*, That if the said sites or any part thereof be condemned the said commissioners shall be entitled to enter immediately into possession of any property for which an award shall have been made by paying the amount of such award into the registry of the Supreme Court of the District of Columbia: *Provided further*, That authority is hereby granted to occupy, in addition to the site to be acquired in the southeastern section, such public highways and alleys or parts of public highways and alleys as abut or fall within said site, but the owners of abutting property shall not be denied the use of such highways or parts of highways for ingress and egress.

SEC. 2. That the said commissioners are authorized to erect upon each of said sites a modern, high-temperature refuse incinerator and the necessary equipment for its efficient operation, the combined capacity of such incinerators to be sufficient to consume the entire production of combustible refuse, including street sweepings, in the District of Columbia; and the said commissioners are further authorized to do such grading and fencing of the sites as may be necessary, and to construct loading hoppers, separating plants, ramps, platforms, and buildings for the storage of equipment.

SEC. 3. That the said commissioners shall give reasonable public notice thereof and shall fix a date after which all combustible refuse collected by public or private agencies in the District of Columbia shall be delivered at the incinerators herein provided for, for disposal, except that hotels, apartment houses, business houses, or residences may dispose of their own refuse in their own incinerators: *Provided*, That such incinerators are inspected and approved for use by the proper agency of the District of Columbia; and after such date it shall be unlawful for any person, firm, company, or corporation to dispose of any combustible refuse in any other manner or at any other place than that prescribed by the said commissioners. The said commissioners are hereby empowered and authorized to make and enforce such regulations as they may deem necessary and proper to carry out the purposes of this act.

SEC. 4. That from and after the date when the incinerators herein authorized to be constructed shall be in operation it shall be unlawful for any person, firm, company, or corporation to burn or in any way dispose of combustible refuse in any manner or at any place other than that prescribed by the said commissioners, except as hereinbefore designated. A violation of the provisions of this act shall be a misdemeanor; and, upon conviction thereof, the person, firm, company, or corporation so charged shall be fined not more than $100 for each and every offense, or confined in the District of Columbia jail for a period not exceeding 60 days, or both, in the discretion of the courts.

SEC. 5. That, in order to dispose of combustible refuse in the manner provided by this act, the commissioners are authorized to purchase motor trucks and trailers and other means of transportation, to install additional equipment, buildings, and machinery, and to employ personal services and labor.

SEC. 6. That a sum not exceeding $850,000 is hereby authorized to be appropriated, in like manner as other appropriations, for the expenses of the District of Columbia, for sites, buildings, equipment, and other construction work authorized by this act, of which amount $25,000 or so much thereof as may be necessary may be expended for the employment of one or more experts for engineering studies, to determine the possible generation or use of available power resulting from incineration of combustible refuse, and for preparation of plans and specifications; and, upon completion of the incinerators herein provided for, the said commissioners shall abandon the use of the leased plant at Montello Avenue and Mount Olivet Road NE.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 5879) authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows.

The message also announced that the House had passed the bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes; and

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the causes and means of transmission of yellow fever.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to each of the following bills:

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions; and

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16839. An act to provide for investigation of sites suitable for the establishment of a naval airship base; and

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps";

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservation, Ariz.;

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania;

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928;

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;

H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.;

H. R. 15712. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;

H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard;

H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit;

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; and

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park.

BILL PASSED OVER

The bill (S. 1896) authorizing the Secretary of the Treasury to amend the contract executed by the Treasury Department for the construction of the Edward Hines Junior Hospital at Broad View, Ill., was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

OIL AND GAS PROSPECTING PERMITS AND LEASES

The bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 1, line 7, after the words "to the," to strike out "Northeast quarter and north half of southwest quarter of section 5; the east half of northeast quarter and northeast quarter of southeast quarter of section 6; the southwest quarter of northeast quarter, south half of northwest quarter, and southeast quarter of section 29; the."

The amendment was agreed to.

Mr. WHEELER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSTRUCTION OF PUBLIC WORKS

The bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SWANSON. Mr. President, I hope the Senator——

Mr. KING. We can take it up at a later date. It would take too long now. I have several amendments to offer.

MISSOURI RIVER BRIDGE, IOWA

The bill (S. 5583) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa, was announced as next in order.

Mr. BROOKHART. Mr. President, a bill identical with this has passed the House and was substituted for this and passed the Senate. I therefore ask that this bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, that order will be entered.

MISSISSIPPI RIVER BRIDGE, TENNESSEE

Mr. McKELLAR. Mr. President, I ask unanimous consent to return to Senate bill 5685, to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn. Since that bill was passed over a few moments ago there has been sent to the Senate House bill 16959, which has passed the House, and I move that that bill be substituted for the Senate bill and that we proceed to the consideration of the bill.

There being no objection, the bill (H. R. 16959) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn., was read twice by its title and considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River at or near Tiptonville, Tenn., authorized to be built by J. T. Burnett, his heirs, legal representatives, and assigns, by the act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McKELLAR. I move that Senate bill 5685 be indefinitely postponed.

The motion was agreed to.

INTERNATIONAL STREET, ARIZONA

Mr. HAYDEN. Mr. President, when Calendar No. 1747 was reached, I asked that the bill be temporarily passed over until an identical House bill could be sent over to the Senate. The House bill is now here on the table, and I ask that it be substituted for the Senate bill and that we proceed to its consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 16661) to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928, was read twice by its title and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 5581 will be indefinitely postponed.

MISSOURI RIVER BRIDGE, KANSAS

The bill (S. 5758) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 8, to strike out "the date of approval hereof" and insert in lieu thereof "May 22, 1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAKE CHAMPLAIN BRIDGE

The bill (S. 5045) authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from the town of Alburgh, Vt., to the town of Swanton, Vt., the said right and privilege to extend across Lake Champlain along the shore line 1 mile each way, northerly and southerly from the Central Vermont Railway Co.'s bridge on the Swanton shore and 1 mile northerly from said bridge and southerly from said bridge to the south end of McGregors Point, so called, on the Alburgh shore at a point at or near East Alburgh was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 5, to strike out "Alburgh" and insert "Alburg"; in line 5, after "near," insert "west"; on page 3, line 16, strike out "twenty" and insert "five"; on page 5, line 19, strike out "this" and to insert in lieu thereof "his"; on page 6, after line 9, to insert a new section, as follows:

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act, and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

On page 7 change the section number from "8" to "9."

So as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Jed P. Ladd, of Burlington, Vt., his heirs, legal representatives, and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near East Alburg, Vt., and a point at or near West Swanton, Vt., in

accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Jed P. Ladd, his heirs, legal representatives, and assigns all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Jed P. Ladd, his heirs, legal representatives, and assigns are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Vermont, any public agency or political subdivision of such State within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and it approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivision thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjudged as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. Jed P. Ladd, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway department of the State of Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of such State shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Jed P. Ladd, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Jed P. Ladd, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or persons.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt."

OHIO RIVER BRIDGE, WEST VIRGINIA

The bill (S. 5735) granting the consent of Congress to the city of Wheeling, W. Va., to construct, maintain, and operate a free highway bridge across the east channel of the Ohio River, was announced as next in order.

Mr. DALE. Mr. President, I ask that that bill be taken from its place under Rule VIII and be put under Rule IX.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ST. LAWRENCE RIVER BRIDGE, NEW YORK

The bill (S. 5706) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, Frank A. Augsbury, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Lawrence River, so far as the United States has jurisdiction over the waters of said St. Lawrence River, at a point suitable to the interests of navigation at or near Morristown, St. Lawrence County, N. Y., to some suitable or convenient point at or near Brockville, in the Province of Ontario, in the Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in the Dominion of Canada.

SEC. 2. There is hereby conferred upon Frank A. Augsbury, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of New York needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of New York, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property for public purposes in such State.

SEC. 3. The said Frank A. Augsbury, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of New York applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Frank A. Augsbury, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE, LOUISIANA

The bill (S. 5720) authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La., was announced as next in order.

Mr. RANSDELL. Mr. President, a bill identical with this has passed the House. I ask that the House bill be substituted and passed.

The PRESIDENT pro tempore. Without objection, this bill will be temporarily passed over until the message from the House can be found.

SURVEY OF INDIAN CONDITIONS IN THE UNITED STATES

The resolution (S. Res. 303) increasing the limits of expenditure for a survey of Indian conditions in the United States was announced as next in order.

Mr. HAYDEN. Mr. President, reserving the right to object, which I do not intend to do, I desire to address the Senate for five minutes at this time on this resolution.

The PRESIDENT pro tempore. The amendment has been agreed to heretofore.

Mr. HAYDEN. I have no objection to the amendment.

The character of the investigation which has recently been conducted by a subcommittee of the Senate Committee on Indian Affairs is so similar to the famous Committee on the Conduct of the War that I would like to read an extract from Battles and Leaders of the Civil War, which I think is appropriate at this time.

I find in that volume this statement:

> The Committee on the Conduct of the War proceeded to investigate Ball's Bluff by the methods common to nearly all similar bodies. Witnesses were summoned and examined without order; there was no cross-examination; the accused was not confronted with the witnesses nor told their names, nor the charge upon which he had been already tried, condemned, and sentenced before he was even allowed to appear.

This subcommittee of the Committee on Indian Affairs, with the $30,000 heretofore appropriated by Congress, has employed investigators to go about in various parts of the United States seeking out complaints against the Indian Service. If any person could be found who had a grouch, or a grievance, he was heard; if he was disgruntled or a sorehead, the investigators were very glad indeed to meet and talk with him, but the officials of the Indian Service, the various Indian superintendents in the United States whose conduct was under investigation, were not notified of these complaints.

The most flagrant instance that I found, and yet it is typical, is the case of the Riverside Indian School in California. Two members of the subcommittee visited Riverside, examined witnesses in the city of Riverside for two days, took testimony derogatory to the superintendent of the school and to its management, and yet never visited the Sherman Institute. They were invited to go into the outskirts of Riverside and inspect the school. They never went into its precincts, and never called the superintendent before them, though he was severely criticized by witnesses who appeared at the Riverside hearings.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. FRAZIER. I want to say, in regard to the Riverside situation, that there was a flu epidemic at the time we were there, and a large number of the pupils were sick with the flu. The superintendent was also sick. We invited him to appear, but he could not come on account of his illness.

Mr. HAYDEN. The report I have from that school, made by four distinguished citizens of Riverside, which I shall ask to have inserted in the RECORD, reads, in part, as follows:

> (a) No visit was made to Sherman, 5 miles away, though invited. Would it not have at least been fair to have seen the school.
>
> (b) Superintendent Conser was not consulted in any manner. Is not his 20 years of experience valuable, and should he not be asked to give his versions.
>
> (c) Doctor Wells sat in the room a good part of the time, but he was not asked anything. Why deliberately ignore the valuable help he could have given.
>
> (d) Dr. W. W. Robles, the attending physician, was not called. He has an Indian service health record second to none, nor second to any white school or college.
>
> (e) There was much valuable information that could have been had, but you can't get it when the so-evident purpose is to criticize and neither to commend nor recognize the management, and there is no more successful man in the Indian Service than Supt. F. M. Conser, of Sherman.

I bring this matter to the attention of the Senate in connection with this resolution, which, as I stated, I shall not object to in its amended form. I am willing that money be appropriated to the extent of $15,000 to continue this investigation, as recommended by the Committee to Audit and Control the Contingent Expenses of the Senate. I hope that as the investigation continues opportunity will be given to the superintendents and other employees in the Indian Service who are under investigation and criticism to appear and defend themselves from unjust charges and accusations.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. DILL. The difficulty we had in my own State when the committee came there was to get the superintendent and his subordinates to come to the hearing.

Mr. HAYDEN. The committee had full power to subpœna witnesses, to call for persons and papers, so there should have been no difficulty about that.

Mr. DILL. The superintendent had left the country and had gotten as far away as he could, and we had to call for his assistants repeatedly to get them there. It seemed to me that they did not want to appear. They did not want to be there at all. That was my chief criticism of them.

Mr. HAYDEN. The complaint I have to make is that the attorneys and investigators employed by this committee went about the country merely seeking to find persons who were willing to criticize the Indian Bureau. I inquired the other day as to how the first $30,000 had been expended and could not get the information at that time.

The PRESIDENT pro tempore. The time of the Senator from Arizona has expired. Did the Senator from Arizona wish to ask unanimous consent for the printing of something in the RECORD?

Mr. HAYDEN. I do so request.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

RIVERSIDE, CALIF., *February 5, 1929.*

SENATE AND HOUSE COMMITTEES ON INDIAN AFFAIRS,
Washington, D. C.

GENTLEMEN: Pursuant to request through the Indian department, this report is made by Dr. W. B. Wells, city and county health officer, a resident and practitioner in Riverside for 20 years, and who has done considerable social welfare and inspection work in years past with Mr. S. C. Evans, one of this committee, then mayor of Riverside. Doctor Wells has been and is generally familiar with Sherman Institute and also with the Mexican problem as it exists in the Coachella Valley, in the eastern part of Riverside County, and also in the cities of the county in relation to housing, food, sanitation, and health, with considerable direct observation and experience with tuberculosis, trachoma, smallpox, diphtheria, and the other diseases encountered in general practice. He has been one of our most efficient and most experienced advocates of pure milk and sanitary food and living conditions.

Mr. Meyer Schaenthal has been secretary of the Riverside Chamber of Commerce since 1923. He has attended numerous functions at Sherman Institute and often visits the grounds, and has had abundant opportunity to see the Indian children. He has seen the boys many times in their musical and band exercises on the grounds and at functions away from Sherman, also at football and other athletic exercises. He has also set in at conferences and heard discussed and presented the various phases of local support and activities relating to Sherman, as well as our community interest in the students.

He has also had opportunity to observe and be present when the girls of Sherman have given their public presentations of music, speaking, etc.

Mrs. W. H. Ellis is the widow of our late superior court judge, W. H. Ellis. She and Judge Ellis lived for several years in the Perris Valley near the Indian school before it was removed to Riverside, and later they lived very near the school after its removal to Riverside. Her observation and acquaintance of those years have been deepened and strengthened by her many appreciated services to the community during the war and since, and she has been much interested in Sherman. She has served as president of the Riverside Woman's Club.

Mr. S. C. Evans has visited and collected among the Indians of the Southwest for many years, and has visited Indians throughout California, Arizona, New Mexico, the Klamath country, and all down the west coast of Mexico and below the border adjoining San Diego and Imperial Counties.

He knew the Indian school when it was at Perris and saw its removal to Riverside. He sat in conferences when the late Charles F. Lummis and others advised the Pala location for the removal of the Warner Ranch Tribe, and he witnessed that removal. He has visited Pala several times. He has visited Sherman many times; has addressed the students; delivered the graduating diplomas one year; has visited the dining room and kitchen at meal times and seen the food

prepared. He has consulted in the purchase of the last additional land, and has known conditions fairly intimately wholly on account of his interest in and acquaintance with Indians and Indian life on the various reservations. When State senator he investigated the condition of the Indians in Inyo County, Calif. He has also at times employed Indians in land development. He has camped with the Indians on reservations, attended their ceremonies and games; has photographed them and collected their art, but never for commercial purposes.

We feel, therefore, that we are reasonably well qualified to speak on Indian matters with a sympathetic and fair understanding and without prejudice.

After reading, as we have, throughout the years various reports and investigations and magazine articles on Indian matters, and after attending, as several of us have, numerous meetings and conferences and presentations where speakers have addressed from a few to several hundred, we can not but be impressed with the very evident attempt by some reports and investigations and by some speakers to unnecessarily criticize the Government, the Indian Bureau, and the nonreservation boarding school, including Sherman Institute. Constructive criticism is acceptable to all reasonable people, but unreasonable fault finding and some misstatements at times repeated are not conducive to cooperation or to fair decisions.

Many of these critics and investigators have no particular knowledge of the Indians, nor have they in many instances given any adequate time to visitation or inquiry. Very learned language and emphatic statements do not constitute any supereducation nor need any extraordinary ability; and so, while we do not for a minute recognize or acknowledge the claimed particular Indian knowledge of some of these critics and investigators, we offer our comments with a desire to speak rationally and in plain English.

(1) After very careful investigation we deny absolutely that a certain Indian boy was struck in the face by the disciplinarian so that blood flowed from the boy's nose in profusion, etc. This being the case of one Luke Chester from the Klamath country. (Riverside hearing, November 22 to 24, 1927.) This boy was at the time about 20 years old, some six years back, and he was a fairly husky and well-built lad of about 170 pounds. There was a white man by the name of Soden, employed as a carpenter, and he and Luke were working together, when some dispute arose. Mr. Soden asked the disciplinarian, Emil Benson, to punish Luke, and after an investigation the disciplinarian said that he saw no reason for punishment and so he refused. Soden then said that he would do it, and he proceeded to strike Luke in the nose and blood flowed. Luke at once attacked Soden and soon Soden called for help, when the disciplinarian said, "You started this, now you finish it," words approximating that idea.

Mr. Bert Amos Jameson, an Indian, then assistant disciplinarian, and yet at Sherman, was present all the time this took place, about 8.30 to 9 a. m. on the porch of the large boys' building, and he says that the disciplinarian did not even touch the boy Luke, and advised against punishment.

Among so many Indian boys, as with a like number of whites, there are rough ones at times, but very few here and no abuse. The former "jail" of early years was torn down here before the ruling against corporal punishment was promulgated.

We commend that rule. We find that no brutal or excessive punishment has been administered at Sherman. People in jail and in prison sometimes make enough agonizing noises to make you think they were being killed (if you heard them), but this in turn is the exception, and rare exceptions there have been, when, for instance, during Mr. Addison's time as disciplinarian, one bad Indian cut him slightly with a knife, but this and a few are extreme cases.

(2) We personally know that Supt. F. M. Conser for approximately 20 years has sought to raise the age limit of admittance, as enough letters and statements attest, and still at times the pressure of Indian parents is hard to resist in cases, for instance, where small children are deserted by the husband, say, of a mixed marriage, as in the case of one young girl now here. We saw her and we read her case—it is the exception—but this little girl is immeasurably better off here, and taking her at her mother's request was the thing to do—and yet, without the knowledge of her case, the critic can make it appear as terrible.

We agree that the small children should preferably remain with their parents and attend day schools or near-by boarding schools where they can return home at times; but this should not be a hard and fast ruling, as some of these smaller children, even in particular cases, would be better off at Sherman than in any home their parents or one parent can in cases provide. Establish the principle, but administer it reasonably.

To make this change desirable a financial and home visitation set-up must be had and transportation arranged for, as the latter now is done at Pala and at Warner's ranch schools. The desires of the Indian parents should be a decided factor, and they will not be one-minded.

In the hearings held in Riverside November 22 to 24, 1927, the inference was given by one witness that Sherman, as well as other schools, indulged in the sport of forcibly taking children from their parents and bringing them here against their parents' consent. We have heard this before and we state, without any fear of proof to the contrary, that such a condition does not exist here nor would it be countenanced here or elsewhere by anyone with an ounce of sense. It may be—we do not know—that something of too much show of force has been used in years past by some one in the field, but let us hope we have outgrown any such impatience as we have outgrown and improved white conditions in our schools.

(3) We repeat, this statement is injurious and not true as to Sherman, and we challenge any proof to the contrary. The consent of every child's parent is here first obtained. There are those who wish to come, but there is no more room.

This statement is similar to one made in Los Angeles, but a few years back, by a Congressman, that a girl of a certain tribe had been mistreated here, when no girl of that tribe had at that date ever attended here and he was so informed. These loose statements are unnecessarily injurious to good service, and they are too often not true.

Let us insert that the late Riverside investigation of November, 1928, was either very weak or very one sided.

(a) No visit was made to Sherman 5 miles away, though invited. Would it not have at least been fair to have seen the school?

(b) Superintendent Conser was not consulted in any manner. Is not his 20 years of experience valuable, and should he not be asked to give his version?

(c) Doctor Wells sat in the room a good part of the time, but he was not asked anything. Why deliberately ignore the valuable help he could have given?

(d) Dr. W. W. Roblee, the attending physician, was not called. He has an Indian Service health record second to none, nor second to any white school or college.

(e) There was much valuable information that could have been had, but you can not get it when the so-evident purpose is to criticize and neither to commend nor recognize the management; and there is no more successful man in the Indian Service than Supt. F. M. Conser, of Sherman.

The food is plentiful enough, of good quality, and sustaining, as evidenced by the physical looks and the medical reports, reference to which, with a more exhaustive statement, will follow this report.

There could be a greater variety, but there again is a problem of getting some of the Indians to eat certain foods. We will later comment further on this.

If more funds can be supplied, we would favor a raise in cost per meal so that milk, eggs, and butter could be served more frequently, and especially so if meat prices are to remain high.

(4) Yes; looking at it one way, some of the dormitories are too crowded for a permanency, and the school has reached its limit in numbers. The sanitation, cleanliness, warmth, beds and bedding, parlor, and entertainment and study rooms, and open space is sufficient and comfortably equipped. So are bathing showers and individual towels. A few additional toilets should be installed.

We will, however, and within a short time, report constructively as to possible housing and food improvement, based on the funds available; and we will also include a survey of the hospital and health conditions, which are good and under the personal care for 20 years of Dr. W. W. Roblee, one of our ablest physicians and surgeons; and his reports are on file and will be referred to.

His record in tuberculosis and trachoma is exceedingly good and, notwithstanding the flu, the health and physical condition of the Indians is not only good but it is excellent, and they are well and amply cared for by efficient attendants. This statement is not any "bolster up," but it is a real fact of which our whole community is proud.

In conclusion let us say that there are excellent people who have the good of the Indian at heart and who have done good work for him in helping to interpret or have interpreted some of the Indian laws and to prevent some acts becoming laws in the way they were first drawn. There have been in this section some unwise attempts at allotment, and there have been cases hard to deal with, largely due to the unsettled status of the Indian as a citizen, notwithstanding the decisions.

What is a "competent" and what is an "incompetent" Indian is a source of annoyance at times.

Suffering at times is self-imposed, and as one instance both a wife and later the husband died absolutely unnecessarily, but neither would listen to any reason or undergo reasonable attention, though offered by two members of this committee.

Several of the old men absolutely refuse to have their eyes treated or to be given glasses, and this objection to glasses is common at Sherman, though some progress has been made. Extreme cases are known where the lenses have been removed and only the rim worn for a while.

One member of this committee is now trying to get an old Indian man to use glasses, but he refuses.

Are you going to use force to make them receive proper attention? You can't do the impossible with the older Indians or with the more primitive younger ones; it must come with persuasion and education and by the object lesson of seeing others benefited.

Why not forget a good deal of this hysteria, this unfair criticism in many instances, this dividing into groups and associations?

Why not take the financially possible and the more reasonable and practical suggestions and criticisms of the Merriam report—but not all of it—and let all of those who are helpfully interested in the Indian get together for real advancement, rather than be so somewhat intolerant in places of other people's viewpoints and insistence on facts.

None of us know it all, but all of us can or ought to dispassionately discuss and present a reasonable and humane and educational program without soaring into an impossible Utopia.

We pledge our cooperation to all who will work in this spirit.

More details soon.

With best wishes,

W. B. WELLS, M. D.
M. L. SCHOENTHAL.
Mrs. W. H. ELLIS.
S. C. EVANS.

Mr. THOMAS of Oklahoma. Mr. President, during the past year there has been considerable criticism of the Indian Bureau. The investigation now being made discloses that the administration of the Indian Service is not perfect. It would be a miracle if it were.

Mr. McNARY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. McNARY. What is the measure before the Senate?

The PRESIDENT pro tempore. The measure before the Senate is Senate Resolution 303, introduced by the Senator from North Dakota [Mr. FRAZIER].

Mr. FESS. Let it go over.

Mr. ASHURST. I believe it is a great mistake——

The PRESIDENT pro tempore. The Senator from Oklahoma has the floor. To whom does he yield?

Mr. THOMAS of Oklahoma. I will occupy but a moment and prefer not to yield.

The PRESIDENT pro tempore. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. In connection with the remarks just made by the Senator from Arizona [Mr. HAYDEN], I want to submit for the RECORD some data which I think will be helpful; at least they should be helpful.

Some of the criticism leveled at the Indian Bureau perhaps is just, but I am convinced that much of it is entirely unjust. The Indian Bureau is only one element in this matter. The Indian Bureau can function only when and after the Congress gives it money with which to operate.

The record shows that during the past two years the Indian Bureau has submitted estimates to the Budget Bureau totaling something like $13,000,000, which have been denied. Yet the Indian Bureau is criticized for not taking care of the sick and ill and dying Indians, when the facts are that requests have been made for funds with which to improve conditions, to build hospitals, to extend and equip hospitals, and in some instances the Bureau of the Budget has denied such requests and in other cases the Congress has denied the money.

Recently I made inquiry of the Commissioner of Indian Affairs relative to the matter and have his reply, and I now ask unanimous consent to insert in the RECORD, in connection with what I have just stated, a copy of the letter I sent to Commissioner Burke, the Commissioner of Indian Affairs, and likewise his reply thereto, containing a tabulation of figures showing the amounts of money requested of the Budget Bureau and the amounts denied by that department.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 9, 1929.

Hon. CHAS. H. BURKE,
Commissioner Bureau of Indian Affairs,
Department of Interior, Washington, D. C.

MY DEAR MR. BURKE: Much of the criticism that is now being directed toward your office, it occurs to me, should be directed against other departments of the Government. I realize that we do not have adequate hospital facilities to take care of our Indian population. I realize further that many Indian schools do not have adequate hospital facilities to take care of the Indian children when they become ill and, having no such facilities, nothing can be done except to send them to their homes.

If this is correct, the Congress is mainly responsible for this condition, because I understand that your department has made recommendations on many former occasions for funds with which to adequately take care of the several situations complained of.

To the end that I may have accurate information, please send me an itemized statement of the funds requested from the Budget Bureau during the past two years which have been denied by said Budget Bureau.

In addition to the itemized statement of the funds requested, and denied by the Budget Bureau, please send me an itemized statement of the funds recommended by the Budget Bureau and denied by the Congress. In preparing these two statements, please go into such details as you think would be of benefit to the Congress.

Thanking you in advance for this information, I am

Yours most cordially,

ELMER THOMAS.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 14, 1929.

Hon. ELMER THOMAS,
United States Senate.

MY DEAR SENATOR: I am in receipt of your letter of February 9, requesting certain information in regard to the estimates for the Indian Service for the fiscal years 1929 and 1930 which have not been transmitted to Congress. The following is a statement in regard to the preliminary, regular, and supplemental estimates for the fiscal year 1929:

Preliminary estimates, Treasury appropriations	$20,375,308.75
Supplemental estimates	3,029,505.75
Regular estimates	16,092,303.00
Total regular and supplemental estimates, fiscal year 1929	19,121,808.75
Total budget submitted to Congress	13,754,009.00
Reduction	5,367,799.75

This is the greatest detail that we can furnish at this time in connection with the estimates for the fiscal year 1929.

I am inclosing herewith a table showing a comparison of the preliminary, regular, and supplemental estimates of the Indian Service for the fiscal year 1930, which also shows the reductions in these estimates. The total reduction will be found in the grand total on page 3, which amounts to $6,701,681. You will note that our estimates have been reduced approximately $12,000,000 for the two years.

Referring to your inquiry about the estimates transmitted to Congress and which were denied, you are advised that Congress made appropriations slightly in excess of the amounts contained in the Budget for the fiscal years 1929 and 1930. If further detailed information is desired we will be glad to furnish it to you upon request.

Cordially yours,

CHAS. H. BURKE, *Commissioner.*

Approved.

E. C. FINNEY,
First Assistant Secretary.

Comparative statement preliminary, regular, and supplemental estimates fiscal year 1930

No.	Title	Preliminary	Regular	Supplemental	Total of columns 2 and 3	Budget allowance	Reductions	Allowed by Congress
1	Salaries, Bureau of Indian Affairs [1]	$409,000.00	$409,000.00		$409,000.00	$400,000.00	$109,000.00	$400,000.00
2	Establishment division of planning and development [1]	100,000.00		$100,000.00	100,000.00	15,740.00	84,260.00	15,740.00
3	General expenses, Indian Service	13,500.00	13,500.00		13,500.00	12,000.00	1,500.00	12,000.00
4	Purchase and transportation of Indian supplies	556,500.00	556,500.00		556,500.00	600,000.00		[2] 600,000.00
5	Inspectors, Indian Service	16,700.00	16,700.00		16,700.00	15,500.00	1,200.00	15,500.00
6	Pay of judges, Indian courts	19,000.00	19,000.00		19,000.00	18,000.00	1,000.00	18,000.00
7	Pay of Indian police	171,200.00	171,200.00		171,200.00	163,000.00	8,200.00	163,000.00
8	Suppressing liquor traffic among Indians	100,000.00	50,000.00		50,000.00	22,000.00	28,000.00	[2] 100,000.00
9	Indian agency buildings	450,000.00	250,000.00	225,000.00	475,000.00	250,000.00	225,000.00	250,000.00
10	Telephone line, Nespelem to Wellpinit	8,500.00	8,500.00		8,500.00		8,500.00	
11	Telephone line, Flagstaff to Kayenta	35,000.00	35,000.00		35,000.00		35,000.00	
12	Water system, etc., Standing Rock Agency [4]	13,100.00						
13	Water system, etc., Turtle Mountain Agency [4]	7,000.00						
14	Vehicles, Indian Service (authorization)							
15	Replacement of property destroyed by fire, etc. (authorization)							

Footnotes at end of table.

Comparative statement preliminary, regular, and supplemental estimates fiscal year 1930—Continued

No.	Title	Preliminary	Regular	Supplemental	Total of columns 2 and 3	Budget allowance	Reductions	Allowed by Congress
16	Determining heirs of deceased Indian allottees	$62,000.00	$62,000.00		$62,000.00	$59,000.00	$3,000.00	$59,000.00
17	Probate attorneys, Five Civilized Tribes	37,000.00	37,000.00		37,000.00	34,500.00	2,500.00	34,500.00
18	Expenses of Indian commissioners	15,000.00	15,000.00		15,000.00	12,000.00	3,000.00	12,000.00
19	Surveying and allotting Indian reservations	50,000.00	35,000.00		35,000.00	35,000.00		35,000.00
20	Surveys, etc., Pueblo lands, New Mexico			$5,000.00	5,000.00	5,000.00		5,000.00
21	Advertising sale of Indian lands					500.00		500.00
22	Counsel for Pueblo Indians of New Mexico	3,700.00	3,700.00		3,700.00	3,700.00		3,700.00
23	Sale of unallotted lands, etc., Five Civilized Tribes	10,000.00	10,000.00		10,000.00	10,000.00		10,000.00
24	Sale of lands, Five Civilized Tribes, Oklahoma [3]	25,000.00	25,000.00		25,000.00	25,000.00	(5)	
25	Purchase of land, Fort Apache Reservation	6,200.00	6,200.00		6,200.00	6,200.00		6,200.00
26	Purchase of lands, for landless Indians, California	8,000.00	8,000.00		8,000.00	5,000.00	3,000.00	8,000.00
27	Purchase of lands, Choctaw of Mississippi	6,500.00	6,500.00		6,500.00	6,500.00		6,500.00
28	Compensation to certain Pueblos, New Mexico	135,381.37	135,381.37		135,381.37	135,381.37		135,381.37
29	Land for Santo Domingo Pueblo	1,000.00	1,000.00		1,000.00	(*)		
30	Purchase of lands for Navajo Indians	200,000.00	200,000.00		200,000.00	200,000.00		200,000.00
31	Relief of dispossessed Nisqually Indians (reappropriation)							
32	Payment to Kiowa, Comanche, and Apache Indians	200,000.00	200,000.00		200,000.00	200,000.00		200,000.00
33	Industrial work and care of timber	650,000.00	450,000.00	200,000.00	650,000.00	435,000.00	215,000.00	435,000.00
34	Expenses incidental to sale of timber	250,000.00	250,000.00		250,000.00	210,000.00	40,000.00	210,000.00
35	Emergency authorization for forest-fire fighting (authorization)							
36	Insect-control work, Klamath Reservation	25,000.00	25,000.00		25,000.00	25,000.00		25,000.00
37	Supervision of mining operations by Geological Survey	86,000.00	86,000.00		86,000.00	75,000.00	11,000.00	75,000.00
38	Industry among Indians	400,000.00	300,000.00	100,000.00	400,000.00	375,000.00	25,000.00	450,000.00
39	Clearing, etc., of land, Pima Reservation [6]	200,000.00	200,000.00		200,000.00		200,000.00	(6)
40	Industrial assistance, Tesuque Pueblo	600.00	600.00		600.00	600.00	600.00	600.00
41	For noxious weed control	25,000.00	25,000.00		25,000.00		25,000.00	
42	Employment of home demonstration agents			100,000.00	100,000.00		100,000.00	
43	Improving homes of restricted Indians			250,000.00	250,000.00		250,000.00	
44	Industrial assistance, tribal funds	315,000.00	215,000.00		215,000.00	215,000.00		869,479.60
45	Water supply for stock	46,500.00	51,500.00		51,500.00	38,500.00	13,000.00	45,100.00
46	Water supply for stock, tribal funds	88,000.00	88,000.00		88,000.00	88,000.00		88,000.00
47	Domestic water supply, Zuni Pueblo [7]	6,600.00	6,600.00		6,600.00	6,600.00		
48	Irrigation, Indian reservations	270,450.00	188,650.00		188,650.00	167,000.00	21,650.00	160,000.00
49	Irrigation, Pima Indian land	13,000.00	13,000.00		13,000.00	13,000.00		5,000.00
50	Irrigation project, Gila River Reservation, Ariz	750,000.00	250,000.00	500,000.00	750,000.00	500,000.00	250,000.00	500,000.00
51	Irrigation system, Colorado River	23,000.00	23,000.00		23,000.00	18,000.00	5,000.00	18,000.00
52	Ganado irrigation project	3,000.00	3,000.00		3,000.00	3,000.00		3,000.00
53	San Xavier irrigation project	2,000.00	2,000.00		2,000.00	2,000.00		2,000.00
54	San Carlos pumping plant	10,000.00	10,000.00		10,000.00	7,000.00	3,000.00	7,000.00
55	Irrigation of Indian lands, Yuma project, Calif	33,800.00	33,800.00		33,800.00	33,800.00		33,800.00
56	Fort Hall Project, Idaho	30,000.00	30,000.00		30,000.00	28,500.00	1,500.00	28,500.00
57	Reclamation of Kootenai allotment	5,700.00	5,700.00	108,300.00	114,000.00	114,000.00		114,000.00
58	Reimbursement to R. E. Hansen	2,480.65	2,480.65		2,480.65	2,480.65		2,480.65
59	Fort Belknap irrigation system	20,000.00	20,000.00		25,000.00	20,000.00	5,000.00	15,000.00
60	Drainage Sac and Fox lands, Iowa							10,000.00
61	Irrigation system, Flathead Reservation, Mont	250,000.00	25,000.00	225,000.00	250,000.00		250,000.00	
62	Fort Peck irrigation system	5,000.00	5,000.00		5,000.00	5,000.00		3,000.00
63	Blackfeet irrigation system	20,000.00	20,000.00		20,000.00	18,000.00	2,000.00	18,000.00
64	Crow irrigation system	1,000.00	1,000.00		1,000.00	1,000.00		1,000.00
65	Pyramid Lake irrigation system	4,000.00	4,000.00		4,000.00	4,000.00		4,000.00
66	Drainage of Paiute lands, Newlands project	11,461.00	11,461.00		11,461.00	11,461.00		11,461.00
67	Irrigation system, Laguna Pueblo	3,000.00	3,000.00		3,000.00	3,000.00		3,000.00
68	Hogback project, New Mexico	10,000.00	10,000.00		10,000.00	10,000.00		10,000.00
69	Flood control, Pueblos of New Mexico (authorization)							
70	Payment to middle Rio Grande conservancy district	300,000.00		300,000.00	300,000.00		300,000.00	
71	Klamath irrigation project, tribal funds	6,000.00	6,000.00		6,000.00	5,000.00	1,000.00	5,000.00
72	Spillway and drainage ditch, Lake Andes, S. Dak	48,612.76	48,612.76		48,612.76	48,612.76		
73	Drainage ditch across land of R. A. Ogee	1,486.00		1,486.00	1,486.00		1,486.00	
74	Irrigation system, Uintah Reservation	20,000.00	20,000.00		20,000.00	5,000.00	15,000.00	5,000.00
75	Toppenish, Simcoe irrigation system	1,000.00	1,000.00		1,000.00	1,000.00		1,000.00
76	Maintenance of Yakima Reservoir, Washington	11,000.00	11,000.00		11,000.00	11,000.00		11,000.00
77	Diversion Dam, etc., Yakima Reservation, Wash	1,000.00	1,000.00		1,000.00		1,000.00	
78	Satus irrigation project	2,000.00	2,000.00		2,000.00	1,000.00	1,000.00	1,000.00
79	Operation, Lummi diking project	1,000.00	1,000.00		1,000.00	1,000.00		
80	Wind River irrigation project	20,000.00	20,000.00		20,000.00	5,000.00	15,000.00	5,000.00
81	Indian schools, support	3,051,000.00	2,937,500.00		2,937,500.00	2,850,000.00	87,500.00	2,850,000.00
82	Indian schools, support, tribal funds	850,000.00	750,000.00		750,000.00	850,000.00		850,000.00
83	Education, Five Civilized Tribes, tribal funds	231,500.00	231,500.00		231,500.00	250,000.00		250,000.00
84	Indian school, transportation	100,000.00	100,000.00		100,000.00	90,000.00		90,000.00
85	Indian school, buildings	600,000.00	275,000.00	490,900.00	765,900.00	425,000.00	340,900.00	640,000.00
86	Furniture and equipment for dormitories			250,000.00	250,000.00		250,000.00	
87	Enlarging Western Navajo Boarding School	300,000.00		300,000.00	300,000.00	125,000.00	175,000.00	
88	Seminole Indian Boarding School plant	195,000.00		195,000.00	195,000.00		195,000.00	
89	Warm Springs Boarding School plant	127,000.00		127,000.00	127,000.00		127,000.00	
90	Remodeling White Earth Boarding School (trust fund) [8]			40,000.00	40,000.00			
91	Support of White Earth Orphan School [8]			70,000.00	70,000.00			
92	Flood protection, San Juan School, N. Mex	30,000.00	30,000.00		30,000.00		30,000.00	
93	Purchase of dairy cows for schools [9]	100,000.00	75,000.00		75,000.00	25,000.00	50,000.00	
94	Student loan fund	50,000.00		50,000.00	50,000.00		50,000.00	
95	Repair, etc., public school buildings, Arizona							25,000.00
	Indian boarding schools							
96	Fort Mojave, support	57,500.00	65,000.00		65,000.00	65,000.00		65,000.00
	Repairs and improvements	15,000.00	15,000.00		15,000.00	15,000.00		15,000.00
	Addition to school building	17,000.00		17,000.00	17,000.00		17,000.00	
	Addition to hospital	6,000.00	6,000.00		6,000.00	6,000.00		6,000.00
	New warehouse	7,000.00		7,000.00	7,000.00		7,000.00	7,000.00
	Domestic science cottage	4,000.00		4,000.00	4,000.00		4,000.00	
	Lavatory annexes	6,400.00		6,400.00	6,400.00	6,400.00		6,400.00
97	Phoenix, Ariz., support	256,500.00	237,500.00		237,500.00	237,500.00		[10] 243,750.00
	Repairs and improvements	35,000.00	35,000.00		35,000.00	25,000.00	10,000.00	25,000.00
	Hospital and equipment	65,000.00	65,000.00		65,000.00	65,000.00		65,000.00
	Ammonia compressor	4,000.00		4,000.00	4,000.00	4,000.00		4,000.00
	New school building	25,000.00		25,000.00	25,000.00		25,000.00	
98	Truxton Canon, support	60,750.00	58,500.00		58,500.00	55,900.00	2,600.00	55,900.00
	Repairs and improvements	12,000.00	12,000.00		12,000.00	10,000.00	2,000.00	10,000.00
	Employees' cottage	3,000.00		3,000.00	3,000.00		3,000.00	
	New concrete reservoir	2,500.00		2,500.00	2,500.00		2,500.00	
	Enlarging ice plant	2,500.00		2,500.00	2,500.00		2,500.00	
	Light and power plant	10,000.00		10,000.00	10,000.00		10,000.00	
99	Theodore Roosevelt School, support	121,500.00	117,000.00		117,000.00	117,000.00		117,000.00
	Repairs and improvements	20,000.00	20,000.00		20,000.00	20,000.00		20,000.00

Footnotes at end of table.

Comparative statement preliminary, regular, and supplemental estimates fiscal year 1930—Continued

No.	Title	Preliminary	Regular	Supplemental	Total of columns 2 and 3	Budget allowance	Reductions	Allowed by Congress
	Indian boarding schools—Continued							
100	Sherman Institute, support	$270,000.00	$250,000.00		$250,000.00	$250,000.00		$250,000.00
	Repairs and improvements	20,000.00	20,000.00		20,000.00	18,000.00	$2,000.00	18,000.00
	Tractors and printing-office equipment	3,000.00		$3,000.00	3,000.00		3,000.00	
101	Fort Bidwell, support	30,000.00	28,500.00		28,500.00	28,500.00		28,500.00
	Repairs and improvements	8,000.00	8,000.00		8,000.00	8,000.00		8,000.00
	Physician's cottage	5,000.00		5,000.00	5,000.00		5,000.00	
	Heating system for dormitories	6,500.00		6,500.00	6,500.00		6,500.00	
102	Haskell Institute, support	256,500.00	237,500.00		237,500.00	212,500.00	25,000.00	[11] 225,000.00
	Repairs and improvements	27,000.00	27,000.00		27,000.00	27,000.00		27,000.00
	Remodeling engineering plant	25,000.00		25,000.00	25,000.00	25,000.00		25,000.00
	Remodeling chapel	18,000.00		18,000.00	18,000.00		18,000.00	
	Girls' dormitory and gymnasium	70,000.00		70,000.00	70,000.00		70,000.00	
	Purchase of land	20,000.00		20,000.00	20,000.00		20,000.00	20,000.00
	Slug-casting machine	5,500.00		5,500.00	5,500.00		5,500.00	
103	Mount Pleasant School, support	101,250.00	97,500.00		97,500.00	97,500.00		97,500.00
	Repairs and improvements	15,000.00	15,000.00		15,000.00	15,000.00		15,000.00
	Additional employees' quarters	7,000.00		7,000.00	7,000.00		7,000.00	
	Boiler house, etc	10,000.00		10,000.00	10,000.00	10,000.00		10,000.00
	New boiler		3,000.00		3,000.00	3,000.00		3,000.00
	New hospital	35,000.00						
	Repairs to hospital		10,000.00		10,000.00	10,000.00		10,000.00
	Physician's cottage	4,500.00		4,500.00	4,500.00		4,500.00	
104	Pipestone School, support	81,000.00	78,000.00		78,000.00	78,000.00		78,000.00
	Repairs and improvements	20,000.00	20,000.00		20,000.00	20,000.00		20,000.00
	Hospital	50,000.00		50,000.00	50,000.00		50,000.00	
	Gymnasium	30,000.00		30,000.00	30,000.00		30,000.00	
105	Genoa School, support	135,000.00	130,000.00		130,000.00	130,000.00		130,000.00
	Purchase of land	50,000.00	50,000.00		50,000.00	50,000.00		50,000.00
	Dairy barn	4,500.00		4,500.00	4,500.00	4,500.00		4,500.00
	Repairs and improvements	21,000.00	21,000.00		21,000.00	18,000.00	3,000.00	18,000.00
106	Carson School, support	135,000.00	130,000.00		130,000.00	117,000.00	13,000.00	117,000.00
	Repairs and improvements	20,000.00	20,000.00		20,000.00	18,000.00	2,000.00	18,000.00
	Boys' dormitory	50,000.00		50,000.00	50,000.00		50,000.00	
	Purchase of land	30,000.00		30,000.00	30,000.00		30,000.00	
107	Albuquerque School, support	243,000.00	225,000.00		225,000.00	212,500.00	12,500.00	212,500.00
	Repairs and improvements (employees' quarters)	25,000.00	25,000.00		25,000.00	15,000.00 5,000.00	5,000.00	[12] 15,000.00 [12] 5,000.00
	Dairy barn, etc	10,000.00		10,000.00	10,000.00	10,000.00		10,000.00
	Employees' quarters	30,000.00		30,000.00	30,000.00		30,000.00	
	Library	30,000.00		30,000.00	30,000.00		30,000.00	
108	Santa Fe School, support	135,000.00	130,000.00		130,000.00	130,000.00		130,000.00
	Repairs and improvements	18,000.00	18,000.00		18,000.00	15,000.00	3,000.00	15,000.00
	Boiler house	24,000.00		24,000.00	24,000.00		24,000.00	
	New boilers	25,000.00		25,000.00	25,000.00		25,000.00	
	Repairs to school building	10,000.00		10,000.00	10,000.00		10,000.00	
109	Charles H. Burke School, support	189,000.00	175,000.00		175,000.00	150,000.00	25,000.00	150,000.00
	Repairs and improvements	25,000.00	25,000.00		25,000.00	22,000.00	3,000.00	22,000.00
	Dairy barn	15,000.00		15,000.00	15,000.00	10,000.00	5,000.00	10,000.00
	Livestock	15,000.00		15,000.00	15,000.00	10,000.00	5,000.00	10,000.00
	Industrial building	40,000.00		40,000.00	40,000.00		40,000.00	
110	Cherokee School, support	108,000.00	104,000.00		104,000.00	104,000.00		104,000.00
	Repairs and improvements	16,000.00	16,000.00		16,000.00	10,000.00	6,000.00	10,000.00
	Horse barn	3,000.00		3,000.00	3,000.00	3,000.00		3,000.00
	Home-economics building	4,000.00		4,000.00	4,000.00		4,000.00	
	Central heating plant	25,000.00		25,000.00	25,000.00		25,000.00	
111	Bismarck School, support	37,500.00	35,625.00		35,625.00	35,625.00		35,625.00
	Repairs and improvements	7,000.00	7,000.00		7,000.00	7,000.00		7,000.00
	Employees' quarters	4,750.00		4,750.00	4,750.00	4,750.00		4,750.00
112	Fort Totten School, support	67,500.00	65,000.00		65,000.00	65,000.00		65,000.00
	Repairs and improvements	18,000.00	18,000.00		18,000.00	15,000.00	3,000.00	15,000.00
	Hospital and physician's cottage	50,000.00						
	Remodeling hospital			15,000.00	15,000.00	15,000.00		22,000.00
113	Wahpeton School, support	87,750.00	84,500.00		84,500.00	84,500.00		84,500.00
	Repairs and improvements	25,000.00	25,000.00		25,000.00	10,000.00	15,000.00	10,000.00
	Home-economics cottage	8,000.00		8,000.00	8,000.00		8,000.00	
	Addition to dairy barn	4,800.00		4,800.00	4,800.00	4,000.00	4,800.00	4,000.00
	Lignite-burning equipment	6,000.00		6,000.00	6,000.00	6,000.00		6,000.00
	Recondition steam lines	6,500.00			6,500.00	6,500.00		6,500.00
	Purchase of land							8,500.00
114	Chilocco School, support	229,500.00	212,500.00		212,500.00	212,500.00		212,500.00
	Repairs and improvements	25,000.00	25,000.00		25,000.00	20,000.00	5,000.00	20,000.00
	Print-shop equipment	10,000.00		10,000.00	10,000.00		10,000.00	
	2 dormitories	159,000.00		159,000.00	159,000.00		159,000.00	
115	Sequoyah Training School, support	81,000.00	78,000.00		78,000.00	78,000.00		78,000.00
	Repairs and improvements	15,000.00	15,000.00		15,000.00	15,000.00		15,000.00
	Central heating plant	65,000.00		100,000.00	100,000.00		100,000.00	
	Gymnasium and equipment	35,000.00		55,000.00	55,000.00		55,000.00	
	Boys' dormitory			78,000.00	78,000.00		78,000.00	
	Employees' quarters	15,000.00		7,500.00	7,500.00		7,500.00	
	Office building	3,350.00		5,000.00	5,000.00		5,000.00	
	Superintendent's cottage	5,400.00		5,000.00	5,000.00		5,000.00	
	Commissary building	8,000.00		7,500.00	7,500.00		7,500.00	
	Laundry building	5,000.00		12,000.00	12,000.00		12,000.00	
	Diesel engine	4,000.00		4,000.00	4,000.00		4,000.00	
	School building	15,000.00		15,000.00	15,000.00		15,000.00	
	3 employees' cottages	22,500.00		22,500.00	22,500.00		22,500.00	
	Addition to girls' dormitory	8,000.00		8,000.00	8,000.00		8,000.00	
	Addition to dining hall	5,000.00		5,000.00	5,000.00		5,000.00	
	Addition to auditorium	15,000.00		15,000.00	15,000.00		15,000.00	
	Addition to hospital	15,000.00		15,000.00	15,000.00		15,000.00	
	Addition to small boys' dormitory	6,000.00		6,000.00	6,000.00		6,000.00	
	Addition to domestic-science cottage			5,000.00	5,000.00		5,000.00	
	Addition to dairy barn			2,000.00	2,000.00			
116	Bloomfield Seminary, support	48,000.00	45,600.00		45,600.00	45,600.00		45,600.00
	Repairs and improvements	7,000.00	7,000.00		7,000.00	7,000.00		7,000.00
117	Euchee School, support	34,500.00	32,775.00		32,775.00	32,775.00		32,775.00
	Repairs and improvements	7,500.00	7,500.00		7,500.00	7,000.00	500.00	7,000.00
118	Eufaula School, support	37,500.00	35,625.00		35,625.00	35,625.00		35,625.00
	Repairs and improvements	8,000.00	8,000.00		8,000.00	8,000.00		8,000.00
	Dining hall and kitchen	15,000.00		15,000.00	15,000.00	15,000.00		15,000.00

Footnotes at end of table.

Comparative statement preliminary, regular, and supplemental estimates fiscal year 1930—Continued

No.	Title	Preliminary	Regular	Supplemental	Total of columns 2 and 3	Budget allowance	Reductions	Allowed by Congress
	Indian boarding schools—Continued							
119	Salem School, support	$243,000.00	$225,000.00		$225,000.00	$225,000.00		$141,500.00
	Repairs and improvements	20,000.00	20,000.00		20,000.00	20,000.00		20,000.00
	Boys' dormitory	70,000.00		$70,000.00	70,000.00	70,000.00		70,000.00
	New boilers	25,000.00		25,000.00	25,000.00	25,000.00		25,000.00
120	Flandreau School, support	108,000.00	104,000.00		104,000.00	104,000.00		104,000.00
	Repairs and improvements	20,000.00	20,000.00		20,000.00	15,000.00	$5,000.00	15,000.00
	Hospital and equipment	50,000.00		35,000.00	35,000.00	35,000.00		35,000.00
	Domestic-science cottage	7,000.00		7,000.00	7,000.00		7,000.00	
121	Pierre School, support	81,000.00	78,000.00		78,000.00	78,000.00		78,000.00
	Repairs and improvements	12,000.00	12,000.00		12,000.00	12,000.00		12,000.00
	Enlargement, repairs, and other improvements	187,750.00		212,750.00	212,750.00	35,000.00	177,750.00	35,000.00
122	Hayward School, support	52,500.00	49,875.00		49,873.00	43,800.00	4,293.00	48,000.00
	Repairs and improvements	10,000.00	10,000.00		10,000.00	10,000.00		10,000.00
	Hospital			35,000.00	35,000.00		35,000.00	50,000.00
123	Tomah School, support	94,500.00	91,000.00		91,000.00	84,500.00	6,500.00	84,500.00
	Repairs and improvements	15,000.00	15,000.00		15,000.00	12,000.00	3,000.00	12,000.00
	Enlarging employees' building	9,500.00		9,500.00	9,500.00		9,500.00	
	Gymnasium	30,000.00		30,000.00	30,000.00		30,000.00	30,000.00
	Employees' cottage	3,500.00		3,500.00	3,500.00	3,500.00		3,500.00
	Septic tank	3,500.00		3,500.00	3,500.00	3,500.00		3,500.00
	Hospital	40,000.00		40,000.00	40,000.00		40,000.00	
124	Rapid City School, support	87,750.00	[1]84,500.00		84,500.00	80,600.00	3,900.00	[11]94,600.00
	Repairs and improvements	14,000.00	14,000.00		14,000.00	14,000.00		
	Addition to hospital	20,000.00		20,000.00	20,000.00		20,000.00	
	Additional land	15,000.00		15,000.00	15,000.00		15,000.00	
	Laundry equipment	3,000.00		3,000.00	3,000.00		3,000.00	
	Addition to employees' building	7,500.00		7,500.00	7,500.00		7,500.00	
	Remodeling home-economics building	3,000.00		3,000.00	3,000.00		3,000.00	
125	Fulfilling treaties with Navajoes	100,000.00	75,000.00		75,000.00		75,000.00	
126	Public-school tuition, Chippewas in Minnesota	35,000.00	35,000.00		35,000.00	35,000.00		35,000.00
127	Support of Chippewas of the Mississippi	4,300.00	4,300.00		4,300.00	4,000.00	300.00	4,000.00
128	Education, Osage Nation	9,000.00	8,300.00		8,300.00	8,000.00	300.00	8,000.00
129	Aid of common schools, Five Civilized Tribes	300,000.00	250,000.00		250,000.00	175,000.00	75,000.00	250,000.00
130	Education, Sioux Nation	410,000.00	315,000.00		315,000.00	310,000.00	5,000.00	310,000.00
131	Aid of public schools, Utah	6,000.00	6,000.00		6,000.00	6,000.00		6,000.00
132	Conservation of health	2,891,515.00	2,777,560.00	850,000.00	3,627,560.00	2,280,000.00	1,347,560.00	2,658,600.00
133	Hospitals, Chippewas of Minnesota	100,000.00	100,000.00	55,000.00	155,000.00	140,000.00	15,000.00	140,000.00
134	Repairs, etc., Kiowa hospital	20,000.00	20,000.00		20,000.00	[14]60,000.00	[14]40,000.00	
134a	Keshena, support							20,000.00
135	Canton Asylum, South Dakota, support	44,500.00	48,500.00		48,500.00	48,500.00		48,500.00
	Epileptic cottage	40,000.00	40,000.00		40,000.00		40,000.00	
	Horse barn	6,000.00	6,000.00		6,000.00	4,500.00	1,500.00	4,500.00
136	Support of Indians and administration of Indian property	975,000.00	950,000.00		950,000.00	900,000.00	50,000.00	925,000.00
137	Fulfilling treaties with Indians	510,050.00	609,870.00		609,870.00	603,560.00	6,310.00	603,560.00
138	Support of Quapaw Agency	16,000.00	16,000.00		16,000.00	16,000.00		16,000.00
139	Miscellaneous supports (tribal funds)	1,465,100.00	1,465,000.00		1,465,000.00	1,465,000.00		1,437,500.00
140	Support of Chippewas of Minnesota	62,000.00	65,000.00		65,000.00	65,000.00		80,000.00
141	Expenses per capita payments, Five Civilized Tribes	5,000.00	5,000.00		5,000.00	5,000.00		5,000.00
142	Support of Osage Agency	180,000.00	180,000.00		180,000.00	180,000.00		180,000.00
143	Oil and gas operations, Osage Agency	80,000.00	80,000.00		80,000.00	80,000.00		80,000.00
144	Expenses, Osage Tribal Council	10,000.00	10,000.00		10,000.00	10,000.00		10,000.00
145	Expenses of litigation, Choctaw-Chickasaw							30,000.00
146	Expenses of litigation, Seminole							5,000.00
147	Confederated Bands of Utes, support	123,000.00	123,000.00		123,000.00	123,000.00		123,000.00
148	Roads and bridges, Red Lake Reservation	15,000.00	15,000.00		15,000.00	15,000.00		15,000.00
149	Roads on Indian reservations	250,000.00	250,000.00		250,000.00	250,000.00		250,000.00
150	Construction of bridges Menominee Reservation	6,000.00	6,000.00		6,000.00	6,000.00		6,000.00
151	Monument in Hitchcock County, Nebr	7,500.00	7,500.00		7,500.00	7,500.00		7,500.00
152	Fulfilling treaties with Senecas	6,000.00	6,000.00		6,000.00	6,000.00		6,000.00
153	Fulfilling treaties with Six Nations	4,500.00	4,500.00		4,500.00	4,500.00		4,500.00
154	Fulfilling treaties with Choctaws	10,520.00	10,520.00		10,520.00	10,520.00		10,520.00
155	Fulfilling treaties with St. Croix Chippewas	10,000.00	10,000.00		10,000.00	10,000.00		10,000.00
	Total Treasury appropriations	22,651,008.78	16,601,035.78	6,138,886.00	22,819,921.78	16,141,990.78	6,666,781.00	16,726,128.02
	Deduct Indian boarding school differentials		70,000.00		70,000.00	75,875.00		89,525.00
	Net total Treasury appropriations	22,651,008.78	16,611,035.78	6,138,886.00	22,749,921.78	16,066,115.78	6,666,781.00	16,636,603.02
	Total tribal funds	3,978,400.00	3,880,600.00	165,000.00	4,045,600.00	4,051,800.00	34,900.00	4,598,779.60
	Grand total all funds	26,629,406.78	20,491,635.78	6,503,886.00	26,795,521.78	20,117,915.78	6,701,681.00	21,235,382.62

[1] Consolidated with No. 28.
[2] Consolidated.
[3] $43,500 increase.
[4] $78,000 increase.
[5] Consolidated with No. 9.
[6] Consolidated with support and civilization.
[7] Consolidated with No. 28.
[8] Consolidated with No. 45.
[9] Consolidated with No. 82.
[10] Consolidated with No. 81.
[11] 25 more pupils.
[12] 50 more pupils.
[13] Employees' quarters segregated.
[14] Transferred to conservation of health.
[15] Transferred from gratuity funds.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. BRATTON. What disposition has been made of Order of Business 1823?

The PRESIDENT pro tempore. On objection of the Senator from Ohio [Mr. FESS] it has been passed over.

Mr. WHEELER. Mr. President, I wish the Senator from Ohio would withdraw his objection. Let me say to the Senator from Ohio, and to these other Senators who have just spoken about this matter, that the Senate committee has had this investigation going on for something like six months. I have not the time to answer the criticisms that have been made, but I want to say to the Senate that if these bills are passed, I propose to answer the explanation made by the Senator from Arizona and the Senator from Oklahoma.

The committee has taken testimony, and there are three volumes of the testimony which the committee has taken. We did send investigators out, because there have been more complaints coming to the Committee on Indian Affairs by reason of what has been going on in the Indian Service than as to almost any other department of the Government.

When it is remembered that the Indian Bureau has under its charge something like a billion six hundred thousand dollars and 250,000 Indians in the United States, and that there has not been any real investigation conducted into that branch of the service, and that the Indians are dying off on various Indian reservations throughout the country, it seems to me that the Senate ought to be willing to make an appropriation of $15,000, so that we might complete the investigation which has already been started.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. FESS. After listening to statements of a Member of the Senate who I think knows as much about Indian Affairs as any man in this Chamber, namely, the Senator from Oklahoma [Mr. THOMAS], I want to look into this matter further. I am not going to withdraw the objection now, but I may the next time the resolution is reached on the calendar.

Mr. WHEELER. Let me say to the Senator from Arizona and to the Senator from Ohio——

Mr. HEFLIN. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Senator from Montana has the floor.

Mr. WHEELER. And I propose to keep it and to speak for five minutes.

Mr. HEFLIN. That is all right.

Mr. WHEELER. Mr. President, the Senator from Arizona said that witnesses have not been confronted with attorneys and have not been given an opportunity to be cross-examined. That is only partially true. It is true, as I understand it, that when the Senator from North Dakota [Mr. FRAZIER] and the Senator from Oklahoma [Mr. PINE] and a few other members of the committee were out in the State of Washington, some witnesses were called before them and no one was there to cross-examine, but ever since the committee has been in session here in the city of Washington the Commissioner of Indian Affairs, Mr. Burke, has sat in the committee room, has had his counsel there, has cross-examined witnesses, and has interrupted witnesses. He not only did that, but he came before the committee and then flamboyantly gave to the press of the country a statement charging that one Member of the Senate, the Senator from Oklahoma [Mr. PINE], was in a conspiracy to injure not only himself but the Indian Service of the country. We called him and asked him to prove those charges. There was not a scintilla of evidence produced, but there has been a determined effort on the part of the Commissioner of Indian Affairs to stop the investigation by one means or another ever since it began.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WHEELER. Certainly.

Mr. COPELAND. Is there any notion on the part of the Senator that it is unwise to go forward with the investigation?

Mr. WHEELER. None whatever.

Mr. COPELAND. If the Indian Bureau is above all suspicion, as we assume it is, nevertheless the bureau itself ought to be willing and glad to have the investigation. For my part I want to say to the Senator that I think there should be a sweeping investigation of the activities of the bureau in order that the public may know how the Indian properties are cared for. We find evidences of disease among the various tribes, and it is important that we should have such a thorough investigation as to enable us to determine whether the Congress is doing its full duty in relation to Indian affairs.

Mr. WHEELER. I thank the Senator from New York.

Let me say in closing that during the investigation which is being conducted we have the spectacle of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs constantly lobbying among Senators and talking to them with reference to the investigation. The investigation has been conducted fairly and honestly and decently, and there has not been any attempt on the part of anybody to do anything except to try to find out if the Congress of the United States should enact some further legislation that would be beneficial to the Indians. I say to the Senator from Ohio——

Mr. FESS. Mr. President, I will say to the Senator from Montana that I would be very willing to cooperate with him along the lines he has suggested. I do not want to withdraw my opposition now in view of the statement made by the Senator from Arizona. I would like to look into the matter.

Mr. WHEELER. What statement has been made by the Senator from Arizona?

Mr. FESS. The Senator from Montana heard the statement of the Senator from Arizona.

Mr. WHEELER. Yes; I heard the statement, and nothing in opposition has been stated by the Senator from Arizona, who has looked into the matter himself and does not object.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. EDGE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New Jersey will state the inquiry.

Mr. EDGE. What is the business before the Senate?

The PRESIDENT pro tempore. The Senate is about to consider Calendar 1824.

Mr. EDGE. Why not the unfinished business?

The PRESIDENT pro tempore. Because the unanimous-consent agreement provided for two hours on the calendar and we did not reach the Calendar until 11.15. The Clerk will report the next bill on the Calendar.

The resolution (S. Res. 308) continuing until the end of the first regular session of the Seventy-first Congress, Senate Resolution No. 79, authorizing a general survey of Indian conditions, was announced as next in order.

Mr. HAYDEN. Mr. President, reserving again the right to object, though I do not intend to do so, I desire to address the Senate on the resolution just stated.

Mr. GEORGE. Mr. President, it is quite evident this matter can not be considered now, and I hope the Senator will not consume the entire calendar time by further discussion of a resolution which seems to be in controversy among some of the Senators.

Mr. HAYDEN. I assure the Senator so far as I am concerned that the resolution may pass, but I desire to occupy five minutes.

Mr. GEORGE. The Senator has that right, but he has already consumed and there has been consumed quite a good deal of calendar time when it was perfectly obvious that Senators were wrangling among themselves over the merits or demerits of the question.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Georgia to object?

Mr. GEORGE. No; I do not object. I express a hope.

Mr. HAYDEN. Mr. President, I have no objection to the passage of the resolution in its present form, but I desire to inquire of the chairman of the Committee on Indian Affairs [Mr. FRAZIER] whether he intends to press an amendment which he offered to the resolution which continues the committee indefinitely? The amendment to which I refer was printed on January 26 last, and states that the committee is authorized to sit and act at such times and places as it may see fit through the Seventieth Congress and succeeding Congresses.

Mr. FRAZIER. Mr. President, I will say to the Senator that the proposed amendment was withdrawn. The time has just been extended through the first session of the Seventy-first Congress.

Mr. HAYDEN. Then I offer the following amendment to the resolution.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, insert the following proviso:

Provided, That any officer or employee of the Bureau of Indian Affairs whose official conduct may be under investigation by such committee shall have the right to appear before the committee in person or by counsel and cross-examine all witnesses appearing before the committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Arizona.

Mr. BRATTON. Mr. President, before the resolution is adopted I desire to address myself to it briefly. I have no objections to the investigation of the Bureau of Indian Affairs. I think proper investigation looking to defects in the administration of the bureau, if any there be, with a view of correcting those defects by evolving a better system of administering the affairs of the Indians as to life and property, is a step in the right direction. I now make no criticism of the committee. I do think, however, that those who are assailed in the course of the inquiry should have the right to appear and defend themselves as provided in the amendment just adopted.

Soon after the investigation got under way certain self-styled uplifters of the Indians throughout the country manifested a deep interest in the matter. I think they are exercising entirely too much power and too many prerogatives in connection with the Indians' affairs. I think some of these so-called uplifters are detrimental instead of helpful to the Indians.

Under date of January 26, last, a member of this committee inserted in the RECORD an article which had previously appeared in the current issue of the magazine Good Housekeeping, under the title "The Cry of a Broken People." In that article criticisms were directed against Indian conditions throughout the country; that is to say, in practically every State where Indians live and reside. Criticism was directed against two of the Indian schools in my State, one located at Santa Fe and the other at Albuquerque. Acting in the belief that this criticism reflected upon the people of the two cities mentioned, I immediately requested the Governor of the State of New Mexico to head a committee to investigate the Indian school at Santa Fe. He did so. The committee wired a telegraphic report of his investigation and followed it with a detailed report. I have the message and the report here. I also requested the

mayor of the city of Albuquerque to head a like committee to investigate the school at Albuquerque. That was done. I have a copy of the report here. Two or three other schools in the State of New Mexico were investigated as a result of the ill-considered and fallacious criticism, which I think rests largely upon imagination.

I desire at this point to have these data respecting the several schools in New Mexico thus examined printed in the RECORD. These are excellent schools and are doing a splendid work among the Indians.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The data referred to are as follows:

SANTA FE, N. MEX., *January 30, 1929.*

Hon. SAM G. BRATTON,

United States Senator, Washington, D. C.:

Committee consisting of Gov. R. C. Dillon, Dr. G. S. Luckett, director of State bureau of public health, and E. Dana Johnson, editor of Santa Fe New Mexican, spent four hours at United States Indian industrial school here to-day; examined entire plant and questioned superintendent, many employees, and pupils. Will forward detailed report by mail to-morrow. Food found abundant, clean, and of good variety and check of individual weight charts which are kept on all pupils shows steady gain in weight. Clothing found adequate, warm, and of good quality. Pupils receive hospital care with resident physician and trained nurse and new building under construction will afford improved modern hospitalization. Disease apparently under good control. There are now 42 cases of trachoma which physician and nurse say is decrease of 25 per cent during school year and 8 per cent of enrollment. Report all precautions taken to prevent spreading in school. There was one tubercular case this year according to physician, who says it was removed to hospital at Laguna. No jail could be found and superintendent and disciplinarian say pupils are never locked up. Sleeping accommodations appear clean and adequate with exception of some crowding in two rooms of girls' dormitory. Found no evidence of overwork of pupils. Cleanliness, sanitation, ventilation, and general living conditions found good. No pupils made complaints and children appeared contented, normal, happy, and healthy.

R. C. DILLON.
E. DANA JOHNSON.
G. S. LUCKETT.

REPORT ON INVESTIGATION OF UNITED STATES INDIAN INDUSTRIAL SCHOOL AT SANTA FE, N. MEX., ON JANUARY 29, 1929

At the request of Hon. SAM G. BRATTON, United States Senator from New Mexico, and of Hon. Edgar L. Meritt, Assistant Commissioner of Indian Affairs, transmitted through Superintendent Burton L. Smith, of the Indian school, the undersigned committee of citizens visited and inspected the United States Indian Industrial School at Santa Fe, spending four hours at the institution on January 29, 1929, examining the buildings and questioning the superintendent, employees, and numerous pupils. Following this investigation the committee sent the following telegram to United States Senator BRATTON:

"Committee, consisting of Gov. R. C. Dillon, Dr. G. S. Luckett, director of State bureau of public health, and E. Dana Johnson, editor of the Santa Fe New Mexican, spent four hours at United States Indian Industrial School here to-day, examined entire plant and questioned superintendent, many employees, and pupils. Will forward detailed report by mail to-morrow. Food found abundant, clean, and of good variety, and check of individual weight charts which are kept on all pupils shows steady gain in weight. Clothing found adequate, warm, and of good quality. Pupils receive hospital care with resident physician and trained nurse, and new building under construction will afford improved modern hospitalization. Disease apparently under good control. There are now 42 cases of trachoma, which physician and nurse say is a decrease of 25 per cent during school year and 8 per cent of enrollment. Report all precautions taken to prevent spreading in school. There was one tubercular case this year, according to physician, who says it was removed to hospital at Laguna. No jail could be found, and superintendent and disciplinarian say pupils are never locked up. Sleeping accommodations appear clean and adequate, with exception of some crowding in two rooms of girls' dormitory. Found no evidence of overwork of pupils. Cleanliness, sanitation, ventilation, and general living conditions found good. No pupils made complaints, and children appear contented, normal, happy, healthy.

"R. C. DILLON.
"G. S. LUCKETT.
"E. DANA JOHNSON."

The committee herewith makes the following more detailed report:

FOOD

The quality of food as observed was generally good, excepting three pieces of beef that were strong. The flour was good, with no evidence of insects or mice. There is attached to this report as Exhibit A sample menus, furnished by the superintendent. These are prepared, he says, two weeks in advance. They indicate reasonably good balance, but are rather monotonous. More green vegetables and raw fruit are desirable. Milk furnished is about one-third of desirable quantity, including that used in cooking. Storage facilities for meat, flour, and canned stuff are good; others were not observed.

The management gave the cost of food as about 18 cents per capita daily, at Government contract rate, which is much lower than retail prices. This does not include transportation costs, which are not charged against the school. This would probably be equivalent to 40 cents daily at retail prices.

The chief clerk stated that the school is allowed $25,000 per year for general food supply, in addition to which $10,000 worth of vegetables and milk is raised on the grounds and $4,000 worth of hogs annually. The dairy, he stated, yields 30 to 35 gallons of milk daily; it is desired to increase the milk supply to 1 quart per day per pupil, but there is not money enough to increase the dairy herd to this extent. The chief clerk also states that 150 pounds of dried milk is consumed weekly, equivalent to 600 pounds of liquid milk. Consumption of flour is twenty-five 100-pound sacks per week. He said the school obtained beef at 15 cents a pound, dried fruit at 6½ cents, bacon at 17 cents, and cheese at 22 cents, these prices being averages.

We observed in the kitchen a large washtub over half filled with waste bread left from the breakfast table. All bread is served in large slices about 1 inch thick. Both white and whole-wheat bread are served. The kitchen appeared clean and the food properly handled. A new bakery is under construction.

NUTRITION OF PUPILS

Practically all pupils were observed, and the committee was present when the noon meal was served. All pupils, so far as we could see in such a short time, had a healthy, well-nourished appearance, full of vitality and spirits, and playful as normal children anywhere.

Dr. J. F. Lane, resident physician, Superintendent Smith, Chief Clerk Vaughn, and Principal Anderson state that the children are all weighed once a month. The weight records of about 200 were inspected, and with very few exceptions showed uniform gain. A sample chart is attached as Exhibit B. Doctor Lane stated that any who do not show gain are given cod-liver oil three times a day and milk twice a day in addition to meals; that these pupils are checked up daily and made to come to the hospital for oil and milk. Dr. H. J. Warner, of the United States Pulbic Health Service, and now in charge of Indian medical service in this region, confirms these statements.

CLOTHING

All the children were well clothed and none appeared to be suffering from the cold. The chief clerk stated that outside workers are provided with gloves and overshoes for protection. Clean clothing from the laundry and that in storage was inspected and adjudged of excellent quality. The girls have woolen dresses and the boys heavy woolen suits for dress; the girls also have woolen capes. Both appeared to have sweaters or coats for ordinary wear. The underwear was of excellent quality, medium weight, full length, and would probably retail for approximately $1.75 per suit. The shoes appeared to be of good quality. Those boys who have the money and prefer to buy their own clothes instead of wearing the school clothing are allowed to do so, the superintendent states. In the room of the pupil, Fernando Romero, were two extra suits of clothes and a pair of silk socks which the matron in charge said his father had sent him. Most all the pupils keep their clothes in individual lockers.

HEALTH

Doctor Lane, who resides at the school and cares for near-by pueblos, is in good professional standing, being a member of the Santa Fe County Medical Society and of the American Medical Association. The hospital is in an old building and accommodates 36 patients; it is clean and sanitary. A new building under construction as a hospital will accommodate 75 beds and will be open to the Indians of the pueblos as a general hospital. The old building will then be converted into domestic science and assembly quarters.

Doctor Lane and Miss Beckner, R. N., chief nurse, state that 42 cases of trachoma are now under treatment. The treatment outlined is that usually followed—grattage, silver nitrate, argyrol, etc. The doctor stated that the number of trachoma cases in the school had been reduced 25 per cent since the opening of school last fall. A conjunctivitis list is made out at the beginning of the term, he said. Only three trachoma cases were observed on casual inspection. The doctor stated that all cases have separate seats and books in school and that seats are cleaned regularly with lysol solution.

All pupils have their own towels and the supply is ample. The doctor said that one throat-tuberculosis case was found in the school last fall and sent to the hospital at Laguna. There have been no pulmonary cases, and there are no known tuberculars among the pupils now. Doctor Lane stated that all pupils are examined on admission and again during the school year, and that at any time children showing elevation of temperature are hospitalized for observation. The chief nurse said that hospital admissions average about 20 weekly for all causes, including observation.

During the recent influenza outbreak there were 300 cases in the school, with no pneumonias or deaths resulting, the doctor and nurse stated.

All washrooms are equipped with cabinets filled with clean towels. The towels are withdrawn from a slot in the bottom. Soiled towels are dropped through slots in the top into locked containers, which is a very good arrangement.

There are ample washing and bathing facilities for all. Washing is done only in running water. The matron states that each pupil is required to take a weekly bath, and may have one oftener if desired. Disciplinarian Robertson supervises the boys' baths. The water supply from the city of Santa Fe is of excellent sanitary quality and under regular State supervision. Sanitary drinking fountains were observed. Sewage disposal is through septic tanks. General cleanliness obtains throughout all quarters. We observed that the girls' toothbrushes are kept in individual slots in a glass case.

Disciplinarian and matron inspect all quarters daily and superintendent inspects quarters and departments once a month. Matron and disciplinarian inspect the bodies of all pupils weekly. Bedtime is 9.30 for older pupils and 7 for young ones.

A new, commodious, well-ventilated gymnasium has been completed recently.

DISCIPLINE

The superintendent and disciplinarian both stated that corporal punishment and jailing are not practiced and that pupils are never locked up.

Fernando Romero, a pupil, and the disciplinarian both confirmed a report of an encounter between them in which the disciplinarian slapped the pupil. They agreed that the punishment was aggravated by the insolence of Romero, who left school when finally asked whether or not he intended to obey the rules. He later returned voluntarily, although 21 years of age and therefore not required to stay. He says he likes the school and would rather stay there than go home; that he probably deserved the punishment. The disciplinarian says that Romero, one of the officers of the student body, is an exemplary pupil now in every respect. Romero said he knew of no other similar case of punishment, and never heard of any pupil being tied to a bed or locked up, since the present disciplinarian took charge.

FORCIBLE REMOVAL OF CHILDREN TO SCHOOL

The superintendent said that Indian parents prefer to have their younger children in the boarding school until they are old enough to herd goats or do other work, and related an incident of parents who left a 6-year-old girl at the school against his orders. The child had to be returned to her home by the school authorities, he said. He stated that only the agency superintendent has power to compel a child to go to the boarding school; and that on a trip to Puertecito and Cañoncito, N. Mex., to bring in pupils, he could have brought twice as many as the 50 he did bring, if he had listened to the pleas of the parents who insisted on sending them. The matron told of one girl who, she said, wanted to stay at the school during the summer because the work at home was too hard. The superintendent said day schools through the fourth grade are provided in the pueblos, and through the sixth grade at Taos, and that all will include the sixth grade this year or next, according to present plans.

LABOR

Apparently all the girls are employed in successive details in the laundry, sewing rooms, and kitchen. The superintendent says the system desired is for the pupil to give one-fourth of time to detail work and three-fourths to school. This is not yet true in all cases. The boys work in the dairy and shoe and tailor shops, on the farm, handling coal, carpentering, etc. The superintendent says the boys do small chores in the morning, work from 7.30 to 11.30 a. m., have half an hour for recreation before and after the noon meal, school from 1 to 4 p. m., and out at 4 for rest and recreation. The laundry is equipped with the latest machinery, which is well protected, and we saw no evidence of overwork among the girls here or in the sewing rooms. It is probably true that the girls do not receive much training in ordinary home laundry, excepting ironing. The pupils are robust in appearance and do not look as if they were overworked.

BOYS' DORMITORIES

Two dormitories are in use for the boys; one an old building, which is used only in part, the other new this year and fully modern in every respect. All rooms were inspected and found clean, well kept, and well ventilated. The greatest number in one room is 20, with good separation between beds. Not all the space in this building is yet required. We were told that it accommodates 212 pupils and now contains 168. Wash rooms and toilets were all found to be clean and adequate; there are ample reading rooms and locker rooms, rooms for storage of clothing, students' luggage, etc. The matron of this building said that 8,000 towels were bought for this dormitory alone. There are two commodious guest rooms. Occupants of small rooms accommodating two boys each are allowed to fix up the rooms to suit themselves. In one we observed pie and apples sent in by relatives of the boys.

GIRLS' DORMITORY

The girls' dormitory is an old building. The management of the school said requests for a new one had not yet been granted. Four glass-inclosed, well-ventilated, and not overcrowded sleeping porches have 28 to 36 beds each, with small sitting rooms opening off the porches. One room, about 33 by 40 feet in size, contains 35 beds, much too crowded, and the 7 windows in this room hardly give enough ventilation. Two other rooms about the same size contain 24 and 25 beds, respectively, with about the same ventilation as the 35-bed room; the ventilation may be sufficient for the smaller number of beds.

Fire escapes in this building, from the second floor, do not appear to be quickly accessible from all rooms, considering the crowded condition.

A small playroom in the basement of this building has two windows painted so that the light is insufficiently admitted; however, climatic conditions are such that children may play out of doors practically all winter. On the ground floor is a large recreation room, well furnished, with piano, and the matron says that after 4.30 p. m. the girls sing, dance, and play in this room daily.

GENERAL

The superintendent and employees welcomed the committee cordially and conducted it all over the place, with entire freedom of inspection and to question pupils privately.

Superintendent Smith informed the committee that about $225 per year is allowed for maintenance of each pupil; that the average enrollment is 500 and the present enrollment 550.

It will be clear that this report is based only on what the committee could observe in one full day's inspection and applies only to the Santa Fe Indian School.

R. C. DILLON,
Governor of New Mexico.
G. S. LUCKETT, M. D.,
State Director of Public Health of New Mexico.
E. DANA JOHNSON,
Editor Santa Fe New Mexican.

EXHIBIT A

MENUS—DECEMBER 30, 1928, TO JANUARY 5, 1929, SANTA FE INDIAN BOARDING SCHOOL

Sunday

Breakfast: Fruit, creamed eggs, bread, sirup, coffee, and cereal.
Dinner: Roast beef, gravy, sweet potatoes, bread, scalloped corn, and apple pie.
Supper: Chili con carne, mashed potatoes, bread, pickles, and gingerbread.

Monday

Breakfast: Oatmeal and milk, bacon and gravy, bread, and coffee.
Dinner: Boiled dinner, raw carrots, bread, and fruit.
Supper: Beans with hominy, tomatoes, corn bread, tea, and milk.

Tuesday (New Years Day)

Breakfast: Rice with raisins, stew, bread, coffee, and cereal.
Dinner: Roast pork, apple sauce, mashed potatoes, fried cabbage, pickles, hot rolls, coffee, and spice cake.
Supper: Sliced meat, scalloped potatoes, raw carrots, bread, fruit, and cocoa.

Wednesday

Breakfast: Fruit, milk toast, bread, sirup, coffee, and cereal.
Dinner: Hamburger, tomatoes, potatoes, coleslaw, bread, and bread pudding.
Supper: Beef in gravy, baked potatoes, whole-wheat bread, pickles, and cocoa.

Thursday

Breakfast: Cracked wheat, hot rolls, butter, coffee, and cereal.
Dinner: Roast beef, gravy, potatoes, beets, raw onions and cabbage, cereal, and pudding.
Supper: Spanish rice (boys), split-pea soup (girls), hard bread, corn bread, and fruit or tomatoes.

Friday

Breakfast: Fruit, eggs with bacon, bread, sirup, coffee, and cereal.
Dinner: Beef stew, dumplings, slaw with carrots, bread, and bread pudding.
Supper: Creole macaroni, bread, raw onions, cinnamon rolls, and cocoa.

Saturday

Breakfast: Fruit, stew, bread, sirup, coffee, and cereal.
Dinner: Roast beef, dressing, potatoes, split peas, bread, and pudding.
Supper: Beans, hash, bread, cocoa, and gingerbread.

MENUS, JANUARY 6–13, 1929, SANTA FE INDIAN BOARDING SCHOOL

Sunday

Breakfast: Oatmeal with raisins, boiled eggs, butter, bread, sirup, coffee, and cereal.

Dinner: Roast pork, dressing, sweet potatoes, creamed cabbage, rolls, pickles, and spice cake.
Supper: Beans with hominy, hash, bread, cocoa, and peaches.

Monday

Breakfast: Fruit, milk toast, bread, sirup, coffee, and cereal.
Dinner: Beef stew with dumplings, slaw with carrots, potatoes, bread, and rice pudding.
Supper: Sliced meat, macaroni with tomatoes, corn bread, tea, milk, and fruit.

Tuesday

Breakfast: Cracked wheat, sugar, fried potatoes, bread, sirup, coffee, and cereal.
Dinner: Roast pork, gravy, mashed potatoes, carrots and peas, bread, and cereal pudding.
Supper: Spanish rice (girls), split-pea soup (boys), hard bread, bread, and fruit.

Wednesday

Breakfast: Fruit, meat in gravy, bread, sirup, coffee, and cereal.
Dinner: Liver and onions, potatoes, scalloped corn, raw carrots, bread, and fruit.
Supper: Meat stew, baked potatoes, whole-wheat bread, tomatoes, and cocoa.

Thursday

Breakfast: Hominy, sugar, milk, hot rolls, butter, coffee, and cereal.
Dinner: Boiled dinner, coleslaw, bread, and bread pudding.
Supper: Beans with bacon and onions, hash, corn bread, pickles, and fruit.

Friday

Breakfast: Fruit, eggs and bacon, bread, sirup, coffee, and cereal.
Dinner: Roast beef, gravy, potatoes, beets, fried cabbage, fruit, and bread.
Supper: Macaroni and cheese, raw carrots, cinnamon rolls, cocoa, and bread.

Saturday

Breakfast: Oatmeal, milk, stew, bread, sirup, coffee, and cereal.
Dinner: Roast beef, gravy, potatoes, scalloped tomatoes, bread, pickles, and pudding.
Supper: Beans, hash, raw onions, bread, cocoa, and fruit.

MENUS, JANUARY 13, 1929, TO JANUARY 20, 1929, SANTA FE INDIAN BOARDING SCHOOL

Sunday

Breakfast: Fruit, creamed eggs, bread and butter, coffee, and cereal.
Dinner: Roast beef, dressing, sweet potatoes, carrots and peas, rolls, pickles, and bread pudding.
Supper: Chili con carne, potatoes, bread, tomatoes, spice cake.

Monday

Breakfast: Cracked wheat, milk, bacon and gravy, bread, sirup, coffee, and cereal.
Dinner: Boiled dinner, coleslaw, bread, cereal, and pudding.
Supper: Beans with hominy, hash, cocoa, corn bread, and fruit.

Tuesday

Breakfast: Fruit, milk toast or stew, bread, sirup, coffee, and cereal.
Dinner: Roast beef, gravy, mashed potatoes, fried cabbage, raw carrots, bread, and fruit.
Supper: Meat soup (boys), Creole macaroni (girls), hard bread, bread, cinnamon rolls, and tomatoes.

Wednesday

Breakfast: Oatmeal, sugar, milk, hot rolls, butter, coffee, and cereal.
Dinner: Liver and onions, scalloped corn, boiled rice, raw onions, bread, and fruit.
Supper: Meat and gravy, baked potatoes, whole-wheat bread, cocoa, and doughnuts.

Thursday

Breakfast: Fruit, stew, bread, sirup, coffee, and cereal.
Dinner: Beef stew, dumplings, slaw with carrots, bread, and rice pudding.
Supper: Beans with chili, potatoes, corn bread, sirup, pickles, and cocoa.

Friday

Breakfast: Hominy, milk, scrambled eggs, bread, sirup, coffee, and cereal.
Dinner: Roast pork, apple sauce, potatoes, turnips, coleslaw, bread, and pudding.
Supper: Chili con carne, rice, whole-wheat bread, gingerbread, and fruit.

Saturday

Breakfast: Oatmeal, sugar, fried potatoes, bread, sirup, coffee, and cereal.
Dinner: Roast beef, gravy, mashed potatoes, scalloped tomatoes, bread, and fruit.
Supper: Beans, hash, raw carrots, bread, cocoa, and fruit.

MENUS, JANUARY 20–27, 1929, SANTA FE INDIAN BOARDING SCHOOL

Sunday

Breakfast: Fruit, boiled egg, bread, butter, coffee, and cereal.
Dinner: Roast pork, dressing, sweet potatoes, scalloped corn, rolls, slaw with carrots, and apple pie.
Supper: Sliced meat, scalloped potatoes, pickles, bread, peaches, and cocoa.

Monday

Breakfast: Cracked wheat, sugar, milk toast, bread, sirup, coffee, and cereal.
Dinner: Roast beef, gravy, mashed potatoes, fried cabbage, bread, cereal, and pudding.
Supper: Creole macaroni, raw onions, cocoa, corn bread, sirup, and fruit.

Tuesday

Breakfast: Fruit, fried potatoes, bread, sirup, coffee, and cereal.
Dinner: Beef stew, dumplings, coleslaw, whole-wheat bread, and rice pudding.
Supper: Beans with hominy and chili, bread, pickles, tomatoes, and cinamon rolls.

Wednesday

Breakfast: Oatmeal, sugar, milk, meat in gravy, bread, sirup, coffee, and cereal.
Dinner: Hamburger, tomatoes, potatoes, succotash, bread, and fruit.
Supper: Chili con carne, baked potatoes, bread, cocoa, and fruit.

Thursday

Breakfast: Fruit, hominy with bacon, bread, sirup, coffee, and cereal.
Dinner: Roast pork, dressing, mashed potatoes, scalloped tomatoes, bread, and fruit.
Supper: Meat soup (girls), hash (boys), hard bread, carrots, corn bread, and fruit.

Friday

Breakfast: Oatmeal, milk, creamed eggs, bread, butter, coffee, and cereal.
Dinner: Boiled dinner, coleslaw, bread, and bread pudding (choc.).
Supper: Sliced meat, potatoes, pickles, bread, cocoa, and gingerbread.

Saturday

Breakfast: Fruit, meat stew, bread, sirup, coffee, and cereal.
Dinner: Roast pork, apple sauce, mashed potatoes, creamed cabbage, bread, and pudding.
Supper: Beans with chili and bacon, raw carrots, cocoa, and fruit.

MENUS, JANUARY 27 TO FEBRUARY 2, 1929, SANTA FE INDIAN BOARDING SCHOOL

Sunday

Breakfast: Fruit, scrambled eggs, bread, butter, coffee, and cereal.
Dinner: Roast beef, dressing, sweet potatoes, tomatoes, pickles, rolls, and spice cake.
Supper: Chili con carne, mashed potatoes, slaw with carrots, bread, cocoa, and fruit.

Monday

Breakfast: Oatmeal, milk toast, bread, sirup, coffee, and cereal.
Dinner: Beef stew, rice, boiled cabbage, bread, and bread pudding.
Supper: Meat soup (boys), Spanish rice (girls), hard bread, corn bread, fruit, and sirup.

Tuesday

Breakfast: Fruit, meat in gravy, bread, sirup, coffee, and cereal.
Dinner: Roast beef, potatoes, whole-wheat bread, tomatoes and pudding.
Supper: Beans with bacon, bread, raw onions, tomatoes, and cocoa.

Wednesday

Breakfast: Cracked wheat, hot biscuits, sirup, coffee, and cereal.
Dinner: Liver and onions, mashed potatoes, succotash, bread, and fruit.
Supper: Meat and gravy, baked potatoes, pickles, bread, fruit, tea, and milk.

Thursday

Breakfast: Fruit, fried potatoes, bread, sirup, coffee, and cereal.
Dinner: Boiled dinner, coleslaw, bread, and rice pudding.
Supper: Sliced meat, hash, cocoa, corn bread, and tomatoes.

Friday

Breakfast: Fruit, hominy and bacon, bread, sirup, coffee, and cereal.
Dinner: Roast pork, dressing, potatoes, raw carrots, bread, and fruit.
Supper: Creole macaroni, coleslaw, bread, cocoa, and cinnamon rolls.

Saturday

Breakfast: Oatmeal, sugar, milk, meat stew, bread, sirup, coffee, and cereal.
Dinner: Roast beef, gravy, mashed potatoes, bread, turnips, chocolate, and bread pudding.
Supper: Beans with chili, raw carrots, bread, cocoa, and fruit.

EXHIBIT B

YEARLY RECORD OF WEIGHTS OF PUPILS

(To be made part of permanent school record)

For the school term beginning 19— and ending 19—

_____School
(Name) (Day or boarding)

_____, *Superintendent.*

Each pupil must be accurately weighed at least once each month, and the weight recorded on this form. All who lose in weight, or whose weight remains stationary, should be referred to the physician for a thorough physical examination and further observation. The physician, after inspecting this record, should place his initials each month at the foot of the column in the place indicated

Name of pupil	Age	Sex		Weight on entrance	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.
		M.	F.													
I hereby certify that I have examined the above record.																
Initials of physician																
Date of his examination of record																

FEBRUARY 9, 1929.

Hon. R. C. DILLON, *Governor.*
Dr. S. G. LUCKETT, *Director of Public Health.*
Hon. E. DANA JOHNSON, *editor New Mexican, Santa Fe, N. Mex.*

GENTLEMEN: Please allow me to express my deep appreciation for the expeditious and thorough manner in which you conducted the examination of the Indian school at Santa Fe to determine whether the facts stated by Miss Connelly in her article recently published in Good Housekeeping were true.

Your telegram under date of the 29th ultimo, as well as the report made on the 2d instant, reached me in due time. At my request, a similar investigation was conducted at the Indian school in Albuquerque. I understand it has been completed, but the report has not arrived. As soon as it reaches me I shall insert both reports in the CONGRESSIONAL RECORD and take occasion to make some observations on the floor of the Senate regarding the subject matter. It is my belief that we in New Mexico have just cause to deplore the obvious recklessness with which Miss Connelly wrote, so far as the two schools in question are concerned.

With renewed good wishes and kind personal regards to each of you, I am,

Cordially yours,

_____ _____.

UNITED STATES DEPARTMENT OF THE INTERIOR,
INDIAN FIELD SERVICE,
Zuni Agency, Zuni, N. Mex., February 5, 1929.

Hon. SAM G. BRATTON,
United States Senate, Washington, D. C.

DEAR SENATOR BRATTON: I am sending you an open letter with reference to that article by Vera L. Connelly in the Good Housekeeping Magazine which was printed in the CONGRESSIONAL RECORD. This letter is sent you, as I know you are very much interested in having a statement of the true conditions given for any of the Indian agencies or Indian reservations in New Mexico.

This reference to Zuni is so unfair that I have felt it my duty to answer this with a statement as to the actual conditions existing here. You are privileged to make any use of this letter you may wish.

Thanking you for your interest and assistance in all matters pertaining to the work here, I am,

Sincerely yours,

G. A. TROTTER, *Superintendent.*

[Inclosure]

UNITED STATES DEPARTMENT OF THE INTERIOR,
INDIAN FIELD SERVICE,
Zuni Agency, Zuni, N. Mex., February 5, 1929.

Senator SAM G. BRATTON,
United States Senate, Washington, D. C.

DEAR SENATOR BRATTON: Appearing in the CONGRESSIONAL RECORD of January 26, 1929, is the article of Vera L. Connelly, from the Good Housekeeping Magazine entitled "The Cry of a Broken People." The following paragraph from the article has reference to Zuni conditions: "At Zuni, in the home of the pueblo governor, while I listened to a story of contaminated drinking water, dysentery, and a reservation doctor who would not pay visits to sick Indians, I saw a young mother anxiously looking into the face of the terribly sick baby in her arms. The child was covered with a scabby disease." Such a statement is eminently unfair as the writer could have investigated and found that the river contamination had been corrected by the construction of sewer lines and septic tanks; that a deep well had been drilled, which although inadequate for all domestic purposes of the Indians, affords much more water than they use, and that plans were being made for the drilling of another deep well at Zuni. The pueblo governor, perhaps, failed to point out to this writer an $8,000 bathhouse with hot and cold water, where as many as 300 adult Indians avail themselves of the opportunity of taking free baths weekly, and where every encouragement is offered all the Indians of the pueblo to make use of this privilege. The pueblo governor, perhaps, failed to inform the writer that the agency physician had a dispensary in the village to which he makes trips every morning, and from there drives over the village calling upon the sick, and volunteering his services—which are more often refused than accepted—in a village where about 1 in 5 is a medicine man or medicine woman. The governor might have informed her that there were six telephones in different parts of the village, all connected with the physician's office, and that this governor had been instructed to advise all of the Zunis that a call at any time during the day or night would receive immediate attention.

The governor surely failed to tell this woman of Miss Duggan, the field nurse of the eastern association, a conscientious, tireless worker who lives among the Zunis, and spends her time in house to house visitations for their relief. By inquiry, she could have found that the scabby disease she noted in her visit is caused by the mother—it may be by direction of a medicine woman—placing wood ashes on the face of her new-born child, and that the physician and field nurse are making every effort to stop this custom. If this writer had but looked out from the limousine in which it is supposed she made the trip to Zuni, she would have seen many of these "broken people" riding in their own automobiles. Had she inquired as to their destination, they might have advised her that they were looking after some of the 40,000 sheep owned by them, or were harvesting their crops of corn, wheat, alfalfa, or garden produce—made possible by an expenditure of $280,758, the initial cost of an irrigation dam constructed for them by a generous Government.

She surely could have inquired of the pueblo governor about the school facilities afforded the poor Zunis. She could have looked over the sanatorium school where 80 undeveloped and undernourished Zuni children receive proper food and care, and where in less than 3 per cent of the cases, after three months' care, may leave the institution overweight. If she had cared to inquire with reference to the cost of this school, she would have been advised that more than $60,000 had been expended in converting the boarding school plant into a sanatorium, and that the meals for the institution were costing more than three times the 11 cents per day "hokum" she mentions in this article. While at the governor's home, if she had looked to the north, she would have seen one of the best-equipped day school plants in the service, where more money has been expended by the Government for the betterment of the Indian than these so-called "uplifters" ever have, or ever will expend for this purpose. Across the fence from this Government day school is the Catholic Indian School, representing an expenditure of $40,000, while just to the south of the river the Christian Reformed Society has expended an equal amount upon a school and hospital, and where adult Indians may receive hospitalization under a trained nurse when they can be persuaded to go there. If all of this article as truthfully portrays conditions on other reservations as at Zuni, it certainly reflects great credit upon the magazine which published it. * * *

Very truly yours,

G. A. TROTTER, *Superintendent.*

FEBRUARY 9, 1929.

Mr. G. A. TROTTER,
Zuni, N. Mex.

DEAR MR. TROTTER: I thank you very much for your letter under date of the 5th instant, respecting the article written by Vera L. Connelly, entitled "The Cry of a Broken People," which was published in the current issue of Good Housekeeping Magazine and inserted in the CONGRESSIONAL RECORD on the 26th of last month.

At my request investigations have been made of the Indian schools at Albuquerque and Santa Fe. A report upon the Santa Fe school is on my desk. I am awaiting the one from Albuquerque. Your letter, containing valuable data in regard to the Zuni situation, will be very helpful. I desire to secure all possible relevant data. Acting upon the permission given I shall make appropriate use of your letter.

With personal regards, I am,

Sincerely yours,

ALBUQUERQUE, N. MEX., *February 11, 1929.*

Hon. E. B. MERITT,
Assistant Commissioner Indian Affairs, Washington, D. C.

SIR: In accordance with your recent telegrams to Supt. Reuben Perry and also to Supt. Lem A. Towers, of the Indian pueblos, the following persons were named on a committee to investigate the conditions of the Albuquerque Indian school and Indian day schools and pueblos. Personnel of the committee:

Hon. Clyde Tingley, mayor of the city of Albuquerque, N. Mex., chairman.

Mrs. George Ruoff, president New Mexico Federated Women's Clubs.

Mrs. Max Nordhaus, chairman of the Indian welfare committee of the New Mexico Federated Women's Clubs.

J. R. Guild, post commander of the Hugh A. Carlisle Post, No. 13, of the American Legion.

Dr. James R. Scott, county health officer of Bernalillo County, N. Mex.

M. E. Hickey, former judge of the district court of Bernalillo County, N. Mex.

Your committee held meetings on six different days. It had before it for interrogation 11 employees, including the superintendent, 4 persons not employees, and 27 pupils. Statements made by these persons have been transcribed into the record and are submitted herewith, together with this, your committee's report.

While your committee investigated generally, it stressed particularly the following questions:

(a) Food: To see if the pupils really go hungry.

(b) Clothing: To see if pupils have enough clothing for comfort.

(c) Punishment: To see if the punishment inflicted upon the pupil is in a cruel and inhuman manner.

(d) Health: To see if pupils received adequate medical care.

Your committee personally inspected the school, school rooms, dormitories, laundry, hospital, kitchen, and dining room, and reports them all in good condition and well managed.

FIRST, AS TO THE QUESTION OF FOOD

We found on file in the office at the school copies of menus from 1924 down to the present time, and introduced several of the menus into the record, and especially all menus for the month of March, 1927.

There is a system in vogue at the school of weighing all pupils when they enter the school and then every month thereafter. If any are underweight, that pupil gets a special diet under the direction of the school doctor.

One boy stated that he does not get enough to eat; at the same time his weight shows that in November, when he entered the school, he weighed 132¾ pounds, in December he weighed 136 pounds, and on February 7, 1929, he weighed 134 pounds. On February 5, he stated to the committee that his last weight, taken only a short time previous, was 130 pounds. The difference between 130 pounds—his weight, according to his statement taken a short time before February 5—and 134 pounds, his weight taken February 7, shows a considerable improvement in weight in a very short time, to say the least.

The weight records show an increase in weight of practically all pupils during the first three or four months after entering school in the fall.

Statements of both employees and pupils convince your committee that no pupils ever need go from the dining room hungry—good food is there and may be had for the asking.

From the statements cited and from other statements in the record forwarded herewith—especially the statements of the Rev. M. F. Cronin, a Catholic priest, and the Rev. Thomas D. New, a Baptist preacher—your committee unanimously and unhesitatingly finds, and so reports, that the pupils of the Albuquerque Indian School have enough to eat at all times.

SECOND, AS TO THE QUESTION OF CLOTHING

Your committee also reports that the pupils have enough clothing and bed clothing to keep them comfortable in all kinds of weather.

THIRD, AS TO THE QUESTION OF PUNISHMENT

While the committee was making its investigation word from an anonymous source was received to the effect that certain boys were severely punished by the disciplinarian on the 5th day of November, 1928. We followed the matter up by having those certain boys appear before us, and from their statements and also from the statements of the disciplinarian himself your committee finds that seven or eight boys were paddled on the naked flesh with the rubber sole of a hospital slipper.

Your committee can see that these boys may have "ganged up" to break the rules and have often left the grounds without permission to attend dances and that a few of them were drunk at different times, and had thus sorely taxed the patience of the school authorities, for said authorities seemed to have exhausted practically every means at their command for controllong this group of boys; your committee believes that a severe punishment was justly their due, but we can not approve of humiliating said boys in the way it was done in this isolated case. Your committee wishes to state further this is the only instance it was able to find where such punishment was ever inflicted.

Your committee asked for a statement from Mrs. Hickson, the head matron, regarding punishment of girls and also discussed that question with some of the girls, and reports that it has no criticism whatever to give of punishment inflicted upon girls, but commends the treatment received by the girls from Mrs. Hickson and other matrons.

FOURTH, AS TO THE QUESTION OF HEALTH

From a personal inspection of the hospital and the testimony of Doctor Richard, the school physician, and other employees your committee is convinced that the health of the pupils is carefully guarded and there is splendid and adequate supervision in this matter.

The two copies of bulletins of the American Indian Defense Association (Inc.) at the last of the records submitted herewith were put in as part of Superintendent Perry's statement to the committee.

Your committee wishes to state further that neither Mr. Perry nor any other employees other than the stenographer was present at any of the hearings of the committee and no pupil or employee was required to make a statement in his presence.

Your committee reports further that on the 31st day of January, 1928, it held a meeting in the living room of the girls' building at the Albuquerque Indian School with the governors, lieutenant governors, and interpreters of the pueblos of Laguna, Acoma, San Felipe, Santa Ana, Zia, Jemez, Sandia, and Isleta; there were 23 persons who made statements to your committee at this meeting where representatives of every pueblo were heard. We inquired particularly of these representatives as to their flocks, Government schools, teachers, doctors, nurses, and school buildings; we went further and asked if they, the representatives of said pueblo, had ever heard complaints against the Albuquerque Indian School made by pupils of that school or by the parents of such pupils.

One pueblo, that of San Felipe, complains about the condition of the bridge across the Rio Grande. Superintendent Towers stated that a requisition had already been made for funds to fix it.

The Sandia representative stated that they had recently—about two weeks ago—asked for a school building for that pueblo. Superintendent Towers stated that he had already recommended the building of the schoolhouse to the Indian Office and had asked authority to condemn a site.

Aside from the request for the repairs for bridge and the building of schoolhouse, your committee elicited nothing but praise from the governors, lieutenant governors, and other representatives of said pueblos.

Mrs. Reeble, a nurse at Jemez, employed by the New Mexico Association of Indian Affairs, made statements to the committee which shows conclusively close cooperation between her in the work she is doing and the Albuquerque School and also of the close cooperation and help rendered her by the school doctor and nurse.

Your committee finds that there is no dissatisfaction on the part of any of the pueblos with the treatment they are receiving from the Government, but, on the other hand, that there is much of commendation of the Government's work by said pueblos, and we respectfully cite statements of all those who came before the committee for your careful consideration.

Respectfully submitted.

C. TINGLEY,
Chairman, Mayor City of Albuquerque.
MRS. GOORGE RUOFF,
President New Mexico Federated Women's Clubs.
MRS. MAX NORDHAUS,
Chairman Indian Welfare Committee of New Mexico Federated Women's Clubs.
JAS. RUSSELL GUILD,
Post Commander Hugh A. Carlisle Post No. 13, American Legion.
JAMES R. SCOTT,
County Health Officer of Bernalillo County.
M. E. HICKEY,
Former Judge District Court of Bernalillo County.

GALLUP, N. MEX., *February 13, 1929.*

Hon. SAM G. BRATTON,

United States Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I inclose herewith a report which we have been requested to submit to the respective chairmen of the Indian Affairs Committees of both Houses and to our delegation in Washington, with reference to the inspection that was made by the committee signing this report of the school, hospital, and sanatorium at Fort Defiance, Ariz.

I can truthfully say that there is no attempt made by this committee to "whitewash" the school or any of its affairs. We merely give the facts as they were apparent to us. Mrs. Brock is county school superintendent of McKinley County and is thoroughly familiar with school affairs. Mr. Bickel, as you personally know, is president of the W. M. Bickel Co., Indian traders, knows the Navajo for over 20 years, and his thoughts and condition. Mr. Bickel is also a member of the municipal school board of the town of Gallup. This is not the first inspection of this type that I have made, because during the year 1923, as Democratic floor leader of the State senate and a member of the finance committee, we made a number of trips of inspection through the various State institutions. Ordinarily a school or institution is "dressed up" for an inspection of this type, but the Fort Defiance school was not ready for this occasion, and was conducting its affairs in the usual manner.

The deplorable thing of the entire situation is that we are trying to civilize a nomadic, pastoral Navajo; bringing him up to the twentieth century civilized American, which may seem hopeless. He is given a meager education, or training in some industrial occupation, and then turned loose to go back to the hogan and the reservation and its blanket. The Government gives them some assistance after they leave school, but the assistance he receives is not the kind that is necessary to absorb him into public life or to push him into the world and meet the competition of the world, which would be far better training than taking him into the schools and then sending him back to the mountains or valleys on the reservation.

As I have written to you before, the urgent need is contact by the Indian with the rest of the world that requires primarily the establishment of employment agencies near the reservation so that employers of labor could go to this agency and employ Indians and the agency could furnish the employer with the Indians that he requires.

The Pueblo Indian, like the Laguna, is years ahead of the nomadic Navajo, due probably to his centralized life and domestication, but is no better workman than the Navajo. Here, we find, for example, the Santa Fe Railroad employs a number of Lagunas in its shops and roundhouses and is apparently satisfied with this type of labor. Other employers of labor say that the Navajo is a good workman, easy to handle, and when he is on the job the employer has no care with reference to housing his employee.

If the Government would establish a labor agency so that the Navajo, when he leaves either the reservation or the school, could find employment, and not be compelled to return to the reservation, it would accomplish more for the Navajo Indian than John Collier's Indian Defense Society ever will.

With kindest personal regards and hoping to see you in New Mexico soon after March 4, I am,

Yours very truly,

A. L. ZINN.

To the Chairman of the Senate Committee on Indian Affairs; to the Chairman of the House Committee on Indian Affairs; to Hon. S. G. Bratton, Hon. Bronson Cutting, Senators, and Hon. A. G. Simms, Congressman from New Mexico, Washington, D. C.:

We, the undersigned, were requested to serve as a committee by the officials in charge of the sanatorium, school, and hospital at Fort Defiance, State of Arizona, for the purpose of investigating the true conditions of affairs at this school, sanatorium, and hospital, and more especially with reference to the food, clothing, and treatment accorded to the children and other inmates at this school, sanatorium, and hospital.

This committee left Gallup Monday morning, February 11, 1929, and arrived at Fort Defiance for the purpose of making this investigation at 11.45 a. m. We were escorted through the main dining room immediately after 12 o'clock, at which time the children were eating their noonday meal. We found that there are at the present time 492 children. Each and every one of these are trachoma patients. This school being solely at the present time a trachoma school, which disease is prevalent among the Navajo Indians. The children at this school are sent from all parts of the Navajo Reservation and not confined exclusively to the southern jurisdiction. Other than the Navajos, we found there two Hopi and one Laguna Indian, making this exclusively a Navajo school, however.

We discovered the menu, which is hereto attached and made a part of this report, and which menu was prepared by the domestic-science teacher at the school on the Wednesday prior to our visit, and is submitted to the cook on the Friday prior to our visit for the week ensuing the preparation of said menu. The food that was served at the noonday meal to the children conformed to the menu outlined. We can state that the school was not "dressed" for our visit, and the meal was prepared according to the menu and not because of our expected visit, inasmuch as the menu was prepared without the expectation of our visit and the cook was not informed of our coming until the evening before we arrived. We found all the children sufficiently nourished and apparently progressing in physical strength considering their condition. Those that were underweight were kept at a separate table on a special diet, a copy of which special menu is hereto attached and made a part of this report. The children that were underweight were, in addition to being put on the separate diet, required to take an afternoon nap or rest, and we found them in their respective dormitories in the afternoon taking the required rest. We also found that the children had ample food and were permitted to eat all they reasonably care for.

An examination of the dormitories showed them to be clean and well kept, well lighted, with plenty of sunshine and properly ventilated. We also found that each bed was equipped with from three to five woolen blankets. The rooms were properly heated and on the day we were there it was one of the coldest days that this section has experienced, and no one complained of the lack of either covers at night or sufficient heat to keep them warm during all times they were in the dormitories.

We found that the children who were in the first three grades were not required to do any detail work with the exception of errands. The children of the upper grades, that is the fourth, fifth, and sixth grades, were assigned to detail duties. During the morning they were in the academic classrooms and in the afternoon in the industrial classrooms. The girls were instructed in domestic science, including sewing, mending, and the proper care of the home, and the boys were designated to work in the shoe and harness shop where they learned that trade, and in the carpenter work, farming, and some work in the laundry.

Here a digression should be made to state that the children were assigned to work which was in conformity with their physical capacity, inasmuch as most of these children in the fourth, fifth, and sixth grades are between the ages of 14 and 15 years.

The sanatorium, where the tuberculosis patients were kept, was exceptionally well suited with reference to sunshine and ventilation. All patients were well taken care of, and had their own kitchen, dining room, and the place was exceptionally clean.

The hospital contained 30 cots, and during our visit there were 36 patients in the hospital, which made the same crowded. The place was clean and apparently all patients were being well taken care of.

There is a new hospital just being completed at a cost of upwards of $50,000, which is a model of its kind, being exceptionally well built, and the large wards, as well as the small ones, are well ventilated, and when the furniture is installed and all equipment in place it will probably accommodate all that the institution ought to care for for a number of years.

This post attracts Navajos from all parts of the reservation and many come there for treatment who might well go to some hospital nearer their particular residence, but they prefer to come to Fort Defiance for treatment.

During the fiscal year ending June, 1928, there were 5,210 people, including the pupils in school, who were examined for trachoma at this post, and 2,338 of these were found positive. Including the trachoma examinations there were 19,386 patients given dispensary treatment or out-patient treatment during that year. The total number of Navajos within this particular jurisdiction are estimated at 12,852. The great number of examinations are due to the fact that the Indians from other jurisdictions come to this particular post for medical examinations and dispensary treatment.

The amount allotted to this particular jurisdiction for this fiscal year is $750,000, and an estimate is made by the officials that the amount expended for food per pupil is 42 cents. This expenditure, of course, is based upon the total cost, which includes the cost of hauling and freighting food from the nearest point of shipment, which is Gallup, N. Mex.

We are informed that the per capita expenditure for food at this point is greater than at other schools, due to the cost of the above-mentioned hauling and freighting.

Two members of your committee are officials in school work; that is, Mrs. Brock, one member, is the county school superintendent of McKinley County, N. Mex., and Mr. Bickel, one of the undersigned, is a member of the municipal school board at Gallup, N. Mex. The total number of children in the county schools of McKinley County is approximately 1,200, and the total expenditure for maintenance of the county schools is approximately $80,000. Of the $750,000 allotted to the Fort Defiance jurisdiction, approximately $110,000 is spent for the education and care of less than 500 Indian pupils. This is merely given as a comparative cost for the committee to draw its own conclusions.

We found that the Indian children were apparently happy and satisfied; in fact, more satisfied at the school than on the reservation; that

they were given treatment equal to any other school of like type within the knowledge of the members of this committee. We found that all of the children were well and comfortably clothed. We found from statements of the officials and conversation with others, that none of the children were overworked or in any way suffered physical punishments. We found that the discipline was maintained not through corporal punishment but by depriving the culpable of certain social privileges.

Two members of your committee know the Navajo Indians, their tribal customs and mode of living for more than 20 years, and one member for approximately 4 years, and, with such knowledge of their environment and capacity to receive education and training, believe that the school at Fort Defiance is well managed, properly conducted, and that the care and treatment of these children is far superior to the treatment and care accorded to many others in like condition.

The statistical reports are in the file of the Indian Bureau, where the amount expended and the number of children administered to and cared for can be obtained by the committee, from which they can draw their own conclusions.

We would recommend that milk and eggs be provided in sufficient quantities for the children if a qualified dietician recommends it. It is not the amount of food that should be taken into consideration by the committee, as the question of the proper food sufficient to keep these children in a healthy condition, to be recommended by some responsible dietician, considering the origin and life of these children. The Navajos are not accustomed to milk from cows. They are accustomed to goat milk, and the meat they prefer is mutton, but that is not for the determination of this committee. The same might be said of the necessity of eggs for the children.

A great many of the employees in charge of the children are Indians, not necessarily of the same tride as the children, but nevertheless either full or part Indian blood, and have an understanding of their own people superior to the white man.

Respectfully submitted.

MRS. H. F. BROCK.
W. M. BICKEL.
A. L. ZINN.
(All of Gallup, N. Mex.)

GALLUP, N. MEX., *February 12, 1929.*

MENU, SOUTHERN NAVAJO SCHOOL, FEBRUARY 8, 1929, FOR WEEK FEBRUARY 9 TO 15, INCLUSIVE

Saturday

Breakfast: Oats, milk, prunes, bread, sirup, and coffee.
Dinner: Boiled beef and dumplings, stewed carrots, broad, sirup, and apples.
Supper: Spanish rice, apples, vegetable soup, peanut butter, and bread.

Sunday

Breakfast: Cornflakes, milk, raisins, bread, sirup, and coffee.
Dinner: Frankfurters and sauerkraut, baked beans, escalloped tomatoes, raisin bread, butter, cake, and baked apples.
Supper: Jelly, sandwiches, hard bread, apples, coffee, and cereal.

Monday

Breakfast: Oats, milk, bread, sirup, coffee, and apples.
Dinner: Mexican chili, escalloped corn, stewed prunes, butter, cake, and bread.
Supper: Macaroni, bacon, butter, cornbread, and stewed peaches.

Tuesday

Breakfast: Puffed wheat, milk, stewed raisins, bread, sirup, and coffee.
Dinner: Boiled beans and bacon, carrot-cabbage salad, bread, sirup, and potatoes.
Supper: Vegetable soup, escalloped corn, hard bread, peanut butter, and bread.

Wednesday

Breakfast: Whole wheat mush, milk, stewed figs, bread, sirup, and coffee.
Dinner: Roast meat, gravy, potatoes, stewed tomatoes, apples, and bread.
Supper: Macaroni, tomatoes, spiced applies, bread, ginger cake, and butter.

Thursday

Breakfast: Oats, milk, sirup, bread, coffee, and apples.
Dinner: Baked pork and beans, apples, stewed corn, bread, and sirup.
Supper: Minced meat and gravy, baked rice, steamed carrots, and corn bread.

Friday

Breakfast: Oats, milk, sirup, raisin bread, and coffee.
Dinner: Mexican chili, apples, steamed potatoes, broad, and rice pudding.
Supper: Hominy, bacon, stewed raisins, bread, and butter.

SPECIAL MENU FOR UNDERWEIGHTS

Breakfast: Hot cakes, sirup, hot cocoa, one egg each.
Dinner: Hot cocoa, soup, eggs, apple tart.
Supper: Hot cocoa, soup, biscuit, fruit.

Please serve this menu in addition to the regular menu, for example, if stewed raisins are on the regular menu, they should be served along with the special dishes on the diet tables, and the same is true with any other dish not included in the special list.

Separate tables will be arranged for the pupils recommended for special diet, and all underweight pupils will be grouped at these tables.

This special menu will be changed each week, and more often if the physician suggests.

C. T. HANCHEY, *Principal.*

That the diet may be varied, I would offer the following:
Egg-malted milk made up with evaporated milk.
Chocolate made up with evaporated milk.
Thick broths or soups made up with rice or hominy.
Bread or cracker with butter.
Cup cakes. Apples. Oranges.

EZRA A. LINES, M. D.

FEBRUARY 8, 1929.

GALLUP, N. MEX., *February 12, 1929.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Upon request of Mr. Oscar B. Berkness, the senior clerk of the Eastern Navajo School at Crownpoint, N. Mex., the undersigned committee, all of whom reside in Gallup, made an inspection of the Eastern Navajo Indian schools on February 11, 1929, and were requested to submit a report of this inspection not later than February 12. The principal features to be investigated were the food and clothing furnished the children and the condition of the dormitories and school as a whole.

We visited the school on Monday, February 11, arriving there at about noon. In the absence of Mr. Samuel F. Stacher, the superintendent, Mr. Berkness took us in charge, and we witnessed the students of the institution at their noonday meal. At the present time there are 360 pupils enrolled, of which number 335 reported for dinner. The dining room was in charge of the disciplinarian, Mr. Juan M. Herrera, and Miss Annie Weber, matron of the dining room. The dining room is equipped with small tables, six children sitting at each. The meal consisted of roast beef, steamed carrots, hominy, boiled potatoes, raw onions, hot rolls, and chocolate pudding. A period of 20 minutes was allowed for the meal, and by talking with a number of the pupils and watching them at this meal it is very evident that they enjoy their food, which seemed to be well cooked and prepared, and they had plenty of it, as there was food left at all of the tables when the meal was finished.

In entering and leaving the dining room, the students marched in companies and were very orderly in entering and leaving the dining room as well as during the meal. Two adults were also there, having come from the reservation to visit their children. This seems to be permitted and as the parents are allowed to visit their children at any time that it does not interfere with students' duties, they seem to take advantage of the privilege and generally arrive during the middle of the day and are given their lunch without charge.

The dining room is about 35 by 100 feet, well lighted and ventilated.

After the children left the dining room, those who were detailed to clear the tables did so in a very orderly manner in not to exceed 10 minutes. These students take the dishes and have them scraped and stacked on a table from which the dishwashers take same. They are washed thoroughly with hot, soapy water and rinsed in hot, clear water. They are then taken from this water, placed on a table, from which the dining room girls take the dishes and dry them with a clean tea towel. No tea towel is used more than once without being washed. After the dishes are dried, the tables are set in uniform order. Floors are swept and polished each morning, the floor being oiled once a week. Windows are washed once a week, walls are brushed down, and window shades are also dusted weekly. The windows of the dining room are lowered from the top and raised from the bottom before each meal.

The following is the menu for the week commencing February 11:

Monday

Breakfast: Oatmeal and milk, sirup, bread, cereal, and coffee.
Dinner: Boiled beef and gravy, raw onions, creamed carrots, chocolate pudding, bread, and water.
Supper: Hash, fruit, fried potatoes, corn bread, and water.

Tuesday

Breakfast: Rice and milk, hash, sirup, bread, and coffee.
Dinner: Roast beef and brown potatoes, creamed onions, pickled beets, rice pudding, bread, and water.
Supper: Fried hominy, peach dumplings, bread, and water.

Wednesday

Breakfast: Bacon, gravy, sirup, bread, and water.

Dinner: Boiled mutton and vegetables, boiled potatoes, and raw onions.

Supper: Macaroni, stew, prunes, bread, ginger cake, and water.

Thursday

Breakfast: Oatmeal and milk, prunes, meat hash, bread, and cocoa.

Dinner: Roast mutton and gravy, baked potatoes, raw carrots, pudding, corn bread, and water.

Supper: Boiled hominy and milk, fruit, cake, bread, and water.

Friday

Breakfast: Corn-meal mush, fried potatoes, sirup, bread, cereal, and coffee.

Dinner: Swiss steak and gravy, brown potatoes, raw carrots, creamed cabbage, tapioca pudding, bread, and water.

Supper: Bacon and beans, stewed apples, tomatoes, bread, and water.

Saturday

Breakfast: Oatmeal and mush, bacon, gravy, sirup, bread, cereal, and coffee.

Dinner: Boiled vegetable dinner, rice pudding, creamed cabbage, raw onions, bread, and water.

Supper: Potatoes, soup, crackers, prunes, bread, and water.

Sunday

Breakfast: Cereal, sirup, bread, and cocoa.

Dinner: Roast beef and brown gravy, mashed potatoes, cabbage slaw, corn, stewed peaches, bread, and water.

Supper: Left overs, fruit, bread, cake, and coffee.

The cooking is done by Mrs. Purns, who is a member of the Oneida Tribe, of Wisconsin, and who is a graduate from the Carlisle Indian School. She is assisted by boys from the Indian school, five helping in the mornings and five in the afternoons. These boys are on duty for five weeks, after which time other boys are used alternately in this service. Mrs. Purns does all of the cooking with the exception of the baking. The bakeshop is adjacent to the kitchen, and we found it in immaculate condition and in charge of Mr. Ance, who is a Haskell graduate. He has as assistants one boy in the morning and one in the afternoon. These boys work alternately in order to interfere with the school work as little as possible.

All refuse left from the kitchen is given to the poultry department or fed to the hogs, a number of which are being raised.

The kitchen was found to be in very much the same condition as the dining room and bakery, which were immaculate and which is the usual condition, as those in charge were given no intimation of our visit. Electrical equipment, including cookers, bread cutting and dishwashing machines, is used.

In the absence of a dairy, canned milk is used to the amount of practically six cases per week, milk being used principally for breakfast foods in the mornings.

The flour and cornmeal bins were found to be beyond criticism.

All of the five dormitories were inspected. They were not equipped with steam heat, but a new central heating plant is now being installed, which will be equipped with two 150 horsepower marine boilers, and should be adequate to heat all of the buildings at the institution. The plant is practically completed and should be ready for service not later than the 20th of this month.

In the No. 4 dormitory we noted 68 beds, size 38 inches by 72 inches, each equipped with cotton-pad mattress, two sheets, and 5 single blankets. A steel locker is furnished for each pupil. Dormitory is furnished with two Ebbinger wash fountains adjusted to size of pupils. Each basin will accommodate 10 pupils and is equipped with liquid soap, hot and cold water. There are five toilets and six shower baths.

The hospital building is fairly well equipped and contains 32 beds. There were only four patients in the hospital at the time of our visit. These were suffering from trachoma, but evidently were receiving the best of care and attention. During the epidemic of influenza which prevailed in this section recently, 240 of the pupils were affected, 126 of them being confined to their beds at one time. Of this number there was one death, resulting from pneumonia, no doubt the after effects of the influenza. This is a very good record compared to other localities that had epidemic recently and it is very evident that the students had the best of medical attention and treatment.

All of the schoolrooms were visited and were found to be well heated and fairly well ventilated, and both the teachers and students seemed to be very much interested in their work. The kindergarten was especially interesting, as from the conduct of the youngsters it is very evident that they are not intimidated in any way and have the same, or even more privileges than those attending kindergartens in other localities.

The disciplinarian seems to be a man of very good judgment, and from all that we could learn the pupils are not compelled to undergo any particular hardships when breaking any of the institution's rules. Those who run away from school are brought back and are made to walk around the campus the number of times that it would require to cover the same distance at which they were found from the school. In more severe cases the pupils are taken to Mr. Stacher, the superintendent, who uses more drastic methods, but it is reported that children are never struck or abused by any of the teachers or officials in charge.

Each child is weighed once each month and a record of such weight is kept on a form provided for same. We were supplied with the record covering the period from September to February, and in studying these records we find that in the last six months the students averaged a gain in weight of about 8 pounds. We were informed that any of the children who appeared to be undernourished were given a light lunch at recess in the morning and afternoon, which lunch consists of cocoa and crackers and raisin bread, etc.

While our investigation was rather hurried, it is very evident that those in charge, as well as the entire staff, are making a sincere effort to make conditions as pleasant as possible for all students, with the intent of improving them both mentally and physically to the greatest possible degree.

The general appearance of the students indicates that they are happy and in splendid physical condition, with the exception of those suffering from trachoma. As a suggestion we hope that at some time in the near future it will be possible to isolate those who have contracted this disease in order to reduce the spreading of same to a minimum.

Respectfully submitted.

J. W. HAMMER,
Physician and Surgeon, Member American College of Surgeons.
GLENN L. EMMON,
President Gallup Kiwanis Club.
HORACE MOSES,
Manager Gallup American Coal Co.

(Copy to Senate Committee on Indian Affairs, Washington, D. C.
Copy to House Committee on Indian Affairs, Washington, D. C.
Copy to congressional delegation on Indian affairs, Washington, D. C.)

DULCE, N. MEX., *February 9, 1929.*

To the Senate Committee, the House Indian Committee, the Congressional Delegation, and the Indian Office.

GENTLEMEN: In compliance with the request of Supt. C. A. Gossett, of the Jicarilla Indian Agency, the undersigned citizens of Dulce and vicinity here made investigation of the Southern Mountain Sanatorium School of this place, and wish to submit the following report:

The committee began investigation on the afternoon of February 8, 1929, at the sanatorium school, where there are 87 Jicarilla Apache Indian children of scholastic age receiving sanatorium treatment and school training.

To give you our impressions just as they were registered in our minds, we would say that we found, first of all, a group of happy children who gave us that hearty greeting and joyous reception that indicates a spontaneous feeling of contentment, for which there must be a justification.

Their free and easy manners, showing release of a perfectly normal and childlike enthusiasm toward all of our approaches, convinced us that unusual thought has been given to the spirit or morale of the institution.

We arrived prior to their evening meal which was served in our presence, which had been unannounced, and we found an extremely nourishing diet placed before them.

We found all buildings comfortable, and exceptionally sanitary; with conveniences superior to the average homes of the white citizens of our land. It was revealed upon investigation that no corporal punishment is administered, which is thoroughly consistent with the happy demeanor of the children, and our opinion that all methods used are of a very gentle and persuasive nature.

We have never witnessed a more pleasing and impressive piece of altruistic work among any people than is being done for these Indian children under the direction of Supt. C. A. Gossett, ably assisted by Dr. H. M. Cornell, one of the most capable physicians and surgeons of this section, and the various employees whose appearance and contact with the children show that loving reaction from them which can only mean that they are receiving the very best of care for body, mind, and spirit.

The children are all in splendid flesh and are being given not only this general treatment but receive careful individual attention in any emergency that might arise in any home.

Upon the second day of our investigation we returned to the school where inspection was made of every department. We found, as on the evening before, each department in a most attractive and cleanly order. The food was being prepared for the noon meal, of which we ate, and with the utmost delicacy and care; food well cooked with modern appliances and a well-balanced ration, of which there was plenty.

We wish to advise you that the success and well-being of this unit is obvious even to the casual observer, and upon investigation we find that in numerous details the general and personal welfare of the children is being pursued with a vigilance and effectiveness that makes the institu-

tion a credit, not only to the United States Indian Service, but to our Nation as well.

THE CITIZEN COMMITTEE:
DENTON SIMMS,
Superintendent Jicarilla Apache Mission and School.
EMMET WIRT,
United States Commissioner and Postmaster, Dulce, N. Mex.
J. T. DUNHAM, M. D.,
County Health Officer, Rio Arriba County, N. Mex.

UNITED STATES DEPARTMENT OF THE INTERIOR,
INDIAN FIELD SERVICE,
Northern Navajo Agency, Shiprock, N. Mex., February 13, 1929.

Hon. SAM G. BRATTON,
United States Senate, Washington, D. C.

DEAR SIR: At the request of the Indian Office I inclose herewith a report of the committee which was appointed to inspect the Indian boarding schools at this agency.

Very truly yours,

B. P. SIX, *Superintendent.*

REPORT OF COMMITTEE APPOINTED TO INSPECT SAN JUAN INDIAN SCHOOLS NOS. 1 AND 2, NORTHERN NAVAJO AGENCY

(Members of committee: Mr. C. C. Mumma, was member of school board of Farmington for eight years; Mrs. H. B. Sammons, president of the First National Bank of Farmington; Mr. Elmer F. Taylor, president of the board of county commissioners, San Juan County, and president Young Stake Latter Day Saints' Church)

NORTHERN NAVAJO AGENCY,
SHIPROCK, N. MEX., *February 11, 1929.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: In response to letter dated February 2, 1929, directed to the superintendent of the Northern Navajo Indian Agency at Shiprock, N. Mex., requesting a thorough investigation of San Juan Schools Nos. 1 and 2, we, the committee, make the following report: The committee understands that it was especially desired that we investigate in the matter of the children of the boarding school being properly fed, clothed, and housed; that we investigate the medical attention given to them and the discipline of the school. We therefore confine our report to the following topics:

(1) Food and clothing.
(2) Housing.
(3) School instruction.
(4) Recreation.
(5) Medical attention.
(6) Discipline.

FOOD AND CLOTHING

We visited the kitchens and found them in a sanitary condition. The floors were clean, the cupboards neat and clean. The ingredients of the food were wholesome and the food suitable for growing children and properly prepared.

We visited the dining hall during the noon hour, and we found there was plenty of food for each child. Those who cared for a second serving received the same. All the children looked well nourished and in good physical condition. The attached menu sheets evidence the kind of food and the meals prepared since January 1, 1929, which are typical of the regular meals served. We verified the fact that this menu was followed, and we saw copies posted in the kitchens for the guidance of the cooks. In addition to the regular meals being served, any child desiring a lunch at recess in the morning and at recess in the afternoon is encouraged to go to the kitchen and be served a lunch. We consider the children well fed. We find that these children are supplied with from 70 to 80 gallons of milk per day and with fresh vegetables which are grown on the farm throughout the year.

We visited the storehouses, which contained ample supplies well arranged and properly cared for. We saw quantities of canned fruit which were put up by the children and the employees at the school.

Summarizing the matter of food, we unhesitatingly say that the supply and the nature of the food were entirely adequate for the health and growth of the children.

From observation the children all seem to be well clothed.

We visited the sewing room where we found the children making their own clothing, repairing their clothing, and mending stockings.

We found children mending their own shoes in the shoe shop.

We also visited the laundry and noticed that no girls were working in that place. We also noted that the laundry machinery appeared to be old and inadequate. Inquiry revealed the fact that this laundry machinery was purchased originally for a school of 200 pupils and that it is now doing the laundry work for approximately 400 pupils.

The children were warmly clad and suitably dressed. We questioned many children regarding the conditions of food and clothing and found a universal expression that they were well fed and well clothed. Inquiries made among children and adults at the school and agency failed to reveal a single complaint in this regard.

HOUSING

The sleeping rooms were large and airy and sunny. Each of the dormitories is accessible to sunlight at some time during the day. We found the beds clean, mattresses neat, and the dormitories are in no way overcrowded.

SCHOOL INSTRUCTION

We visited each schoolroom, covering to and including the sixth grade. We found the method of instruction and the subjects taught practically the same as taught in the schools for the white children. The committee had prepared itself with a schedule of subjects taught in each of the different grades in the schools for the white children, and found that these grades were practically the same. We found that the children were more advanced in years in the grades, but their understanding of their work in each grade compared very favorably with that of the white children. The children seemed interested, and the discipline was especially remarkable, exceeding that of the average public school.

The schoolrooms were especially well lighted and ventilated, and the instructors seemed interested in their work and seemed to take a genuine interest in the pupils. The instructors, as a whole, compare very favorably with the efficiency and ability of the teachers in the public schools in this community.

RECREATION

The committee was especially pleased to find that the recreation for the children was amply provided for. There are two large recreation halls for games and general amusement. The grounds are provided with swings and slides. During recess time and after school we found the children playing marbles, ball, and all the games that the average child is interested in. We believe these children are genuinely happy, both in their work and in their play. In addition to their recreation halls, there are provided for the children well-furnished sitting rooms. On the floors of the sitting rooms were nice Navajo blankets made by the school children and their instructors. These sitting rooms were equipped with musical instruments and provided with comfortable chairs.

These children have basketball and baseball teams and frequently compete with the teams of the schools in this section.

MEDICAL ATTENTION

Of all the departments visited, the committee found the greatest need for improvement was along the line of medical attention. This need arises from the fact that the medical force is overworked, and it is impossible to give proper attention to the demands on their time, considering the number of the pupils and the radius of the field. At the present time, the local physician is supposed to take care of the two schools, having an attendance of 400 pupils, a hospital of 60-bed capacity, and the medical needs of reservation Indians over a radius of 100 miles. There is a crying need for a doctor whose time shall be given exclusively to field work. The hospital should also be furnished with a night nurse. We found the children suffering with trachoma segregated and the doctor properly treating every pupil every day for this trouble.

We found a few tents located away from the hospital for tubercular patients, but entirely inadequate to the need.

The committee personally knows of physicians who have practically given their lives to the medical work at this school and agency, but it is the opinion of the committee that it is not possible for any one physician to do justice to this field, as the scope is too large and the number to be cared for too great.

We found that the children were weighed upon entering school and once a month thereafter and a chart or record kept in each schoolroom as to the findings of same. Whenever a child is found underweight, the attention of the physician is called. The general condition of the children seemed to be that the weight was normal or above for those who had been in school for a considerable time. We found several of the children underweight who had just recently been brought in from the reservation.

The details of personal cleanliness are not overlooked, as evidenced by toothbrush drills, shower baths, individual brushes and combs, and neatly kept lockers.

DISCIPLINE

From reliable investigation which we made, we were unable to find where any child was unjustly punished or placed under improper discipline. Discipline had as its main object industry, and this was noted both at work and play.

The discipline in the schoolroom was particularly good, the children being very respectful and well behaved. The committee also noted that during school hours every child was in his proper place in school and not loitering on the school grounds. The committee would be very much pleased if they could state that the same dis-

cipline that they found on visiting this school was maintained in the white schools of San Juan County.

In conclusion, we, the committee, make the following recommendations:

(1) We recommend new equipment for the laundry, as the present machinery is old and inadequate.

(2) We recommend the extension of the lighting service from Farmington to this school, so that the hospital could be furnished with 24-hour service, and so that a great deal of the machinery at the school could be electrically operated.

(3) We recommend that a night nurse be added to the present hospital force.

(4) We recommend that an additional physician for field work be added to the present force.

(5) We recommend that a tubercular sanatorium be provided for the reservation Indians.

In closing this report, this committee can not refrain from adding that each and every member has known this school intimately from the date of its inception to the present time. We have watched its growth closely; we have personally and intimately known its superintendents and can conscientiously say that this school stands high in our estimation from the standpoint of real service to the Navajo Indian—educational, physical, commercial, and financial. The superintendents have had at all times the interests of the Navajo at heart and the school to-day reflects their efforts.

Very respectfully,

C. C. MUMMA.
(Mrs.) H. B. SAMEROUS.
ELMER F. TAYLOR.

SAN JUAN INDIAN SCHOOL MENU, WEEK OF DECEMBER 30, 1928, TO JANUARY 5, 1929

Sunday

Breakfast: Steamed rice with raisins, whole milk, sirup, bread, and cereal coffee.

Dinner: Roast beef, gravy, browned potatoes, buttered beets, sliced onions, bread, and milk.

Supper: Baked beans, apple sauce, cinnamon rolls, cocoa, and bread.

Monday

Breakfast: Oatmeal, whole milk, stewed prunes, bread, and cereal coffee.

Dinner: Mexican chili, boiled cabbage, corn bread, chocolate tapioca, and milk.

Supper: Cream tomato soup, bread, cocoa, and fruit.

Tuesday

Breakfast: Corn-meal mush, whole milk, bacon, gravy, bread, and cereal coffee.

Dinner: Roast mutton, dressing, mashed potatoes, baked apples, bread, and cocoa.

Supper: Left overs (meat with rice), oranges, doughnuts, bread, and milk.

Wednesday

Breakfast: Oatmeal, whole milk, stewed prunes, doughnuts, bread, and cereal coffee.

Dinner: Beef with dumplings, boiled turnips, cornstarch pudding with raisins, rolls, and milk.

Supper: Fried potatoes, left overs, raw carrots, sirup, bread, and milk.

Thursday

Breakfast: Steamed rice, bacon, gravy, sirup, bread, whole milk, and cereal coffee.

Dinner: Steak, gravy, baked potatoes, stewed tomatoes, corn bread, and milk.

Supper: Vegetable soup, hard bread, apple sauce, bread, and milk.

Friday

Breakfast: Corn-meal mush, whole milk, stewed prunes, bread, and cereal coffee.

Dinner: Corn chowder (page 19), carrots and peas, apple tapioca, bread, and milk.

Supper: Hominy and cheese, left overs, browned parsnips, bread, and cocoa.

Saturday

Breakfast: Oatmeal, whole milk, stew, cereal coffee, and bread.

Dinner: Beef with vegetables, rice with raisin pudding, bread, and milk.

Supper: Macaroni and cheese, left overs, apples, bread, and cocoa.

ELIZABETH STANDLEY GRIMES,
Head Matron.

Approved.

FRANK DAVIS, *Principal.*

SAN JUAN INDIAN SCHOOL MENU, WEEK OF JANUARY 6–12, 1929

Sunday

Breakfast: Oatmeal, whole milk, stew, bread, and cereal coffee.

Dinner: Mutton, dumplings, gravy, rolls, cabbage salad, mashed potatoes, and cocoa.

Supper: Sliced cheese, stewed prunes, left overs, gingerbread, bread, and milk.

Monday

Breakfast: Steamed rice with raisins, whole milk, bacon gravy, bread, and cereal coffee.

Dinner: Beef with vegetables (onions, carrots, potatoes, turnips), rice pudding, bread (corn), and milk.

Supper: Baker beans, scliced onions, dried-apple sauce, bread, and cocoa.

Tuesday

Breakfast: Corn-meal mush, whole milk, sirup, bread, and cereal coffee.

Dinner: Hamburger steak, gravy, baker potatoes, raw carrots, bread, and milk.

Supper: Vegetable soup, hard bread, stewed prunes, left overs, bread, and cocoa.

Wednesday

Breakfast: Oatmeal, whole milk, bacon gravy, bread, and cereal coffee.

Dinner: Roast beef, gravy, boiled cabbage, dried corn, rolls, and milk.

Supper: Meat pie (left overs), creamed carrots, raised doughnuts, bread, and milk.

Thursday

Breakfast: Bacon gravy, dried-apple sauce, raised doughnuts, whole milk, and cereal coffee.

Dinner: Mexican chili, turnips (with bacon), chocolate tapioca, cornbread, and milk.

Supper: Cream tomato soup, hard bread, left overs, sirup, bread, and cocoa.

Friday

Breakfast: Corn-meal mush, whole milk, stewed prunes, bread, and cereal coffee.

Dinner: Salmon loaf, stewed tomatoes, browned potatoes, bread, and milk.

Supper: Left overs, macaroni and cheese, browned parsnips, bread, and milk.

Saturday

Breakfast: Oatmeal, whole milk, dried-apple sauce, bread, and cereal coffee.

Dinner: Boiled beef, gravy, fried cabbage, boiled potatoes, sliced onions, bread, and milk.

Supper: Fried potatoes, left overs, stewed prunes, bread, and cocoa.

ELIZABETH STANDLEY GRIMES.

Approved.

FRANK DAVIS, *Principal.*

SAN JUAN SCHOOL MENU, WEEK OF JANUARY 13 TO 19, 1929

Sunday

Breakfast: Steamed rice, stewed prunes, whole milk, bread and cereal coffee.

Dinner: Boiled mutton, gravy, baked squash, mashed potatoes, buttered beets, rolls, and milk.

Supper: Bean stew, left overs, cinnamon rolls, bread, and cocoa.

Monday

Breakfast: Oatmeal, whole milk, bacon gravy, bread, and cereal coffee.

Dinner: Roast, mutton, gravy, dressing, boiled cabbage, corn bread.

Supper: Fried potatoes, left overs, dried-apple sauce, bread, and cocoa.

Tuesday

Breakfast: Corn-meal mush, whole milk, sirup (served in pitchers or bowls), bread, and cereal coffee.

Dinner: Irish mutton stew, chocolate bread pudding, bread, and milk.

Supper: Spanish rice (left overs), creamed carrots, stewed prunes, bread, and cocoa.

Wednesday

Breakfast: Hominy, bacon gravy, dried-apple sauce, bread, and cereal coffee.

Dinner: Roast beef, gravy, boiled potatoes, canned tomatoes, rolls, and milk.

Supper: Macaroni and cheese, browned parsnips, left overs, bread, and cocoa.

Thursday

Breakfast: Oatmeal, whole milk, beef gravy (with bits of meat cut up in it), bread, and cereal coffee.

Dinner: Steak, gravy, creamed onions, baked potatoes, cornstarch pudding (with raisins), corn bread, and milk.

Supper: Vegetable soup, toasted bread, stewed prunes, bread, and milk.

Friday

Breakfast: Corn-meal mush, whole milk, sirup, bacon gravy, bread, and cereal coffee.

Dinner: Boiled beef with barley, turnips, boiled potatoes, tapioca pudding with raisins, bread, and milk.

Supper: Left overs, raised doughnuts, dried-apple sauce, bread, and cocoa.

Saturday

Breakfast: Steamed rice with raisins, bacon gravy, bread, milk, and cereal coffee.

Dinner: Dumplings, beef stew with creamed potatoes, raw carrots, bread, and milk.

Supper: Baked beans, left overs, stewed tomatoes, bread, and milk.

ELIZABETH STANDLEY GRIMES,
Head Matron.

Approved.

FRANK DAVIS, *Principal.*

SAN JUAN SCHOOL MENU, WEEK OF JANUARY 20–26, 1929

Sunday

Breakfast: Oatmeal, whole milk, honey, bread, and cereal coffee.

Dinner: Roast mutton, dressing, gravy, boiled potatoes, raw onions (sliced), rolls, and cocoa.

Supper: Tomato soup, toasted bread, dried-apple pie, left overs, and milk.

Monday

Breakfast: Corn-meal mush, whole milk, dried apple sauce, bread, and cereal coffee.

Dinner: Mexican chili, fried cabbage, chocolate tapioca, and corn bread.

Supper: Left overs, scalloped potatoes, raw carrots, bread, and milk.

Tuesday

Breakfast: Steamed rice, bacon, gravy, bread, whole milk, and cereal coffee.

Dinner: Meat, gravy, mashed potatoes, buttered beets, bread, and milk.

Supper: Baked beans, left overs, stewed prunes, bread, and cocoa.

Wednesday

Breakfast: Bacon, gravy, stewed prunes, raised doughnuts, bread, and cereal coffee.

Dinner: Meat, gravy, rutabagas, baked potatoes, rolls, and cocoa.

Supper: Left overs, fried potatoes, stewed tomatoes, bread, and milk.

Thursday

Breakfast: Oatmeal with raisins, whole milk, sirup (served in pitchers), bread, and cereal coffee.

Dinner: Stew with vegetables, boiled cabbage, raised doughnuts, corn bread, and milk.

Supper: Macaroni and cheese, browned parsnips, left overs, dried-apple sauce, bread, and cocoa.

Friday

Breakfast: Corn-meal mush, whole milk, stewed prunes, bread, and cereal coffee.

Dinner: Meat, gravy, dried corn, creamed carrots, bread, and cocoa.

Supper: Left overs, bean stew, cornstarch pudding, bread, and milk.

Saturday

Breakfast: Hominy, whole milk, bacon, gravy, bread, and cereal coffee.

Dinner: Beef with dumplings, dried-apple sauce, boiled potatoes, bread, and milk.

Supper: Meat pie (left overs), canned tomatoes, bread, and cocoa.

ELIZABETH S. GRIMES, *Head Matron.*

Approved.

FRANK DAVIS, *Principal.*

SAN JUAN INDIAN SCHOOL MENU FOR WEEK OF JANUARY 27–FEBRUARY 2, 1929

Sunday

Breakfast: Hominy, whole milk, honey, bread, and cereal coffee.

Dinner: Mutton, gravy, scalloped corn, buttered beets, bread, and milk.

Supper: Bean stew, stewed prunes, plain cake, raisin bread, and cocoa.

Monday

Breakfast: Corn-meal mush, bacon, gravy, whole milk, and cereal coffee.

Dinner: Mutton with dumplings, mashed potatoes, tapioca pudding, corn bread, and milk.

Supper: Left overs, scalloped tomatoes, dried-apple sauce, bread, and milk.

Tuesday

Breakfast: Steamed rice with raisins, toasted bread, sirup, whole milk, and cereal coffee.

Dinner: Mutton stew (with vegetables and barley), fruit cobbler (use dried apples), bread, and milk.

Supper: Left overs, scalloped potatoes, cinnamon rolls, bread, and cocoa.

Wednesday

Breakfast: Oatmeal, whole milk, stewed prunes, bread, and cereal coffee.

Dinner: Meat, gravy, boiled potatoes, raw carrots and onions, rolls, and milk.

Supper: Meat pie, bread, and cocoa.

Thursday

Breakfast: Hominy, bacon, gravy, sirup, bread, milk, and cereal coffee.

Dinner: Meat, dressing, gravy, creamed carrots, corn bread, and milk.

Supper: Left overs, creamed potatoes, raisins, dried-apple sauce, bread, and milk.

Friday

Breakfast: Corn-meal mush, whole milk, honey, bread, and cereal coffee.

Dinner: Mexican chili, fried cabbage, chocolate tapioca, bread, and milk.

Supper: Steamed rice, left overs, stewed prunes, bread, and cocoa.

Saturday

Breakfast: Oatmeal, whole milk, bacon, gravy, bread, and cereal coffee.

Dinner: Meat, gravy, baked potatoes, canned tomatoes, bread, and milk.

Supper: Left overs, dried corn, dried-apple sauce, bread, and milk.

ELIZABETH S. GRIMES,
Head Matron.

Approved.

FRANK DAVIS, *Principal.*

SAN JUAN INDIAN SCHOOL MENU, FEBRUARY 3–9, 1929

Sunday

Breakfast: Rice, whole milk, stewed prunes, bread, and cereal coffee.

Dinner: Mutton with dumplings, mashed potatoes, canned tomatoes, bread, and milk.

Supper: Left overs, vegetable soup, oatmeal cookies, bread, and coca.

Monday

Breakfast: Corn-meal mush, whole milk, sirup, bread, and cereal coffee.

Dinner: Roast mutton, gravy, browned potatoes, sweet spiced beets, corn bread, and milk.

Supper: Baked white beans, left overs, dried-apple sauce, bread, and milk.

Tuesday

Breakfast: Oatmeal, whole milk, bacon gravy, bread, and cereal coffee.

Dinner: Pork (ribs and backbone), gravy, boiled cabbage, boiled potatoes, sliced onions, bread, milk.

Supper: Left overs, macaroni and cheese, stewed prunes, bread, and coca.

Wednesday

Breakfast: Hominy, whole milk, honey(?), bread, and cereal coffee.

Dinner: Mutton stew with vegetables, fruit cobbler, rolls, and milk.

Supper: Scalloped potatoes, left overs, cinnamon rolls, bread, and coca.

Thursday

Breakfast: Corn-meal mush, dried-apple sauce, whole milk, bread, and cereal coffee.

Dinner: Sausage, gravy, dried corn, tapioca pudding with raisins, corn bread, and milk.

Supper: Left overs, rice hash, doughnuts, bread, and coca.

Friday

Breakfast: Oatmeal, whole milk, bacon gravy, bread, cereal coffee, and sirup.

Dinner: Mutton (boiled), gravy, baked potatoes, creamed onions, bread, and milk.

Supper: Let overs, bean stew, dried-apple sauce, bread, and milk.

Saturday

Breakfast: Steamed rice with raisins, whole milk, bread, and honey(?).

Dinner: Sausage, gravy, creamed carrots, bread pudding with prunes, bread, and milk.

Supper: Corn-meal mush with left-over meat, stewed prunes, bread, and milk.

ELIZABETH S. GRIMES.

Approved.

FRANK DAVIS, *Principal.*

SAN JUAN INDIAN SCHOOL MENU, FEBRUARY 3–9, 1929

Sunday

Breakfast: Rice, whole milk, stewed prunes, bread, and cereal coffee.
Dinner: Mutton with dumplings, mashed potatoes, canned tomatoes, bread, and milk.
Supper: Left overs, vegetable soup, oatmeal cookies, bread, and cocoa.

Monday

Breakfast: Corn-meal mush, whole milk, sirup, bread, and cereal coffee.
Dinner: Roast mutton, gravy, browned potatoes, sweet spiced beets, corn bread, and milk.
Supper: Baked white beans, left overs, dried-apple sauce, bread, and milk.

Tuesday

Breakfast: Oatmeal, whole milk, bacon gravy, bread, and cereal coffee.
Dinner: Pork (ribs and backbone), gravy, boiled cabbage, boiled potatoes, sliced onions, bread, and milk.
Supper: Left overs, macaroni and cheese, stewed prunes, bread, and cocoa.

Wednesday

Breakfast: Hominy, whole milk, honey (?) bread, and cereal coffee.
Dinner: Mutton stew with vegetables, fruit cobbler, rolls, and milk.
Supper: Scalloped potatoes, left overs, cinnamon rolls, bread, and cocoa.

Thursday

Breakfast: Corn-meal mush, dried-apple sauce, whole milk, bread, and cereal coffee.
Dinner: Sausage, gravy, dried corn, tapioca pudding with raisins, corn bread, and milk.
Supper: Left overs, rice, hash, doughnuts, bread, and cocoa.

Friday

Breakfast: Oatmeal, whole milk, bacon, gravy, bread, cereal coffee, and sirup.
Dinner: Mutton (boiled), gravy, baked potatoes, creamed onions, bread, and milk.
Supper: Left overs, bean stew, dried-apple sauce, bread, and milk.

Saturday

Breakfast: Steamed rice with raisins, whole milk, bread, and honey (?).
Dinner: Sausage, gravy, creamed carrots, bread pudding with prunes, bread, and milk.
Supper: Corn-meal mush with left-over meat, stewed prunes, bread, and milk.

ELIZABETH S. GRIMES, *Head Matron.*

Approved.

FRANK DAVIS, *Principal.*

SAN JUAN INDIAN SCHOOL MENU, WEEK OF FEBRUARY 10–16, 1929

Sunday

Breakfast: Oatmeal, whole milk, stewed prunes, bread, and cereal coffee.
Dinner: Roast beef, gravy, mashed potatoes, boiled cabbage, bread, and cocoa.
Supper: Bean stew, apple sauce, cake, apples, rolls, and milk.

Monday

Breakfast: Steamed hominy, bacon, gravy, bread, whole milk, and cereal coffee.
Dinner: Roast mutton, gravy, boiled potatoes, sliced onions, corn bread, and milk.
Supper: Left overs, stewed tomatoes, dried-apple sauce, bread, and cocoa.

Tuesday

Breakfast: Corn-meal mush, apples, whole milk, bread, and cereal coffee.
Dinner: Meat, gravy, dried corn, spiced beets, bread, and milk.
Supper: Left overs, rice, hash, stewed prunes, bread, and cocoa.

Wednesday

Breakfast: Oatmeal, whole milk, dried-apple sauce, bread, and cereal coffee.
Dinner: Meat, gravy, baked potatoes, creamed onions, rolls, and milk.
Supper: Left overs, browned parsnips, apples, cinnamon rolls, bread, and cocoa.

Thursday

Breakfast: Steamed rice with raisins, bacon, gravy, bread, whole milk, and cereal coffee.
Dinner: Meat stew with vegetables, bread pudding with prunes, corn bread, and milk.
Supper: Baked white beans, left overs, dried-apple sauce, bread, and milk.

Friday

Breakfast: Steamed hominy, whole milk, honey, bread, and cereal coffee.
Dinner: Meat, gravy, browned potatoes, boiled rutabagas, chocolate tapioca, bread, and milk.
Supper: Left overs, scalloped potatoes, canned tomatoes, bread, and cocoa.

Saturday

Breakfast: Oatmeal and raisins, bacon, gravy, bread, whole milk, and cereal coffee.
Dinner: Meat, gravy, creamed carrots, fruit cobbler, bread, and milk.
Supper: Vegetable soup, left overs, stewed prunes, bread, and cocoa.

ELIZABETH S. GRIMES,
Head Matron.

Approved.

FRANK DAVIS, *Principal.*

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BRATTON. Certainly.

Mr. CARAWAY. Directly I am much interested in the Indian schools as to one phase of them only. It seems to me to be indefensible to take children 8 or 9 years of age away from their parents and transport them 100 or 150 miles and keep them through all the formative years in schools. Does the Senator agree with me or does he not?

Mr. BRATTON. I disagree with the Senator from Arkansas about that matter. I believe that it not only contributes to the rapid development of the Indians into the fabric of American civilization to take them from the reservation during the formative period and keep them in well-conducted schools, but it is conducive to their improvement physically as well as morally and intellectually.

Mr. CARAWAY. What impresses me is that the mothers of these children love their children and the children love their mothers just as if they were not Indians. I think it is so inhuman that I can not make up my mind that civilization ought to be priced so high.

Mr. BRATTON. I do not assume to speak in regard to conditions in other States, but in my own State instead of taking the children from their parents against their will, the parents almost without exception are anxious to have their children received and educated in the Indian schools and with the result that the schools are overrun with applications from parents tendering their children.

The PRESIDENT pro tempore. The time of the Senator from New Mexico has expired.

Mr. McKELLAR. Mr. President, I wish to address myself briefly to the resolution now before the Senate.

Mr. BLACK. Mr. President, I ask that the resolution may go over.

The PRESIDENT pro tempore. The resolution will go over.

Mr. ASHURST. Mr. President, following the discussion regarding the investigation of Indian affairs I ask leave to have printed in the RECORD copies of certain letters and telegrams regarding Indian affairs in Arizona.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters and telegrams are as follows:

WINSLOW, ARIZ., *February 14, 1929.*

Hon. C. H. BURKE,
Commissioner of Indian Affairs, Washington, D. C.:

Herewith copy of telegram sent to chairman Senate investigating committee of Indian affairs, care Hon. HENRY F. ASHURST, United States Senator. Due to close proximity of Leupp Indian Agency and school committee of our chamber yesterday went unannounced to Leupp and conducted inspection of conditions. We take pleasure reporting we found conditions excellent and 350 children were just seating themselves to dinner when we arrived. We venture to say that many white children do not fare as well as these Indian children, who had all food they wanted and told us they were well satisfied with food and treatment received. We also visited school rooms and dormitories and hospital and found excellent conditions prevailing. This information from citizens of northern Arizona interested in welfare of Indians is passed on to you for what it is worth, as we are prompted to such by a recent magazine article and knowing that you are in session we believe that you will find on proper investigation that Leupp is model school and agency and does not deserve criticism that may have been directed against it. While we have not visited other agencies farther north, we are satisfied, from contact with others who have, that similar conditions prevail.

WINSLOW CHAMBER OF COMMERCE,
By C. L. GIRAGI,
President, Publishers Winslow Daily Mail.

COOLIDGE DAM

The Coolidge Dam is completed. It was authorized by the act of Congress approved June 7, 1924, and will form a lake 25 miles long with a capacity of 1,300,000 acre-feet.

The dam is situated 8 miles west of the San Carlos Apache Indian Agency. The reservoir, when filled, will submerge the present agency building and 14 miles of railroad track belonging to the Southern Pacific Railway.

The dam, of multiple-dome type, consists of three huge domes and is the only example of this type ever constructed. It will rise 250 feet above the bedrock and will span the canyon from wall to wall, a distance of 600 feet, with a huge spillway at each end. It was designed by and is being built under the direction of the engineers of the United States Indian Irrigation Service.

In keeping with the name bestowed upon it by Congress the engineers strove to make it both safe and economical. It has a maximum of strength and a minimum of material. Compressive stresses were welcomed and tensil avoided as much as possible.

The waters impounded behind this unique dam will be used to irrigate the fertile lands of the Pima Indians, who have lived on the banks of the Gila for centuries and who have never been at war with white men. Their white neighbors will also benefit from these waters, and in a few years 100,000 acres, much of which is now desert, will be producing crops in an abundance that will astonish those who are not familiar with the productivity of Arizona soil and sunshine.

The waters released from the Coolidge Dam flow down a canyon for 60 miles and are then turned out by the Ashurst-Hayden diversion dam and irrigate the section embracing Florence Casa Grande and the Indian reservation.

The Commissioner of Indian Affairs, Mr. Charles H. Burke, and the Assistant Commissioner, Mr. E. B. Meritt, in urging the construction of this dam, displayed wisdom and sagacity and indicated that they were fully aware of the duty the Nation owed to the Pima Indians.

CITIZENS COMMITTEE REPORT OF INVESTIGATION OF THE COLORADO RIVER INDIAN BOARDING SCHOOL, PARKER, ARIZ.

OUTLINE OF REPORT OF COMMITTEE

Introduction.

I. On the feeding of the children:
   a. Menu used.
   b. Commissary condition.
   c. Milk supply.
   d. Vegetables (fresh).

II. On clothing of the children:
   a. Boys' clothing.
   b. Girls' clothing.

III. On dormitory facilities:
   a. Boys' dormitory.
   b. Girls' dormitory.

IV. On general health conditions:
   a. What the health chart shows.
   b. Treatment of "underweights."
   c. Treatment of tubercular children.
   d. Every-day medical attention.

V. On dairy and barn, yard and gardens:
   a. Care of milch cows.
   b. Care of stables and refuse.
   c. Care and appearance of gardens.

VI. On the treatment of the Indian children:
   a. Treatment in classrooms.
   b. Treatment on playground.
      1. Free time.
      2. Spontaneous play.

VII. On cruelty and unjust punishment.

VIII. General conditions.

PARKER, ARIZ., *February 14, 1929.*

GENTLEMEN: We have the honor of submitting herewith the report of the committee in regard to conditions in the Colorado River Indian Boarding School at Parker, Ariz., which school is maintained by the United States Indian Bureau for the education of the Mojave and Chemehueva Indians.

An inspection was made through visits by this committee to the various departments, where the Indian children were observed at mealtime, at work, and at play; through interviewing many Indian parents whose children are in attendance at the school; by interviewing white people on or near the reservation who have been living within this reservation for many years; and through personal knowledge of the members of this committee who have been residents of Parker and vicinity for some years past. The Indian school is just 1 mile from the town of Parker, Ariz. The report follows:

I

One visit was made on February 10, 1929, by this committee, at which time we observed the children in the dining hall. The children filed into the hall in an orderly manner, took their seats at the different tables, and said grace. The dinner was on the tables, at the head of which an older child was seated. This child took the lead in serving and bringing in second helpings for those who cared for them. A copy of the menu is herewith attached for your inspection. This menu was followed on the day of the committee's visit. There was plenty of well-cooked and nicely prepared food for everyone. Individual members of this committee had made previous visits and have always found the menu followed and everything just as orderly. The employees nor any of the children knew when any of these visits were to be made, so nothing was especially prepared for us.

The children have a minimum of a quart of milk per day per child. This milk is clean and free from flies. In fact, there were no flies in the dining room or the room where the food was prepared. Vegetables are furnished from the garden during season, while out of season vegetables are purchased for table use.

The supplies in the commissary indicate that this menu is followed throughout the week. All of the supplies in the commissary are kept in the best of order. When you step into this department you might well imagine you were in a very neatly arranged general merchandise store. The supply of flour, which is kept in a separate little room of this commissary, is carefully screened in. It is kept clean and free from mice.

II

The clothing worn by the Indian school children during schooltime and out of school is sensible and substantial. The boys' clothing is purchased ready made in large quantities and is kept clean and neat.

The girls' clothing is made in the domestic-science department. The girls are taught to do this work, and they seem to take pride in their ability to sew.

The clothing worn by both boys and girls is in good condition, and there is a plentiful supply of changes neatly piled in the lockers. There is also a supply of material for clothes in the commissary to be made up when needed.

Each child has a change of shoes for dress wear, and there is a supply of shoes in the commissary as well. This committee is in a position to take notice of these Indian school children every day, and the conditions mentioned concerning them are true at all times.

III

The boys' dormitory and beds are clean and comfortable. The beds are made by the boys themselves under the supervision of the matron. The building at the present time is in good repair and well painted. But this building is a little small to provide for a reading room and a place where those who wish may sit and read or study. A sleeping porch added to this building would provide ample room.

The same conditions, as far as cleanliness and neatness is concerned, were found in the girls' dormitory. Here there is an addition being made for the purpose of providing more sleeping room. Some repairs are necessary on the floors soon, as same are badly worn, but the committee noticed that carpenters were at work on the building, and all that is best will likely be done.

The opinion of the committee concerning the condition of these dormitories is that they are kept in very good condition, both from the standpoint of health and comfort.

IV

The children have a very healthy appearance. The health charts kept at the school indicate that all children are weighed regularly every month. Children whose weights and measurements do not meet the standard are given bread and milk between meals. Those who are in industrial work of any kind are relieved if their condition demands it, and it is for their best interests that they be excused. Tubercular cases are sent to the sanitarium at Phoenix, Ariz., where they can have the proper care and attention for that disease. In case the parents object too strenuously to this the children are sent home. Most cases go to the sanitarium.

Dr. A. I. Nettle, who has been with the service here for 18 years, is a vivacious, energetic, and faithful physician. The observations of this committee—that is, the individuals composing this committee, covering years of observation—is that these children receive the best of medical attention. Indian parents tell us that their children are well cared for.

A visit to the dairy revealed the fact that the milch cows are well fed and properly cared for. The cows' udders were washed and dried with a clean towel before milking. The milking was done by some of the larger boys, under the supervision of an overseer.

The barn was clean and dry; no refuse was to be found. No unsanitary condition exists there. There is no place for flies to breed. The cows are regularly tested for tuberculosis and great care is taken to prevent the contraction and spread of this disease.

The horse barn is kept clean and orderly. There is a place for everything and everything is in its place. The harnesses and tools are hung up; the whole place has the atmosphere of order and care.

The garden which supplies the green vegetables for table use is free from weeds. Beets, radishes, onions, carrots, turnips, spinach, and mustard are now growing in the garden. The farmer who cares for the garden, farm, and cows is an experienced gardener and farmer and is actually busy on the farm and garden.

VI

This committee has made a thorough investigation of the treatment of the Indian school children at this place. In the schoolroom the teachers are found to be efficient; modern methods are used; and the results are as good as can be expected from the type of pupil, which type, it is found, is not able to go much beyond the sixth grade, as a rule.

On the playground spontaneous play is the kind of exercise encouraged, such as basket ball and baseball. Some formal exercises are practiced, but this is not carried to excess.

The children have the average free time allowed to most children of to-day.

Current reports concerning some schools that the children are mistreated, underfed, poorly clothed, cruelly punished, chained, whipped, and handcuffed to promote discipline can not truthfully be applied to this Indian school at this time. When punishment is necessary, attendance at the "movie" or at social or home affairs is denied the child, providing an earnest talk between supervisor and pupil does not suffice. Small children have been sometimes spanked in the good old-fashioned way.

VII

Through living within the reservation at this place and meeting the Indians almost every day, we are thoroughly familiar with the activities on the reservation at this place, in general, and the practices seem very satisfactory. Lands are not leased which Indians will farm, as we have heard is the practice in some places.

In fact, your committee feels that the school and reservation here is conducted in such a manner that it might well be used as an example anywhere.

The superintendent in charge at this time is a fine Christian character and one of the finest types of men that it has been our privilege to know. He is very conscientious in his work, and we feel that as long as he is in charge here you need have no uneasiness as to the work. Whatever is done will be for the best interests of all concerned.

Respectfully submitted.

B. M. FUQUA,
Manager of General Merchandise Store, Parker Commercial Co.
ROY L. MCFATE,
Superintendent of Parker Schools, Public and High.
NELLIE T. BUSH,
Attorney at Law, Secretary State Legislative Code Com., United States Commissioner.

Copies sent to—
The Senate Committee on Indian Affairs.
The House Indian Committee.
Hon. CARL HAYDEN.
Hon. HENRY ASHURST.
Hon. LEWIS DOUGLAS.
Hon. Charles H. Burke, Commissioner of Indian Affairs.
Dated at Parker, Ariz., this 14th day of February, A. D. 1929.

SCHOOL MENU FOR THE WEEK, YEAR 1928–29

Sunday

Breakfast: Fresh fruit, bacon, boiled eggs, toast, butter, sirup, cereal coffee, or milk.

Dinner: Roast beef or pork, gravy, mashed potatoes, cabbage salad or other fresh vegetable, bread, peach or apple cobbler, and milk.

Supper: Sandwiches, fruit, cake or cookies, cocoa, or milk.

Monday

Breakfast: Canned peaches, corn flakes, whole milk, fried hominy, bread, butter, sirup, cereal coffee, or milk.

Dinner: Boiled beef, gravy, boiled potatoes, tomatoes, corn bread, tapioca pudding, and milk.

Supper: Baked hominy and cheese, bread, fruit, honey, butter, and milk.

Tuesday

Breakfast: Stewed prunes, oatmeal, whole milk, fried ham, gravy, bread, butter, honey, and cereal coffee.

Dinner: Pot roast, gravy, scalloped potatoes, carrots, cabbage and raisin salad, bread, cornstarch pudding, and milk.

Supper: Salmon loaf, white beans, peanut butter, bread, honey, butter, and milk.

Wednesday

Breakfast: Apple sauce, cream of wheat, whole milk, fried corn, bread, butter, sirup, and cereal coffee.

Dinner: Roast pork or beef, gravy, baked sweet potatoes, tomatoes, hot biscuits, fruit, and milk.

Supper: Boiled ham, pink beans, bread, butter, rice and raisin pudding, and milk.

Thursday

Breakfast: Fresh fruit, oatmeal, whole milk, corn, boiled eggs, bread and butter, and cocoa.

Dinner: Roast beef, gravy, baked potatoes, spinach, corn bread, chocolate pudding, and milk.

Supper: Spanish beans, bread, honey, cinnamon rolls, fruit, milk, and butter.

Friday

Breakfast: Stewed peaches, corn-meal mush, whole milk, bacon, bread and butter, cereal coffee, or milk.

Dinner: Roast beef or pork, gravy, mashed potatoes, tomatoes, corn bread, bread, pudding, and milk.

Supper: Bean soup, crackers, hash, sliced onions, bread, cookies, milk, honey, and butter.

Saturday

Breakfast: Stewed raisins, corn flakes, whole milk, baked hash, toast, butter, sirup, cereal coffee, or milk.

Dinner: Boiled dinner—meat and vegetables, bread, bread pudding, and milk.

Supper: Baked macaroni and cheese, bread, fruit, honey, butter, and milk.

Fresh vegetables in season from school garden each day.

GLOBE, ARIZ., *February 11, 1929.*

Hon. LYNN J. FRAZIER,
Senate Indian Committee.
Hon. LOUIS C. CRAMTON,
House Indian Committee.
Hon. HENRY F. ASHURST,
Congressional Delegation.
Hon. CHARLES H. BURKE,
Commissioner of Indian Affairs.

GENTLEMEN: A committee of Globe men, chosen by the Globe Luncheon Club and Chamber of Commerce, composed of W. A. Sullivan, secretary of the Globe Chamber of Commerce and manager of the Mine Supply & Hardware Co., as chairman; the Hon. C. C. Faries, judge of the superior court of Gila County, member of the Globe Rotary Club and Chamber of Commerce; Charles L. Walker, manager of the J. C. Penney Co., director of the Globe Lions Club, and member of the chamber of commerce; F. A. Shaffer, attorney in Globe and district governor Forty-third District Rotary Clubs, and member of the chamber of commerce; and Ralph E. Herron, editor of the Arizona Record and member of the chamber of commerce, as members of this committee.

The committee left Globe at 11 o'clock Monday, February 11, to visit and inspect the Indian school at Rice. Upon arriving there they were met by Mr. W. E. Snook, school principal, and Manuel Victor, one of the Apache Indians, who accompanied them on their entire tour of inspection.

BOYS' DORMITORY

The committee first inspected the boys' dormitory. There were two groups of rooms, one for the smaller boys and one for the larger boys. They found the entire place to be clean, well ventilated, and roomy. The general appearance of the building as a whole was good.

BOYS' LAVATORY

This room was equipped with shower baths and other equipment and found to be in a good sanitary condition.

DINING ROOM, KITCHEN, BAKERY, AND STOREROOM

The committee arrived in the dining room as the children were assembling for the noonday meal and inspected the dining room, passing on into the kitchen, bakery, and storeroom. In the kitchen they found the food for that meal ready to be served. This particular meal consisted of mashed potatoes, hash, brown gravy, rice, bread, tomatoes, rice pudding, and all the fresh sweet milk they wanted to drink. Menus for the past two weeks were inspected and found to be similar to the one being served. The committee found the various rooms inspected to be clean and sanitary. They then went back to the dining room and were served the same food for their dinner and in the same manner as the Indian children then eating. The food was wholesome, good, nourishing, well prepared, and thoroughly cooked, and each child was given all the food and milk he cared for. The children were also given plenty of time for their meal.

GIRLS' DORMITORY AND LAVATORY

The committee next inspected the girls' dormitory and found two groups of rooms, one used for the younger girls and one for the older girls. They found both groups of rooms to be clean, sanitary, and very neatly kept. They also inspected one of the beds and found the linen clean, with good mattresses and springs on the beds. The bed linen is changed every Saturday. The general appearance of the various rooms was exceptionally good. In this building was also found the girls' wash room and shower baths, with hot and cold water. This room was also kept in a sanitary condition. While we found the wash room and shower room in good shape, we have been advised that new equipment has been purchased and is ready to be installed.

SEWING ROOM

We found this room equipped with a number of good, serviceable sewing machines and work tables. We were told by Mr. Snook that while the Government purchases the materials, the girls make their own uniforms, and several completed uniforms were hanging on the racks in the room.

LAUNDRY

In this building we found a large steam-operated cylindrical washer, an extractor, and a mangle. On the lines outside this building was part of the wash for this day, which was found to be clean and white. We found that the working conditions in this laundry were very satisfactory. Some of the equipment in this room has been in use for a number of years and is about to be replaced with new, electrically operated, up-to-date equipment.

COMMISSARY

The committee next inspected the commissary where the supplies for the school are kept. In inspection of the various boxes containing foods we found them to contain high-grade brands. We also saw a goodly supply of clothing for the children, including work shirts, hats, shoes, etc. We found this building to be kept in a neat orderly manner and well stocked.

HOSPITAL

The committee next inspected the hospital building, going into the various wards, operating room, dispensary, etc. We found the wards well kept, beds neatly made, very clean, and sanitary. The operating room is well lighted and very fully equipped. The dispensary is well equipped with necessities for a hospital.

SCHOOLROOMS

The next building inspected was the school building, where we found the classes in session. The main point which impressed the committee in their inspection of the school was the happy frame of mind of the children. They seemed well fed, well nourished, healthy, and bright. In each of the various classrooms inspected the weight charts were carefully noted, which showed a high per cent of increase in the weights of the various children. We also noted that the children in the lower grades were being taught the difference between what is good and what is bad in foods. The rooms were found to be well kept, very sanitary, and well lighted. We also found the personnel of the teaching staff to compare favorably with the local public schools.

CONCLUSION

The committee was then taken by Mr. Roy Bradley, superintendent of construction, to see the new school building and auditorium, hospital, etc. These buildings were found to be well constructed and will compare very favorably with similar structures in this city.

The school building, which is built in a U shape, containing three classrooms and a teachers' room on each side with a large assembly hall and gymnasium on the end, will give the children lots of sunlight and plenty of fresh air, and would be a credit to any group of school buildings in the State of Arizona.

We want to commend the principal, Mr. W. E. Snook, for the very efficient manner in which this school is conducted, and the condition of the various buildings inspected.

Respectfully submitted.

W. A. SULLIVAN, *Chairman,*
Manager Mine Supply & Hardware Co., Secretary Globe Luncheon Club and Chamber of Commerce.
C. C. FARIES, *Member,*
Judge Gila County Superior Court, member Rotary Club and Chamber of Commerce.
CHARLES L. WALKER, *Member,*
Manager J. C. Penney Co., director Globe Lions Club, and member Chamber of Commerce.
F. A. SHAFFER, *Member,*
Attorney, District Governor Forty-third District Rotary International, member of Chamber of Commerce.
RALPH E. HERRON, *Member,*
Editor and manager Arizona Record, member of Chamber of Commerce.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN FIELD SERVICE,
Pima Indian Agency, Sacaton, Ariz., February 11, 1929.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

DEAR SIR: There is transmitted herewith at the request of the Indian Office a copy of a joint report prepared and submitted by Mr. J. F. Brown, Rev. Gerard Brenneke, and Rev. Dirk Lay, covering conditions at the Pima Boarding School, Pima Indian Reservation, Sacaton, Ariz.

Mr. Brown is one of the foremost citizens of Pinal County, president of the Arizona Southwest National Bank of Tucson, Casa Grande, Bisbee, and Douglas, and a former State senator.

Rev. Gerard Brenneke is a priest of the Roman Catholic Church, dean of the Catholic organization of the Pima Indian Reservation, where he has resided for the past five or six years, and the superintendent of a large boarding school. He is a man entirely qualified to pass judgment on boarding-school matters of any nature whatsoever.

Rev. Dirk Lay, D. D., as a Presbyterian missionary to the Pima Indians, has spent 18 years of his life in one continuous, vigorous, and effective effort to shield the Pima Indians from injustice, regardless of the source from which such injustice might come. He is outspoken and aggressive. He knows conditions, past and present, at the Pima Boarding School probably better than any other man. He visits the school practically every day, mingling with employees and pupils. No one could possibly be better qualified to pass judgment as to conditions. No one would be quicker to condemn were these conditions, or any of them, deserving of adverse criticism.

The original of this report is filed in the Indian Office.

Most sincerely,

A. H. KNEALE,
Superintendent.

PIMA INDIAN AGENCY,
Sacaton, Ariz., February 9, 1929.

Supt. A. H. KNEALE,
Pima Indian Agency, Sacaton, Ariz.

SIR: As per your request, we submit herewith the result of our investigation, as follows:

We made a thorough inspection of the entire school plant at Sacaton and have found the conditions of the best.

The bakeshop was in A-1 shape. We insepcted the bread, pies, and cake and found all wholesome and well baked.

The committee visited the dining room during all three meals to-day and found good and sufficient food and a variety, well cooked and well prepared. We examined the menu for the past week and found it varied and well planned.

The kitchen was immaculately clean, everything in orderly condition, under the direction of a splendid Indian cook.

We inspected the meat shop and the meat. It was fresh and well taken care of. The meat shop itself was very clean.

The table is supplied with vegetables from the school garden, which is well stocked and ready for further crops. We inspected the dairy and everything was sanitary. It produced 102 gallons a day during the past week, of which all except 15 gallons a day went to the school and hospital. Fifteen pounds of butter are made daily, all of which is used by the school.

The children are well clothed and housed.

We inspected the hospital and found it in fair shape. Repairs are at present being made.

All the children are inspected regularly and receive proper medical attention.

During Mr. Smith's time here (he is now in his fourth year) there has not been one single case of cruel punishment heard of.

On the inspection of the commissary we found all food and supplies well stored and in perfect order.

The constructive criticism which we would offer is that more dining-room space is needed at once. Likewise, there should be more dormitory room. In our judgment, better fire escapes should be provided at once on the girls' building.

Sincerely yours,

THE COMMITTEE,
J. F. BROWN.
FR. GERARD BRENNEKE.
Rev. DIRK LAY.

HEARINGS BEFORE COMMITTEE ON POST OFFICES AND POST ROADS

The resolution (S. Res. 311) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That Senate Resolution No. 193, agreed to on May 3, 1928, authorizing the Committee on Post Offices and Post Roads to investigate the choice of postmasters in presidential offices, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress.

EXPENSES OF GOVERNMENT OF DISTRICT OF COLUMBIA

The bill (S. 5648) to amend section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes" approved March 4, 1913, as amended, was considered as in Committee of the Whole. The bill had been reported from the Committee on the District of Columbia with amendments.

Mr. ROBINSON of Arkansas. Mr. President, I think the bill should be explained. Its purpose does not appear on the face of it. It seems to be a very important bill and deals with elements to be taken into consideration in the fixing of rates by the Public Utilities Commission.

Mr. CAPPER. Yes.

Mr. ROBINSON of Arkansas. What are the changes made in the existing law?

Mr. CAPPER. It clarifies the existing law. It has been worked out very carefully by the Public Utilities Committee of the Federated Citizens' Association, and after their report had been presented to our committee, the Public Utilities Commission appeared before the Senate Committee on the District of Columbia and the bill was perfected to make it satisfactory to the commissioners as well as to the citizens.

The PRESIDENT pro tempore. The time allotted under the unanimous-consent agreement for the consideration of unobjected bills on the calendar having expired, the Chair now lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. The bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

BATTLE FIELDS IN VICINITY OF RICHMOND, VA.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill coming over from the House of Representatives.

The bill (H. R. 15655) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va., was read twice by its title.

Mr. SWANSON. Mr. President, the House of Representatives passed that bill last night. The Senate on yesterday afternoon passed a bill similar in every respect. I ask unanimous consent that the Senate may now proceed to the consideration of the House bill.

The PRESIDENT pro tempore. Is there objection?

Mr. GLASS. I have no objection, and yield to my colleague for that purpose only.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to have made studies, investigations, and surveys of the battle fields in the vicinity of Richmond, in the Commonwealth of Virginia, including the battle field of Cold Harbor, Va., for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle fields and other adjacent points of historical and military interest, in accordance with the classification set forth in House Report No. 1071, Sixty-ninth Congress, first session.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, investigations, and surveys, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,800, or so much thereof as may be necessary, to be expended for the purposes of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES COURT OF CUSTOMS APPEALS, CONFERENCE REPORT

Mr. NORRIS. Mr. President, I should like to present a conference report and have it acted on at this time, if the Senator from Virginia will yield to me for that purpose.

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. GLASS. I yield for that purpose only.

Mr. ROBINSON of Arkansas. I ask the Senator from Nebraska what is the nature of the conference report?

Mr. NORRIS. I may present the conference report as a matter of privilege, but I am asking action on it. It does not involve a very serious matter.

The PRESIDENT pro tempore. The Senator from Nebraska presents a conference report which will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6687) entitled "An act to change the title of the United States Court of Customs Appeals, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

G. W. NORRIS,
CHAS W. WATERMAN,
T. J. WALSH,
Managers on the part of the Senate.
GEORGE S. GRAHAM,
SAMUEL C. MAJOR,
ANDREW J. HICKEY,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. What will be the result if the conference report shall be agreed to, I ask the Senator from Nebraska?

Mr. NORRIS. The bill proposes to give to the United States Court of Customs Appeals some jurisdiction in patent appeals as well as in customs cases. It also proposes to change the title of the Court of Customs Appeals. It is not thought they have enough to do and should this legislation be enacted it will give them a little more business and will, to that extent, relieve the other courts.

Mr. ROBINSON of Arkansas. I have no objection to the conference report.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

Mr. GLASS. Mr. President, I will yield to the Senator from Nebraska for the consideration of the report if its consideration will not lead to a lengthy discussion.

There being no objection, the Senate proceeded to consider the report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

EXAMINATION AND RATING OF FLYING SCHOOLS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5350) entitled "To amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying," which were, on page 1, line 6, to strike out "necessary"; and on page 1, line 9, after the word "instructors," to insert—

The examinations and ratings provided for in this paragraph shall only be made upon request of the owners or representatives of the air navigation facilities or schools.

Mr. BINGHAM. I move that the Senate concur in the House amendments.

The motion was agreed to.

OLIVER C. MACEY AND MARGUERITE MACEY—CONFERENCE REPORT

Mr. BRUCE and Mr. NYE addressed the Chair.

Mr. GLASS. I yield first to the Senator from Maryland.

Mr. BRUCE. I was going to ask the Senator from Virginia to yield, but I yield to the Senator from North Dakota [Mr. NYE], who I understand desires to present a conference report.

Mr. GLASS. I yield to the Senator from North Dakota to present a conference report.

Mr. NYE. I present the conference report which I send to the desk.

The PRESIDENT pro tempore. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1648) entitled "An act for the relief of Oliver C. Macey and Marguerite Macey," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said House amendment insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Maryland, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

"SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to Marguerite Macey out of any money in the Treasury not otherwise appropriated the sum of $1,250, in full compensation for personal injuries, medical and funeral expenses, and loss of automobile, which resulted by reason of the negligence of the operator of a United States Navy commissary truck."

And the House agree to the same.

THOMAS F. BAYARD,
GERALD P. NYE,
Managers on the part of the Senate.
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

LAND TITLES IN TEXAS AND OKLAHOMA

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 196) authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma, as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter, which were to strike out the preamble; on page 5, to strike out lines 19 to 22, inclusive, and insert:

SEC. 3. That the President of the United States be authorized, and he is hereby requested, to confer with the Governor of the State of Texas and with the Governor of the State of New Mexico to ascertain if negotiations will be entertained to the end that an agreement may be reached between the United States, the State of Texas, and the State of New Mexico, as to the terms upon which said parties mentioned and in interest will accept the land, if any, transferred or to be transferred to each said party by the authority of the final decree of the Supreme Court of the United States in the action styled New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.).

SEC. 4. In the event the Governor of the State of Texas and the Governor of the State of New Mexico, acting for their respective States, agree to confer with the United States relative to the subject matter mentioned and described in section 1 hereof, the consent of Congress is hereby given to the said State of Texas and to the said State of New Mexico to negotiate and enter into a compact or agreement respecting the matter in this act mentioned, and the President is herein authorized and requested to proceed with such conference and to formulate and suggest a compact or agreement to be presented to the Congress and to the Legislatures of the State of Texas and the State of New Mexico for ratification and if, and when, ratified by each said contracting party, then each said party herein mentioned is hereby authorized to proceed to comply with the obligations in said compact or agreement assumed.

SEC. 5. No such compact or agreement shall be binding or obligatory upon either of the parties herein mentioned unless and until such compact or agreement has been ratified by the legislatures of each of said States affected and mentioned herein and by the Congress of the United States.

And to amend the title so as to read: "Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38) and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into compacts with each other and with the United States relating to such subject matter."

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

ANDREW T. BAILEY

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. GLASS. I yield to the Senator from Alabama.

Mr. BLACK. Mr. President, I desire to submit a report from the Committee on Claims.

Mr. GLASS. I yield to the Senator from Alabama for that purpose with the distinct understanding that there will be no discussion of the matter.

Mr. BLACK. I simply desire to ask for the immediate consideration of the measure which I desire to report by reason of the fact that this is probably the only chance the bill will have to pass.

The bill relates to an exceedingly tragic case and its consideration will not take over a minute.

Mr. GLASS. Will the Senator state the case?

Mr. BLACK. The case is that of a convict who was in the Federal penitentiary at Atlanta who performed service for the Government in exposing some very bad conspirators. They got him under their control and blinded him with lye.

The department has recommended the passage of this bill. It originally allowed him $90 per month for life, but the amount has been reduced to $50 per month.

Mr. GLASS. I have no objection to the bill.

The PRESIDENT pro tempore. In the absence of objection the report will be received.

Mr. BLACK. From the Committee on Claims I report back favorably with an amendment the bill (S. 5766) for the relief of Andrew T. Bailey, and I submit a report (No. 1927) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Claims was in line 6, after the words "sum of" to strike out "$90" and insert "$50," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew T. Bailey, during his natural life, the sum of $50 per month, to date from the passage of this act, as compensation for the loss of the sight of both eyes while serving as a trusty at the Federal penitentiary at Atlanta, Ga., said monthly payments to be paid through the United States Employees' Compensation Commission.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS FROM COMMITTEE TO AUDIT AND CONTROL CONTINGENT EXPENSES

Mr. DENEEN. Out of order I report various and sundry resolutions from the Committee to Audit and Control the Contingent Expenses of the Senate and I ask unanimous consent for their immediate consideration. They will lead to no debate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the resolutions will be considered in order.

INVESTIGATIONS BY THE FINANCE COMMITTEE

The resolution (S. Res. 335) submitted by Mr. SMOOT, February 21, 1929, was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the Committee on Finance or any subcommittee thereof be, and hereby is, authorized to sit during the sessions of recesses of the Seventy-first Congress at such times and places as they may deem advisable; to make investigations into internal revenue, customs, currency, and coinage matters, and other matters within its jurisdiction, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary; and to report from time to time to the Senate the result thereof; to send for persons, books, and papers, to administer oaths, and to employ such expert, stenographic, clerical, and other assistance as may be necessary; and all of the expenses of such committee shall be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

LANDS CEDED TO THE UNITED STATES BY MEXICO

The resolution (S. Res. 329) submitted by Mr. BRATTON on February 15, 1929, was read, considered by unanimous consent, and agreed to as follows:

Resolved, That Senate Resolution No. 291, agreed to January 7, 1929, authorizing and directing the Committee on Public Lands and Surveys, or any subcommittee thereof, to investigate the cession of lands by the Government of Mexico to the United States, as fully set forth in said resolution, hereby is continued and extended in full force and effect until the end of the first regular session of the Seventy-first Congress, and that $5,000, in addition to the amount heretofore authorized, hereby is authorized to be expended from the contingent fund of the Senate in furtherance of the purposes of said resolution.

PRESERVATION OF THE NIAGARA FALLS

The resolution (S. Res. 333) submitted by Mr. BORAH on February 20, 1929, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, hereby is authorized and directed during the sessions, recesses, or adjourned periods of the Seventy-first Congress to investigate the subject of the convention and protocol between the

United States and His Majesty the King of Great Britain for the preservation and improvement of the scenic beauty of the Niagara Falls and rapids, concluded at Ottawa on January 2, 1929.

For the purposes of this resolution such committee or subcommittees is authorized to hold hearings, to sit and act at such times and places, to employ such stenographic and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings and testimony shall not be in excess of 25 cents per 100 words. The expenses of such committee or subcommittee, which shall not exceed $2,500, shall be paid from the contingent fund of the Senate upon vouchers properly approved.

COMMITTEE ON AGRICULTURE AND FORESTRY

The resolution (S. Res. 336) submitted by Mr. McNARY on February 23, 1929, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, hereby is authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths and to employ a stenographer at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

NATIONAL PARKS

The resolution (S. Res. 316) submitted by Mr. ASHURST on January 29, 1929, was read and considered by unanimous consent. The resolution had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment on page 2, line 5, after the word "Senate," to insert "and shall not exceed $12,500," so as to make the resolution read:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee thereof, be, and it is hereby, authorized and directed to investigate the advisability of establishing certain additional national parks and the proposed changes in, boundary revisions of, and matters relating to other national parks. For the purpose of carrying out the provisions of this resolution such committee or subcommittee is hereby authorized to sit, act, and perform its duties at such times and places as it deems necessary or proper; to require by subpœna or otherwise the attendance of witnesses; to require the production of books, papers, documents, and other evidence; and to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not exceed 25 cents per 100 words. The expenses of such committee or subcommittee shall be paid from the contingent fund of the Senate, and shall not exceed $12,500. The committee or subcommittee shall make a report as to its findings during the first regular session of the Seventy-first Congress, together with recommendations for such legislation as it deems necessary.

The amendment was agreed to.

Mr. HEFLIN. Is that the resolution in which the Senator from Tennessee [Mr. MCKELLAR] is interested?

The PRESIDENT pro tempore. The Chair is informed that it is not.

The resolution as amended was agreed to.

CLAIMS OF NORTHWESTERN BANDS OF SHOSHONE INDIANS

Mr. FRAZIER. Mr. President——

Mr. GLASS. I will yield to the Senator from North Dakota if he has a matter that will not require discussion.

Mr. FRAZIER. I submit a conference report on Senate bill 710 and ask unanimous consent that it may be considered at this time. The matters in disagreement between the two Houses have been composed.

The PRESIDENT pro tempore. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendments of the House numbered 3 and 4, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the words "for the benefit of any" and before the words "of said Indians" insert the words "band or bands," so as to make the amendment read: "Any payment which may have been made by the United States, including gratuities for the benefit of any band or bands of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit"; and the House agree to the same.

LYNN J. FRAZIER,
THOS. D. SCHALL,
HENRY F. ASHURST,
Managers on the part of the Senate.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

ROAD CONSTRUCTION IN LATIN-AMERICAN REPUBLICS

Mr. ODDIE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Nevada?

Mr. ODDIE. I ask the Senator from Virginia if he will yield for a few minutes in order that I may call up a bill which I think can be passed without much debate.

Mr. GLASS. I will not yield for any matter that is going to require discussion, I may say to the Senator.

Mr. ODDIE. I will be willing to drop the matter if the bill can not be disposed of in a few minutes.

Mr. GLASS. Very well, I yield.

Mr. ODDIE. I ask unanimous consent for the immediate consideration of Order of Business 825, being the bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin-American Republics in highway matters. The bill has been indorsed by the Bureau of Public Roads and practically every road organization in the United States. It has been before the Senate for some time. I think the bill can be disposed of in a few minutes.

Mr. BRUCE. Mr. President, I really think that is a matter of so much importance that it can not properly be considered at this time.

The PRESIDENT pro tempore. Objection is made.

Mr. GLASS. If it is going to create discussion, I will ask that the bill go over.

Mr. ODDIE. The Senator from Utah had some objections to the bill, but I think in a few minutes he can be convinced as to its propriety.

Mr. BRUCE. There are several other Senators who object.

The PRESIDENT pro tempore. Objection is made.

BRONZE TABLETS IN ANDERSONVILLE NATIONAL CEMETERY, GA.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. REED of Pennsylvania. Mr. President, I wish to ask unanimous consent, with the permission of the Senator from Virginia, to report and have considered a bill authorizing the Women's Relief Corps to renew the iron markers in the Andersonville National Cemetery with bronze markers of the same type. The tablets contain, respectively, Lincoln's Gettysburg Address and General Logan's Memorial Day Order No. 11. The present cast-iron markers are worn out, and the Women's Relief Corps asks permission to replace them with proper bronze design. The bill is reported unanimously from the Military Affairs Committee.

Mr. GLASS. I yield for that purpose.

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 15330) authorizing acceptance by the United States Government from the Women's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gifts of bronze tablets to be placed in Andersonville National Cemetery, in Georgia.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, a gift of bronze tablets, containing Lincoln's Gettysburg address, and Logan's Memorial Day Order

No. 11, to be placed on the grounds of the Andersonville National Cemetery in the State of Georgia, all expenses incident to the erection to be paid by the Woman's Relief Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW JERSEY SENATORIAL ELECTION

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Oregon?

Mr. GLASS. For what purpose?

Mr. McNARY. On a privileged matter. A few days ago on behalf of the Special Committee to Investigate Campaign Expenditures in senatorial primaries and elections I filed a report in connection with the primary campaign in the State of New Jersey last spring. The report is on the table, and, inasmuch as the Vare case has been disposed of this morning, I am sure there will be no objection to the consideration of the report submitted by me. Being a privileged question, I ask that it be submitted to the Senate, and I move its adoption.

The PRESIDENT pro tempore. The report being a privileged matter, it is laid before the Senate, and the question is on agreeing to the motion of the Senator from Oregon.

Mr. BLAINE. Mr. President, I have not seen the report and have not read a line of it, and there are a number of Senators who are absent at this time.

Mr. McNARY. The report is very brief. If the Senator from Wisconsin has not had an opportunity to read the report, I will be glad to ask that the clerk read it.

Mr. KING. Let me say to the Senator from Wisconsin that I had the honor to serve with the Senator from Oregon on the committee and the report is entirely satisfactory. I think it is conformable to the facts, and there could be no other report in the light of the evidence.

Mr. McNARY. Yes; the report comes with the unanimous report of the special committee. I ask that the report may be read.

The PRESIDENT pro tempore. The clerk will read.

The Chief Clerk read the report (No. 1861) submitted by Mr. McNARY from the special committee investigating expenditures in senatorial primaries and general elections on February 22, 1929, as follows:

On the 16th day of May, 1928, the Senate of the United States passed the following resolution:

"Senate Resolution 232

"*Resolved*, That the special committee of five, consisting of three Members selected from the majority political party, of whom one is a Progressive Republican, and of two Members from the minority political party appointed by the President of the Senate, and which special committee was created by the adoption of Senate Resolution 195 on May 19, 1926, and January 11, 1927, of Senate Resolution 324, by the first and second sessions of Congress (Sixty-ninth) is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office, have been promised, contributed, made, or expended, or shall hereafter be promised, contributed, expended, or made, by any person, firm, corporation, or committee, organization, or association, to influence the nomination of any person as a candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a Member of the United States Senate from the State of New Jersey at the general election to be held in November, 1928. Said committee shall report the names of the persons, firms, or corporations, or committees, organizations, or associations, that have made or shall hereafter make such promises, subscriptions, advancements, or payments, and the amount of them severally contributed or promised as aforesaid, including the method of expenditure of said sums or the method of performance of said agreements, together with all facts in relation thereto.

"Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; and to do such other acts as may be necessary in the matter of said investigation.

"The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

"Said committee shall promptly report to the Senate the facts by it ascertained."

Thereafter, because of the pressing engagements of certain members of the committee and the consequent inability of the full committee to sit and take evidence, the following subcommittee was appointed to hear the case: CHARLES L. McNARY and WILLIAM H. KING.

The said subcommittee held four hearings—on June 4, 5, 11, and 13, 1928.

There were called before the subcommittee substantially all of the candidates for the office of United States Senator from New Jersey, subject to the primary held on the 15th day of May, 1928, which resulted in the nomination of Hamilton Fish Kean as the Republican candidate, and EDWARD I. EDWARDS as the Democratic candidate. Senator EDWARDS was unopposed in the primary and no charge of any irregularity was made in connection with his campaign. The other candidates for the Republican nomination were ex-Senator Joseph S. Frelinghuysen, ex-Governor E. C. Stokes, Mr. Edward Gray, and Mrs. Lillian F. Feickert. All of these candidates were called and heard by the subcommittee.

The subcommittee likewise heard the testimony and received the accounts of receipts and expenditures of the campaign managers of the respective candidates.

The laws of New Jersey provide that no more than $50,000 may be expended by or on behalf of a candidate for any State or national office at either a primary or general election.

There was no evidence of any character produced which would indicate that any of the candidates for United States Senator expended more than the statutory allowance.

Beyond certain statements made by newspapers and general charges by candidates during the heat of the campaign, which were unsupported by any evidence, that a great deal of money had been expended, chiefly in northern New Jersey and Atlantic City, there were no allegations of specific instances of election fraud. The subcommittee inquired carefully into these charges, and the committee is of the opinion that, while probably made in good faith, they were without substance and wholly unsupported by any testimony or evidence whatsoever.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

The PRESIDENT pro tempore. The report is adopted.

REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Naval Affairs, to which was referred the bill (S. 4661) to place Norman O. Ross on the retired list of the Navy, reported it with amendments and submitted a report (No. 1923) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3572) authorizing an appropriation for the purpose of defraying expenses incident to the making of a comprehensive survey covering the requirements of a Federal penal system (Rept. No. 1925); and

A bill (H. R. 10431) to amend the act establishing the eastern judicial district of Oklahoma (Rept. No. 1926).

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (S. 5202) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida, reported it without amendment and submitted a report (No. 1924) thereon.

Mr. WAGNER, from the Committee on Military Affairs, to which was referred the bill (S. 3691) to correct the military record of Charles W. Townsend, reported it with an amendment and submitted a report (No. 1929) thereon.

Mr. METCALF, from the Committee on Patents, to which was referred the bill (S. 3815) directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate, reported it with an amendment and submitted a report (No. 1930) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 5715) for the relief of J. H. B. Wilder, reported it without amendment and submitted a report (No. 1928) thereon.

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (H. R. 14897) for the relief of Matthias R. Munson, reported it without amendment and submitted a report (No. 1931) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 3722) for the relief of Robert C. Osborne (Rept. No. 1932); and

A bill (H. R. 7976) for the relief of Mrs. Moore L. Henry (Rept. No. 1933).

Mr. CAPPER also, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15387) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of

nurses in the District of Columbia," reported it with amendments and submitted a report (No. 1980) thereon

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 4336) for the relief of D. B. Traxler, president of the Realty Corporation of Greenville, S. C., reported it with an amendment and submitted a report (No. 1935) thereon.

He also, from the same committee, to which was referred the bill (S. 4308) for the relief of Maj. H. E. Miner, Capt. A. J. Touart, Capt. J. L. Hayden, Capt. H. H. Pohl, First Lieut. C. C. Jadwin, and First Lieut. F. B. Kane, United States Army, reported it without amendment and submitted a report (No. 1934) thereon.

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4440) for the relief of Frederick O. Goldsmith (Rept. No. 1936);

A bill (H. R. 7330) for the relief of E. M. Gillett and J. H. Swenarton (Rept. No. 1937); and

A bill (H. R. 10508) for the relief of T. P. Byram (Rept. No. 1938).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 3340) for the relief of W. L. Inabnit, reported it without amendment and submitted a report (No. 1939) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr., reported it with amendments and submitted a report (No. 1978) thereon.

Mr. WALSH of Massachusetts, from the Committee on Finance, to which was referred the bill (H. R. 4029) for the relief of Maude A. Sanger, reported it without amendment and submitted a report (No. 1979) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 15570) authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va. (Rept. No. 1940);

A bill (H. R. 15715) authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth (Rept. No. 1941);

A bill (H. R. 15717) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak. (Rept. No. 1942);

A bill (H. R. 15718) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind. (Rept. No. 1943);

A bill (H. R. 15916) to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal (Rept. No. 1944);

A bill (H. R. 16126) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind. (Rept. No. 1945);

A bill (H. R. 16205) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa. (Rept. No. 1946);

A bill (H. R. 16345) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y. (Rept. No. 1947);

A bill (H. R. 16382) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky. (Rept. No. 1948);

A bill (H. R. 16383) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky. (Rept. No. 1949);

A bill (H. R. 16384) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky. (Rept. No. 1950);

A bill (H. R. 16385) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky. (Rept. No. 1951);

A bill (H. R. 16386) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky. (Rept. No. 1952);

A bill (H. R. 16387) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky. (Rept. No. 1953);

A bill (H. R. 16388) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky. (Rept. No. 1954);

A bill (H. R. 16389) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River (Rept. No. 1955);

A bill (H. R. 16423) to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex. (Rept. No. 1956);

A bill (H. R. 16425) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr. (Rept. No. 1957);

A bill (H. R. 16426) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr. (Rept. No. 1958);

A bill (H. R. 16427) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky. (Rept. No. 1959);

A bill (H. R. 16430) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va. (Rept. No. 1960);

A bill (H. R. 16431) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va. (Rept. No. 1961);

A bill (H. R. 16433) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr. (Rept. No. 1962);

A bill (H. R. 16448) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn. (Rept. No. 1963);

A bill (H. R. 16499) to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va. (Rept. No. 1964);

A bill (H. R. 16531) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill. (Rept. No. 1965);

A bill (H. R. 16603) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky. (Rept. No. 1966);

A bill (H. R. 16604) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky. (Rept No. 1967);

A bill (H. R. 16605) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky. (Rept. No 1968);

A bill (H. R. 16606) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky. (Rept. No. 1969);

A bill (H. R. 16609) extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va. (Rept. No. 1970);

A bill (H. R. 16610) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill. (Rept. No. 1971);

A bill (H. R. 16640) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill. (Rept. No. 1972);

A bill (H. R. 16645) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark. (Rept. No. 1973);

A bill (H. R. 16791) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa. (Rept. No. 1974);

A bill (H. R. 16818) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va. (Rept. No. 1975); and

A bill (H. R. 17020) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y. (Rept. No. 1976).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILL:

A bill (S. 5888) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash.; to the Committee on Commerce.

By Mr. METCALF:

A bill (S. 5889) for the relief of Henry R. Diette; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 5890) relative to the extension and remodeling of the public building at Salt Lake City, Utah; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 4, after line 13, insert the following:

"LIBRARY OF CONGRESS

"Printing and binding: For printing and binding the indexes and digests of State legislation required to be prepared by the act of February 10, 1927 (U. S. C., Supp. I, p. 4, secs. 164, 165), fiscal years 1929 and 1930, $5,000."

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows: On page 77, line 21, strike out "$425,000" and insert in lieu thereof "$850,000," and strike out "$1,775,000" and insert in lieu thereof "$2,200,000."

Mr. FLETCHER also submitted amendments intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which (with an accompanying paper) was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 77, after line 21, insert the following:

Key West (Fla.) post office, etc.: For commencement of construction, $100,000, under an estimated total cost of $500,000.

Kissimmee (Fla.) post office: For commencement of construction, $25,000, under an estimated total cost of $100,000.

On page 78, after line 9, insert the following:

Lake City (Fla.) post office: For commencement of construction, $25,000, under an estimated total cost of $100,000.

CHANGE OF REFERENCE

On motion of Mr. BROOKHART, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 1994) to amend section 5197 of the Revised Statutes, as amended, and for other purposes, and it was referred to the Committee on Banking and Currency.

ASSISTANT IN SENATE DOCUMENT ROOM

Mr. WATSON submitted the following resolution (S. Res. 342), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to appoint an assistant in the Senate document room, at a compensation of $1,800 per annum, to be paid out of the contingent fund of the Senate, until the end of the Seventy-first Congress.

SECOND DEFICIENCY APPROPRIATIONS

Mr. WARREN. I report back from the Committee on Appropriations favorably with amendments the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes, and I submit a report (No. 1981) thereon. I should like at some time to-morrow, at the pleasure of the Senate, to call up the bill for disposal.

NOTICE OF MOTION TO SUSPEND RULES

Mr. BARKLEY submitted the following notice, which was read:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of rule 16, for the purpose of proposing to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes, the following amendment, viz, on page 63, after line 6, insert the following:

"Rural sanitation: For additional amounts for special studies of, and demonstration work in, rural sanitation, including personal services, the sum of $130,500: *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half the expenses of such demonstration work."

PRINTING OF VARIOUS DOCUMENTS

Mr. CAPPER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. GLASS. For what purpose?

Mr. CAPPER. I desire to make several reports from the Committee on Printing. They will not require any discussion.

Mr. GLASS. Very well; I yield, Mr. President.

Mr. CAPPER. At the request of the senior Senator from Minnesota [Mr. SHIPSTEAD], the chairman of the Printing Committee, who is absent on account of illness, I report back favorably House Concurrent Resolution 57, House Concurrent Resolution 56, and House Concurrent Resolution 37.

The PRESIDENT pro tempore. Without objection, the reports will be received.

CONGRESSIONAL DIRECTORY

Mr. CAPPER. I ask unanimous consent for the present consideration of House Concurrent Resolution 57, to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress.

There being no objection, the concurrent resolution was considered by the Senate and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That an edition of the Congressional Directory for the first session of the Seventy-first Congress be compiled, prepared, indexed, and published under the direction of the Joint Committee on Printing, as provided for in section 73 of the printing act approved January 12, 1895.

STATUES OF HENRY CLAY AND DR. EPHRAIM M'DOWELL

Mr. CAPPER. I ask unanimous consent for the immediate consideration of House Concurrent Resolution 56, to provide for the printing and binding of the proceedings in Congress and in Statuary Hall at the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky, and for the disposition of the 2,500 copies authorized to be printed.

There being no objection, the concurrent resolution was considered by the Senate and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky, 5,000 copies of which 1,000 shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives, and the remaining 1,500 copies shall be for use and distribution of the Senators and Representatives in Congress from the State of Kentucky.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable illustrations to be bound with these proceedings.

HEARINGS ON STABILIZATION OF PRICE LEVEL OF COMMODITIES

Mr. CAPPER. I ask unanimous consent for the present consideration of House Concurrent Resolution 37, to print 3,000 additional copies of the hearings during the Sixty-ninth Congress on the bill (H. R. 7895) relating to the stabilization of the price level of commodities.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Printing, with amendments.

The amendments were, in line 6, before the word "thousand," to strike out "three" and insert "five"; and at the end of line 8, before the word "relating," to insert: "and 5,000 additional copies of the hearings held during the Seventieth Congress on the bill (H. R. 11806) both"; so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the printing act, approved March 1, 1907 (U. S. C., title 44, p. 154), the Committee on Banking and Currency of the House of Representatives is empowered to have printed for its use 5,000 additional copies of the hearings held before such committee during the Sixty-ninth Congress, first session,

on the bill (H. R. 7895) and 5,000 additional copies of the hearings held during the Seventieth Congress on the bill (H. R. 11806) both relating to the stabilization of the price level of commodities.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

ADDITIONAL JUDGES, EASTERN DISTRICT OF NEW YORK

Mr. BORAH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14679) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment No. 1 and also recede from its amendment to the title.

WM. E. BORAH,
CHAS. W. WATERMAN,
T. J. WALSH,
Managers on the part of the Senate.

GEORGE S. GRAHAM,
HATTON W. SUMNERS,
F. H. LAGUARDIA,
Managers on the part of the House.

The report was agreed to.

CALLING OF THE ROLL

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Sheppard
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Glenn	Neely	Stephens
Bratton	Goff	Norbeck	Swanson
Brookhart	Gould	Norris	Thomas, Idaho
Broussard	Greene	Nye	Thomas, Okla.
Bruce	Hale	Oddie	Trammell
Burton	Harris	Overman	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hastings	Pittman	Vandenberg
Copeland	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Schall	Wheeler

Mr. WATERMAN. My colleague the senior Senator from Colorado [Mr. PHIPPS] is detained at home on account of illness. This announcement may stand for the day.

Mr. NYE. I desire to announce the absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] on account of serious illness.

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. TYDINGS]. The Senator from Virginia [Mr. GLASS] has the floor.

Mr. BRUCE. Mr. President, will the Senator yield for just a moment?

Mr. GLASS. I yield to the Senator from Maryland.

Mr. BRUCE. I simply want to have sent to the desk and have read three brief telegrams relating to the pending bill.

Mr. GLASS. I suggest that the Senator have them inserted in the RECORD.

Mr. BRUCE. They are too good.

Mr. GLASS. I could match them with a dozen others. It is just consuming time.

Mr. BRUCE. I will not do it if the Senator objects, of course. They are very brief, and I should like to have them read.

Mr. GLASS. Have them inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, the telegrams will be printed in the RECORD.

Mr. BRUCE. If the Senator will yield just a moment further, I should like to have the clerk retain those telegrams so that I may read them myself when I make some remarks on the bill.

Mr. TYDINGS. Mr. President——

Mr. GLASS. I yield to the junior Senator from Maryland.

Mr. TYDINGS. The pending amendment to this bill is an amendment offered by me. I ask unanimous consent to withdraw the amendment.

The PRESIDENT pro tempore. Without objection, consent is granted for the withdrawal of the amendment.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. GLASS. I move the passage of the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. CAPPER. Mr. President, I offer an amendment to the pending bill.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 6, it is proposed to strike out the period and insert a colon and the following proviso:

Provided, however, That the acquirement of such site or any other site in lieu thereof shall be subject to the prior approval of the Secretary of Agriculture, the National Capital Park and Planning Commission, and the superintendent of markets, or a majority thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. GLASS. Mr. President, I may say to the Senate that I hope none of these amendments will be adopted, for the simple reason that that would involve further action on the part of the House, and at this late date of the session that would be impossible. I hope the amendment will be voted down.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. HEFLIN. Mr. President, I want to ask the Senator from Virginia if I understood him correctly that if these amendments are put on they will change the House bill?

Mr. GLASS. Yes.

Mr. HEFLIN. And if the bill passes as it comes from the House it is through?

Mr. GLASS. Yes. The amendment of the bill will make it impossible to enact any legislation at all.

Mr. CAPPER. Mr. President, may I say just a word to explain my amendment?

Mr. GLASS. I yield to the Senator.

Mr. CAPPER. Mr. President, there is very strong opposition in the District of Columbia to the location of the farmers' market in the southwest. I should say the sentiment of the consumers of the city is overwhelming in opposition to the bill as it is now before the Senate.

I have been appealed to in the last 30 days by the representatives of nearly all of the leading civic and citizens' associations. The Federated Citizens' Associations are unanimously opposed to the proposition as it is now before the Senate. The General Federation of Women's Clubs, representing the women's organizations of the city, have appealed for an amendment to the bill, so that a more central location might be obtained. The Central Labor Union has come to the Capitol, represented by a very strong committee of that organization, and appealed to me and appealed to other Members of the Senate to have the bill amended, protesting in most vigorous terms against the proposed location in the southwest as being inconvenient from the standpoint of the consumer and inaccessible to any considerable number of the people of the District.

A very large percentage of the farmers who are interested in this measure are opposed to this location. In the hearings before our committee it was shown that at least 80 per cent of the farmers objected to the southwest location.

Since then many of them have given evidence of their opposition by moving to a more central site, such as the Convention Hall Market. In my opinion, it would be inconvenient to the consumers of the city, it would be inconvenient to the farmers, and the taxpayers of the city I know are almost overwhelmingly opposed to the expenditure of $300,000 for a farmers' market, or a retail market, away off in the southwest part of the city.

Mr. GLASS. Mr. President, of course, I utterly deny the accuracy of the statements made by the Senator from Kansas. So far as the record shows, the overwhelming sentiment of the taxpayers of this community is in favor of the bill we are called upon now to consider. The action of certain associa-

tions was a negative rather than an affirmative action as to the geographical location of a market. The meetings held by these associations were literally attenuated and nonrepresentative, the whole thing engineered by a single individual.

With respect to this amendment I may say here now that this bill has received the almost unanimous indorsement of the District of Columbia Committee of the other branch of Congress, after searching hearings, held over an extended period. It received an overwhelming majority in the House.

The southwest site has received specific indorsement of the Board of Commissioners of the District of Columbia. It has received the unmistakable approval of the National Fine Arts Commission. It has received the approval of every director of traffic in the District of Columbia for the last three years. It has received the overwhelming approval of the District of Columbia Grocers' Society, in whose membership are embraced 200 retail stores. It has received the approval of the Southwest Citizens' Association, the Trinidad Citizens' Association, the Barry Farm Citizens' Association, the Southeast Washington Citizens' Association, the Du Pont Circle Citizens' Association, the Park View Citizens' Association, the Arlington Citizens' Association, the Washington City Club, the Twentieth Century Club, the Southwest Business Men's Association, and of practically every hotel located in Washington; and the hotels are the largest patrons of the proposed market. It received the approval of Harvey's Restaurant, the Wallace Cafés, the Old Dutch Market, and Cornwell & Co. It has received the approval of a majority of the produce commission merchants of the city of Washington. So that the statement made by the Senator from Kansas is not borne out by the record.

Now, I am ready for a vote on this proposed amendment.

Mr. GLASS. Mr. President, the average man who finds himself beaten in any cause is willing to resort to any proposition that will extricate him from his difficulty. That is the meaning of this proposed amendment. There has been an investigation of this matter over and over again within the last three years. There is not a fact to be ascertained that is not already now known. The whole thing has been reviewed, repeatedly reviewed, and as I indicated a little while ago, the proposed southwest site has been approved over and over again by the representative and interested bodies of the District of Columbia.

A moment ago the Senator from Maryland said the Fine Arts Commission was not in favor of this site. I hold in my hand a letter on the stationery of the Commission of Fine Arts, dated January 27 of last year, addressed to Mr. Wrisley Brown, as follows:

MY DEAR MR. BROWN: As requested by you, I am writing to say that the legislation providing for the elimination of grade crossings within the District of Columbia was designed to permit the use of lands in southwest Washington for commercial purposes.

The plans of 1901 for the improvement of the city of Washington recognized this situation, and in the treatment of the Mall provision was made for the crossing of that space by north and south bound traffic. Nothing in these plans and nothing in any subsequent plans has changed the situation. On the contrary, the provision made for an open plaza on the west of the Capitol and Second Street, for the opening of Ninth Street through the Mall, and also for the opening of Fifteenth Street, was indorsed by the commission. These plans are still being adhered to.

That letter was written to Major Brown in response to a protest against the southwest market site upon the plea that it would interfere with the program for the beautification of the Mall.

It has been stated here by the Senators from Maryland that the board of efficiency had reported against this southwest site. How accurate that is the Senate may judge from a simple statement of the facts.

After the House Committee on the District of Columbia had officially reported in favor of this southwest site, one attaché of the Bureau of Efficiency, to wit, a man who had been a zealot for the Patterson-tract site and opposed to the southwest site, made a survey of his own and reported it unofficially, and after the matter had been officially determined by the District Committee, and it is that report, and no report from the Bureau of Efficiency officially sanctioned by the bureau, that the Senator from Maryland speaks of.

Mr. TYDINGS rose.

Mr. GLASS. I am willing to be interrupted.

Mr. TYDINGS. If the Senator will just wait one minute, I will read him the unanimous report signed by the Bureau of Efficiency and verified by a letter showing, after a survey, that they are unalterably opposed to his proposition. Does the Senator want me to get that and read it?

Mr. GLASS. There is no such report as that in the record.

Mr. TYDINGS. Does the Senator want me to get that report?

Mr. GLASS. Of course I want the Senator to get it. I want him to verify every statement made here.

Mr. TYDINGS. Is it not a fact also that the Senator said that Colonel Brown—I think he is called—of that commission is for it, and did not Colonel Brown come and tell the Senator he was not for it, though the Senator made that statement on the floor?

Mr. GLASS. He did not.

Mr. TYDINGS. Did not the Senator then say you could not believe him; he did not know which side he was on?

Mr. GLASS. Mr. Brown came to me and told me he was not against the southwest site.

Mr. TYDINGS. Did he not write the Senator a letter, a copy of which I have, telling the Senator he was against it after that?

Mr. GLASS. He wrote me a letter which made the matter dubious, and I told him I would not trust him to state any proposition.

Mr. BRUCE. Mr. President, the Senator is like King David—in his haste he calls all men liars.

Mr. GLASS. No; I do not do anything of the kind, and that exemplifies the accuracy of the Senator from Maryland.

Mr. BRUCE. I say the Senator's statements are most grossly partisan——

Mr. GLASS. I decline to be interrupted by the Senator if he is going to affront me with such unparliamentary language.

Mr. BRUCE. If the Senator will allow me for a moment——

Mr. GLASS. No; I will not allow the Senator for a moment.

Mr. BRUCE. Then I will allow myself.

Mr. GLASS. If the Senator wants to affront me, he must do it in his own time.

Mr. BRUCE. The Senator does not select any time for affronts, because he is always affronting.

Mr. GLASS. The Senator from Maryland is now out of order as he usually is.

I have stated the exact facts in the case, that the so-called report from the Bureau of Efficiency presented here yesterday by the senior Senator from Maryland was not an official report of that bureau, but it was the partisan report of an attaché of that bureau who, in his capacity as a citizen of the District of Columbia, had been an unreasoning zealot in the advocacy of a certain site behind which are marshalled all the real-estate speculators of this syndicate. It was not an official report of the Bureau of Efficiency.

So yesterday the senior Senator from Maryland presented here what purported to be a report from the National Park and Planning Commission of the District of Columbia. Within the last hour and a half Mr. Frederick A. Delano, one of the outstanding members of that commission, told me in the anteroom of the Senate Chamber that the commission had adopted no report against the southwest site. What the Senator from Maryland presented was the individual opinion of an Army officer characterized by his superior, General Jadwin, as without economic information on the subject.

Mr. TYDINGS. Does the Senator want the report from the Bureau of Efficiency? Would he like me to read it?

Mr. GLASS. No; the Senator can read it in his own time.

Mr. TYDINGS. I thought so.

Mr. GLASS. With these statements I am perfectly willing to vote on the amendment proposed by the Senator from Kansas [Mr. CAPPER].

Mr. BRUCE. The fact that the National Capital Park and Planning Commission was opposed to the southwest site and the fact that the United States Bureau of Efficiency also was opposed to that site are evidenced by the report of the minority of the House committee which dealt with the question which we are now discussing. I ask Senators to listen to me for just a moment. In that minority report it was said:

Seventh. We believe that the recommendation of the National Capital Park and Planning Commission deserves primary consideration. After making a careful study of the principal sites involved, the National Capital Park and Planning Commission, assisted by representatives from the United States Department of Agriculture and the Bureau of Markets in the District, and the foremost landscape architects and consulting engineers in this country, recommended the site next to the Eckington yards as their preference.

That is to say, the Eckington site, north of Pennsylvania Avenue. I can only suppose that there was a time when the Senator from Virginia was familiar with what I am reading, but that he has since forgotten it.

Then the minority report just mentioned in connection with the conclusion reached by the United States Bureau of Efficiency which, mind you, made a most painstaking and exhaustive study of the whole situation, goes on to quote the conclusions of that bureau as follows:

Twelve reasons are given in a summary of this report why the farmers' produce market should not be located south of Pennsylvania Avenue. These are as follows:

1. Because nearly every customer of this market would be compelled to go through the down-town congested zone of the city to reach the market.

An excellent reason surely for not placing the market on the southwest site.

2. Because every farmer coming into the city from the north and west will have to go through the down-town congested zone of the city.

3. Because the Federal development of the Mall triangle will further add to the congestion of the so-called down-town congested zone.

4. Because there are only four north-and-south highways running through the Mall that would be convenient to southwest sites Nos. 1 and 2, viz, Sixth, Seventh, Twelfth, and Fourteenth Streets.

All of these are certainly most excellent reasons, too, why the southwest site should not be selected as the site for the market, I respectfully submit to the Senate.

5. Because it is impossible to extend either Eighth, Ninth, Tenth, Eleventh, or Thirteenth Streets through the Mall on account of existing public buildings or projected ones.

6. Because the Federal building program for the Mall triangle will undoubtedly necessitate the changing of existing car tracks and the rerouting of all street-car lines traversing this area.

7. Because four-fifths of the entire population of the District of Columbia live north of Pennsylvania Avenue.

8. Because more than nine-tenths of the hotels and boarding houses, more than four-fifths of the restaurants and lunch rooms, and more than three-fourths of the retail grocery stores are located north of Pennsylvania Avenue.

9. Because the future expansion of the city—in population and in the number of hotels and boarding houses, restaurants and lunch rooms, and retail grocery stores—will in a large measure be north of Pennsylvania Avenue.

10. Because at least 20 per cent of the business of the farmers' produce market is a retail business, which, in a large measure, would be lost to the farmers if the market is located in southwest Washington. This retail business amounts to more than $600,000 per year.

11. Because it would send through the Mall triangle and the Mall a lot of objectionable traffic.

12. Because the southwest area lacks in street-car facilities as compared with other sections of the city.

So we find embodied in this report of the minority of the House committee which dealt with the pending bill, conclusions of both the National Park and Planning Commission, and the United States Bureau of Efficiency adverse to the southwest site.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. BRUCE. I yield.

Mr. NEELY. There seems to be a dispute between the Senator from Virginia and the junior Senator from Maryland as to the number of civic bodies and organizations of the District of Columbia which are opposed to the southwest site. Can the senior Senator from Maryland enlighten the Senate about that matter?

Mr. BRUCE. I have already repeatedly called attention to the fact that no less than 55 civic organizations in the city of Washington have expressed their disapproval of the southwest site and asked that a site for the farmers' market be chosen north of Pennsylvania Avenue.

One of the associations which the Senator from Virginia cites as approving the southwest site is the Southwest Improvement Association. In other words, he lets us know that the Dutch have captured Holland. Of course, everyone down in the southwest portion of Washington and its environment favors the southwest site. That is natural enough. That is only human. But Senators who have any familiarity at all with the map of Washington do not require, it seems to me, any expert conclusion from any commission or administrative body to make up their minds that the southwest site is an entirely improper site for the farmers' market. There it is far away in the southern portion of the city, a mile—if I am not mistaken, though I do not know the exact distance—perhaps a mile and a half distant from Pennsylvania Avenue. Most of the fresh vegetable produce that comes into the city each day comes from the north and northeast, and if the southwest site should be selected as the site for the farmers' market, all the farmers would have to traverse the city and go down to its extreme southwest section in order to market their wares.

I think we ought to be able to discuss this question without any acrimony and even without any excessive enthusiasm. So far as I know there is no reason why the Senator from Virginia should feel any truly extraordinary interest in the result of this debate. Certainly there is no reason why I should. I am simply trying to discharge my duty as I see it to the people of my own State who have, it is needless to say, strong claims on my support of any proposition in which they may be so deeply interested as they are in the pending proposition.

But the fact is, that with the exception of such farmers as the Pennsylvania Railroad has been able by assiduous coaxing to bring into disapproval of this bill since its discussion last spring, all the farmers of Virginia, the District of Columbia, and Maryland who furnish Washington with fresh vegetable produce are opposed to the southwest site and are asking Congress to give its approval to some site north of Pennsylvania Avenue.

I hold in my hand at this time three telegrams which I received this morning and which seem to me very significant as indicating the extent of the popular opposition to the pending bill. First of all here is a telegram from the United Farmers Market Associations. I ask Senators to listen to it as showing what the farmers who bring fresh vegetable produce from day to day to the city of Washington desire as the site for the farmers' market:

WASHINGTON, D. C., *February 25, 1929.*

Senator WILLIAM CABELL BRUCE,

Senate Office Building, Washington, D. C.:

Passage Stalker bill waste of public money. Violates will of public and the farmers serving Washington. Four hundred farmers signed up for new produce market now open at Fifth and K Streets NW. New site satisfactory to public and farmers.

UNITED FARMERS' MARKET ASSOCIATION,
By J. F. WATSON, *McLean, Va., Secretary.*

That is to say, these farmers, wearied with waiting for the selection of some site for the farmers' market, have now taken the bit into their own teeth and have gone to one of the sites north of Pennsylvania Avenue, to which they have always desired to go. They are at Convention Hall now, as I understand it, marketing their garden products. I have read the first telegram. The second is from H. A. Friday, and reads as follows:

WASHINGTON, *D. C., February 26, 1929.*

Fight hard to defeat Stalker bill. Farmers and customers will not patronize southwest site. Unjust expenditure of taxpayers' money.

H. A. FRIDAY.

The third telegram is from N. J. Ward, president Washington Branch, National League of Commission Merchants. He states:

The citizens of Washington are united in their opposition to Stalker bill; 55 citizens associations denounced it.

That confirms, of course, the statement that I have just made to the Senate, that 55 civic organizations of this city are opposed to the passage of the pending bill. The telegram continues:

The farmers will not patronize the southwest site under any conditions. We commission merchants are unalterably opposed to it. Why don't you do your duty to the people of Washington and defeat this bill?

Of course, the Washington branch of the national league is hardly justified in addressing such language as that to me, in view of the fact that I am doing everything in my power to defeat the pending bill. And that I propose to do until the end, bitter or sweet. So, with great respect to the Senator from Virginia, I think he overstates his case when he would have the Senate believe that a considerably body of public opinion outside of the southwest section of Washington and the railroad interests which cluster about the southwest site is in favor of the southwest site.

It is inconceivable that the owners or proprietors of hotels, restaurants, lunch rooms, boarding houses, or lodging houses would prefer the southwest site, which is remote from the places where their business transactions are carried on, to a site north of Pennsylvania Avenue, where the real business and social center of the city is. I have yet to see any convincing evidence that they are. It was really a source of astonishment to me when I recollect the facility with which signatures to petitions and remonstrances may be obtained that the Senator from Virginia has not been more successful in obtaining support for the southwest site.

Bearing in mind the fact that practically all the market-garden farmers are opposed to it, that 55 of the civic organizations of the city are opposed to it, and that the great majority of the residents of Washington generally, so far as I can judge, are opposed to it, it does seem to me that it was incumbent upon the Senator from Virginia to bring forward a most convincing list of signatures in favor of the southwest site. I submit that he has not done it and that the weight of the evidence in this case is in favor of the contention of the farmers.

Mr. NEELY. Mr. President, the countless protests against the location described in the House bill convince me that the southwest site is almost as unpopular with the people of the District of Columbia as a Democratic candidate for office is with the people of West Virginia. [Laughter.] Since the people of the District have neither vote nor voice in their government, let us at least permit them to have a market site that will not subject them to unspeakable inconvenience. What could be fairer than the amendment that has been proposed by the Senator from Kansas [Mr. CAPPER]? It simply requires that the chosen site shall be approved by those who ought to be best qualified to render an intelligent decision in the case.

As a member of the District Committee, I am convinced that 75 per cent of the people of Washington are unalterably opposed to the southwest site. In the circumstances, it would be an unpardonable outrage for the Senate to force that site upon them. Therefore, in a spirit of fairness to the people of the District of Columbia, let me urge the adoption of the amendment proposed by the Senator from Kansas.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Kansas.

Mr. GLASS. Mr. President, so far as I am concerned I am quite ready for a vote on the amendment, except that I wish to repeat that what purports to be a report of the National Park and Planning Commission read here is not a report of the National Park and Planning Commission, which has never acted on this subject, as the text of the record itself shows, but is a report made to the National Park and Planning Commission but never acted upon by that commission. What appears textually in the record was confirmed, as I stated a little more than an hour ago, by Mr. Frederick A. Delano, one of the outstanding members of the National Park and Planning Commission. How Senators can persist in the statement that the overwhelming sentiment of the District of Columbia is against the southwest site is beyond my comprehension.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. COPELAND. I served as a member of the Senate committee which examined into this matter, and the thing that impressed me was that which the Senator has just intimated, that the overwhelming sentiment of the community is in favor of the southwest site. It is the logical site; it is at the place where fish and other commodities are brought into the District. I certainly gained the impression from listening patiently through several long hearings that that was the sentiment of the community. There were certain selfish interests that talked about other locations in the city, but, so far as the citizens are concerned, the hotel men, the boarding-house keepers, and those who buy produce in the market, it seems to me that the sentiment was overwhelmingly in favor of the southwest site.

Mr. GLASS. It seemed so to me, and as concrete evidence of popular sentiment there was filed with the committee, as the Senator from New York will recall, a referendum on the subject of the market site, taken over a given period of time by a morning newspaper here, the Washington Post. The city editor of that newspaper certified to us that the vote was taken by the Post without prejudice to any site and was conducted in a perfectly impartial manner, all residents of the city being given an opportunity to register their choice. Of the nearly 30,000 votes cast in that referendum, 19,316 were cast for the southwest site; 9,440 were cast for the mid-city site; 59 for the Eckington site; and 82 for all other sites.

In view of that popular referendum—the only referendum of which we have any knowledge—how Senators may persist in saying that the popular sentiment of the District is against the southwest site is beyond my comprehension.

It is not material to the question whether the Bureau of Efficiency reported for or against the site, but, as a matter of record, I have given a true recital of what happened. After the House committee had overwhelminghly voted for this southwest site and reported in favor of it, an attaché of the Bureau of Efficiency reported to a minority member of the House committee his conclusions upon a review of the matter, which were adverse to the southwest site. The Senator from New York will recall that when Mr. Driscoll, of the District, representing various civic organizations, was before our subcommittee he made the explicit statement that those organizations voted for the mid-city site, the selection of which was precluded by the very resolution under which we were acting because its cost so far exceeded the amount of money authorized to be expended for a site. I asked Mr. Driscoll the particular question if the civic associations had determined the question as between the southwest site and some other site than the mid-city site, which he was advocating, what would have been the result, and he said it was problematic.

So that even the action of these associations, not against the southwest site but in favor of the impossible mid-city site, may be taken into consideration. It does not mean that they are opposed to the southwest site and in favor of this syndicated Patterson tract site which has caused all this trouble; but it means that if they could have their way they would select this mid-city site, which is precluded almost by the very text of the original bill of the Senate authorizing the purchase of a site for the market.

SEVERAL SENATORS. Vote!

Mr. GLASS. All right; let us vote, then.

The PRESIDING OFFICER (Mr. GEORGE in the chair). The question is on the amendment proposed by the Senator from Kansas [Mr. CAPPER].

Mr. TYDINGS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DILL. What is the amendment?

Mr. TYDINGS. I should like to have the amendment stated before it is voted on.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 6, before the period, it is proposed to insert a colon and the following proviso:

Provided, however, That the acquirement of such site or any other site in lieu thereof shall be subject to the prior approval of the Secretary of Agriculture, the National Capital Park and Planning Commission, and the superintendent of markets, or a majority thereof.

The PRESIDING OFFICER. On this amendment the yeas and nays have been demanded and ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

The VICE PRESIDENT resumed the chair.

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]; but I am advised that if he were present he would vote as I expect to vote. I therefore vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I therefore withhold my vote.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). I wish to announce that my colleague [Mr. SHIPSTEAD] is seriously ill.

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Utah [Mr. KING], the Senators from Arizona [Mr. ASHURST and Mr. HAYDEN], and the Senator from Kentucky [Mr. BARKLEY] are necessarily detained on official business.

Mr. STEPHENS. I desire to announce that the Senator from Mississippi [Mr. HARRISON] is necessarily detained from the Senate, attending the funeral of a friend. If present, he would vote "nay."

The result was announced—yeas 29, nays 43, as follows:

YEAS—29

Bayard	Dill	Norris	Thomas, Idaho
Blaine	Frazier	Nye	Thomas, Okla.
Brookhart	Gerry	Oddie	Tydings
Broussard	Goff	Pine	Walsh, Mass.
Bruce	Hawes	Ransdell	Wheeler
Burton	Johnson	Schall	
Capper	McNary	Simmons	
Deneen	Neely	Steck	

NAYS—43

Bingham	Fletcher	Keyes	Smoot
Black	George	McKellar	Steiwer
Blease	Glass	Mayfield	Stephens
Bratton	Glenn	Metcalf	Swanson
Caraway	Greene	Moses	Trammell
Copeland	Hale	Reed, Pa.	Tyson
Couzens	Harris	Robinson, Ark.	Wagner
Curtis	Hastings	Robinson, Ind.	Walsh, Mont.
Edge	Heflin	Sackett	Waterman
Edwards	Jones	Sheppard	Watson
Fess	Kendrick	Smith	

NOT VOTING—23

Ashurst	Harrison	McLean	Reed, Mo.
Barkley	Hayden	McMaster	Shipstead
Borah	Howell	Norbeck	Shortridge
Dale	King	Overman	Vandenberg
Gillett	La Follette	Phipps	Warren
Gould	Larrazolo	Pittman	

So Mr. CAPPER's amendment was rejected.

[Mr. TYDINGS addressed the Senate but withheld his speech from the RECORD.]

Mr. BLACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Ashurst	Bingham	Blease	Brookhart
Barkley	Black	Borah	Broussard
Bayard	Blaine	Bratton	Bruce

Burton	Gould	Moses	Smith
Capper	Greene	Neely	Smoot
Caraway	Hale	Norbeck	Steck
Copeland	Harris	Norris	Steiwer
Couzens	Harrison	Nye	Stephens
Curtis	Hastings	Oddie	Swanson
Dale	Hawes	Overman	Thomas, Idaho
Deneen	Hayden	Pine	Thomas, Okla.
Dill	Heflin	Pittman	Trammell
Edge	Johnson	Ransdell	Tydings
Edwards	Jones	Reed, Mo.	Tyson
Fess	Kendrick	Reed, Pa.	Vandenberg
Fletcher	Keyes	Robinson, Ark.	Wagner
Frazier	King	Robinson, Ind.	Walsh, Mass.
George	McKellar	Sackett	Walsh, Mont.
Gerry	McMaster	Schall	Warren
Glass	McNary	Sheppard	Waterman
Glenn	Mayfield	Shortridge	Watson
Goff	Metcalf	Simmons	Wheeler

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names and a quorum is present.

DAM OR DAMS IN NECHES RIVER, TEX.

Mr. SHEPPARD. Mr. President, out of order, from the Committee on Commerce I report back favorably without amendment the bill (S. 5857) granting the consent of Congress for the construction of a dam or dams in Neches River, Tex. I ask the attention of the junior Senator from Texas [Mr. MAYFIELD] to the report.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives.

The bill (H. R. 16612) granting the consent of Congress for the construction of dam or dams in Neches River, Tex., was read twice by its title.

Mr. MAYFIELD. Mr. President, since the House bill just laid before the Senate is similar to the one reported by my colleague the senior Senator from Texas [Mr. SHEPPARD], I ask unanimous consent to substitute the House bill for the Senate bill and that it may be considered at this time.

Mr. JONES. Mr. President, I ask whether the Senate bill has been reported from the Committee on Commerce?

Mr. SHEPPARD. It has been reported from the Committee on Commerce.

The PRESIDING OFFICER. The bill has been reported from the Committee on Commerce by the senior Senator from Texas [Mr. SHEPPARD].

Is there objection to the request of the junior Senator from Texas to substitute the House bill for the Senate bill, and that the Senate proceed to the consideration of the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16612) granting the consent of Congress for the construction of dam or dams in Neches River, Tex., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Neches Canal Co., Neches Water Co., Beaumont Irrigating Co., the city of Beaumont, Tex., or the city of Port Arthur, Tex., or any one or more of them, to construct a dam or dams across the Neches River, at points suitable to the interests of navigation, above the city of Beaumont, Tex.: *Provided*, That the work on such dam or dams shall not be commenced until the plans therefor have been filed with and approved by the Secretary of War and the Chief of Engineers of the United States Army: *And provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5857 will be indefinitely postponed.

ST. CLAIR RIVER BRIDGE, PORT HURON, MICH.

Mr. VANDENBERG. From the Committee on Commerce I report back favorably without amendment the bill (S. 5847) authorizing Maynard T. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich., and I submit a report (No. 1977) thereon.

The bridge will connect Port Huron and Sarnia, Ontario. Immediate attention to the matter is very essential, and I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. The Chair will ask the Senator from Michigan is that bill in the same terms as the bill which has heretofore been passed?

Mr. VANDENBERG. It is in identical terms.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to facilitate international commerce and improve the Postal Service, Maynard D. Smith, of Port Huron, Mich., his heirs, successors, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Clair River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, between a point at or near the city of Port Huron, St. Clair County, State of Michigan, and a point at or near the city of Sarnia, Province of Ontario, Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and in so far as Maynard D. Smith, his heirs, successors, or assigns, may act in the Dominion of Canada, subject also to the approval of the proper authorities thereof.

SEC. 2. There is hereby conferred upon the said Maynard D. Smith, his heirs, successors, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Maynard D. Smith, his heirs, successors, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. Such bridge shall be constructed in accordance with the standard specifications adopted by the American Association of State Highway Officials. During the construction of such bridge all work thereon shall be subject to inspection and approval by the State Highway Department of Michigan.

SEC. 5. The said Maynard D. Smith, his heirs, successors, and assigns, shall not encumber said bridge by the issue of stocks, bonds, notes, mortgages, debentures, or other evidences of indebtedness in an amount which, including all previous encumbrances, whether retired or still outstanding, shall at any time exceed in the aggregate the cost as reported to and determined by the Secretary of War in accordance with section 8 hereof. Not less than two-thirds of all encumbrances or securities other than preferred stock issued against said bridge shall be first mortgage bonds, and not more than one-third may be debentures. None of said bonds issued against said bridge shall be sold for less than 92 per cent of their par value nor bear interest at a fixed rate in excess of 6½ per cent per annum. None of said debentures issued against said bridge shall be sold for less than 90 per cent of their par value nor bear interest at a fixed rate in excess of 7 per cent per annum. Any preferred stock issued shall be at par plus accrued dividend, shall represent value, and shall be entitled to cumulative dividends at not to exceed 7 per cent per annum.

SEC. 6. The proceeds from tolls charged for the use of such bridge shall be used: First, to pay the maintenance, repair, and operation costs; second, to pay dividends or interest on outstanding preferred stocks, bonds, notes, mortgages, debentures, or other obligations issued by the said Maynard D. Smith, his heirs, successors, and assigns; and third, 20 per cent of any funds then remaining shall be retained by the said Maynard D. Smith, his heirs, successors, and assigns, and the other 80 per cent thereof shall be applied by said Maynard D. Smith, his heirs, successors, and assigns, in the purchase and retirement in accordance with section 5 hereof of said bonds, debentures, preferred stock, or other outstanding obligations legally incurred against said bridge. At the close of the fiscal year, when all bonds, debentures, preferred stock, or other obligations legally incurred against said bridge shall have been retired in accordance herewith such bridge and the approaches thereto and all structures, property, property rights, and franchises, so far as the same are located within the United States, shall be conveyed by the said Maynard D. Smith, his heirs, successors, and assigns, without cost or expense, to the State of Michigan or to such municipality or agency of the State of Michigan as the legislature of said State may designate, and, so far as the same is situated within the Dominion of Canada, shall be conveyed, without cost or expense, to the Dominion of Canada or to such Province, municipality, or agency thereof as the Dominion of Canada may designate; and all right, title, and interest of said Maynard D. Smith, his heirs, successors, and assigns, therein shall then cease and determine. After said outstanding obligations of the said Maynard D. Smith have been retired, said 80 per cent of the net earnings shall be held by said Maynard D. Smith, and half thereof shall be turned over to the State of Michigan, or its designated municipality or agency, and half to the Dominion of Canada, or its designated municipality or agency, at the same time as the bridge is turned over. The rates of toll, if any, shall thereafter be so ad-

justed as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. If said bridge shall not have become the property of the State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, in accordance with the provisions of this section, within 20 years after the date that it is completed and formally opened to traffic, the said State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, shall have the additional right at any time thereafter to acquire said bridge by purchase and retirement, at par plus accrued interest or dividends, of the legally authorized obligations then outstanding against same.

SEC. 7. The said Maynard D. Smith, his heirs, successors, and assigns, shall keep an accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the bridge, the daily traffic, and the tolls collected, and shall annually submit to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario a sworn itemized statement showing the traffic, the tolls collected, the maintenance, repair, and operation costs, the net earnings, interest, and dividend payments, and the stock, bonds, notes, mortgages, debentures, or other obligations retired during the preceding fiscal year. The State Highway Department of Michigan and the Department of Public Highways of Ontario shall have access at any time to all records, files, and books of the said Maynard D. Smith, his heirs, successors, and assigns. The mayor of the city of Port Huron, State of Michigan, and the mayor of the city of Sarnia, Province of Ontario, Dominion of Canada, ex officio, shall be entitled to receive notice of and attend meetings of the board of directors of any company or corporation now existing or hereafter organized and having the control and operation of said bridge.

SEC. 8. The said Maynard D. Smith, his heirs, successors, and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Michigan a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches; the actual cost of acquiring any interest in real or other property; interest during construction; and the actual financing costs, not to exceed 10 per cent of the total of said items. The Secretary of War may, and upon request of the Highway Department of the State of Michigan shall, at any time within three years after the completion of such bridge, investigate such costs, and determine the accuracy of the costs alleged in the statement of costs so filed, and shall make a finding of the actual costs of constructing and financing such bridge; for the purpose of such investigation the said Maynard D. Smith, his heirs, successors, and assigns, shall make available all of its records in connection with the construction and financing thereof. The findings of the Secretary of War as to the costs of the construction and financing of the bridge shall be conclusive for all purposes mentioned in this act, subject only to review in a court of equity for fraud or gross mistake. A report of the maintenance, repair, and operation costs of said bridge shall be submitted by the said Maynard D. Smith, his heirs, successors, and assigns, at the end of each 6-month period to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario, Dominion of Canada. If any class of expenditures therein is disapproved by said highway departments, or either of them, such class of expenditures shall not thereafter, without approval, be an obligation payable out of the proceeds of tolls collected for the use of such bridge. Reconstruction or betterment costs in excess of $10,000 in any fiscal year must be submitted to and be approved as necessary and reasonable by the State Highway Department of Michigan and the Department of Public Highways of the Province of Ontario prior to incurring the expenditures therefor, and all betterment and reconstruction costs, duly approved if such approval is required, and actually made, may be added to the cost of the bridge, as determined by the Secretary of War in accordance with the provisions of this section, and in order to meet the cost thereof additional obligations or encumbrances not in excess of the amount approved for such reconstruction and betterments actually made plus necessary financing costs, not exceeding 10 per cent, may be issued against said bridge.

SEC. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Maynard D. Smith, his heirs, successors, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same, subject to the terms and conditions of this act, as fully as though conferred herein directly upon such corporation or person.

SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

[Mr. TYDINGS addressed the Senate but withheld his speech from the RECORD.]

Mr. NEELY. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. NEELY. I think a quorum ought to be present to hear what the Senator is saying about this matter. I therefore suggest the absence of a quorum, if the Senator will yield for that purpose.

Mr. TYDINGS. I yield, provided I may continue after a quorum has been obtained.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Shortridge
Barkley	Fess	McKellar	Simmons
Bayard	Fletcher	McMaster	Smith
Bingham	Frazier	McNary	Smoot
Black	George	Mayfield	Steck
Blaine	Gerry	Moses	Steiwer
Blease	Glass	Neely	Stephens
Borah	Glenn	Norbeck	Swanson
Bratton	Goff	Norris	Thomas, Idaho
Brookhart	Gould	Nye	Thomas, Okla.
Broussard	Greene	Oddie	Trammell
Bruce	Hale	Overman	Tydings
Burton	Harris	Pine	Tyson
Capper	Harrison	Pittman	Vandenberg
Caraway	Hastings	Ransdell	Wagner
Copeland	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ark.	Warren
Dale	Johnson	Robinson, Ind.	Waterman
Deneen	Jones	Sackett	Watson
Dill	Kendrick	Schall	Wheeler
Edge	Keyes	Sheppard	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

FEDERAL FARM LOAN SYSTEM

Mr. BLEASE. Mr. President, on January 28 and 30 and February 2 and 11 I submitted certain articles in reference to the farm loan bank investigation. I now submit certain other articles, and ask that they may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[From the New Republic, New York, February 20, 1929]

SO THIS IS FARM RELIEF FINANCE!

HOW THE POLITICIANS BETRAY THE FARMERS

By Gertrude Mathews Shilby

The United States is in banking up to its ears. Losses running into many millions of dollars have occurred in Federal intermediate credit banks, capitalized by the Government, and the farmers' own land banks, operated but not owned by the Government. Yet repeated demands to investigate these losses have been sidetracked in Congress. Senator HOWELL (Republican) entered a resolution in 1924, a Treasury auditor having previously testified that eight hundred and eighty millions in farmers' land bank funds had escaped Treasury audit, and proof having appeared that the Federal Farm Loan Board had set up an account with moneys detached from these funds in a private Washington bank, disbursing some $37,000 over one signature without vouchers or receipts. No action was taken, although, according to Treasury analysts, this Federal board possesses dangerous power through its dual functions of management and supervision, a condition which is inconsistent with safety.

Last spring, as a result of known losses of one million in the Intermediate Credit Bank of Columbia, S. C., and other unannounced losses in the farmers' land banks, and also the private joint-stock land banks (all three are supervised by the Federal Farm Loan Board), Senator BLEASE (Democrat) demanded investigation in that district, which includes Florida, Georgia, and the Carolinas.

The president of two of the Columbia banks, the Intermediate and the Farmers' Land Bank, was H. C. Arnold, whose qualifications for the responsibilities of banking appear slight. He had formerly been deputy warden of the Atlanta Penitentiary. The two first-mentioned banks, run by the same board, have assets of $80,000,000. The Senator's resolution was pigeonholed, after the Farm Loan Board had defended Arnold before the Senate Banking and Currency Committee, and certain new appointments were made—but late in 1928 the board accepted Mr. Arnold's resignation.

Senator BLEASE renewed his demand at the beginning of the current session, citing the fact that losses in the farmers' land banks would

run to millions, mentioning an alleged confession made by Arnold two years ago, as well as a defalcation for which one employee had been sent to jail, two unexplained suicides of cashiers, and other embarrassing incidents. Senator CARAWAY, complaining that Arkansas farmers could not get loans, offered to support the resolution if it were broadened to include the St. Louis district. WHEELER, of Montana, made a similar offer if the Spokane district were covered. On January 28, the broadened resolution was introduced, including the whole system and the Federal Farm Loan Board.

The inquiry is now more important than ever, because of a recent attempt by politically appointed executives of the land banks to shift the burden of liabilities to the farmer-stockholders. The law is based on mutual aid. In the past, the banks holding the assets have, as the act stipulates, borne the losses, distributing them among associations. This is reasonable; one area may be prosperous, one depressed; but all pull together.

In December some four hundred associations in the Berkeley district were asked to sign an agreement, of dubious legality, by which each association was thereafter to assume its own losses. At first glance this seems perhaps mere accounting. But in practice it invites dangerous consequences. Farmers belonging to financially embarrassed associations may soon find themselves facing bankruptcy. Each farmer is compelled to buy stock in the land bank to 5 per cent of the amount he borrows. His stock has double liability. If the association he must join gets into hot water, members can be compelled to pay 10 per cent of the amount of their loans. This is enough, when farm incomes are low, to ruin many. California raisin growers are suffering from depression.

One association refused to sign this agreement because its losses would be increased twelve fold, and for years it had borne its share of common losses. Other associations were misled by plausible representations, and gave up their legal birthright.

Attorneys for the several banks and the Federal board conferred on this plan and are understood to have authorized a standard type of agreement which all banks are to persuade their associations to sign. Why do they advise this? Presumably because, if the present huge losses of the banks were transferred to the associations, whose books nobody except inside examiners ever see, the books of the banks would be clear. The financial statements of the banks might once more be miraculously improved, under Eugene Meyer's régime, as they were by the sudden reversal of policy in estimating assets adopted last March. Investors might be inveigled into buying bonds more liberally. The figures would appear to justify continued political control. And the losses would, in effect, be concealed.

Yet this procedure is so certain to check the growth of the system, if it does not cause its gradual death, that one wonders where the idea originated in the political-financial community. Mutual aid is practically abandoned. Lone handed, instead of cooperatively, the associations must fight out their battles.

How can embarrassed associations persuade new farmers to take their loans from the system when associations with delinquencies and losses may not distribute dividends? Why should farmers join, purchase stock with double liability and the added risk of political management, when loans are easily available elsewhere at only slightly higher interest? If associations have no hope of canceling losses out of the gains of new business, and farmers everywhere become frightened when certain stockholders are called upon to meet their liability, the system will fall into disuse. To be sure, it can be kept nominally alive for some years—that is, jobs can be saved. But as soon as it becomes inactive, interest rates on mortgage loans will inevitably rise. Are administrators unaware of these implications? The pending resolution is highly important.

There are plenty of figures available to justify the claim that the farm-loan system is sound in theory. But figures are not enough. Men and farmsteads are involved, and their protection requires a thorough investigation to discover what old principles and new safeguards should be invoked. Government bureaucracies, operating any business, have well-known faults. And in the handling of huge sums of money for lending these faults become magnified. We have not yet forgotten the disaster of the Bank of the United States. Our modern rural-credit systems multiply the unhappy chances of that early venture a millionfold. Why, then, does not Congress investigate?

Politics!

Since political appointees control the raising of $1,300,000,000 to finance the farmers, the allocating of this money geographically, and the lending of it in small sums, many fat perquisites have grown up, which render this huge land-bank machine a new dollar force in American politics. Some of the hidden emplacements are as unsuspected by the public as those for German World War guns. In political hands insidious capacities have been developed. The whole machine is out of the control of the farmer stockholders, whose money is being spent by officeholders, whose farmsteads—worth two or three billions—are pooled as the basis for credit, and whose very independence may prove to be at stake. Burdened with debt, subject to policies which may be merely the result of incompetence, and with recourse only to Congress, which has so far proved insensitive to appeal, where do the farmers come out? Or do they?

Considering the powers of the machine which raises the funds. The Federal land banks issue bonds two or three times a year—subject to the approval of the Federal Farm Loan Board—to be sold to the general public. Valuable privileges, of course, inhere in the control of the sale of these securities. For 11 years one syndicate of investment houses has had exclusive, preferential control. The members of this syndicate include the National City Co.; Harris, Forbes; the Guaranty Trust; Lee, Higginson; Brown Bros.; and Alexander Brown & Sons, of Baltimore.

An Assistant Secretary of the Treasury, C. G. Dewey, has testified that the rate of interest on these bonds is developed by these investment houses underwriting the bond sale. The law automatically fixes the rate of interest paid by farmers for their loans at 1 per cent higher than the rate paid to investors for use of their money; therefore the syndicate has the power to develop the farmers' interest rate. Furthermore, the syndicate influences, if it does not determine, the amount and time of issue of these bonds. To maintain the supposed nation-wide distribution, it has organized a secondary syndicate. Membership in this subsidiary is never divulged nor is any account given of the sales made by it. But the first and second syndicates together have held a virtual monopoly of the bond sale. The Federal land banks and their fiscal agent have sold directly a very small percentage. Outside houses must secure bonds, if customers want them and any are available, from syndicate members. Thus the syndicate has enjoyed a virtual mastery of the terms, and the amount and time of funds allowed to flow through the farmers' system: this is contrary to the intent of the law, which granted the bonds tax-exempt to help farmers secure the best terms, the lowest interest, the amounts they needed, and independent control of their own financial arrangements.

The financial credit community may, as H. G. Wells suggests, have no mind. But certainly its behavior, when it is deemed necessary to sustain interest rates, indicates that at least it has instinct—overpowering instinct. Presumably, the whole banking world opposed the farm loan act for the reason that, if nonprofit or cooperative banks succeeded in lowering the farmers' interest rates, other groups than farmers might demand equal privileges, including tax exemption, from Congress.

And when the act passed, despite this opposition, it was surely not wholly accidental that the first political appointees were men who, as the first annual report shows, had no conception of the character of cooperative credit. In organizing, they laid down policies which to-day tend to prevent stockholder control of even the local farm-loan associations.

The problem of selling these bonds called for genuine ability. Mr. Griswold, of Alexander Brown & Sons, saw financial advantages in this job; obviously, if the bonds were properly introduced, their sale might run to hundreds of millions, and the commissions, although low, would at least guarantee a steady business. Financiers, once convinced, displayed tardy patriotism. Exclusive, preferential control was granted. Perhaps no one, at that time, could have dreamed all that this might one day mean.

But observe what has happened. The law contemplated the widest possible distribution of stockholders among small investors (hence the small denominations of bonds), and a method of distribution that would make these securities available continuously.

Instead, the sale has been periodic; large customers of the syndicate took most of the offerings; there has been a narrow distribution among corporations and individuals with incomes in the higher tax registers. Since these bonds are tax exempt, it is possible for such buyers, as Eugene Meyer has testified, to save 13½ per cent on their income taxes. Efficiently enough, the syndicate has sold twelve hundred millions of land-bank bonds, yet certainly the law did not contemplate that income-tax evaders should be able to get them easily, while small investors, unless they happened to be syndicate customers, obtained them only by special effort.

For many years this exclusive arrangement between the banks and the syndicate was maintained without contracts, first by the Federal board, and later by the fiscal agent, Charles E. Lobdell, former farm loan commissioner, who resigned December 31, 1928. The control of this vast business was left to personal agreements, awarded by political appointees. Were Treasury certificates or Government bonds disposed of in this manner, bitter criticism would be provoked, no matter how reliable the firms which benefited. And criticism is no less deserved here, for, under this system, the Government has assumed somewhat the position of a trustee toward the farmers' banks. What redress, without legal contracts, have stockholders in case of error or dishonesty? Without the taking of competitive bids for the privilege of handling such bond-sale contracts, how do stockholders, or the board, know that the distribution could not be made cheaper or the money secured elsewhere at lower cost?

Active hostility to this system still flourishes in various quarters of the banking world, notably, of course, among the old-line mortgage group. It appears to be startling news, however, that the leading rival

of the primary syndicate, Kuhn, Loeb & Co., has, from the first, consistently refused to sell farm-loan bonds. Presumably this boycott is shared by houses sympathetic in financial policy, or otherwise allied, to Kuhn, Loeb. That firm "does not advise Federal land-bank bonds" for investors. Its heads have never believed in the principles of the system. Since they can scarcely be held less patriotic than the "Morgan group," why this disbelief? Is it merely a coincidence that they do not participate in the primary syndicate?

It can now be clearly seen that the fiscal policies approved by the Federal Farm Loan Board have left the stockholders in a position of helplessness. Yet the officeholders, who let out the bond-selling privileges, have seemed satisfied, provided there was no danger of losing their jobs. The investment firms who secured exclusive, preferential control have been content. Neither wished the contractless understanding to be disturbed; for what might not happen if the stockholders took over the management? In considering what did happen to the stockholders, these facts must not be lost sight of. It is ever interesting to reflect on the contrast between the congenital distrust of farmers shown by politicians and the pathetic trust of farmers in the Government, whatever its representatives.

For four years political administrators fended off trouble. By 1919 farmer-stockholders of the banks were entitled to elect the directors of most of their district land banks and to begin managing them. These directors, a clear two-thirds majority, were to set fiscal policy, including that for bond-sale arrangements, subject to the Federal Farm Loan Board's approval. Yet no elections were called. When the farmers and their organizations investigated, they discovered that during the war an amendment had been slipped through which deprived stockholders of the right to operate their own banks. When the Treasury, anxious to keep farm-loan bonds out of the way of Liberties, had secured power to buy a hundred millions of Federal land-bank securities, a clause had been inserted providing that the temporary boards of the banks—all political appointees—should remain in office as long as the Treasury held any land-bank bonds.

Dissatisfaction became acute, and the Federal board realized that new action was necessary. Amendments were prepared, introduced, and effectively supported before the House depriving the stockholders permanently of their clear majority control, substituting a camouflage of fifty-fifty control by which the farmers were to elect three members, and the Federeal board to appoint four, to each district land-bank board.

To assure the enactment of this provision, another neat device was employed: A conference committee slipped this rewriting of the farm loan act, which the Senate had not had a chance to consider, between two bills which had already passed both Houses. The head of the conference committee, Senator McLEAN, on reporting the compromise measure, omitted to inform the Senate of the real import of Title III. Undiscussed and unread, the measure advocated by the Farm Loan Board became law. According to Senator FLETCHER, its real effect was a quasi confiscation of farmers' property rights in the land banks. It left these stockholders the only owners of enterprises in the United States who had no control of their own concerns, a right declared by the Supreme Court to be vested in the ownership of stock. At last, after six years free from disturbance by stockholders, the first elections of directors were held—but became the source of fresh grievances, because of indefensible redistricting and electioneering methods countenanced by the board.

What a perversion of good intentions! Congress, benignly wishing to help agriculture, had granted a great liberty, by which farmers were to gain the leverage of credit. Politicians seized this power. Financiers gained and held prized privileges, which counteracted the good that real leverage might have achieved for the farmers. Congress, in short, having thoughtfully given, carelessly took away, and the stockholders now find themselves practically incapable of disturbing appointees or affecting fiscal policies.

The financiers develop the interest rate. Political administrators deflate land values through the very land banks themselves in tune with the prevalent conviction that prices must go down. As a result, many farm families lose their farmsteads, which are their only means of livelihood. It is a national situation; but can the political-financial community be investigated?

Meanwhile, there is another ugly aspect of the matter: The amount of bonds sold to provide funds to lend through this system has materially decreased year by year since 1923. In 1927 some eighty million dollars (as against $225,000,000 in 1923) were actually loaned by land banks to farmers. Applicants in all sections of the country were in desperate need of large loans at the lowest possible interest, but many of them could not be supplied. This was precisely what Senator CARAWAY complained of in his own bailiwick.

Now, consider certain parallel facts: As these funds diminished year by year the joint stocks steadily outloaned the Federals. Mr. Melvin E. Traylor, head of the American Bankers' Association, is heavily interested in joint-stock land banks. In fact, the whole system competes with the Federals. With the farmers' own system slowed up, the private joint stocks had a free hand to get more business. Their rates, of course, are higher.

When questioned concerning the apparent limitation of the Federal land banks' issue and sale of bonds, members of the Farm Loan Board have evasively suggested that the saturation point for the sale of land-bank securities on the market had perhaps been reached.

But this was not the case in 1927, when the farmers only got 82,000,000; for 177,000,000 were actually sold. The other ninety-odd million were used to buy back from the Treasury and retire the bonds bought during the war.

Why, with farm distress still prevalent, should the administration have been moved to sell out? If the handsome figures provided by the banks and the Federal board have been honest, why should the Government have withdrawn while agriculture was admittedly still in need of every help it could get? Had the Government held on, the farmers might have secured at least that 90,000,000 at a low interest. Who advised the Government to unload? What apprehension prompted it—or was this, too, merely a case of muddling through?

The Federal Farm Loan Board, of which Eugene Meyer has for 18 months been the head, must approve the fiscal policies of the Federal land banks and Federal intermediates. It must approve every issue of joint-stock securities. Will this limitation of good-term credit to farmers go on? Will the recovering joint stocks again outloan Federals? Will exclusive, contractless, secret agreements govern the sale of farmers' land-bank securities?

It is rumored that more money is to be spent in advertising Federal land-bank bonds. Will the new arrangements, made by whoever takes over the fiscal agent's duties, continue to feed Wall Street and starve Main Street? The first step to be desired is independence for the stockholders of the Federal land banks, and the restoration to them of the once guaranteed, and certainly deserved, control of their own credit pool.

GERTRUDE MATHEWS SHELBY.

[From Grain World, Chicago, February 13, 1929]

NO TAXES ON GOVERNMENT PROPERTY

The Supreme Court of South Dakota has just ruled that farms taken over by that State's rural credits board are tax exempt. This, of course, is in line with established practice, for no taxes are ever paid on either city, county, State, or National property.

JUST LIKE FEDERAL FARM-LOAN SYSTEM

It might be well, however, for advocates of governmental operation of various projects to be reminded of this fact and to have pointed out to them that each step in this direction means higher taxes for property that is privately owned.

TAXPAYERS FOOT THE POLITICIAN'S BILL

Practically every penny of governmental funds comes from taxation and the money for the construction of Government-owned barges, elevators, etc., would come out of the pockets of taxpayers just as surely and as definitely as would money for the construction of jails, courthouses, State capitals, or new buildings for the various departments in Washington. Furthermore, Government ownership automatically removes the land, buildings, boats, etc., from the list of property that may be taxed, thus adding to the burden on that which remains.

WOULD IT WORK?

Senator SMOOT is reporting that President-elect Hoover is against the equalization-fee principle for the relief of agriculture, and the expected plan of salvation consists in stabilizing the markets through the use of Government funds.

Through the backing of the United States Treasury much wheat, corn, cotton, tobacco, and a hundred other products could be temporarily taken off the markets. Such a procedure, however, would not permanently remove a pound of any one of them from the channels of trade. Buyers would naturally know what was being done and would govern their bids and their purchases accordingly.

Taking a hundred million or even a billion dollars' worth of our agricultural products off the market in this way might, of course, produce a shortage and thus temporarily bring about higher prices. Eventually, however, they would have to be sold at the supply and demand level, and in the meanwhile they would be "eating their heads off" through deterioration, storage charges, insurance, vermin infestation, etc.

[Extracts from article in Grain World, Chicago, February 13, 1929]

MORE POLITICAL BUNK HANDED OUT

Representative LETTS, of Iowa, in the recent discussion of a bill introduced by him during the last session of Congress, which provides for Government construction and operation of warehouses and elevators on the Mississippi River above St. Louis, said:

"I admit that it puts the Government in business, a thing not to be desired, and yet if the Government is justified in owning and operating a barge line, it is justified in carrying on another business which is necessarily an auxiliary to it."

POLITICIANS KNOW BETTER—WHY NOT ACT INTELLIGENTLY?

In the statement quoted there is again emphasized the point we have frequently made in discussing the subject of the Government in busi-

ness. Practically every Member of Congress who proposes anything of this character, prefaces its introduction with the remark that he is definitely opposed to having the Government engage in the numerous activities that have, from time to time, been proposed, but that "this one is different."

As to the specific proposal to have the Government own and operate elevators along the Mississippi, why not have them also along the Missouri, the Ohio, the Tennessee, the Columbia, and a hundred other navigable streams as well as along the Great Lakes and our various barge canals? And then why stop with having the Government simply operate these elevators?

WHY NOT WHOLESALE SOCIALISM?

Wouldn't it be equally logical to have the Government buy and sell the grain, and then to mill it and finally to bake our bread for us? We all buy bread and the most of us would like to be able to regularly purchase a good pound loaf for a nickel.

Of course we are all human and if we think the Government could engage in this activity or that one, with profit to us, we are naturally for it. We see the direct benefit and give the matter no further thought.

FEDERAL FARM LOAN BOARD, TOO!

The most of us vividly recall what a tremendously costly experiment governmental operation of the railways during the World War turned out to be. Many of us know that we are paying, through increased taxes, for the operation of the merchant marine and some of us know that we are similarly contributing to the Alaskan Railroad and to the Federal Barge Line.

POLITICIANS JUGGLE FACTS TO SUIT THEIR OWN CASE

The trouble is, however, that we do not know how much our contribution really amounts to in the aggregate for all of these governmental activities, and because we do not know, we fail to appreciate the real size of the burden.

YOU CAN'T PASS THE BUCK—YOU PAY

Perhaps the average business man thinks he is passing all of this burden on to his customers, but as one of this country's 120,000,000 ultimate consumers, he is paying his share just as the rest of us are.

We pay some of it in everything that we eat, everything that we drink, and everything that we wear. Some of it is included in our bills for heat, light, and power, some in what we pay for transportation, and some of it is even included in the price paid for the casket in which we are finally laid away.

IT MEANS RUIN TO PRIVATE BUSINESS

Furthermore, every encroachment of the Government means trouble and perhaps ruin for private business with which it comes into competition. With its almost limitless resources and with no necessity for making a profit, the Government can soon put the most powerful private enterprise out of business if Congress or any of the administrative departments so decree it.

JOB JUMPERS MULTIPLY UNDER POLITICAL MANAGEMENT

Another danger arises from the necessary increase in governmental employees. It is conservatively estimated that about 1 out of every 10 of our inhabitants is now either directly or indirectly dependent upon some branch of government, either city, county, State, or National, for support.

The private enterprises in which the United States is already engaged have added thousands of men and women to governmental pay rolls. The proposed operation of elevators along the Mississippi and the Missouri would not only add thousands more but it would also put the country permanently into their operation as well as the operation of the barge line.

The people living along these streams would doubtless be glad to have continued operation of the barge line by the Government, for that would mean lower rates for them. As 75 per cent of our total population must always depend upon the railroads, however, the plan would mean higher transportation charges for three-fourths of our people, and they would also have to pay their share of the increased taxes thus made necessary.

The whole problem is a tremendously big one which has apparently been given but little thought, except perhaps by those who would be benefited, and the time for the others to "put on their thinking caps" is at hand.

GOVERNMENTAL EXPENSES

Figures made public by the Treasury Department show that for the first half of the fiscal year 1929 there was an increase of more than $111,500,000 in governmental expenses.

[Article appearing in New Republic, New York City, February 27, 1929]

POLITICS IN THE FARM LOAN SYSTEM

By Gertrude Mathews Shelby

The phrase "politic economy"—Professor Soddy's description of unscientific current attempts to regulate economics through politics—might have been coined to fit certain functions of our farm-loan policy. Consider the extraordinary powers of the land-bank system, which parcels out from one to two hundred million dollars a year in loans to farmers. The operation of these banks requires some 2,000 persons, exclusive of joint-stock bank positions; the total number of employees has not been made public. Yet none of these 2,000 places enjoys the protection of civil service. Certainly there is no other plum tree of patronage in our Government that is so tempting, with the exception of post offices, and post offices lack the attraction of funds to distribute.

By the farm loan act the President is empowered to put this system under the classified service. "The exception of the Federal Farm Loan Board from the rules of classified service is indefensible," says Mayers, an authority on the subject, in his book The Federal Service. "Nothing regarding the field forces offers any reason for modifying this characterization. Should an appointment to such a position as that of appraiser be made for political reasons, the appointee would be peculiarly subject to improper influence, a danger particularly to be guarded against in this service."

In his acceptance speech Herbert Hoover said: "Our civil service has proved a great national boon. Appointive office, both north, south, east, and west, must be based solely on merit, character, and reputation in the community in which the appointee is to serve." As President, will Mr. Hoover deny to farmers who own the stock of the Federal land banks, and to taxpayers, who paid in the Treasury funds used to capitalize the intermediate-credit banks, the benefit of this great national boon?

Nothing less than an Executive order will protect the country from certain obvious abuses of political banking. Without the maintenance of the strictest standards of selection, based on competitive examinations, lame ducks are sure to be consigned to any system as a haven—witness the old Pensions Bureau.

In no service are safeguards against this sort of thing more important than in this greatest of all our banking systems. Possible loans influenced by political considerations, and even waste merely due to incompetence, are hazardous alike for investors, stockholders, and citizens. It should be remembered that obligations are outstanding to the extent of $1,250,000,000, described by the Supreme Court as "Government instrumentalities" and sold under that guaranty.

Yet, in some degree, nepotism has existed in the land-bank machinery from the first. Members of the Farm Loan Board, of the district land banks' boards, of the Senate, and even a President have obtained jobs for relatives and friends who were not qualified by previous experience for the sort of work to which they were assigned.

Patronage is now, to be sure, more circumspect that when President Harding put his cousin, a retired minister, into the Farm Loan Bureau as reviewing appraiser. Nor is it quite so crude as when Lobdell, former farm loan commissioner, admitted that his two sons, a cousin, an old friend, his wife's former dressmaker, and the dressmaker's nephew were all on the pay roll. In 1926 the Federal board gravely passed resolutions discouraging nepotism in the 12 land banks, which employ some 800 persons. Some men were dropped, among them the cousin of a certain bank president. Certain others not related to present officials upon the circumstances of whose appointments time had laid a covering hand were retained; among them the treasurer of a great bank. The fiscal agency for the banks appears not to have been affected by these resolutions. Until the end of 1928, Lobdell headed that organization, with a salary of $25,000 a year, which would not be possible under classified service. The approval of all his policies by the Federal board was necessary. One of the young Lobdells was employed in this agency until the summer of 1928.

The Federal board itself would also seem to have been an exception to the rule. It can not claim a clean record while it remains true, as it does, that not even the best-qualified mortgage banker could get a job as president of a Federal land bank unless he is backed by senatorial influence. Examples of this sort of nepotism are not lacking. The son-in-law of one of Mr. Hoover's most important advisors is head of a great division of the Federal bureau. His rise in the system has been amazingly rapid, and he now enjoys the same salary as the Secretary of the Treasury. He came to the system quite green. His ability to handle the political phases of his job is unquestioned, but certain stockholders feel very differently about his competence as a judge of risks. Again, the nephew of a member of Mr. Hoover's Cabinet has long been an examiner in the system. Removing him on the ground of alleged incompetence was considered, but the idea was abandoned on the ground that it would be "politically inexpedient."

Until two years ago, when the Treasury began to name examiners and other appointees to the Federal bureau, these places had been considered senatorial patronage for both Republican and Democratic Members of the upper House. The political appointees who served as examiners were either so few or in some cases so conspicuously incompetent that improvement in the situation was imperative. The Treasury has recently required examiners to pass tests, but the freedom of appointment is still sufficient to allow plenty of loopholes for the unqualified person with the right sort of influence.

Appraisers are as important as examiners, and their incompetence has been terribly expensive. Eugene Meyer, testifying before a con-

gressional committee, stated that the troubles of the system were by no means all attributable to the agricultural depression. "When the receiver of a bank says that a lot of loans were made in that bank as agricultural loans on lands that were agricultural lands—loans which never should have been made—that has nothing to do with agriculture," he said, and added: "It was enough of a factor to put one bank in receivership." He referred to the Spokane bank, but he also said that "I do not think the Spokane territory has any more or greater problems than the Berkeley territory or other territories." There has also been acute trouble in Columbia and St. Paul.

Berkeley's troubles, while the least of the four mentioned, illustrate well the conflict between politics and sound banking. The bank serves four States, California, Nevada, Arizona, and Utah. In the last named, several thousand loans "went bad." Foreclosures were made on farms worth, at the present conservative valuations, $500,000. This amount represented two-thirds of the Berkeley bank's land holdings as of six months ago. This disgraceful record of bad appraisal was made despite the fact that several of the appraisers who passed the loans were from Utah. It is impossible to avoid the question: How did such grossly incompetent appraisers get into the system? Did somebody exercise political "pull" on their behalf; and if so, who?

These loans were made despite the fact that three or four members of the Berkeley District Land Bank Board have always been from Utah; in 1928 there were four, which is a majority of the board. Two appraisers are to-day from Utah and pass on loans in that State. For some time a relative of a Utah Senator was district reviewing appraiser, and several years ago he was appointed to a post of authority in Washington. It is not surprising that Utah is credited with having more than her share of available funds to lend. Long ago the farm loan system abandoned the attempt to supply loans on every approved application. If there is not enough to go around—and there never is—the banks may reject applications outright or, perhaps, fail to grant enough money to satisfy the borrower. The money is unequally allotted between districts, according to alleged need; the banks then divide between States or parts of States. A powerful Senator may be a good go-getter; a large share loaned in his territory might mean votes, or even the difference between keeping and losing his seat. Perhaps he says nothing; if he has proved himself useful in Congress, to the board and the banks, it may not be unnatural for those in authority to allow a large quota of funds—of course, without favoritism—to his district. Or, perhaps, this little pig actually goes to market, regardless of others who get none. For he reasons that it may be useful to have appointed men to jobs in the money mart.

Now, State pride alone might be a factor in unjust distribution of money, possibly resulting later in losses. If so, with 48 proud States, heaven help the farmers who own these banks! Yet the method of making loans, with stockholders not in control and civil service lacking, shows no adequate protection against that sort of thing nor against possible political-spoils considerations. When a local farm-loan association recommends a loan, a Federal appraiser is sent to examine the land; he in turn recommends whether to reject the loan or, if to grant it, in what amount. The reviewing appraiser for the district then has his chance. Bank officials may rule out a specific loan or entire areas. But, if approved, applications are forwarded to Washington. The Farm Loan Bureau's reviewing appraisers make the final decision, subject to the approval of the board itself.

Similarly prejudiced appointees in the field force of appraisers on the bank's staff and in the Washington bureau might constitute a line-up which would effectively sidetrack farm-loan welfare. If such officeholders, who are not directly responsible to stockholders, happen to be grateful to politicians who have got them their jobs, is it not probable that sentimental or political considerations might affect both the division of funds between States and possibly also the granting of specific loans?

While loans on good lands were refused in California, asserts the California Farm Bureau Federation, Utah loans, on poorer lands, were generously granted; $15 more per acre was loaned by the Berkeley Bank in Utah than conservative joint stocks averaged. Certainly losses piled up. Of 199 risks judged by a Mr. Cardon, 5 per cent are said to have gone bad. His assistant, Hatch, reported in 1924, "* * * * it is undoubtedly true that we have loaned too much per acre." And J. W. Paxman, appraiser, also wrote, in 1924, regarding three specific Utah loans, of $5.13, $7.81, and $11.86 per acre, "The lands were once dry-farmed—at least, about 280 acres of them. They haven't been farmed in the past three years, and are of no value except for grazing. Such lands, fenced, would ordinarily sell for $3 to $5 an acre, but under present conditions it is very doubtful if a purchaser could be found who would give $1 an acre for them." Yet, in 1925, despite the separate reports of 1924 by Hatch and Paxman, the average loaned by the Berkeley Bank in Utah rose from $64 to $65 per acre.

If it were not for the division of places between the Republicans and Democrats, bad conditions could long ago have been greatly improved. But even now, when reform is proposed, some legislator is sure to run protesting to the party leader, saying, in effect, "We must keep still about this system—remember that there are a billion and a quarter of bonds out. And besides, I got So-and-so his place, and he must be protected."

As they have found themselves secure, the leaders of the land bank machine have become more aggressive. They have used their influence to affect legislation. The land bank presidents maintain a legislative committee to recommend congressional action. Members of this committee, whether in Washington, or at home in their banks, have developed means of pushing bills they favor and blocking those they fear—of course, in the name of the stockholders. Thanks to a number of Democratic appointees who are grateful to the administration for their daily bread and cake, the land bank machine seems to have been in an excellent position recently to pull the donkey's leg for the benefit of the Republican elephant. Certain Senators, appealed to by Democrats whose appointments they have indorsed, appear to stop or go as this legislative committee suggests. Consequently, bills which might correct glaring abuses are never reported, while frequently legislation adverse to stockholders' interest is enacted; or appointments are confirmed when nominees are unqualified. Bipartisan influence, amounting to party coalition in defense of the existing régime, has grown amazingly strong.

Furthermore, in various districts the land bank machine maintains federations of the key men of local associations, the secretary-treasurers. By the policy of the board and banks, these are usually not stockholders but outsiders, local business men.

If the legislative committee and the bank advocate or oppose certain action, it often happens that letters and wires pile up on the desks of certain committee members in Washington. Hearing from the boys in the associations back home, the Members naturally may be influenced in their decisions. The land-bank machine has used a shrewd technique to get what it wants from Congress, and the Federal board itself sometimes takes the lead.

Even while the amounts for lending have decreased, the expenses of this system have steadily swelled. To operate the Washington bureau the Federal Farm Loan Board levies assessments upon the banks—land, intermediate, and joint stocks—proportionately. Estimates must be submitted to the Director of the Budget and Congress appropriates, but since it is not taxpayers' money, Congress only in effect ratifies board action. For the operation of the Federal land banks—again no total figures are available—estimates bring the amount above $2,000,000 annually. It appears that the expenses exceed the legal amount of 1 per cent spread allowed for operation under this act. It is notably negligent of the Federal Farm Loan Board not to supply Congress and stockholders annually with all the needed figures by which the administrators' consistency with the law and with actual services rendered might be judged.

Mr. Hoover has farmers' and taxpayers' immediate relief, if not their ultimate protection, in his own hands. On March 5, if he wished, he could issue an Executive order. Besides his advocacy of civil service for appointees, he acknowledges agriculture to be our most urgent economic problem; he also deplores indifference to public corruption. Only less important than the farmer's income is his outgo for interest and amortization on his mortgages. To neglect this important phase of farm relief would expose Mr. Hoover's sincerity to challenge.

The greatest threat in the farm loan system, to farmers and citizens alike, comes in its management. The banks depend on the character and skill of the men who run them, and the character and degree of supervision exercised over their acts. The institution as it stands suffers from inherent weaknesses. With the exception of Indians, minors, and wards of the State, no groups is so helpless as the 500,000 farmers who turned for assistance to the land banks which were to have been their deliverance.

It is highly improbable that the board will recommend even that the Federal employees of the system should be put under civil service. Mr. Meyer has praised several recent appointments on the ground that men have been chosen who could not have been induced to take office at the rates of pay possible under civil service. Appointment has some advantages, in the hands of honest and competent men; but for a system such as this, handling colossal funds, the civil-service principle is unquestionably superior.

The basic remedy lies in taking the entire rural credit system out of politics. To be sure, this would not be a simple matter, since the Government owns the intermediate banks. If the Government is compelled to remain in the banking business, it might logically go further into business, buy out the farmers who own the Federal land banks, harmonize these banks with the intermediate, and attempt a really social control of credit, assuming all responsibility.

The other course is to pass Senator HOWELL'S pending bill to return the control and management of their own land banks to the stockholders. But to do that, without making good the losses which have occurred under political control, would be to hand the farmers another gold brick. Once they secured control, the stockholders could pay for the application of able minds to bank problems; with justice done, the farmers may still enjoy the advantages to be derived from liberalization of credit, advantages which they earned when they took the risk of pooling practically all their possessions in this great venture.

GERTRUDE MATHEWS SHELBY.

(This is the third and last of a series of articles on the Federal farm-loan system.)

[Excerpt from letter of a director of a farm loan association, February 16, 1929]

STRANGLE SYSTEM OBJECT OF FARM LOAN BOARD

I have been much interested in the farm-loan system from its inception, partly because I am personally acquainted with its personnel. I believe the plan is a good thing for the farmers. I have followed with care all that has been mentioned in the CONGRESSIONAL RECORD, and have come to the conclusion that there is a systematic attempt to strangle the system after it has been used for political purposes.

ONLY DEPENDABLE LACKEYS ARE NAMED

Associations of our State formed a federation last year to handle any problems that might arise. * * * The policy of the Farm Loan Board seems to be to appoint only men they can rely on to do their bidding as directors, appraisers, or field representatives, and hold these men responsible for any revolt of the associations.

ILLEGAL LIABILITY PROPOSED BY BOARD

The copy of the so-called agreement by associations and the Berkeley Bank is interesting. The associations may sign it, but they are foolish if they do, for while they now lose dividends, they would incur additional liability if they enter into this contract.

FARMER STOCKHOLDERS SHOULD ORGANIZE

My opinion has been for a long time that the only redress we (the stockholders) can expect to obtain will be by personal appeals to Members of Congress by their constituents.

LESS AND LESS LOANS AVAILABLE

In 1926 this association sent forward 30 applications. The bank granted 18.

In 1927 we submitted 47 and the bank granted 22.

In 1928 we sent in 19 and the bank granted 7.

In addition to the rejections appearing above the association had 4, 5, and 4 rejected for corresponding years.

I am trusting that the system may become of more benefit to the farmer, either by investigation or other action by Congress.

AN EXPERT SPEAKS THE TRUTH ABOUT FARM LOAN SYSTEM

James B. Morman, for years with the Farm Loan Board, in his book about the farm-loan system, published by Macmillan's, says:

"As a result of the political development of the Federal farm-loan system, it is without question the most gigantic spoils system in the United States. It is a runaway star in the rural-credits constellation. It is at present beyond the control of the Government and of Congress—an exploiter of the public as taxpayers and of the farmers as stockholders. * * * The enormous profits have been wrung from the small income of farmers and are being used to enlarge the bank accounts of political appointees who are thus enabled to clothe themselves in purple and fine linen and fare sumptuously every day while many of the farmer borrowers and their families are lacking in the simplest things required to maintain the standard of living of the poorest American home."

OHIO RIVER BRIDGE NEAR MOUNDSVILLE, W. VA.

The PRESIDING OFFICER (Mr. COUZENS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 4778) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va., which were on page 3, line 10, to strike out "twenty" and insert "ten"; on page 6, after line 5, to insert:

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

And on page 6, line 6, strike out "8" and insert "9".

Mr. NEELY. I move that the Senate concur in the House amendments.

The motion was agreed to.

TETON NATIONAL PARK, S. DAK.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes.

Mr. NORBECK. I move that the Senate nonconcur in the amendment of the House, ask for a conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. NORBECK, Mr. NYE, and Mr. KENDRICK conferees on the part of the Senate.

EMPLOYMENT OF ENGINEERS AND ECONOMISTS ON RECLAMATION WORK

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4528) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work, which were, on page 1, line 5, to strike out "not to exceed three" and insert "five"; on page 1, lines 6 and 7, to strike out "on any project,"; and on page 2, line 1, to strike out "$3,500" and insert "$5,000."

Mr. MCNARY. In the absence of the Senator from Colorado [Mr. PHIPPS], who is detained on account of illness and at his request, I move that the Senate concur in the House amendments.

The motion was agreed to.

TRIBAL FUNDS OF INDIANS ON KLAMATH RESERVATION, OREG.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes, which was to amend the title so as to read: "An act authorizing the appropriation of tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes."

Mr. MCNARY. I move that the Senate concur in the House amendment.

The motion was agreed to.

RELIEF OF POSTMASTERS AND ACTING POSTMASTERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5255) for the relief of present and former postmasters and acting postmasters, and for other purposes, which was to strike out all after the enacting clause and insert:

That postmasters and acting postmasters are authorized, when in the judgment of the Postmaster General the needs and interests of the Postal Service require, to employ mail messengers and other postal employees in a dual capacity, or to assign extra duties to such mail messengers and other employees; and, notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, as amended (U. S. C., title 5, secs. 58, 69, and 70), compensation shall be paid to such mail messengers and other employees for such services if the total compensation actually paid for all services does not exceed $2,000 for any one fiscal year.

SEC. 2. The Comptroller General of the United States is authorized and directed to (1) allow credit in the accounts of present and former postmasters and acting postmasters for payments made by them, prior to the date of the enactment of this act, to mail messengers, postal employees, and other employees of the United States employed in post offices contrary to the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, as amended (U. S. C., title 5, secs. 58, 69, and 70), section 3850 of the Revised Statutes (U. S. C., title 39, sec. 52), and section 226 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended (U. S. C., title 18, sec. 356); and (2) pay to such mail messengers, postal employees, and such other employees an amount equal to the sums refunded by them or deducted from balances due them prior to the date of the enactment of this act, under the laws referred to in subdivision (1) of this section.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. MOSES. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

ADDITION OF LANDS TO BOISE NATIONAL FOREST

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho.

Mr. MCNARY. I move that the Senate disagree to the amendment of the House, request a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MCNARY, Mr. CAPPER, and Mr. SMITH conferees on the part of the Senate.

REGULATION OF NAVIGATION ON THE GREAT LAKES

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5095) to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928, which was on page 1, line 7, after the figure "1928" to insert: "(U. S. C. title 33, sec. 252)."

Mr. JONES. I move that the Senate concur in the House amendment.

The motion was agreed to.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

Mr. TYDINGS. Mr. President, I am again going to appeal to the fairness of the Senate in the moment that I shall speak as to whether or not it is fairer to the people of Washington to support an amendment to the bill which will permit some impartial commission to make a survey of all of the sites and select the best one, rather than to take this one which, according to the way I see it, has no merit and very little, if any, official sanction from any source whatsoever. I shall prepare such an amendment as that in the hope that the fairness of the proposition will appeal to the Senate.

Mr. FRAZIER. Mr. President, there has been a great deal of interest taken by the farm people and by the business interests in the location of this market. I have a letter or two to which I wish to refer. One is on the letterhead of W. H. Harrison & Co. (Inc.), commission merchant, dated January 18, 1929, in which the writer says:

This letter is sent to you to protest against the passing of H. R. 8298 now pending before the Senate. This bill provides for the locating of a wholesale farmers' market in the southwest section of this city.

We, the undersigned business men of the city of Washington, who handle 85 per cent of the perishable food products shipped to this city and who are taxpayers in this community, protest against this legislation as being favorable to a few and unfavorable to a majority of the citizens of Washington. Realizing that we must move our business to make room for the Federal building program we made a complete survey of the situation, assisted by Mr. George B. Ford, vice president, Technical Advisory Corporation, and past president of the American City Planning Institute.

This analysis proved that a location nearer the center of population permitting more economical distribution would benefit the Washington public. Mr. Ford's report is available and will be furnished to you upon request.

I do not know that there is need to read the rest of the letter, but it is signed by apparently some of the biggest commission firms in the city, such as William H. Harrison Co., Thomas A. Cannon, W. Charles Heitmuller Co., N. J. Ward & Co. (Inc.), and others. It is signed by 16 commission firms who claim they handle 85 per cent of the perishable farm and vegetable products that come to the city of Washington.

Mr. President, it seems to me——

Mr. GLASS. Mr. President, may I interrupt the Senator to ask if he is aware of the fact that that is the Mr. Harrison who heads the real-estate syndicate which has an option on the Patterson tract on which he proposes to make money? Is not that the same Mr. Harrison?

Mr. FRAZIER. I do not know about that, but the letter states that the tract known as the Patterson tract is one where provisions were made to get it after the hearings had been held on the so-called Stalker bill, and apparently it has nothing to do with this proposition at all.

Mr. GLASS. Oh, it has everything to do with it.

Mr. FRAZIER. I can not agree with the Senator on that point. I am frank to say that I think the Pennsylvania Railroad Co. has more to do with it than any real-estate firm.

Mr. President, I have a telegram signed by the United Market Farmers' Association. It is dated February 26, and reads:

Fight hard to defeat Stalker bill. Farmers and customers will not patronize southwest site. Unjust expenditure of taxpayers' money.

Mr. President, a number of delegations of farmers and representatives of farmers' organizations of Maryland and Virginia have called at my office in relation to this measure. From what I can understand from those farmers, who represent the bulk of the farmers bringing their produce to Washington for sale, in my opinion it will be impossible to force a market down in the southwest part of the city. The market of necessity must go farther north into the business part of the city. I think it would be an absolute waste of Government money and of the taxpayers' money to spend $300,000 for the proposed location of the market on the water front, where it will not be used by the bulk of the farmers who produce the products which sell on the market. The market should be located where the people will buy and where the merchants will buy, and not down on the water front.

I do not care to make any further statement except to say that I have a letter from the director of cooperative extension work in agriculture and home economics of the University of Maryland opposing the southwest site for the market; also a letter from N. J. Ward & Co. in opposition to the southwest site. It seems to me absolutely absurd to locate a market where apparently the bulk of the farmers who produce the products that will be sold there are in opposition to it.

Mr. TYDINGS. I desire to give notice that I shall offer a new amendment, reading as follows:

Provided, however, That the acquirement of such site or any other site in lieu thereof shall be subject to the prior approval of a commission composed of three persons appointed by the President of the United States.

Mr. GLASS. Mr. President, I understood the Senator to say that he was going to permit me to name them.

Mr. TYDINGS. I offered to do so, but the Senator let the opportunity pass without acceptance.

Mr. GLASS. Oh, no; I accepted the Senator's proposition. [Laughter.] I ask for a vote on the amendment proposed by the Senator from Maryland.

Mr. TYDINGS. Mr. President, I said I desired to serve notice that I intended to offer such an amendment. I have not as yet offered it.

Mr. GLASS. Then I suggest that we have a vote on the bill.

INVESTIGATION OF POWER COMPANIES

Mr. NORRIS. Mr. President, there have been almost daily, when the Federal Trade Commission were in session investigating the alleged Power Trust, disclosures of vast importance in which the entire country would be interested if they understood what they were. I have had called to my attention some evidence adduced there recently, pertaining particularly to Alabama, which I think is exceedingly interesting in a national way.

I am about to read extracts from the Mobile (Ala.) Register, in which the headlines read:

Columns of two Alabama newspapers used at will in spreading propaganda. "News" issues are scorned by Register. Bradley's letter says Thompson papers did not print A. P. C. Bureau bulletins.

"A. P. C.," I take it, means the Alabama Power Co.

Advertiser-News used power company matter.

Montgomery and Birmingham dailies are branded as "unfailing mediums."

Reports sent officials.

Former propagandist says school superintendents were on mailing list.

That is under a Washington date line of January 10, and what I am reading now is a Washington dispatch:

(By Hubert Baughn, chief Washington bureau, register and associated newspapers)

WASHINGTON, January 10.—Among the exhibits which went into the record of the Power Trust investigation with Leon C. Bradley's testimony to-day was a letter which the former Alabama Power Co. propagandist wrote on April 22, 1924, to Gen. Walter E. Bare, Alabama manager of the Southern Bell Telephone Co., in which he divided the daily newspapers of the State—

That is, the State of Alabama—

into two distinct groups—those which printed as editorial matter the power propaganda furnished by his bureau and those which did not. The letter emphatically placed the Mobile Register and its associated newspapers in the latter group.

That is, the Mobile newspapers did not print as editorial matter the propaganda sent out by Mr. Leon C. Bradley, whose testimony was being taken, and who is a propagandist of the Power Trust in Alabama. There will be some reference made to these Mobile newspapers later. I repeat, the two classes of those newspapers in Alabama were—

Those which printed as editorial matter the power propaganda furnished by his bureau and those which did not. The letter emphatically placed the Mobile Register and its associated newspapers in the latter group while the Montgomery Advertiser and Birmingham News were held up as unfailing mediums for the dissemination of Power Trust propaganda.

Bradley's letter to General Bare was a review of the activity of the propaganda bureau in sending out a so-called "news bulletin" once a week to the newspapers of the State.

USE PRACTICALLY NOTHING

"Among the larger dailies of the cities," it said, "the four Thompson papers use practically nothing from our bulletin."

As I understand—and I notice that both the Senators from Alabama honor me with their presence and attention, and if I am wrong, I would like to be corrected—as I understand, included in the four Thompson newspapers are these Mobile newspapers that have refused to publish the propaganda of the Power Trust. Am I correct about that?

Mr. BLACK. There are four Thompson newspapers—one in Mobile, one in Montgomery, one in Florence, and one in Sheffield.

Mr. NORRIS. The so-called Thompson newspapers referred to in this dispatch are the four newspapers printed in those four cities of Alabama.

Mr. BLACK. That is correct.

Mr. NORRIS. I continue the reading:

The Montgomery Advertiser and the Birmingham News use it every week in their interview columns on the editorial page, crediting some to other people.

After leaving the witness stand—

The last statement I have read is a quotation from the witness, Mr. Bradley, who was their representative—

Bradley told the Register correspondent that the interview columns to which he referred were the News and Interview column in the Birmingham News and the Passing Throng of the Montgomery Advertiser.

Chief Counsel Healy, of the Federal Trade Commission, drew from Bradley the admission that about 6,000 copies of the propaganda bulletin were issued weekly, and that all county school superintendents of the State, all public libraries, and scores of State, county, and city officials were on his mailing list.

Although Healy put Bradley through a long and vigorous cross-examination, he overlooked to question him regarding the undercover activity of the power company in opposition to school bond issues submitted to the voters of Alabama soon after adjournment of the last session of the legislature. Bradley directed publicity for the interests which waged a bitter fight against the school-expansion program.

As I understand, in Alabama a bond issue was submitted to the people in order to secure funds to expand the educational system of the State, and the power companies, through the leadership of this propagandist, Mr. Bradley, took a very active part in opposition to the proposed expansion of the public schools.

In another column in the same newspaper there is an article written by Mr. Baughn, who is the chief Washington representative of the Mobile Register and associated newspapers, from which I read this:

WASHINGTON, D. C., January 10.—How the Alabama Power Co. used the editorial columns of the Birmingham News and Montgomery Advertiser at will was related to the Federal Trade Commission in sensational testimony to-day by Leon C. Bradley, former director of the propaganda bureau of the Alabama wing of the Power Trust.

In a letter to Thomas W. Martin, president of the power company, Bradley reported in 1926 that he "did not even have to leave his office" to get Power Trust editorials in the Birmingham News and that during a 12 months' period no less than 75 propaganda items prepared by his bureau were published on the editorial page of the Montgomery Advertiser.

I ought perhaps to digress here to say—it is no news to the Members of the Senate, however—that in Alabama is located Muscle Shoals; this fight in the State of Alabama has clustered around the question of Muscle Shoals, and during the last 8 or 10 years that Muscle Shoals has been before Congress, the Alabama Power Co. has always been an active participant as well as having its correlated organizations, its subsidiaries, and other companies interlocking with it, constituting altogether the great Power Trust.

Bradley wrote Martin—

Remember, now, that Bradley was a representative of the Power Trust, the one who had charge of the propaganda and operated its bureau, and Martin was president of the Alabama Power Co.—

Bradley wrote Martin in the same letter that he was "constantly furnishing information and propaganda advantageous to the utilities, to newspapers, and members of the public-service commission" and that his bureau also served as a clearing house for propaganda issued by the National Electric Light Association. This letter, taken from the files of Bradley's office, was identified by him to-day and made a part of the record.

Bradley testified that his bureau spent $46,390 from October, 1922, to May, 1926. The Alabama Power Co. and the Birmingham Electric Co. were the principal contributors, but the Montgomery Light & Power Co., the Southern Bell Telephone Co., and the Alabama Water Co. were other contributors.

QUIZZED TWO HOURS

Robert Healy, chief counsel for the Trade Commission, examined Bradley for two hours and brought to light numerous propaganda activities of the power interests in Alabama. Bradley told of handling publicity for the power company for three weeks in the spring of 1927, when the company was seeking to gain control of the municipal light plant in Dothan. He said he wrote more than 100 articles and furnished them to the Dothan Eagle.

Here is a question from Mr. Healy, attorney:

"Were the articles published as advertising matter?" Healy asked.

"No; the Eagle wanted the power company to get the Dothan plant and were glad to print my articles as news items," Bradley answered.

Bradley admitted to Healy that the Dothan Eagle did not tell its readers that the "news items" were being paid for by the power company, but he said the other newspaper in Dothan, the Wiregrass Journal, "told the public about it the day after I started my series of articles."

SURVEY UNFINISHED

Bradley, when questioned regarding the activities of the power company in schools and colleges of the State, testified that the secret survey of textbooks which he started several years ago was never completed. He said he found "the situation was not as bad as it had been reported." Bradley said he knew nothing about the operation of the Alabama radio station formerly owned by the power company, but Healey sought to show that it had been used for propaganda purposes prior to its donation to Auburn in 1925. A letter to Healy from W. J. Baldwin, director of publicity for the power company, denied this.

Healy brought out that Bradley worked with C. A. Beasley, Washington lobbyist of the power company, on Muscle Shoals and kept up a running fire of propaganda throughout the State in favor of the power trust's bid. Bradley admitted he made use of certain newspapers in this campaign.

I wonder if Senators remember the contest that went on for quite a number of years, in which this activity on the part of the Power Trust in its efforts to control the action of Congress in regard to Muscle Shoals was manifested, and is still going on, I may say. I wonder if Senators have forgotten it. We did not always know where these things came from; we did not always know who the propagandists were; but, little by little, the investigation of the Federal Trade Commission is disclosing the identity of some of these men.

For instance, let me repeat, Healy brought out the fact that the activities of Leon Bradley, whose letter I am going to read and who was referred to in the article which I have read, were paid for, as he says in his testimony they were, by the power companies. We did not know about that. Most of the Senators are acquainted with Mr. Beasley, who, we understood, was friendly to the Alabama Power Co., and is one of its Washington representatives. We did not know of the assistance he was getting from the man who was heading the propaganda bureau down in Alabama in his efforts to defeat any action on the part of Congress that would retain in the people of the United States the title to that valuable property, built and constructed by the taxpayers' money, at Muscle Shoals; but this discloses it. This shows it.

The dispatch which I have just read referred to a letter that Mr. Bradley wrote to the president of the Alabama Power Co. I am going to read that letter. It is part of the files of the Federal Trade Commission in this investigation that has been going on. It is directed to Mr. Thomas W. Martin, president of the Alabama Power Co., Birmingham, Ala.

DEAR SIR: You will be interested in these two editorials from the Birmingham News of Saturday and Sunday.

I am sorry I have not those two Birmingham News editorials. They undoubtedly were part of the propaganda that Mr. Bradley was preparing and publishing; and the readers of those papers had no idea that this material was prepared by the paid representative of the power company.

The only difference between these editorials and hundreds of others which have appeared in the Alabama newspapers since I have been conducting this bureau is that I had the name of the bureau mentioned in these so there could be no misunderstanding as to who had put them in.

I have always suggested to the newspapers wherever possible to avoid mentioning my name or the name of the bureau, as anyone who understands publicity and politics knows it is more effective if the

article appears to the reader to emanate from the newspaper itself rather than from some utility source.

It might interest you to know that there have been more than 75 separate articles on the editorial page of the Montgomery Advertiser during the past 12 months regarding public utilities which were taken verbatim from our news bulletin. The number in the weekly papers runs into hundreds.

Think of that, Senators! Here is one paper which he mentions in the letter—a confidential letter from the hired man to the boss, telling what his work is, and what he is doing—and he says that "There have been more than 75 separate articles on the editorial page of the Montgomery Advertiser during the past 12 months regarding public utilities," and that those 75 articles "were taken verbatim from our news bulletin. The number in the weekly papers runs into hundreds."

The letter continues:

I am constantly furnishing information and propaganda advantageous to the utilities, not only to newspapers and members of the public service commission, but to other organizations as well. I also serve as a clearing house for Alabama utilities information for the National Electric Light Association and similar organizations.

Very truly yours,

LEON C. BRADLEY, *Director.*

Note that he is "constantly furnishing information and propaganda advantageous to the public utilities." To whom does he furnish it? He says, "not only to newspapers"—it is not only these newspapers that are printing without the change of a single word his editorials and these articles that he writes—"but I am sending them to others." Who are they? "Members of the public service commission."

That is one of the places where in the end the Power Trust poisons the minds of the people of the country. They are supplying with their material the commissions whose duty it is to regulate electric power and light rates; the commissions that are supposed to stand between the people and the Power Trust; the commissions that are doing the regulating of to-day, that the power companies and their adherents all admire so much. They are all in favor of regulation of electric-light rates; and, in order to regulate the electric-light rates, this shows how they regulate the regulator. These commissions, in the main honest and sincere, elected to public positions for the purpose of regulating the rates charged by the public utilities undoubtedly intending in the majority of cases to do what is right between the utilities and the people, are not only faced daily, weekly, monthly, and yearly with this propaganda prepared by the Power Trust, but in every contest they are faced with the ablest experts and the ablest attorneys that money can secure, while the public sometimes is not represented at all, and often is represented in a very inferior way.

In view of the fact that they are subjected constantly to that kind of pressure, that kind of a strain, is it any wonder that finally the Power Trust will be able to handle the commissions, even without the commissions ever knowing that they are being handled and controlled?

That is the failure of regulation. It is expecting of commissions more than humanity can stand. They are all human beings; and, even though they start out with a fair-minded view, they will wind up after a while with the viewpoint of the Power Trust.

They send this propaganda not only to the public-service commissions but to other organizations as well; and then this man says:

I also serve as a clearing house * * * for the National Electric Light Association.

Mr. President, going back again to these papers—the Thompson papers—the four of them in Alabama that were condemned by the Power Trust because they refused to publish their material four newspapers that bravely stood up for the rights of the people, and refused to be controlled by this propaganda—they had a newspaper in Mobile; and here is a letter showing how, when the Power Trust were not able to handle this paper in Mobile as they handled the papers named in other cities and other places, they started out to publish a new paper in Mobile.

Here is a letter written to Mr. Hubert Baugham by Mr. Frederick I. Thompson, who, as I understand—and again I shall be glad to be corrected if I am wrong—is one of the owners or managers of these so-called Thompson papers in Alabama. I want to read the letter. He says in this letter:

I do not wish to personally pass information, but you are at perfect liberty to use me as your authority for the statements made to you, which you can convey to anyone you desire, that the situation is this:

Immediately following the development before the Federal Trade Commission, with which you are familiar, that Thomas W. Martin, president of the Alabama Power Co., had secretly employed a professor of economics of the University of Alabama without even the knowledge of the president of the university himself; and the testimony of Leon C. Bradley, the propagandist of the Alabama Power Co., that he could get editorial matter in the Birmingham News without leaving his office, and that he obtained 75 different articles in the Montgomery Advertiser in one year, but that he could not get his matter in the "Thompson newspapers," Mr. Logan Martin, brother of Thomas W. Martin, and Mr. Thomas Martin himself, working through Thomas M. Stevens, an attorney of Mobile who does legal work for them, and D. P. Bestor, a director of the power company and president of the First National Bank of Mobile, with T. K. Jackson, vice president of the Alabama Power Co., proceeded to organize to publish a newspaper in Mobile.

Mr. Bestor, in addition to being a director in the power company and president of the First National bank, is recognized as one of the large stockholders in the Merchants National Bank, whose president is Mr. Ernest F. Ladd; and these two banks practically control the only remaining financial institution in Mobile, the Mobile National Bank, whose president is W. B. Taylor.

These bankers had initial meetings in the First National Bank building with Mr. R. B. Chandler of Birmingham, who is known to represent the interest of Martins, identified with the Alabama Power Co. as president and as general counsel. Following this organization to proceed with the plans for launching the new newspaper, these bankers sent for and called on various merchants in Mobile, to whom they advanced, in season, the current accommodations accorded merchants by banks. It is of specific information that they forced, to what extent of threat I do not know, certain merchants against their will, to agree to advertise in the paper yet unborn, at an advertising rate higher than that of the established papers.

As you know, I am not interested in the competition that would thus be promoted. Contrarily, it is felt by me and our organization that a power company organ, under such auspices, would serve to reemphasize the character and independence of our newspapers, their freedom from invisible and corrupt corporate control, and in the long run, be of substantial advancement to our newspaper properties.

But it is obviously a fact that the issue raised is one of broad national concern. It is understandable how in some smaller fields, or even fields larger than Mobile, where there was a publisher who sought honestly and in best judgment to run an independent newspaper and serve the public rather than a private interest, that he might be subjected, by threat of competition, because he would not be financially strong enough to resist it.

That statement of a broad public policy, it seems to me, must stand without the possibility of successful contradiction. In this particular case the newspaper was financially able to stand the opposition that was undertaken, and which I believe was never, in fact, consummated. But, as the writer says in this letter, there are thousands and thousands of others who would not be able to resist, under those circumstances, and would have to submit to the power trust or go to the wall.

I read further from this letter:

Fortunately for us, and fortunately also for the confidence that people appear to have in our newspapers, we are not in such position to be intimidated or injured materially by a power-company organ, or the organ of any private interest seeking to coercively control a public journal. That aspect appears to me to be of moment and concern.

I write you thus fully so that you will be informed of all the facts, and you have full authority to quote me as being responsible for these statements.

With regards,

FREDERICK I. THOMPSON.

Mr. President, this is only an incident, this is only one thing out of thousands that are being brought out almost daily by this investigation. Alabama is no exception. The same thing is going on practically everywhere else in the United States. The same methods are being employed to intimidate and coerce and to force and to mislead everywhere in the United States by the representatives of this great Power Trust.

We have seen in the past what they have done, and what they attempted to do in the city of Washington. We have had disclosed to us the hundreds of thousands of dollars they have spent to control this body. We have seen how they have fought from the beginning, daily, weekly, monthly, and yearly, every step that has ever been undertaken by representatives and committees of this body to save for the people of the United States the investment made at Muscle Shoals with the taxpayers' money.

I felt that I would be justified in taking up this much time of the Senate for the purpose of laying before the Senate these

disclosures, which, it seems to me, ought to excite the interest and the condemnation of all liberty-loving citizens everywhere.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

Mr. TYDINGS. Mr. President, I wish to offer an amendment at this point to the market bill which has been under discussion this afternoon, so that it may be printed and be available for consideration to-morrow when the bill comes up. The amendment provides——

Mr. GLASS. Would not the Senator like to have a vote on it now?

Mr. TYDINGS. The amendment provides that no site shall be selected until that site has been passed upon by three persons selected by the President of the United States. I did not think I could get a more impartial commission in any other manner than by the method I have suggested, and for that reason I have put it up to the President to name the commission.

Mr. GLASS. Mr. President, of course, everybody who is familiar with this market problem knows perfectly well that the number of sites available for market purposes is very limited, and these sites have over and over and over again been investigated in every aspect of the question, both as to their availability and as to their value, so that they may be brought within the limits of the authorization of the bill, and, of course, I shall oppose the proposed amendment of the Senator from Maryland, because these questions have repeatedly been passed upon by various bodies.

I did not rise for the purpose of saying that, however. Unless we are going to have a vote on this bill, and that speedily, I am going to continue on with its consideration to-night, and as far into the night as I may be able to hold a quorum here. I am perfectly willing, and have been, to give a reasonable time for discussion.

Mr. President, I propose a unanimous-consent agreement substantially to this effect, that beginning to-morrow at 1 o'clock we shall resume consideration of the unfinished business, and that at half past 2 o'clock debate on the bill and all amendments thereto shall be limited to 10 minutes.

Mr. TYDINGS. Mr. President, in order to clear up any possible misunderstanding, I think the Senator means that there will be 10 minutes on the bill and 10 minutes on any amendment, so that if a Senator wanted to speak on the bill he could speak 10 minutes on the bill, and also 10 minutes on any amendment. Is that right?

Mr. GLASS. I would rather it would be 10 minutes on the bill and the amendments thereto, because I think that is enough, but if the Senator is disposed to insist upon the other I shall not object to that interpretation of the request.

Mr. TYDINGS. I shall not interpose any objection, but I would appreciate it, if the Senator has any idea, if he would let me know about how much time he expects to consume between 1 o'clock and 2.30 to-morrow, if any.

Mr. GLASS. That I can not tell, beyond saying confidently that I will not consume half as much time as the Senator has consumed to-day.

Mr. TYDINGS. That is very witty, but I would rather get down——

Mr. GLASS. That is not witty; it is a fact, and it looks a little unreasonable to me——

Mr. TYDINGS. I am not objecting.

Mr. GLASS. That a Senator who has spoken approximately two hours on the bill to-day should seek by suggestion to put a limitation upon what I may say.

Mr. TYDINGS. I did not mean to suggest any limitation but I was asking the Senator in absolute good faith if he could give me an approximate idea, with no thought of holding him to the rigid letter, so that I could see what position our forces would be in, so to speak.

Mr. GLASS. The Senator has not any forces.

Mr. TYDINGS. I started out with 7, I had 29 to-day, and am hoping to add to them to-morrow.

Mr. BRUCE. Mr. President, if the Senator will yield to me just a moment, I would like to suggest to my colleague that he would have 20 minutes anyhow, 10 minutes on the bill, and 10 minutes on the amendment he has just offered, and so would any other Senator, if there is any one else who would desire to speak, even if there is no such assurance given to the Senator by the Senator from Virginia.

Mr. TYDINGS. I ask the Senator that question because I happen to know that two or three Senators wish to speak against the bill, in good faith.

Mr. GLASS. Or against time, which?

Mr. TYDINGS. They could not speak against time if the unanimous-consent agreement went into effect.

Mr. GLASS. I am unwilling to say how long I shall take on the bill. I shall certainly not consume time unnecessarily. If I discuss the bill at all, I will discuss the pending bill, and not some other bill.

Mr. TYDINGS. I shall not interpose any objection.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. GLASS. I yield to the Senator.

Mr. BLACK. I did not understand what the unanimous-consent request was. There are two or three Senators interested who are not here now.

The PRESIDING OFFICER. It has not been granted yet.

Mr. BLACK. There are several who are not here who might be interested in the matter, and if there is to be a unanimous-consent agreement, I desire to suggest the absence of a quorum.

Mr. GLASS. I will say to the Senator that I am not proposing a time for voting on the bill.

Mr. BLACK. I did not understand just what it was.

Mr. GLASS. I am not proposing a time for voting on the bill. My proposal was for a unanimous-consent agreement that the unfinished business be taken up to-morrow at 1 o'clock. The Senator will understand that I could have it taken up at 11 o'clock, but I wanted to afford two hours for the calendar to-morrow if possible. I propose that the unfinished business be taken up at 1 o'clock, and that at half past 2 o'clock speeches on the bill and on amendments thereto be limited to 10 minutes.

Mr. SACKETT. Mr. President, does not the Senator want to include in the request a provision that each Senator may speak but once on the bill?

Mr. TYDINGS. And on each amendment.

Mr. GLASS. On the bill and each amendment.

Mr. SACKETT. That ought to be included in the unanimous-consent request, then.

Mr. TYDINGS. But a Senator could speak once on each amendment.

Mr. SACKETT. Once on each amendment and once on the bill.

Mr. GLASS. That, it seems to me, gives ample opportunity for anyone who wants further to discuss the bill, and I hope there will be no objection to that.

Mr. JONES. Mr. President——

Mr. GLASS. If there is objection to it, I shall insist upon going on to-night.

Mr. BLACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McKellar	Smith
Barkley	Fess	McNary	Smoot
Bingham	Frazier	Mayfield	Steck
Black	George	Moses	Steiwer
Blaine	Gerry	Neely	Stephens
Blease	Glass	Norbeck	Swanson
Borah	Glenn	Norris	Thomas, Idaho
Bratton	Goff	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Trammell
Broussard	Harris	Overman	Tyson
Bruce	Harrison	Pittman	Vandenberg
Capper	Hastings	Ransdell	Walsh, Mont.
Caraway	Hayden	Reed, Pa.	Waterman
Copeland	Heflin	Robinson, Ark.	Watson
Couzens	Johnson	Robinson, Ind.	Wheeler
Curtis	Jones	Sackett	
Deneen	Kendrick	Schall	
Dill	Keyes	Sheppard	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. GLASS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, that its consideration be resumed at 1 o'clock p. m. to-morrow, and that after the hour of 2 o'clock and 30 minutes p. m. no Senator may speak more than once or longer than 10 minutes upon the bill or any amendment thereto.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Mr. President, what hour is fixed?

Mr. GLASS. Half-past 2 to-morrow afternoon.

Mr. BLAINE. Mr. President, I dislike to object, but I want to suggest to the Senator from Virginia that we have had a great deal of dissatisfaction with cutting off general debate as proposed. His proposal will allow only an hour and a half, and we would have substantially only 20 minutes for debate thereafter. I suggest to the Senator that he postpone the hour until at least half past 3. I would like really to have it 4 o'clock.

Mr. GLASS. If the Senator prefers to go on to-night I am perfectly willing to carry the bill on through to-night.

Mr. BLAINE. If the Senator will permit another suggestion, where there is only an hour and a half for general debate I have observed that some Senator takes the floor and discusses

some other question than the unfinished business or the business that is before the Senate, and then other Senators are deprived of an opportunity for general debate.

Mr. GLASS. Very well, I will make it 3.30 then.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the unanimous-consent agreement is entered into.

The unanimous-consent agreement as entered into is as follows:

Ordered, by unanimous consent, That the unfinished business be temporarily laid aside, that its consideration be resumed at 1 p. m. to-morrow, and that after the hour of 3.30 p. m. no Senator may speak more than once or longer than 10 minutes upon the bill or any amendment thereto.

NAVAL APPROPRIATION BILL

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) "making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 14, 16, 18, and 19, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$170,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$12,240,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$230,000"; and the Senate agree to the same.

Amendment number 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$31,430,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out "$500,000" and insert in lieu thereof "$200,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 13, 15, and 17.

FREDERICK HALE,
L. C. PHIPPS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

Mr. HALE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report.

Mr. NORRIS. I will have to object to that to-night.

The PRESIDING OFFICER. Objection is made.

Mr. HALE. I move that the Senate proceed to the consideration of the conference report.

Mr. GLASS. Mr. President, will the effect of that be to displace the unfinished business?

The PRESIDING OFFICER. No; it will not; because the unfinished business is already laid aside.

Mr. NORRIS. Suppose the motion prevails and then we do not finish consideration of the conference report to-night, which is not at all improbable; what will happen when we reach 1 o'clock to-morrow?

The PRESIDING OFFICER. The conference report is privileged business anyway.

Mr. NORRIS. I would like to call the attention of the Chair to the fact that while a conference report is privileged to the extent that it can be presented at any time, the only way by which a conference report can be taken up is by unanimous consent or a vote of the Senate.

I would like to say to the Senator from Maine that I am objecting to taking up the conference report to-night because there are several Senators who are interested in it who have asked me and others to see what it is. I do not know what the conference report is, and I want an opportunity to examine it. There may not be two minutes delay to-morrow if I can have an opportunity to look into it to-night, but if I am to be denied the right even to read it——

Mr. HALE. I am entirely willing to explain it now.

Mr. NORRIS. Exactly. The Senator can explain it, and that may be satisfactory; but it may not be. I think on an important bill of this kind the Senator ought not to object to having it go over one day.

Mr. MOSES. Mr. President, the form of the report is such that the Senator from Nebraska could not know what is in it unless he knows the various amendments by number.

Mr. NORRIS. I will have to get the bill and look them up.

Mr. MOSES. The Senator from Maine is ready to explain the report.

Mr. GLASS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLASS. Can a conference report supersede a unanimous-consent agreement?

The PRESIDING OFFICER. There is no unanimous-consent agreement to adjourn or recess to-night. None has been entered into.

Mr. GLASS. I am talking about to-morrow. Suppose consideration of the conference report has not been concluded by 1 o'clock to-morrow, what becomes of the unanimous-consent agreement?

The PRESIDING OFFICER. The Senate would then proceed under the unanimous-consent agreement.

Mr. NORRIS. There are quite a number of amendments to the naval appropriation bill. Some of them are somewhat involved and some of them are quite lengthy. It strikes me that on a bill as important as that the Senator from Maine ought not to expect the Senate to proceed too hurriedly. If even only one Member of the Senate wants to look into the conference report, he should have at least a few hours to do it. Of course, I do not mean to disparage any explanation the Senator from Maine might make.

Mr. HALE. The conference report is very simple. We have very few amendments to the bill.

Mr. NORRIS. I happen to have the bill open before me, and I see amendment No. 17 right in front of me. That would not indicate that there are so few amendments to the bill.

Mr. HALE. There are very few amendments to the bill.

Mr. NORRIS. Of course that only demonstrates the Senator's idea of what should be done. It is different from my viewpoint. I think 17 amendments can not be designated as very few amendments. I think it is quite a number. I happen to have before me an amendment which takes up practically a whole page of the bill.

The PRESIDING OFFICER. The Senator from Maine has moved that the Senate proceed to consideration of the conference report, and that motion is not debatable.

Mr. NORRIS. Mr. President, if that be the decision of the Chair, I will appeal from it. It is after 2 o'clock.

The PRESIDING OFFICER. The Chair desires to read Rule XXVII on page 31 of Senate Rules and Manual, which is as follows:

REPORTS OF CONFERENCE COMMITTEES

1. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Brookhart	Dill	Goff
Barkley	Broussard	Edge	Hale
Bingham	Bruce	Fess	Harris
Black	Capper	Frazier	Harrison
Blaine	Caraway	George	Hastings
Blease	Copeland	Gerry	Hayden
Borah	Couzens	Glass	Heflin
Bratton	Deneen	Glenn	Johnson

Jones	Nye	Sheppard	Trammell
Kendrick	Oddie	Simmons	Tyson
Keyes	Overman	Smith	Vandenberg
McKellar	Pittman	Smoot	Walsh, Mont.
McNary	Ransdell	Steck	Waterman
Mayfield	Reed, Pa.	Steiwer	Watson
Moses	Robinson, Ark.	Stephens	Wheeler
Neely	Robinson, Ind.	Swanson	
Norbeck	Sackett	Thomas, Idaho	
Norris	Schall	Thomas, Okla.	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. NORRIS. A parliamentary inquiry. Will the Chair state the question upon which we are about to vote?

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine [Mr. HALE] that the Senate proceed to consideration of the conference report on House bill 16714.

Mr. NORRIS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FESS (when Mr. BURTON'S name was called). My colleague, the junior Senator from Ohio [Mr. BURTON], is detained from the Senate. He is paired with the senior Senator from North Carolina [Mr. SIMMONS].

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I do not know how he would vote if present, and therefore withhold my vote.

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is very ill and unable to be here to-day.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. BURTON], who I see is absent. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER], and will vote. I vote "yea."

The roll call was concluded.

Mr. McKELLAR. On this question I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I transfer that pair to the senior Senator from Missouri [Mr. REED], and vote "yea."

Mr. REED of Pennsylvania. I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT], and vote "yea."

Mr. JONES. I desire to announce the absence on account of illness of the senior Senator from Connecticut [Mr. McLEAN], the junior Senator from New Mexico [Mr. LARRAZOLO], and the senior Senator from Colorado [Mr. PHIPPS]. If present those Senators would vote "yea."

I also desire to announce the general pair of the Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

Mr. GERRY. I wish to announce the necessary absence of the Senator from New Jersey [Mr. EDWARDS], the Senator from Nevada [Mr. PITTMAN], the Senator from Maryland [Mr. TYDINGS], the Senator from Massachusetts [Mr. WALSH], the Senator from New York [Mr. WAGNER], and the Senator from Mississippi [Mr. STEPHENS]. If present they would vote "yea."

The result was announced—yeas 50, nays 13, as follows:

YEAS—50

Ashurst	Fess	Keyes	Simmons
Barkley	Gerry	McKellar	Smith
Bingham	Glass	McNary	Steck
Bratton	Glenn	Moses	Steiwer
Broussard	Goff	Norbeck	Swanson
Bruce	Hale	Oddie	Thomas, Idaho
Capper	Harris	Ransdell	Trammell
Caraway	Hastings	Reed, Pa.	Tyson
Copeland	Hayden	Robinson, Ark.	Vandenberg
Couzens	Heflin	Robinson, Ind.	Waterman
Deneen	Johnson	Sackett	Watson
Dill	Jones	Schall	
Edge	Kendrick	Sheppard	

NAYS—13

Black	Brookhart	Norris	Wheeler
Blaine	Frazier	Nye	
Blease	Mayfield	Thomas, Okla.	
Borah	Neely	Walsh, Mont.	

NOT VOTING—32

Bayard	Gould	McLean	Shipstead
Burton	Greene	McMaster	Shortridge
Curtis	Harrison	Metcalf	Smoot
Dale	Hawes	Overman	Stephens
Edwards	Howell	Phipps	Tydings
Fletcher	King	Pine	Wagner
George	La Follette	Pittman	Walsh, Mass.
Gillett	Larrazolo	Reed, Mo.	Warren

So the motion was agreed to, and the Senate proceeded to consider the conference report.

The VICE PRESIDENT. The question is on agreeing to the report.

PERMITS AND LICENSES—COLORADO RIVER AND TRIBUTARIES

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 201) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River, which was on page 1, line 10, to strike out "unless and until" and to insert "until the 5th day of March, 1930, unless prior thereto."

Mr. BRATTON obtained the floor.

Mr. ASHURST. Mr. President——

Mr. BRATTON. I yield to the Senator from Arizona.

Mr. ASHURST. Before action is taken on the amendment of the House of Representatives to the joint resolution I desire to examine it.

The VICE PRESIDENT. The amendment of the House to the joint resolution will lie on the table.

Mr. BRATTON subsequently said: Mr. President, I move that the Senate concur in the House amendment to Senate Joint Resolution 201.

The motion was agreed to.

OFFICIAL PAPERS OF THE TERRITORIES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1168) to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925, which were, on page 2, to strike out all after "of," where it appears the second time, in line 11, down to and including the word "copies," in line 13, and insert:

1,950 copies for the Department of State, of which 6 copies shall be delivered to each Senator and 2 copies to each Representative, and 8 copies for each State or Territory to be distributed to historical associations, commissions, museums, or libraries, and to other nondepository libraries therein designated by the governor of each State or Territory, 4 copies for the library of the Department of the Interior, and the remainder of said 1,950 shall be.

On page 2, line 21, after the word "appropriated," to insert "not more than"; and on page 2, lines 21 and 22, to strike out "the appropriations to remain available until expended."

Mr. FESS. I move that the Senate concur in the House amendments.

The motion was agreed to.

TROPIC EVERGLADES NATIONAL PARK, FLA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes, which was, on page 2, line 2, to strike out all after the word "State" down to and including the word "purpose," in line 5, and insert the following:

including in his report full information as to the ownership, value, estimated cost to acquire, and character of the lands involved, and his opinion as to whether such areas measure up to national-park standards. Any appropriations for the National Park Service shall be available for the necessary expenses of such investigation.

Mr. FLETCHER. I move that the Senate concur in the House amendment.

The motion was agreed to.

SUPPLY OF NEWSPRINT PAPER TO PUBLISHERS OF SMALL NEWSPAPERS

Mr. SCHALL. Mr. President, in order to take as few moments as possible, I have reduced the statement which I wish to make to writing, and I ask that it may be read by the clerk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

Mr. SCHALL. Mr. President, I ask to call up Senate Resolution 337, which I introduced Saturday. This resolution authorizes the Federal Trade Commission to conduct an inquiry into the newsprint monopoly as it affects the small daily and weekly newspapers. The resolution is identical with my Resolution 292, which was referred to the Agricultural Committee and which called for the appointment of a select committee of five Senators to investigate the newsprint situation with a view to determining whether or not corrective legislation was necessary in order to insure the publishers of the smaller dailies and weeklies an adequate supply of newsprint in the future at reasonable prices.

A public hearing on the measure was held by the Senate Committee on Agriculture January 30, and the resolution favorably reported to the Senate on February 7. Because a proposed expenditure of $25,000 was covered in the resolution, it was subsequently referred to the Senate Committee to Audit and Control the Contingent Expenses of the Senate. It was at the suggestion of the senior Senator from Ohio [Mr. FESS] that the

resolution was referred to the Agricultural Committee. I consented to this proposal because Senator FESS, in making this suggestion, said "The Committee to Audit and Control the Contingent Expenses of the Senate has no latitude to consider the merits of resolutions other than simply to say that so much money shall or shall not be expended." The Senate Committee on Agriculture and Forestry, in favorably reporting the resolution to the Senate, definitely passed on the merits of the proposition to authorize an investigation into the newsprint situation.

At the time I introduced the resolution I believed that it would be a relatively simple matter to have the Senate authorize this inquiry, because it has always shown its sympathy to the small consumers and others who are not in the position to defend themselves against the harmful practices of monopolies. It is particularly true that the Senate of the United States has kept in mind the viewpoint of the smaller daily and weekly newspapers of this country. The Senate has in recent years authorized two sweeping investigations into the activities of the newsprint combines—one in 1917, and another in 1920. The first inquiry authorized by the Senate was conducted by the Federal Trade Commission, and resulted in indictments and a decree in the Federal courts against certain newsprint manufacturers for violation of the anti-trust law. It is these same manufacturers, more closely knit than in other years, that are the moving figures in the present newsprint monopolistic trend. The Senate itself conducted an investigation in 1920, at which time they made it clear that the smaller publishers were harmed by newsprint combines.

The newsprint resolution was reported favorably from the Senate Committee on Agriculture and Forestry nearly three weeks ago. It did not seem logical to me that the Audit and Control Committee should hold hearings to discuss the merits of Senate Resolution 292 when the Senate Committee on Agriculture and Forestry had definitely approved the measure. It was undoubtedly an oversight on the part of the committee, but the fact was that I was not notified that a hearing would be held. I am also informed that the National Editorial Association, representing the small daily and weekly newspapers, whose representative testified at the Agricultural Committee hearings, was not notified.

The stenographic copy of the hearings before the Committee to Audit and Control the Contingent Expenses of the Senate shows that the authorized spokesman for the newsprint manufacturers was ready and present to oppose the measure. The record of the hearing as of Saturday, February 9, contains the statement of Elisha Hanson, who appeared as the attorney for the International Paper Co. in opposition to reporting the resolution from the Committee to Audit and Control the Contingent Expenses of the Senate. Mr. Hanson had previously appeared upon this same resolution before the Committee on Agriculture and Forestry as the attorney for the American Newspaper Publishers' Association, a group of the larger daily newspapers. At this time he declared: "We do think that this particular investigation is unnecessary." At this hearing, in response to my questions, Mr. Hanson denied that either former Senator Lenroot or himself represented the newsprint organization. He conceded that the former Senator and himself had jointly represented the International Envelope Corporation, a subsidiary of the International Paper & Power Co., in obtaining a Government contract from the Government Post Office Department in September. Later this attorney appeared before the Senate Committee to Audit and Control the Contingent Expenses of the Senate with reference to my Resolution 292 at a meeting of which I had not been informed and said:

> I am not appearing for the newspaper publishers this morning, but for an American manufacturer of newsprint, and I merely want to submit to the committee certain evidence along the line that if there is no control there is no monopoly.

At a subsequent meeting, to which I was invited, this attorney declared:

> I wish to say that my client in this particular instance, the International Paper Co., has nothing to fear from the proposed investigation.

If this particular company had nothing to fear, it seems peculiar that it should lead the fight against a favorable report from the Senate Committee to Audit and Control the Contingent Expenses of the Senate.

Senators, the International Paper Co. and other large producers of newsprint have every reason to fear a repetition of investigations of other years by the Senate, at which time their colors were shown. The price cutting, the pooling of orders, and the distribution of tonnage which has marked the present controversy over newsprint is only the surface battle between the gigantic combines of newsprint manufacturers. In tracing the opposition to my resolution I have made many interesting discoveries, and as a result I am cognizant of the immeasurable resources of the opposition.

I have neither the time nor the inclination to draw up a wholesale indictment against the International or other large producers of newsprint in this country and Canada. That the consumer of newsprint is placed at a disadvantage by the monopolistic tendencies is usually considered sufficient to warrant an investigation and relief. There is a wealth of information that should have been heard by a select committee, and I would have been glad to present it.

To give you an idea that there is more than the paper angle in the strongly entrenched opposition to an investigation by the Senate, I call attention to a special article from the Toronto Star of January 14, written by their New York correspondent after an investigation into the newsprint situation. The Toronto Star says under a New York date line:

> Whatever the result of the newsprint-price conference here to-day, the negotiators sitting around the table know that newsprint is not the major issue. It is hydroelectric power and empire. The issue is power, hydroelectric power, and financial power. The issue involves the ambitions of Archibald R. Graustein of New York, and J. H. Gundy, of Toronto. In conflict around the conference table here are represented two of the greatest financial groups in the world. Whatever the settlement, the insiders here feel that the result can be only a truce; an armed respite for a renewed conflict.
>
> On one side, represented by Mr. Graustein, is a huge United States-Canadian alliance of power and paper groups. It includes the power resources of the New England Power Association, and the International Paper Co., and its subsidiaries, producing 1,524,600 horsepower and 1,400,000 tons of paper and pulp a year. On the other side, represented by J. H. Gundy, are resources of the Holt-Gundy duumvirate, probably not so huge in point of paper and power figures, but backed by all the very holdings of the companies controlled by Sir Herbert Holt, calculated at $2,000,000,000. These include light, heat, and power plants, as well as pulp and paper mills. Financiers here seem to accept the fact as common knowledge that these two financial forces are now in line of battle over hydroelectric power.

How this struggle of financial giants over power and paper is affecting the newsprint industry is clearly outlined by the Toronto Star in the following comment:

> Many of the smaller independent companies, embarrassed by the present state of the industry and the difficulty of competing with the larger corporations, are also thought to be in a mood for mergers. Many of them could go in with either the Holt-Gundy duumvirate or with the Canadian International Paper Co., led by Archibald R. Graustein.

In all its publicity and in its financial representations to investors, the International Paper & Power Co. stresses the fact that it is unquestionably the dominating factor in the newsprint field. The Canadians concede the undisputed leadership of the International in fixing prices on markets; for the Toronto Star, under date of January 10, said:

> Since the International is the largest producer of paper in the world, with an output just twice as great as the next company in the field, namely, the Abitibi, the necessity of reaching a settlement with President Graustein is evident.

The keynote of a booklet issued by bankers, giving an analysis of the International Paper & Power Co. with its history and prospects, substantiates the story appearing in the Toronto Star, and quoted above. Discussing the dominating position of the International, bankers' statements to investors definitely point out that "no effort is being spared in order to make the company's position absolutely impregnable."

It does not require a gift of prophecy for any Member of the Senate to predict what will happen to these smaller consumers of newsprint when these large combines settle their differences and proceed to collect on the losses that have resulted from a price warfare extending over a period of five months. The bankers for the International Paper Co. promise the investing public that prices will advance, and surely they are in a position to know. The booklet prepared this month on the International Paper & Power Co. for investors says, quite significantly:

> In concluding this analysis it may again be pointed out that the International Paper Co. has not yet begun to reap the benefits of its widespread expansion and diversification. In the meantime the period of overproduction through which the paper industry is at present passing has delayed a realization of the returns which had been hoped for. As described before, however, this situation is temporary in nature; and ultimately the tremendous values of the company's paper, pulp, and power properties will produce constantly increasing revenue. The position now held by the company is unique in corporate history.

Not only is it the greatest paper company in the world, but it is now also one of the largest public-utility enterprises on this continent.

Here we have, Senators, the attorney for what is conceded as the largest and dominant paper company, and occupying a similar position in the power industry, appearing in opposition to an inquiry which has already been authorized by the Senate Committee on Agriculture and Forestry solely on its merits.

A recent dispatch from the Montreal and Toronto Star says:

Canadian newsprint manufacturers expect to be able to announce a settlement to stabilize the industry at the latest on Saturday, with a price of approximately $55.20 a ton for the mills.

Announcement of the settlement will precede by only a short time two amalgamations of paper mills that will further reduce the independent groups and be calculated to add to the stabilization of the industry. From inside sources it is learned that negotiations are under way by which the Canadian International Paper Co. will take over control of the E. B. Eddy Co. and the J. R. Booth mills. At the same time the Holt-Gundy interests are about to absorb Wayagamack, Brompton, and the St. Lawrence.

This fixed price of $55.20 will be given only to the larger newspapers who will protect themselves by contracts, and it applies only to the year 1929. What the fixed price will be in 1930 and 1931 can only be conjectured by remembering what happened a few years back, when newsprint paper to the small consumer ran up to $260 per ton. The testimony admitted by all concerned in the hearings before the Agricultural Committee on January 30 was that the smaller newspapers are now paying $95 per ton, and only a short time ago were paying $180.

I heard this morning on good authority that last Saturday the combination forming a tremendous newsprint trust of American and Canadian interests was formed, and the names thereto put upon the dotted line. Another fact is that Archibald R. Graustein, president of the International Paper Co., resigned as president of the Bathurst Pulp & Paper Co., a subsidiary of the International, and another was elected in his place to do the signing.

My Resolution 337 is identical in the wording with Resolution 292, which the Agricultural Committee reported favorably. This resolution authorizes the Federal Trade Commission to conduct the inquiry into the newsprint monopoly as it affects the small daily and weekly newspapers. The Federal Trade Commission conducted previously a similar investigation, and have much data that will be of service. It will be entirely satisfactory to me and to the friends of the smaller newspapers to have it thus referred; and I ask its immediate consideration and passage.

The VICE PRESIDENT. Is there objection?

Mr. KING. What is the request?

Mr. NORRIS. Mr. President, may we have the resolution reported, so that we may know what it provides?

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution, as follows:

Resolved, That the Federal Trade Commission is requested (1) to make an investigation and hold open hearings upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws, and (2) to report to the Senate by filing with the Secretary thereof preliminary reports at intervals of not more than 30 days during such investigation, and, as soon as practicable, a final report to the results of such investigation and the evidence taken at such hearings, together with its recommendations, if any, for necessary legislation.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. JONES. Mr. President, I do not think there ought to be incorporated in the resolution, at any rate, a request or requirement that the Federal Trade Commission shall report every 30 days. I think if the resolution is to be agreed to, it ought to provide for a final report as soon as practicable, but I am not in favor of requiring the commission to report every 30 days.

Mr. HEFLIN. Mr. President, I think the resolution is meritorious, and that the Senate should agree to it.

Mr. JONES. I do not think I have any objection to the resolution if it may be modified as I have suggested.

Mr. NORRIS. I suggest to the Senator from Minnesota that it is not so very important about having a report every 30 days, and that he amend it by striking that provision out.

Mr. SCHALL. How would it be to make it 60 days?

Mr. JONES. Why not simply require a final report.

Mr. SCHALL. How would 60 days do? I would like to keep track of this thing.

Mr. REED of Pennsylvania. I suggest that the resolution go over for a day, in order that the Senator may work it out. He can renew his request to-morrow.

Mr. HEFLIN. I think if the Senator is willing to accept that amendment, we ought to agree to the resolution now.

Mr. SCHALL. I have been working this over for a long time. I would like to have action on it.

Mr. REED of Pennsylvania. I am only suggesting to the Senator that he let it go over until to-morrow, so that other Senators who are interested may discuss the terms of it with him.

Mr. SCHALL. It has been before the Committee on Agriculture and was reported favorably, and it has been discussed for months here. I would be glad to accept the amendment.

Mr. REED of Pennsylvania. Does the Committee on Agriculture approve of requiring a report every 30 days?

Mr. SCHALL. No.

Mr. HEFLIN. Let us have it read now as it would be if amended.

Mr. SCHALL. I have not consulted them on the subject.

Mr. REED of Pennsylvania. Was this matter reported to the Senate just now?

Mr. JONES. It was reported some time ago.

The VICE PRESIDENT. It has been on the table since February 22.

Mr. SCHALL. It was reported to the Senate in December.

Mr. REED of Pennsylvania. I think it would better go over until to-morrow. I ask for the regular order.

The VICE PRESIDENT. The resolution will go over.

LOAD-LINE REGULATIONS

Mr. JONES. Mr. President, some days ago the House passed the so-called load line bill, and sent it to the Senate with quite a number of amendments. We have had a conference with reference to that bill and have come to a conclusion, and I think in justice to the House conferees I should state the situation that confronted us and what led us to the final conclusion of the conference.

The Senate passed a bill applying the load-line system to vessels engaged in the foreign trade only. The bill came back from the House with amendments which extended the legislation to the coastwise trade, with certain exceptions. That bill, as I understand it, was unanimously reported by the House committee, and it passed the House with practically a unanimous vote; so that the conferees were confronted with the proposition of extending the load-line legislation to the coastwise trade.

All the conferees and both Houses had declared in favor of extending the load-line legislation to the foreign trade. I will say that all the conferees personally are really in favor of extending the legislation to the coastwise trade. But we have these differences.

There were certain exceptions made in the bill as it passed the House by an amendment. Of course, there was controversy over those exceptions, and the controversy led, really, to the exceptions.

We appreciate, and the House conferees appreciate, the situation which confronts us now, near the close of the session, the limits of which are fixed. The House conferees, as well as the Senate conferees, came to the conclusion that under the circumstances confronting us it would be impossible to get the legislation through as it had been amended by the House, and to these amendments, I will say, the Senate conferees had substantially no objection. The exceptions made in the House, however, would cause a serious controversy in the Senate. No other compromise would avoid such controversy. The conferees would have been glad to see the legislation go further. But after considering the matter from all angles and the situation which confronts us, the House Members finally came to the conclusion that rather than have no legislation at all they would accept substantially the legislation passed by the Senate.

We have agreed to submit to the Senate practically the Senate bill as it originally passed, applying the load-line legislation to vessels engaged in the foreign trade only, excepting, also, the trade on the Great Lakes, because there is considerable controversy over that.

It was felt by all the conferees that if we should do this, the matter of extending the load-line legislation to the coastwise service should be very carefully investigated, studied, and considered as promptly as possible, in the hope that legislation dealing with this phase of the matter might be taken up early in the next session.

Pursuant to that, we did what is, of course, quite unusual for a conference committee, as I know, but it is simply expressive of the individual views of the members and is not binding upon the Senate or upon the House. We adopted a resolution in the

conference, not as conferees but as individual members of the conference committee, and as expressing our individual views, as I have said, and declared our intention to promote as much as we can, and at as early a date as possible, legislation extending the load-line legislation to the coastwise trade without exception.

I think it was the unanimous opinion of individual members of the conference that there should really be no exception, but that the legislation should be extended to all classes of trade. But that will largely depend, of course, upon the investigations and studies that may be made.

Instead of the exceptions made in section 9, we put in a provision directing the Secretary of Commerce, and I think the Shipping Board, as expeditiously as possible to investigate and study the matters relating to extending the laws to the coastwise trade, and to submit a report, with such recommendation as they thought proper of legislation that should be enacted. As individuals we propose to promote that legislation as rapidly as possible. I can not commend too highly the wise, courageous, and patriotic statesmanship of the House conferees. They are entitled to great credit for the forward step we have taken in this legislation to protect life, preserve harmony between this country and her rivals on the sea, and to promote the welfare of our merchant marine.

I ask that this resolution which the conferees adopted be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution is as follows:

On motion, voted that it is the sense of the conferees on the part of the Senate, and of the House, that load-line legislation should be made applicable to all vessels of the United States of over 250 tons, including those operating in the foreign trade, making a voyage by sea in the coastwise and intercoastal trade, or on the Great Lakes; that the conferees have agreed to a report applying the load line only to vessels engaged in the foreign trade because of the parliamentary situation and the apparent impossibility of procuring more comprehensive legislation during the present Congress; and that the conferees advise that they will support and undertake to procure the passage of legislation in the next Congress applying load lines to all of the classes of vessels above enumerated.

Mr. NEELY subsequently said: Mr. President, let me inquire of the Senator from Washington whether the conferees have eliminated an objectionable House amendment against which the Senator from Kentucky [Mr. SACKETT] and I protested yesterday afternoon?

Mr. JONES. That amendment is eliminated. All inclusion of the coastwise trade is eliminated in the conference report, for the reasons I have suggested.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. HALE. Mr. President, in view of the fact that the Senator from Nebraska would like to see the conference report before we act upon it, I shall be entirely willing to ask unanimous consent that the conference report be temporarily laid aside, and that it be taken up to-morrow morning immediately at the close of the routine morning business.

Mr. HEFLIN. How long does the Senator think it will take?

Mr. HALE. I can not see how it will take any time at all. It is a very simple report.

Mr. GLASS. The Senator can not take his report up at the conclusion of the routine morning business when we already have a unanimous-consent agreement to take another matter up.

Mr. HALE. That matter will come up after 1 o'clock, I understand.

Mr. GLASS. But we will be on the routine morning business until that time.

Mr. SWANSON. Mr. President, this unanimous-consent agreement could not interfere with the unanimous-consent agreement referred to by my colleague, which, I understand, will take effect at 1 o'clock, or at 1.30, I have forgotten which. When 1 o'clock comes, automatically the unfinished business will come before the Senate, and, as I understand it, a conference report does not go to the calendar but goes to the table.

Mr. SMOOT. No; it goes to the calendar.

Mr. BROOKHART. That would cut out the call of the calendar.

Mr. SWANSON. I think a conference report goes to the table, does it not?

Mr. SMOOT. A motion to take up a report is privileged, but the consideration of the report is not privileged.

The VICE PRESIDENT. The conference report will lie on the table.

Mr. HALE. I have asked for unanimous consent.

Mr. BLACK. I object to that if it will interfere with the call of the calendar.

Mr. HALE. It will not interfere with the unanimous-consent agreement that was entered into.

Mr. SWANSON. Mr. President, I am satisfied that when the Senator from Nebraska reads the report it will not take five minutes to get the report through. Nearly all the Senate provisions are retained, and I think the Senator will agree with us in receding in the cases where we have receded.

Mr. NORRIS. The Senator is not getting the idea that I am making any objection, is he?

Mr. SWANSON. No. The Senator has a right to read the report, and it ought to go over so that it can be printed, but I am simply stating to the Senate that I am satisfied that when the report is read by Senators, it will not take 10 minutes to dispose of it.

Mr. HALE. I am also satisfied that it will not; and I renew my request.

Mr. MOSES. What is the request the Senator makes?

Mr. HALE. I ask unanimous consent that the consideration of the conference report be temporarily laid aside, and that the Senate proceed to the consideration of the conference report to-morrow morning immediately after the close of the routine morning business.

Mr. MOSES. Does that mean we are to adjourn to-night, and not take a recess?

Mr. NORRIS. If the Senator from Maine wants to do that—and it is immaterial to me whether it is done or not, because I should be delighted to go on for a few hours this evening—why does he not make a motion that the Senate now take a recess until 11 o'clock to-morrow, and then we would go right ahead with the consideration of the conference report at 11 o'clock, until 1 o'clock.

Mr. SWANSON. The Senator from Indiana is bothered about that suggestion. He wants his radio bill to come up in the morning hour.

Mr. NORRIS. It would not take long if we should commence business with this conference report. If the Senator from Virginia is right about it, it will be finished in two or three minutes. He said that by five minutes after 11 it would be disposed of.

Mr. MOSES. There is only one Senator who can be right about it, and that is the Senator from Nebraska, because he is the one who objected.

Mr. NORRIS. I did not object; and I do not object now. I am willing to go on.

Mr. ROBINSON of Arkansas. Mr. President, a number of Senators understood, when the agreement was entered into requested by the Senator from Virginia [Mr. GLASS] to proceed with the consideration of the unfinished business at 1 o'clock to-morrow, that the calendar was to be taken up where we left off to-day and proceeded with for two hours.

Mr. MOSES. The Senator is accurate in that respect.

Mr. ROBINSON of Arkansas. That is not in the formal agreement entered into. In order to avoid confusion and conflict I think some arrangement should be made to complete the call of the calendar as soon as possible, otherwise we need not complete it at all, and there will be no opportunity for the consideration of Senate measures at the other end of the Capitol even where similar House bills have been reported and are on the House calendar. I am going to suggest that upon the convening of the Senate tomorrow at 11 o'clock, pursuant to the order heretofore entered, the Senate proceed with the calling of the calendar for unobjected bills, resuming consideration at the number where we left off to-day.

Mr. WATSON. Mr. President, I had an understanding with the Senator from Kansas [Mr. CURTIS] that when the Senate concluded its business this evening we would ask for an adjournment, because I am very anxious in the morning hour to bring up the radio bill.

Mr. ROBINSON of Arkansas. I understood the Senator from Indiana was going to ask for an evening session to consider the radio bill.

Mr. WATSON. I was about to state that fact. After talking with the Senator from Arkansas I agreed, with the consent of the Senate of course, to have an evening session to-morrow evening for the purpose of considering the radio bill; and if that shall have been passed during the evening, then to resume the call of the calendar for unobjected bills until 11 o'clock.

Mr. SWANSON. Mr. President, I can not consent to anything that will interfere very long with consideration of the

conference report. This is a matter which has to go to the House to be disposed of.

Mr. WATSON. But the proposed plan is not going to interfere with the conference report. A night session set apart for certain business will not interfere with the conference report.

Mr. DILL. Mr. President, the Senator ought to know that a night session will avail nothing if we may base our judgment on the experience of the last two night sessions.

Mr. WATSON. Then we will be justified in making a motion to supplant some other measure for the consideration of the radio bill.

Mr. DILL. It seems to me the only way is to go right ahead now.

Mr. SWANSON. Mr. President, let me submit a unanimous-consent request.

Mr. ROBINSON of Arkansas. Does the Senator object to the proposal I submitted?

Mr. SWANSON. Oh, no.

Mr. MOSES. How many unanimous-consent requests have we before us now?

Mr. WATSON. I should like to complete my statement. The situation is such that I think we had better not adjourn to-night, but take a recess until 11 o'clock to-morrow morning and then take up these other matters in order. I think the suggestion of the Senator from Arkansas is a good one.

Mr. MOSES. Now we have two or three unanimous-consent agreements pending.

The VICE PRESIDENT. There is no unanimous-consent request now pending.

Mr. MOSES. The Senator from Maine has proposed one and the Senator from Arkansas has proposed one.

Mr. HALE. Under the circumstances I withdraw my request.

Mr. ROBINSON of Arkansas. I will modify my request at the suggestion of Senators so as to provide that the Senate shall take a recess at the conclusion of to-day's business until 11 o'clock to-morrow, and that following the conclusion of the consideration of the conference report on the naval appropriation bill the Senate shall proceed to the consideration of unobjected bills on the calendar until the hour of 1 o'clock.

Mr. BLACK. Mr. President, I understood when I agreed to the unanimous-consent request submitted by the Senator from Virginia [Mr. GLASS] that it included the understanding that the calendar would be taken up from 11 to 1 o'clock to-morrow. That suggestion was made. If we do not take up the calendar until after the conference report is disposed of and that report should take two hours to dispose of, we will have no chance to get the bills on the calendar disposed of.

Mr. ROBINSON of Arkansas. I am sure it would take only a short time to dispose of the conference report. In the event that matters should take the course the Senator from Alabama has suggested they may take, we will then have to make an additional or another arrangement for consideration of bills on the calendar. I am sure the arrangement I have suggested will work out satisfactorily.

Mr. BLACK. It is all right if we can get some arrangement and if it may be understood that there will be an arrangement so that we may consider bills on the calendar.

Mr. ROBINSON of Arkansas. We can only make one arrangement at a time. If the Senator wants to object of course he can do so, but that still will not leave any arrangement in effect for consideration of unobjected bills on the calendar. My proposal is that just as soon as the conference report on the naval appropriation bill is out of the way, we then proceed to the consideration of unobjected bills on the calendar and continue it until the hour of 1 o'clock when, under the agreement previously entered into, we are again to take up the market bill.

Mr. BINGHAM. The Senator, of course, intends that his proposal shall be worded in the usual formal language in which such agreements are worded?

Mr. ROBINSON of Arkansas. Oh, yes; to consider unobjected bills on the calendar only. That is understood. Otherwise no arrangement can be made.

The VICE PRESIDENT. Is there objection to the unanimous consent request submitted by the Senator from Arkansas? The Chair hears none and it is so ordered.

REPORT OF THE NEAR EAST RELIEF

The VICE PRESIDENT laid before the Senate the report of the Near East Relief, submitted pursuant to law, for the year ended December 31, 1928, which was ordered to lie on the table.

Mr. CAPPER. In accordance with the usual custom, I move that the report be printed as a Senate document.

The VICE PRESIDENT. Without objection, the report will be printed as a Senate document.

AIDS TO NAVIGATION, LIGHT HOUSE SERVICE (S. DOC. NO. 253)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of Commerce, fiscal year 1930, amounting to $190,000, for aids to navigation, Lighthouse Service, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FUNDS COVERED INTO THE TREASURY UNDER SETTLEMENT OF WAR CLAIMS ACT (S. DOC. NO. 255)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation affecting the use of funds required to be covered into the Treasury as miscellaneous receipts under the settlement of war claims act of 1928, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ENFORCEMENT OF WIRELESS COMMUNICATION LAWS (S. DOC. NO. 254)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of Commerce, the fiscal year 1929, to remain available until June 30, 1930, amounting to $50,000, for enforcement of the wireless communication laws, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXPENSES OF THE FIFTEENTH DECENNIAL CENSUS (S. DOC. NO. 256)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation affecting an existing appropriation for the Department of Commerce (expenses of the fifteenth decennial census), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 11476. An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels; to the Committee on the Post Office and Post Roads;

H. R. 16839. An act to provide for investigation of sites suitable for the establishment of a naval airship base; to the Committee on Naval Affairs;

H. R. 16985. An act authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims; and

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.; to the calendar.

H. R. 14938. An act to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes; and

H. R. 16720. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States Warehouse Act, approved August 11, 1916, as amended; to the Committee on Agriculture and Forestry.

H. R. 16659. An act to authorize an appropriation to pay half the cost of a bridge across Cherry Creek on the Cheyenne Indian Reservation, S. Dak.;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota; and

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools; to the Committee on Indian Affairs.

H. R. 16771. An act granting the consent of Congress to compacts or agreements between the States of Wyoming and Idaho with respect to the boundary line between said States;

H. R. 17062. An act to provide for the conveyance of Deer and Virgin Islands in Wheeler Lake, Oconto County, Wis., to the county of Oconto, State of Wisconsin, for public-park purposes; and

H. R. 17101. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 11801. An act to amend section 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto;

H. R. 11802. An act establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the Division of Identification and Information;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16394. An act to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the titles to all or any of the lands constituting the beds of Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens; and

H. J. Res. 399. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; to the Committee on the Judiciary.

H. R. 11916. An act to provide for the care and preservation of certain land and monuments in the Washington Parish Burial Ground (Congressional Cemetery);

H. R. 14449. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 16214. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress;

H. R. 16451. An act to provide for the inspection of the battle field of Star Fort, S. C.; and

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army supply base, New Orleans, La.; to the Committee on Military Affairs.

H. R. 13211. An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes;

H. R. 16314. An act to amend section 198 of the Code of Laws for the District of Columbia;

H. R. 16662. An act to authorize appropriations for buildings, sites, and other facilities for the free public library of the District of Columbia; and

H. R. 16792. An act to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia; to the Committee on the District of Columbia.

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 16036. An act to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project; and

H. R. 17026. An act granting a part of the Federal Building site at Savannah, Ga., to the city of Savannah for street purposes; to the Committee on Public Buildings and Grounds.

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass, connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxtent River, south of Burch, Calvert County, Md;

H. R. 16397. An act granting authority to the Secretary of War to relocate levee of Conway district No. 1, Conway County, Ark.;

H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16349. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at or near Cambridge, Md.;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interest of navigation, opposite or near Chattanooga, Hamilton County, Tenn.;

H. R. 16726. An act authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation, La.;

H. R. 16838. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows;

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 17007. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17060. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; and

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.; to the Committee on Commerce.

H. J. Res. 382. Joint resolution to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930; and

H. J. Res. 390. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale; to the Committee on Foreign Relations.

H. J. Res. 392. Joint resolution to provide for the erection on Government land of a permanent building for the use of the American National Red Cross; to the Committee on the Library.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT. Under an order heretofore agreed to, the Chair refers to appropriate committees as in executive session the messages this day transmitted to the Senate by the President of the United States.

RECESS

Mr. JONES. Mr. President, pursuant to the unanimous-consent agreement, I move that the Senate take a recess.

The motion was agreed to; and the Senate (at 6 o'clock and 10 minutes p. m.), under the order previously entered, took a recess until to-morrow, Wednesday, February 27, 1929, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 26 (legislative day of February 25), 1929

PUBLIC HEALTH SERVICE

Surg. Lunsford D. Fricks to be a senior surgeon in the Public Health Service, to take effect from date of oath, in place of Senior Surg. J. O. Cobb, placed on "waiting orders."

APPOINTMENT IN THE REGULAR ARMY

Maj. Gen. Charles P. Summerall, Chief of Staff, to be general while holding office as Chief of Staff of the Army, with rank from Februry 23, 1929.

POSTMASTERS

ALABAMA

James McDonald to be postmaster at Winfield, Ala., in place of James McDonald. Incumbent's commission expired January 27, 1929.

ARKANSAS

George D. Tubbs to be postmaster at State Sanatorium, Ark. Office became presidential July 1, 1928.

MINNESOTA

Charles C. Gilley to be postmaster at Cold Spring, Minn., in place of C. C. Gilley. Incumbent's commission expires February 28, 1929.

NEW YORK

Mary A. Murphy to be postmaster at Forestport, N. Y., in place of E. J. Murphy, deceased.

NORTH CAROLINA

Annie L. Lassiter to be postmaster at Jackson, N. C., in place of M. E. Barrett, removed.

William K. Stonestreet to be postmaster at Landis, N. C., in place of C. C. Whitaker, resigned.

PENNSYLVANIA

Howard D. Rushong to be postmaster at Collegeville, Pa., in place of H. D. Rushong. Incumbent's commission expires March 3, 1929.

Edward Hoffner to be postmaster at Edge Hill, Pa., in place of Edward Hoffner. Incumbent's commission expires March 3, 1929.

John W. Kuhn to be postmaster at Green Lane, Pa., in place of J. W. Kuhn. Incumbent's commission expires March 3, 1929.

William Millen to be postmaster at Lansford, Pa., in place of R. H. Stickler, removed.

TENNESSEE

Haggai M. Miller to be postmaster at Mountain City, Tenn., in place of H. M. Miller. Incumbent's commission expired May 14, 1928.

TEXAS

John W. Fagg to be postmaster at Blue Ridge, Tex., in place of A. E. Davis. Incumbent's commission expired April 28, 1928.

WISCONSIN

Rufus A. Jones to be postmaster at Black River Falls, Wis., in place of R. A. Jones. Incumbent's commission expires March 3, 1929.

Edward Porter to be postmaster at Cornell, Wis., in place of Edward Porter. Incumbent's commission expires March 3, 1929.

Peter Mies to be postmaster at Mayville, Wis., in place of W. A. Kohl. Incumbent's commission expired June 4, 1928.

Arthur Miller to be postmaster at Withee, Wis., in place of Arthur Miller. Incumbent's commission expires March 3, 1929.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 26, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, above, beyond, and far away are our highest aspirations. We can not reach them now, but we feel them and believe in them. Give us grace and courage to follow their lead. Thou who givest all life, give us hearts replete with thankfulness. Allow nothing to keep us down; but may we strive to direct our admiration for all that is good and noble and all that would enrich and beautify life. O Immortal Love, within whose will righteousness and peace are forever one, pity us; reign in all hearts and bid passion to forever cease. Impress us that beyond all good is being good. Lead us on, seeing Thee who are invisible, working by faith, hope, and love; always seeking to be like the Divine Teacher until we dwell with Him. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever; and

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium.

The message also announced that the Senate had concurred in concurrent resolutions of the House of the following titles:

H. Con. Res. 56. Concurrent resolution to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky, and for the distribution of the 2,500 copies authorized to be printed; and

H. Con. Res. 57. Concurrent resolution to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress.

The message also announced that the Senate agrees, with an amendment, to the amendment of the House to the text of the bill S. 2360, entitled "An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled 'An act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."'"

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5656. An act authorizing the Secretary of the Treasury to grant a right of way for a levee through Carville Marine Hospital Reservation, La.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5864. An act to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.;

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows; and

S. J. Res. 117. Joint resolution authorizing an investigation and survey for a Nicaraguan canal.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States; and

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes; and

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The message also announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the following titles:

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying; and

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter.

LEGISLATIVE APPROPRIATION BILL

Mr. WELSH of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill (H. R. 17053) the legislative appropriation bill, with Senate amendments, and concur in the Senate amendments.

The Senate amendments were read and agreed to.

ADDRESS OF HON. JAMES J. DAVIS, OF THE DEPARTMENT OF LABOR

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by Hon. James J. Davis, Secretary of Labor, at a banquet by the Italian-American Society in Schenley Hotel, Pittsburgh, in honor of my colleague the Hon. CLYDE KELLY.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address delivered by Hon. James J. Davis, Secretary of Labor, at a banquet of the Italian-American Society of Pittsburgh, Pa., January 30, 1929, in honor of my colleague, Hon. CLYDE KELLY:

ADDRESS BEFORE THE ITALIAN-AMERICAN SOCIETY OF PITTSBURGH

I am always glad to meet the people of my own city. It was my privilege to live for many years in this part of the congressional district, and I have known for a long time many of the Italian people who are here before me. I well remember the day when many of you, or your parents, came to this community. And it has been a pleasure to me to watch your growth into a prominent part of the life of this section. You struck right out into every sort of activity—business and professional. You have taken an active part in the civic life about you. Numbers of you have attained the highest personal distinction, and the community has proved its respect and admiration for you all by rewarding you with a liberal measure of happiness and success.

You have found it true that America presents unlimited opportunities to all. The foreign-born have before them the same chance as any other. As I, too, came from across the seas, I know full well whereof I speak. You and I can agree that this country has been good to us. But we know also that what life offers to us here is not in the form of a gift. America insists that every man shall have his opportunity, but also that he shall work for it. The result is that when the rewards come to us we have the satisfaction of feeling that they have been well earned by personal toil and devotion to our country's ideals.

While I am here for the pleasant duty of foregathering with my many Italian friends, another reason that brings me here is to pay tribute to my distinguished friend, Congressman CLYDE KELLY, who is being honored on this occasion by the Italian banquet committee [Applause.] Congressman KELLY and I have been close personal friends for years. I have watched his progress with the greatest interest and admiration, and, from long knowledge of the man, I can say that no man in Congress has more ably represented his people than CLYDE KELLY. I can think of no higher type of public official. No man stands more favorably in the estimation of his colleagues and with the people of the Nation. What respect and affection he enjoys among his own people here I need not remind you. You know that for yourselves. [Applause.]

Congressman KELLY'S labors and services have ever been devoted to the welfare of the people. He has believed, as we believe, that American citizenship means something, that it is a badge of honor and distinction. [Applause.] His successful efforts to secure the passage of laws protecting your rights have been of great and far-reaching importance. [Applause.] It has given me the greater satisfaction to lend all the influence I possess for the enactment of one law in particular—that which protects Italian-Americans from forced military service through the draft from their native country. This has now been made impossible, under the law of our land, and to Congressman KELLY goes endless credit for his efforts in securing its enactment. [Applause.] He richly deserves your commendation, and I am sure he has it, in the greatest measure. [Applause.]

That is one proof of how the American people value those citizens who have come here from Italy. Few persons living within the confines of civilization, for that matter, can think of Italy without emotion, for we know that much of the culture of the present has come down to us from Italian origins. No cultured person neglects a visit to Italy, for the purpose of drinking in its magnificent history. [Applause.] In all our schools and universities the great men of your past are studied with the greatest respect and wonder. Many a distinguished man from another country has lived for years in your land. Some have passed their entire lives there.

Civilization began along the shores of the Mediterranean in Egypt, Greece, and Italy. If the early peoples living in these lands had not been what they were, we should not be what we are to-day. This is a fact that we should never allow ourselves to forget.

Italy has a history which goes back for considerably more than 2,000 years before it becomes lost in the mists of time. There is vast inspiration in the mere thought of antiquity. In America some are always apologizing for our youth, and have been doing it for 300 years, and may, for aught I know, continue to do so for 300 more. But the Italian knows that his land is old, and that his ancestors have spoken more than one tongue. He is proud to remember those ancient days when Rome was mistress of the lands and seas, when the ground shook with the tread of the legions of Cæsar; he is proud of the ancient poets, philosophers, and historians; he is proud it was on his own soil that civilization was reborn, after it had been for centuries in a state of eclipse—Dante was the voice of 10 silent centuries; he is proud to revive in imagination the day when his land, under Victor Emmanuel and Garibaldi, rewon their lost independence. There is no country in the world which has had for so long a period of time such a wonderful history. It would be strange indeed if an Italian did not glory in it. [Applause.]

It is frequently said that we are living to-day in a scientific age, and sometimes we stress science at the expense of the humanities which had their origin along the shores of the Mediterranean. [Applause.] But modern science itself owes to Italian genius an immense debt. If it is Copernicus, half Pole and half German, whom we must hail as the father of modern science, it was Galileo an Italian who demonstrated the truth of the Copernican theory, not to mention his work in other scientific connections. There is no man of science to whom the world owes more than to Galileo, and he has had a long list of worthy Italian successors.

It does not matter in what direction we look. Italy has something to contribute to the cause of civilization in all the arts and sciences. Italian painting, Italian music, and Italian architecture are priceless heritages of the race. Not since the time of the Greeks has there been a sculptor like unto Michael Angelo, and in Leonardo da Vinci the world had one of its few universal geniuses. The Italian mind is by nature artistic, and art has flowered in Italy as naturally as the blossoms awaken at the touch of spring. But our indebtedness to the Italian does not depend wholly on what the Italian has given us directly; we owe even more to what he has given us indirectly. His genius has inspired the genius of every other land and helped to fructify it. There are still thinkers and artists in Italy to whom the world listens and whom it delights to honor. [Applause.]

To-day the peoples of the earth are concerned with the problems of peace. What the world needs is not war but peace. It needs the arts of peace. War should have been outlawed at the time when the industrial revolution began. The swords should then have been turned into plowshares and the spears into pruning hooks.

I have spoken of what the world owes to the past of Italy. But Italy has a living present. She has great scholars, great thinkers, and great writers to-day. Her universities enjoy prestige. The world owes to Italy a debt not only for its geniuses of yesterday but for the genius of to-day. There is, I am convinced, no better blood than flows in Italian veins. There is more to come out of her inner resources of brain and heart.

We do not need to go back very far, however, to record an Italian scientific discovery which has done much to rob the sea of its terror and to restore confidence to the wives and children of those who go down to the sea in ships. I refer to the invention of wireless telegraphy by Signor Marconi. [Applause.] It has already saved many lives and will save many more.

No American could afford to neglect the Italian mind, even if others could, because it was an Italian who discovered America. [Applause.] It does not matter that Christopher Columbus was not aware of the magnitude of his discovery. He is not the first man of whom the same might be said. Besides, if he were unaware of his discovery, we Americans are not. We know, if others do not, what we owe to him. There are those who say that the Norsemen discovered America. There are even those who say that the Chinese discovered it. But what difference does it make whether they did or did not? It was Columbus who awakened the Old World to a knowledge of the new.

It is true that, apart from the fact of its having been an Italian who discovered America, Italians had little or nothing to do with the American continent for a long period of time. The Italians were happy at home. They were prosperous, and they were giving to the world great art and thought. Why should they have emigrated to America? The people who did come—the Spaniards, and Portuguese, and Frenchmen, and Englishmen—came because they were none too happy at home. Some of them came in search of opportunities, and others to worship God according to the dictates of their own conscience. So far as I know, the Italians were making enough money at home to satisfy their requirements, and their consciences were not shocked by the way that their forefathers worshiped God. [Applause.] They appear to me to have been a happy lot.

Italians did not begin to come to America in considerable numbers until the later years of the nineteenth century. Those who came then came for the most part because they were crowded for room at home and needed jobs. Americans found these Italians good workers. A goodly proportion of them found employment on one or another railroad system, sometimes laying new tracks, sometimes repairing old ones. But no matter what they did, they had the kind of stuff in them

that America required, and they prospered as most of the people who came to America prospered. To-day we will find Italians in every walk of American life. Some of them are merchants, manufacturers, lawyers, physicians, teachers, writers, and the like. They have not been found wanting in any capacity, and they have been tried in nearly every capacity. [Applause.]

We are limiting the number of immigrants to America. But, in doing so, we are not expressing any prejudice, for or against, the various nationalities who have come in the past to make their home with us. But America has learned, though it has taken us long to learn the lesson, that her resources, though great, are limited. We have only so much land and so many jobs. Immediately after the war, and before the enactment of the law limiting immigration, more than 5,000,000 of our workers were out of employment. If we had not restricted immigration America would have been swamped. We would have had jobs neither for our native sons nor for our immigrants. There would have been hunger and a lack of sheltering roofs. I am sure that the immigrant would have suffered even more than the native born, and that our restriction of immigration benefited the immigrant as it benefited our own people. Moreover, I am certain, as I have been told by foreign officials, that the restriction of immigration to America was a blessing to every land in Europe. The war-weary nations in Europe needed their workers, and our immigration act compelled the bulk of European labor to remain where it was needed—that is, at home. [Applause.]

The annual immigration quota from Italy is not large, but the number of persons who may enter the United States from any country is not determined enfirely by quota. There are nonquota classes, which include, among others, the wives and minor children of citizens of the United States.

You will be interested to know, therefore, that last year the number of Italians who came here for permanent residence was among the largest of all the countries of Europe. While Germany sent a larger number—58,243—Italy supplied 35,716, and England only 21,298.

Of all the immigration from all the countries of Europe combined, Italy's share was about one-seventh. Taking all the countries of Great Britain together—England, Scotland, Wales, and Northern Ireland—Italy would be third in the list of European countries in point of immigration. Yet more than fifteen times as many Italians were admitted to enter this country last year than came from my own native land of Wales.

The success you have attained here is testimony to the value we set on your citizenship. The fact that so many Italians became naturalized is one reason why we admitted so many of your people last year. Sensible Americans are glad to have you here, with your genius and character, to enrich our national life. Italy is loved by every scholar who knows her present and past. Two distinguished Americans have translated your greatest poet—Dante—into English, and many other Americans have done the same for other great Italian authors.

They know that the people of Italy have had something to say to the world that has not been said elsewhere, that, except for the period of the Dark Ages, Italy has always had something to say that could be neglected only to one's hurt. We owe much to the people who came here from other lands.

No American then can afford to neglect our common indebtedness to Europe. One of your number discovered us; our forefathers were all Europeans. To the American, as to the European, Italy, Greece, and Palestine have contributed much to our ideals.

We would not part with what those three nations have contributed to our country. Our art, our literature, and our science are, in their inception, borrowings from these older nations. The rewards we give you should be as generous as the gifts to us. May we always go on in the one pathway of amity and peace and the free exchange of our good deeds in true brotherhood! [Applause.]

ARLINGTON MEMORIAL BRIDGE AND MEMORIAL HIGHWAY

Mr. WOOD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. Mr. Speaker and gentlemen of the House, I wish to call your attention to a matter that I think every Member of Congress has an appealing and vital interest in. We have authorized an appropriation of $15,000,000 to build a memorial bridge. We have authorized an expenditure of $4,500,000 to build a memorial road meeting this bridge.

Now, we are confronted with what seems to be a very imminent danger of having all this despoiled by the erection of a slaughterhouse within 2,000 feet of the southern end of this bridge, and along this memorial road.

I am introducing in this House to-day a resolution with two purposes; one is to call the attention of Congress to what is being done, and perhaps if it is persisted in that further appropriations be not made for the further construction of the memorial bridge or the construction of that highway. [Applause.] And for the further purpose of calling the attention of the Department of Justice to what is going on, and if the State of Virginia, which has the prime interest in ordering it stopped, if it fails to do its duty, that the United States Government, through the Attorney General, stop it. [Applause.]

To my mind it is unthinkable that any citizen of the United States that has any pride whatever in his country and in this beautiful city of Washington should dare to build a structure of that character along this memorial highway and so near the memorial bridge. It would be an offense not only to the sight but to the smell. It would be within 2,000 feet of the end of that bridge, and its stench would come across it to the White House and all over the Capital.

Mr. DICKSTEIN. Has the State of Virginia issued a permit for the building of this structure?

Mr. WOOD. I do not know whether they require a permit. I understand they own the land. It certainly is a nuisance, and it can be stopped if proper steps are taken to stop it. I heard about this some days ago, but I thought it was simply some newspaper gossip. However, it seems now to have taken such form that unless something is done and done quickly, this thing will be consummated.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. ELLIOTT. I understand that there is a petition pending before the commissioners of Arlington County now asking permission to erect a slaughterhouse.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. MOORE of Virginia. I understand the situation to be this: The project has been brought to the attention of the board of supervisors which is the governing body of Arlington County. A permit is being sought. That permit has not been granted. I have no information that it will be granted. The formal application is to be presented to the board on the 28th of the month, and I have heard that then some future date will be fixed for a hearing. There has been very strenuous local protest, and while I am not in a position to give any guaranty, because I do not belong to the governing board, and I am not authorized to speak for it, yet in my opinion it is altogether unlikely that the permit will be granted.

Mr. WOOD. I wish to state to the gentleman that I understand also that protests have been made against it by many, one coming from the Secretary of War and another from Colonel Grant, Superintendent of Public Buildings and Grounds. Those protests were filed some time ago, but notwithstanding the efforts made by these officials they seem to be going on with the determination to build this nuisance. It is going to take something more than protests to stop them.

Mr. MOORE of Virginia. Mr. Speaker, the gentleman from Indiana is correct in saying that the protests he has indicated have been made. Many additional protests have been filed. However, the law requires that applications for permits shall be considered by the board, and the board is simply exercising a legal function in considering the application in question. I do not think the gentleman from Indiana or anyone else has a right to assume that the application is going to be granted. An abattoir can not be built where proposed unless the application is approved and a permit issued.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to extend my remarks by publishing an editorial from the Washington Star.

The SPEAKER. Is there objection?

There was no objection.

The editorial referred to is as follows:

[From the Washington Star, February 22, 1929]

THE SLAUGHTERHOUSE MENACE

Though it be housed in a structure of magnificent beauty, though it be surrounded by gardens of fragrant flowers and shrubbery, though it be so constructed as to give it the semblance of being a part of the collection of temples and shrines in its immediate vicinity, a slaughterhouse can never be camouflaged and made to exude an aroma that is anything but foul and offensive. Though pigs be given perfumed shower baths and housed in cribs or pens of sweet lavender, the atmosphere for several miles of surrounding territory will most surely be continuously reeking with the malodorous emanations from their place of confinement. Though every precaution be taken to make such an industry as attractive as possible, it can never be anything other than a nuisance of the most obnoxious nature if located in or near a residential community.

If the application for permission to erect a slaughterhouse on the Virginia side of the Potomac on a site between Columbia Pike and the Potomac River, Arlington Memorial Bridge and the Highway Bridge, is granted by the Arlington County Commissioners an offense of grave

proportions will have been committed—an offense affecting not only the county itself, but one which will bring shame and humiliation to the people of the entire United States. The location under consideration is literally at the foot of Arlington National Cemetery and the Tomb of the Unknown Soldier, a shrine to which the whole world makes pilgrimage and pays tribute. It will be less than two miles from the White House and but little more than half a mile from the Lincoln Memorial. Its sewage will empty into the river directly opposite that section of Potomac Park, and the river at that point is a scant half-mile wide. With the completion of the Arlington Memorial Bridge and the magnificent national boulevard which is to link the National Capital, Arlington Cemetery, and Mount Vernon with the most beautiful driveway in the world, the entrance into Virginia will be made actually at the gates of the slaughterhouse, and the Mount Vernon branch of the boulevard will form a semicircle around the plant.

It is inconceivable that the commissioners of Arlington County desire to commit such an offense against the Nation, or against the residents and taxpayers of the adjacent communities. Ceremonies at the Tomb of the Unknown Soldier will be accompanied by the noisome stench emanating from the carloads of animals being shipped into the plant as well as from the foul odors which will exude from the slaughterhouse itself. Potomac Park will become a place to be avoided instead of the attractive and restful driveway and gathering place of the people. The Tidal Basin will be doomed as a place for pleasure, and no longer will the cherry blossoms encircling that body of water draw the thousands of visitors from all parts of the world who annually come to enjoy their beauty. At the White House there would be almost an incessant explanation and apology to delegations and visitors for the "bad smell which comes from Virginia."

The obvious injury to Arlington County itself, if this permit be granted, is one to which the commissioners should give the most careful consideration. Beautiful homes which now cover the heights above the site of the proposed plant will be abandoned as their occupants and owners flee from the nauseating stench. A rapid depreciation of property values will almost assuredly follow, and in a short time the territory which now enjoys the greatest opportunity in its history to become the garden spot of the Old Dominion will deteriorate and degenerate into an unsightly, evil-smelling neighborhood of objectionable industries, for the establishment of a slaughterhouse would serve as an opening wedge for other industries equally obnoxious and undesirable.

The Secretary of War has made a strong protest against the granting of the permit. He has, in fact, asked that he be given an opportunity to appear before a hearing if one should be held. Apparently, no hearing will be held, for the decision of the commission will be made on the 28th of this month, only a few days hence. Lieut. Col. U. S. Grant, 3d, superintendent of public buildings and parks, and a member of the National Capital Park and Planning Commission, has also registered his disapproval. The Virginia Park and Planning Commission opposes the granting of the permit, and every organization within the county has made a plea for its denial.

In the face of all these objections, and with not a single feature of the industry itself in its favor, it is inconceivable that the Arlington County commissioners will grant the application of the packing company and bring upon the State of Virginia, the National Capital, and the United States the shame and humiliation of the desecration of the territory which is now in process of dedication to the Nation's honored dead.

BRIDGE IN PIERCE COUNTY, WASH.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5879) authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly know as the Narrows, and consider the same at this time. An identical House bill (H. R. 16838) was passed by the House yesterday.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of Senate bill 5879, which the Clerk will report.

The Clerk read as follows:

Be is enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Llewellyn Evans, J. F. Hickey, and B. A. Lewis, hereinafter called the grantees, and their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After completion of such bridge, as determined by the Secretary of War either the State of Washington, or any municipality or political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. The grantees and their assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Washington, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acqquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Washington shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said grantees and their assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the grantees and their assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

YORKTOWN SESQUICENTENNIAL EXPOSITION

The SPEAKER. To fill the vacancy on the Yorktown Sesquicentennial Exposition Commission caused by the death of Mr. Frothingham, of Massachusetts, the Chair appoints Mr. STOBBS, of Massachusetts.

IMPROVEMENT OF THE OREGON CAVES, SISKIYOU NATIONAL FOREST

Mr. COLTON, Mr. Speaker, I call up the conference report upon the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., and move its adoption. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Utah calls up a conference report upon the bill S. 3162, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

DON B. COLTON,
SAM B. HILL,
Managers on the part of the House.
CHAS. L. MCNARY,
E. D. SMITH,
Managers on the part of the Senate.

STATEMENT

The managers of the House submit the following statement in explanation of the action agreed upon and recommended in the conference report, namely:

The first amendment simply substitutes "is" for "be."

The second amendment inserts the words "in more than" on page 2, line 2, of the bill, and is accepted by the parties interested.

Amendment 3, on which the House recedes, added to section 2 the words "including the fixing of charges for admission to said caves sufficient to maintain and develop them."

These caves form an interesting geological exhibit of permanent public interest and value. The only means the Forest Service had to protect and supervise these caves was giving a special permit for the purpose of providing guide service through the caves and erecting permanent improvements and operating guide headquarters, rest room, and other improvements for the convenience of the public. The amount of the fee to be charged the public for his service is agreed upon with the forest supervisor each year. It is probable that the future patronage will exceed that of the past. Unless the present arrangement is continued, the Government will be compelled to install its own system of guides, which would entail new supervisory responsibilities and a considerable increase in expenditures.

The Department of Agriculture favors the continuation of the present policy and believe that, in view of the improvements authorized by this bill, the permittees will be able to reduce their fee for guide service. That seems to your conferees, a preferable arrangement.

DON B. COLTON,
SAM B. HILL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ADDRESS OF HON. CLYDE KELLY

Mr. HOGG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address delivered by the gentleman from Pennsylvania [Mr. KELLY] on the one hundred and twentieth anniversary of Abraham Lincoln's birth, on the life of Abraham Lincoln.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. HOGG. Mr. Speaker, in accordance with the consent given to extend my remarks in the RECORD, I desire to print the address given by our colleague, Hon. CLYDE KELLY, of Pennsylvania, at the one hundred and twentieth anniversary of the birth of Abraham Lincoln, in Soldiers' Memorial Hall, in Pittsburgh, on the 12th of February. The commemoration and banquet was held under the auspices of the Grand Army of the Republic and the Sons of Union Veterans of the Civil War. Participating in the event were the Ladies' Auxiliary of Sons of Union Veterans, Woman's Relief Corps, Ladies of the Grand Army of the Republic, and Daughters of Union Veterans. The presiding officer was C. H. William Ruhe, past department commander Grand Army of the Republic and president of the Veteran Guard.

The address is as follows:

ABRAHAM LINCOLN

Commander Ruhe, members of the Veteran Guard of the Grand Army of the Republic, and members of the Sons of Union Veterans of the Civil War: Abraham Lincoln is a large subject for a small speech. In 56 years he acted many parts on the stage of life and each one has been the basis for a volume.

He was a Pennsylvanian by descent, a Virginian by parentage, an Indianian by education, an Illinoisan by residence, an American by life. He had within himself the characteristics which proclaimed him "new birth of our new soil—the first American."

It may truly be said that this man is the first born on our soil, bred from the cradle under American institutions and constitutions, who rose out of deepest poverty to the highest place in the land. He was American through and through in his virtues and his weaknesses—American in everything that gave him undying fame.

What do I mean by American? What is the dominant quality in Americanism? I take it to be faith in man. America was built on that faith before it was built on governmental machinery. That faith was the fuel in the engine. Those founding fathers who declared that "all men are created equal and have inalienable right to life, liberty, and the pursuit of happiness" were heroes of faith in mankind. The men who wrote the Constitution of the United States believed so completely in the wisdom and the patriotism of the people that they entrusted to the common man the power to preserve or to destroy their "Holy Experiment."

Other Governments distrusted the people and set up the divine right of kings to rule. America enthroned the idea of the divine right of the people to rule themselves. These master builders bet their own lives and possessions and the life of their new nation on the intelligence of the American people.

If faith in man be the supreme trait in Americanism, then I believe it true that no man has ever embodied that trait more perfectly than that uncommon Commoner, that master man whose birth we celebrate to-night. It is often said that Lincoln possessed an extraordinary combination of mental and moral qualities. That is true but in every life there must be one dominant quality which furnishes the key and explanation of them all.

The Lincoln key characteristic was his faith in common manhood and its possibilities for growth and development. That faith shines out in every word and deed. It is that which molded and made the Lincoln we love. It was that which Premier Lloyd George singled out in his dedication address when the monument to Abraham Lincoln was unveiled in Westminster Abbey in 1920. "It was his trust in the people," said the Premier, "his belief in democracy, which has made him the cherished possession of the common people of the world."

Here is a man who never won a battle but who eclipsed the fame of world conquerors. Uneducated in the schools, his utterances have been declared by classic Oxford college to be the finest examples of pure English in the history of the race. Without executive experience, he built out of warring elements, a Union that has become the most powerful the world has ever known.

Do you ask the secret of these seeming miracles? Let Lincoln answer: "Allow all the governed an equal voice in the government; that and that only is self-government. I insist that if there is anything that it is the duty of the whole people never to intrust to hands other than their own, that thing is the preservation of their own liberties and institutions." * * * I want to lift men up, to broaden rather than contract their privileges. * * * I stand for the man above the dollar. * * * The peoples' will constitutionally expressed is the ultimate law for all.

I know of nothing more important to-night than for us as Americans in the land of Lincoln, to consider the Lincoln faith. The danger of losing that faith confronts us as never before. The past 25 years, with their marvelous, scientific progress and material advancement have gained us much, but they seem to have brought a loss as well—a loss of belief in man.

Through books and lectures and in conversation, we hear the cynics who sit in the seats of the scornful, mocking at the intelligence and the virtue of the common people who loved Lincoln and whom Lincoln loved. He insisted that the Lord loved the common people, too, for he made so many of them.

But these modern political atheists never see a good quality in man nor fail to see a bad one. They sneer at right and wrong as superstitious ideas. They besmatter with mud the great names which shine out in American history. They are human owls, loving the darkness and hunting for vermin, while denying that the sun shines in the heavens. They bulwark their faithlessness with argument. They point to the assaults upon democracy in many lands. Russia, under a dictatorship of the proletariat; Italy under the dictatorship of the Fascista; Spain, Portgual, Yugoslavia under the rule of dictators; in all these lands men are ruled without their own consent. In America, too, say these cynics and mockers, we shall have to admit that the people are not to be trusted with self-government and perforce provide some kind of dictatorship to replace democracy.

That is a fundamental conflict far more vital than any disputes over the tariff or between political parties. Its result will determine whether America will follow the Lincoln faith to security and prosperity or be destroyed by loss of faith. Our danger is not corruption nor armed force; we have met them and conquered them in the past. Our danger is—no faith.

Let me put before you two contrasting pictures for your inspection. Here is a disordered, littered-up lawyer's office in Springfield, Ill., in the summer of 1858. Half a dozen men are sitting in dilapidated chairs. Their hands are clenched; their faces grim set as the faces of men who have made up their minds beyond the chance of change.

There sits Herndon, law partner of Lincoln, with pages of Lincoln's manuscript in his hand. He reads once more aloud a dynamic declaration from the speech which Lincoln proposes to give in his acceptance of the Republican nomination for United States Senator from Illinois.

"A house divided against itself can not stand. I believe this Government can not endure half slave and half free. I do not expect the Union to be dissolved. I do not expect the house to fall, but I do expect it will cease to be divided."

That statement has since been hailed as a "shout from the watchtower of history." These friends of Lincoln in the office that day do not so regard it. They understand what that declaration means better than we do to-day. Slaveholders were on the aggressive and were threatening disunion. The North was panic-stricken, willing to yield many things if peace might be preserved. The suggestion that slavery might overthrow freedom in the entire Union was to risk not only political suicide but personal safety as well.

Grim silence follows the reading. Then Herndon says, "It must be stricken out." Joshua Speed and the others earnestly agree and all look toward a tall, angular, melancholy looking man who stands gazing out of the window. Head bent forward, his sad, sympathetic eyes seem not to view the scene in the street below but rather to look upon a vision of the years that lie ahead. Still those eyes, though they see dread things to come, are steadfast, faithful, and true.

That silent man is Nancy Hank's boy grown up to Honest Abe. He is not famous nor successful but looks instead like a mournful failure. His friends, loving him and ambitious for him, do not dream that that homely countenance will be made immortal on canvas and in marble and bronze and that the kindly faith of Lincoln will be a loved possession of the plain people of the world.

Just now his friends are angry with him. Why does he insist upon his folly in the face of this worldly wise advice? However true his "house divided against itself" allusion, it must not be permitted to destroy him. He must not imperil his political future by a few words.

After a long time, Lincoln turns around and approaches the group of old-time, true and trusted friends. One gnarled hand strikes into the other and Lincoln speaks in a voice whose sincerity and determination brook no contradiction.

"Old friends," he says, "my mind is made up. It is the truth, and I will deliver it as written. I am nothing, but truth is everything. Slavery is a black, foul lie that can never be consecrated into God's hallowed truth. I would rather be defeated with those expressions in my speech held up and discussed before the people than be victorious without them. The people will decide aright. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? Let us have faith that right makes might and in that faith let us dare to do our duty as we understand it."

There is no further debate. The speech is delivered exactly as written, and it changes history. The passage to which the friends objected becomes the factor which makes this honest, courageous man President of the United States. The people he trusted gave him a majority of votes in the senatorial contest, for he received 126,000 to 121,000 for Douglas. In the legislature Lincoln lost by 8 votes, but he was the true victor. He had spent $1,000 against a fund of $80,000 spent for Douglas. Lincoln won every real point. His faith had made him whole.

Now, against that picture of courageous, radiant Americanism let me place another of darker hue.

Here is a classroom in a college in 1929. A hundred young Americans are sitting there listening to a professor of history and civics. Young, eager minds they have, open to new impressions and easily influenced. The instructor enthusiastically commends a new book, Political Behavior. Its author is Frank Kent, the well-known political writer of Baltimore. He says his book contains "the heretofore unwritten laws, customs, and principles of politics as practiced in the United States."

The professor, with a self-satisfied smile of superiority, reads these excerpts from this so-called textbook of American politics:

"* * * Probably the most important single accomplishment for the politically ambitious, the most effective asset they can possibly acquire, is the fine art of seeming to say something without doing so. * * * Absolute sincerity and a successful political career are utterly incongruous and impossible. The two things simply do not click. Anything like complete candor with the voters is fatal to any candidacy * * *.

"* * * It is a fact that the American people as a whole can not stand complete sincerity in politics and that any man who told them the unvarnished truth about the issues, about himself, about his opponet, would be politically destroyed * * *.

"* * * The simple truth is that the great mass of the voters are utterly uninformed and unintelligent, impervious to reason, can be reached only through their emotions; are swayed wholly by their prejudices or personal interests * * *.

"* * * If, as must be obvious to all save the completely inexperienced and unsophisticated, being sincere and sensible is the surest way to be defeated, it is silly to make a sincere and sensible campaign * * *. The number of really intelligent and informed voters to whom it is possible for a candidate to appeal in the State or Nation is negligible * * *.

"* * * If you prove a candidate's ignorance, it is almost sure to elect him. The people themselves, being ignorant and conscious of the fact, have a natural and spontaneous sympathy with the man exposed as ignorant * * *.

"* * * A man in politics is foolish to hold on to his convictions after they have become unpopular with the people. No successful politician can afford to stand steadfastly by his convictions and none do. There is no more fatal thing for a politician than a fixed principle * * *. If you do not fool the people, they will turn on you. They resent the candidate or the party that does not fool them * * *.

"* * * In politics most of the time a man goes dead against his head and heart, his mind and conscience.

"* * * The people, as a whole, can not distinguish right and wrong. One might as well talk about right and wrong in the solving of a cross-word puzzle. Looked at in the right light, politics is not an immoral game, it is merely unmoral."

These are but excerpts from 342 pages of such philosophy, which belong rightfully in a book entitled "Political Misbehavior." Some of the students ask if it is intended to be a burlesque or comedy production. They are assured that it is a serious handbook written by a political expert of great wisdom.

One student gives his view: "Either Mr. Kent believes he is telling the truth or he does not. If he does, he is not intelligent enough to write a book on American politics. If he does not, he is not fit to be a citizen in a people's nation."

The instructor warmly chides the boy for expressing such out-of-date sentiments and commends a more careful study of the book. In the minds of the members of the class are implanted doctrines which are certain to influence their behavior when they enter upon the activities of American citizenship.

My friends, those two pictures are symbols of the struggle which rages to-day for the future of America. What shall it profit America if we have wealth and population and automobiles, but lose our own soul. If Kent and his fellow cynics are right, the nation of Abraham Lincoln can not endure. If they are right, Lincoln's "government of the people, for the people, and by the people" should perish from the earth because of its weakness and its false pretense. Nor can it endure half true to the faith of Lincoln and half follower of the unbeliever.

Free government does not perish from one blow. It dies from the assaults of insidious, unseen enemies. I know of no enemies more deadly than these cynical souls who preach that the American people are "impervious to reason." If that be true, it follows that the people should be protected against their ignorance by those few supermen who modestly admit that they alone are open to the dictates of reason. That superiority will excuse their robbing the people of one right to-day and another to-morrow.

It is the method of the termites, or white ants, which are now ravaging sections of California, having found their way here from Africa and South America. They are blind slugs and never appear above the ground. They construct their tunnels under buildings and come up through posts and pillars and rafters, eating out the inner

wood and leaving only a shell behind. At last the structure falls into a shapeless heap of dust and rubbish.

It is time to awaken to the danger. There are no ancient liberties, for liberty can not be inherited. It must be won and kept by each generation. Liberty is no gift of God, like the air and the sunshine. It is something won by struggle and toil and fighting. It demands the spirit of Abraham Lincoln in the men of to-day.

Now, let us face the question frankly. Are Americans to-day incapable of self-government? Are they morons swayed only by petty prejudices and personal interests?

I do not pretend that the history of America shows that public opinion is always infallible. Sometimes the people have been like these settlers at Jamestown in 1607, who thought a hill of yellow pyrites of iron was a heap of real gold, and sent a ship load to England only to find it was worthless fool's gold.

But I want to show to-night that Lincoln knew all that and still kept his faith. He knew the people's prejudices and their possibilities. He helped them conquer one and realize the other. He knew that the whole basis of democracy is that the people have judgments and that they will correct their mistakes in judgment.

Let us look at Lincoln in the light of this highly commended text book of politics which claims to teach the only path to success in American politics. The people as a whole to-day must be adjudged more intelligent than in 1860, when universal education was as yet unknown.

If Lincoln could safely trust the people of his day, surely we may go as far with safety. There has been a steady advance in enlightenment during two generations. Despite our mistakes and failures, the people in 1929 stand on a higher intellectual and moral plane than in 1860.

Since that time we have built on the basis of people's rule the richest and most powerful nation on the globe. Instead of a land half slave and half free, as in his day, we have a realm where "if a slave's foot press it sets him free." We have met a world crisis in war and the mighty tests of peace successfully. Surely if we can prove that Lincoln's faith in the common man had a sound basis in his day, that faith has a still more enduring foundation in our own times.

Now, what was Lincoln's method which brought him from log cabin to the Capitol and White House? Did he act on the belief that the first principle of political success is the fine art of seeming to say something without doing so? Did he believe it silly to make a sincere and sensible campaign? Was he a weather vane of convictions? Did he seek to fool the people? Did he go dead against his head and heart, his mind and conscience? Was his success due to crooked and dishonest politics?

Simply to ask these questions shows how monstrous are the rules for political success as laid down by Kent in his Political Behavior.

You remember how Lincoln declared for woman suffrage in his first announcement for the legislature. That was no vote-snaring scheme—it was the most unpopular plank he could have selected for his platform. But he believed in it as a part of the people's right to rule, and he said so, even though he could easily have avoided mentioning it.

At the very beginning of his political career one Col. Robert Allen made the statement that he knew facts which if disclosed would ruin Lincoln's chances of election.

Mr. Kent knows exactly what the successful politician must do in such a case. At all costs he must keep such a story from becoming public. To do anything else would be silly and unpardonable folly.

What did Lincoln do? He wrote at once to Colonel Allen, and he said:

"I once had the confidence of the people. If I have since done anything which if known would subject me to a forfeiture of that confidence, he that knows that thing and conceals it, is a traitor to his country's interest."

Lincoln never dodged an issue, and his one aim was to make the people understand exactly what he meant. Mobs were committing lawless acts in Illinois. Did he keep silent and talk about other things? No; he said:

"Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberties. Let reverence for the law become the political religion of the Nation."

The liquor question was as bitterly contested as to-day. Did he run away from such an issue? Instead he delivered a burning address, in which he compared slavery and liquor control. He said:

"Turn now to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery manumitted, a greater tyrant deposed."

Strange, indeed, that such a completely inexperienced and unsophisticated politician should have succeeded. Kent says such tactics could only end in destruction. But the people elected and reelected this man to the legislature. Then they sent him to Congress. Somehow the people loved and trusted this man.

"Whose soul was clean and strong, whose sword was bright and keen,
Who knew the splendor of the fight and what its issues mean,
Who never took one step aside, nor stopped though hope was dim,
But cleft a pathway through the strife and bade men follow him."

As a Member of Congress, Lincoln still did not try to fool the people. The Mexican War was at the threshold. Lincoln voted at once for a resolution declaring that the war was "unnecessarily and unconstitutionally commenced by the President." He introduced his famous "spot" resolution, asking the President to locate the spot where he said American blood had been shed by Mexican soldiers.

His friend Herndon wrote that his course would ruin him politically. Lincoln responded: "Would you have voted what you felt and knew to be a lie? Would you have gone out of the House—skulked the vote? If you had skulked one vote you would have had to skulk many more before the end of the session."

These modern mockers would have made short shrift in answering those agonized questions of Lincoln. "Certainly, vote what you know to be a lie. Its the only way to succeed in politics. Skulk any number of votes. If you do not fool the people they will turn on you."

Thank God for the honesty and the inspiring example of Congressman Abraham Lincoln.

That term of Congress was full of vexing problems. The storm center was the Wilmot proviso, introduced by a Pennsylvania Congressman, David Wilmot, of Towanda. It aroused the fiercest passions for it provided that "in the territory to be secured from Mexico there should be neither slavery nor involuntary servitude, except as a punishment for crime, of which the party shall have been duly convicted."

Lincoln never skulked a test upon it but stated that he voted for the Wilmot proviso forty times during this congressional term. He believed that the people could tell right from wrong. He always stressed the moral side of the question. "Slavery is wrong" was the burden of his cry.

His faith in peoples rule and self-government was as wide as mankind, not qualified by race nor sex. He said:

"My faith in the proposition that each man should do precisely as he pleases with all that is exclusively his own lies at the foundation of the sense of justice that is within me. When the white man governs himself that is self-government, but when he governs himself and also governs another man, that is despotism. I say that no man is good enough to govern another man without that other's consent."

His term in Congress completed, Lincoln returned to the practice of law in Springfield. He was the same faithful, honest, outspoken American. He would refuse cases even from friends if he believed justice was on the other side. He would abandon cases even in the midst of trial when facts were produced which showed his client in the wrong. In his very first case before the circuit court he stated that his examination had showed him that all the authorities were on the other side and none of his own. Carl Schurz says "It is not surprising that the mere appearance of so conscientious an attorney in any case should have carried, not only to the juries, but even to judges, a presumption of right on his side."

Lincoln could not stay out of politics. His love for justice and right forced him out on the stage of political affairs. His return was marked by defiance of another of Kent's laws of political success—blind following of party names. Lincoln bolted the old Whig Party, with which he had been affiliated, and helped to organize the new Republican Party. He joined in a declaration of the convention that "repudiating all previous party attachments, names, and predilections we unite ourselves together pledged to bring the administration of the Government back to the control of first principles."

Lincoln's loyalty was to the people rather than party. "I will stand with anybody that stands right," he said, "Stand with him while he is right and part from him when he goes wrong."

Soon he was the representative of the new party in the campaign against Douglass. In these historic debates he did not talk to the people as though they were morons, unable to understand the issues, or weaklings swayed only by their emotions. He expounded the most fundamental things in political philosophy in words as clear as crystal.

It was these masterly addresses, replete with logic and clear thinking, that won him a majority of the popular vote for Senator and also forced his nomination for President of the United States. Remember, Lincoln was a wise politician, although in Frank Kent's eyes, he was an ignoramus beyond compare. Lincoln had had practical experience and had been a candidate for public office many times. As far as I know Kent has never been a candidate but has spent his life writing cynical comments on politics and politicians. But Lincoln knew the people as well as any man ever did. He knew the probable effect of a man's sayings and doings on the public mind. Knowing more about political psychology than all the Kents who ever lived, he went before the people and told the frank, unvarnished truth. Somehow, the people, those ignorant, blind, prejudiced souls, understood this man and voted for him. They saw the strength and sureness of this God-appointed leader of theirs and they gave him their loyalty and their love.

Lincoln's trust in the people led to their trust in him. Hear him:

"Those who deny freedom for others deserve it not for themselves, and under the rule of a just God can not long retain it. We must make this a land of liberty in fact as well as in name. Let us appeal to the sense and patriotism of the people and not to their prejudices. Let us spread the floods of enthusiasm aroused here over the vast prairies so

suggestive of freedom. There is both power and magic in public opinion. To that let us now appeal."

Is that not an inspiring contrast to the sneering jibes which blight the very roots of Americanism? Should there be hesitation in choosing this day whom you will follow—Lincoln or the mockers?

When the Republican National Convention came and Seward, and Chase, and other eastern leaders seemed to be far outstripping the Railsplitter, some of the Illinois delegates suggested promises of appointments in Lincoln's name. Surely any successful politician must be willing to promise the world in such a situation. What did Lincoln say? Without a moment's hesitation he commanded his friends:

"I authorize no bargains and will be bound by none."

Impossible, of course, but this man, defying every rule laid down in "political behavior," was chosen standard bearer in the most critical period of American history. More than that, he was elected President by the people.

With secession lifting its head and the pillars of the temple of the Republic trembling, Lincoln held firm his faith in the people. No storm could shake his confidence in majority rule. Here is what he said:

"A majority held in restraint by constitutional checks and limitations and always changing easily with deliberate changes of popular opinions and sentiments is the only sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or despotism. We should all be bound by the majority of the American people; if not, then a minority must control. Would that be right? Assuredly not. If I adopt a wrong policy the opportunity for condemnation will occur in four years time. Then I can be turned out and a better man with better views put in my place."

Mr. Kent says that the number of really intelligent and informed voters is a very small minority, but of course it should rule. Vastly different is the Lincoln belief that every power, barring none, belongs to all the people. Hear him:

"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall be weary of the existing Government, they can exercise their constitutional right of amending it or their revolutionary right to dismember or overthrow it."

That is a heart-and-soul conviction indeed. What does Mr. Kent say about the folly of holding to convictions? "No successful politician can afford to stand steadfastly by his convictions and none do."

Listen to Lincoln in those agonizing days of 1860:

"There is no possible compromise but which puts us under again and leaves us all our work to be done over again. On that point hold firm as with a chain of steel."

In Independence Hall, in Philadelphia, when he was on his way to Washington to be inaugurated President, Lincoln said:

"If this country can not be saved without giving up the principle of the declaration, I would rather be assassinated on this spot than surrender it."

Does that sound as though this man dared not have a fixed principle which he would maintain, even with his life? In the darkest hours of the Civil War he cried out:

"I expect to maintain this contest until successful or until I die or am conquered or my term expires or the country or Congress forsakes me."

I am not going to recount the four years of stress and storm this man, "with malice toward none, with charity for all," had to endure as he held firmly to the right as God gave him to see the right. Fortunate, indeed, that in that whirlwind time a man of the people held command.

You boys in blue here to-night as honor guests know those four years better than the rest of us. I leave it to you if it was not love for Lincoln and faith in him which sent you to the Army of the Union rather than all the fine-spun theories. You were part of a mighty force 2,778,000 strong, most of you young lads just coming into manhood. As many men entered the Army and Navy for Lincoln as there were people in the United States when our fathers declared all men are created equal. Surely that proves that the American people were as worthy of confidence as Abraham Lincoln believed them to be.

It seems like a long time since you men of the Grand Army of the Republic answered the call of Father Abraham. But his cause and yours is not old; it is young and vital. Your spirit is not old; it inspires the heart of every American worthy of the name. We honor you to-day for your faith and the price you were willing to pay for it. We owe to Lincoln and you the fact that we have one land and one flag. God grant that we shall never forget our debt to you who still remain and who, pray God, shall long remain as living symbols of patriotic faith and devotion.

Lincoln kept his faith in man until he died. He might have been excused for keeping silence on vexing issues. Instead he constantly argued all the facts. He wrote letters to public officials and private citizens. He wrote statements to communities and public gatherings. Unwearied, he debated the great features of his policy with the people. He was not spending his life and energy in order to say nothing while seeming to say something. He brought all the truth out in the sunshine for the people to see.

He counted on the people only. In response to a seranade by an Indiana regiment he said:

"For your kind expression I am extremely grateful, but on the other hand, I assure you that the Nation is more indebted to you and to such as you than to me. It is upon the brave hearts and strong arms of the people of the country that our reliance has been placed in support of free government and free institutions."

When the working men of Manchester, England, hard pressed by the closing of the cotton mills, sent a letter of encouragement to Lincoln, he responded:

"Under the circumstances, I can not but regard your decisive utterances upon the slavery question as an instance of sublime Christian heroism which has not been surpassed in any age or in any country. It is, indeed, an energetic and reinspiring assurance of the inherent power of truth and of the ultimate and universal triumph of justice, humanity, and freedom."

In the midst of war, long-drawn out; with defeats coming thick and fast; with a popular general the candidate against him, Lincoln was triumphantly reelected by the people he trusted. This man who never tried to deceive the people, nor dodge an issue, summed it up when he said:

"You can fool all the people part of the time, and some of the people all the time, but you can not fool all the people all of the time."

He never said the people were infallible and never made mistakes. His faith in the people rested in the fact that the voice of the people, speaking after enlightenment, is the nearest thing to the voice of God it is possible for governments to secure. Just after his election in 1864 he was serenaded by his friends at the White House.

"The strife of the election," said Lincoln in an offhand speech, "is but human nature applied to the facts in the case. What has occurred in this case must ever occur in similar cases. Human nature will not change. In any future great national trial, compared with the men of this, we shall have as weak and as strong, as silly and as wise, as bad and as good. Let us therefore study the incidents in this as philosophy to learn wisdom and none of them as wrongs to be avenged."

My friends, I hear the Kents and the mockers say, "Abraham Lincoln was a star apart. His time made him what he was. You can not fairly use him as a type of the American politician."

He was not a star apart save as he made himself so. As well say that the heap of twigs in the forest brings the fire as to say the time made the man Lincoln.

He was in politics all his life and no man was more ambitious for public office. He was a candidate for the captaincy of a militia regiment, for the postmastership of a village, for the deputy surveyorship of a county, for a circuit judgeship, for the office of delegate to conventions, for commissioner of the land office, for Representative in Congress, for the governorship of a Territory, for United States Senator, and for the Presidency of the United States.

He was a politician in the truest, highest sense of the word, and his achievements in politics should silence forever those who sneer at that profession and career, which should be high in the estimation of American youth.

He knew defeats and disappointments but they never embittered him nor made him cynical. If the cynics of to-day had known one-tenth of the defeats of Lincoln, we might pardon them their mockery, perhaps. No man was ever more brutally ridiculed and caricatured than Lincoln, but his faith was like gold refined in the fire. It was that which made him able, when all others were appalled, to stand at the wheel of the ship of state and bring it into safe harbor.

He played the game honestly from the first day to the last. He made an agreement when he entered Congress that he would ask but one term. Many of his friends besought him to run again, but he answered:

"I made the declaration that I would not be a candidate again. To enter myself as a competitor of others is what my word and honor forbid."

When he was in the midst of the campaign for reelection and facing defeat, he wrote to one of his appointees not to interfere with the rights of subordinates to vote as they pleased. As he believed that there could be no success in a bad cause, so he believed that there could be no true success won by bad methods.

My friends, I believe I have proved the dynamic power of Lincoln's faith in man. Of course, I know that faith was a part of his religion. The last act of Congress that Abraham Lincoln signed was the one providing that the motto "In God we trust" should be inscribed upon American coins. He believed implicitly in Divine Providence and declared that he was "often driven to his knees because there was no place else to go."

Because he believed in the brotherhood of man he believed in the fatherhood of God. In spite of all the Kents and the cynics, the mockers, and the scornful ones, Abraham Lincoln was eternally right in his faith.

What is the value of these Lincoln celebrations? Is it enough to mouth fine sentiments about a man who died 64 years ago? Surely not. The very fact that each year sees wider remembrance of Lincoln is proof that there is something living in his name and his words and deeds.

I take it that the best tribute we can pay Lincoln is to play the American game as true Americans. To do that we must meet and overthrow the blighting doctrine that Lincoln's philosophy was silly and that no man can follow it and succeed, and that therefore no sensible man will follow it. Lincoln's faith is not copyrighted nor patented; every American may have it for himself.

We must stand with Lincoln, and there is no doubt where he would stand to-day. He would be for every extension of the people's power. He would be for honor and honesty in politics and in public life. He would be for the enforcement of the Constitution and the laws. He would be for education for every child in the land.

He would insist upon the teaching of Americanism in the schools and colleges and universities; the Americanism which believes that the whole people are wiser in the long run than king or caste or class; which advocates majority rule as a primary principle in government; which means equality, not as a leveling down but as a lifting up; which means obedience to lawful authority; which means that while we keep God in our hearts the Nation is safe.

Do they say that no ordinary American to-day can follow Lincoln? Some years ago I visited Stroudsburg, Pa. Some friends took me out to the cemetery and showed me a simple slab above a humble grave. On the stone I read:

"J. Summerfield Staples. Private, Company C, One hundred and seventy-sixth Regiment Pennsylvania Volunteers. Also a member of Second Regiment District of Columbia Volunteers as a substitute for Abraham Lincoln."

There lies an unknown soldier boy, but he served as a substitute for Lincoln where Lincoln could not go himself. There is not an American to-day, however humble and unknown, who can not serve to-day as his substitute in the conflict to keep America American

Every American can help keep the faith of this American, who was—

"A blend of mirth and sadness, smiles, and tears.
A great knight errant of the pioneers.
A homely hero, born of star and sod.
A peasant prince, a masterpiece of God."

How can we meet those scornful, mocking souls, who assail the principles for which Lincoln lived and died? Let us find the answer in a paraphrase of his immortal words:

"It is for us to be dedicated to the great work which here we celebrate to-night so nobly advanced. It is for us to be here dedicated to the great task remaining before us; that from this honored life we take increased devotion to the cause for which he gave the last full measure of devotion; that we here highly resolve that he shall not have lived and died in vain; that this Nation under God shall have a new birth of freedom and that government of the people, by the people, for the people, shall not perish from the earth."

MAJ. WALTER REED AND OTHERS

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The Chair has recognized the gentleman from New York [Mr. WAINWRIGHT] to make this request, although the gentleman has not the authority of his committee to call the bill up. The amendments, however, are simply changes in the names, matters of no real importance.

Mr. SIMMONS. There is no change in the amounts?

Mr. WAINWRIGHT. No.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill S. 13060, with Senate amendments thereto and concur in the Senate amendments. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

DEGREE-CONFERRING INSTITUTIONS, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on Senate bill 2366 to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia, relating to degree-conferring institutions.

The SPEAKER. The gentleman from Maryland calls up the conference report, which the Clerk will read.

The Clerk read the conference report.

(For text of conference report and accompanying statement see pages 4073 and 4074 of the House proceedings of February 22, 1929.)

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DEPARTMENT OF EDUCATION

Mr. SNELL. Mr. Speaker, what is the order of the day?

The SPEAKER. The Chair is not advised.

Mr. SNELL. I think the gentleman from Kentucky [Mr. ROBSION] has a special order for 30 minutes.

The SPEAKER. The Chair recognizes the gentleman from Kentucky for 30 minutes.

Mr. ROBSION of Kentucky. Mr. Speaker and Members of the House, some time ago I introduced a bill (H. R. 17165) to establish here at the seat of government a department of education with a Secretary in the President's Cabinet. I wish to thank the Speaker, the floor leader, and Members of the House for granting to me unanimous consent at this busy season of the House sufficient time to bring to the attention of the Congress and the country the scope and purposes of this measure and to point out what the friends of this measure consider some of the impelling needs for this legislation.

Before entering upon the discussion of the bill I wish to quote from it the important provisions.

Section 1 of the bill declares its purpose to be—

to aid and encourage the public schools and promote the public educational facilities of the Nation, so that all the people of the several States and Territories, without regard to race, creed, or color, shall have larger educational opportunities, and thereby abolish illiteracy, make more general the diffusion of knowledge, and provide for the general welfare.

The four principal objections urged against a department of education are—

(1) The States have exclusive jurisdiction in the establishment of schools and their control and regulation;

(2) That the establishment of a department of education would invade the rights of the States in the establishment and regulation of schools;

(3) That Congress has not the power under the Constitution to establish a department of education; and

(4) That such a department is unnecessary.

The proponents of a department of education concede the right of the States to establish and regulate education within their borders without interference from the Federal Government, and we have neither the purpose nor desire to infringe upon these rights.

Section 1 expressly provides that this act shall not impair or infringe upon the laws, the rights, duties, authority, or responsibilities of the several States, Territories, and the citizens thereof with respect not only to the public educational agencies and institutions but likewise as to the private educational institutions and agencies in the several States and Territories.

Section 2 provides for an appropriation of $1,500,000 or so much thereof as may be necessary. It provides likewise for an Assistant Secretary, solicitor, chief clerk, disbursing clerk, and such other scientific, technical, and clerical assistants as may be necessary to carry out the provisions of this act and as may be provided for by Congress from time to time.

Section 7 authorizes and directs the secretary of education to make studies, investigations, and researches showing the condition and progress of education in the several States and Territories and to make this information available to teachers, school officials, and all others interested in education, in order to aid and encourage the people of the several States and Territories to establish more efficient schools and school systems, to devise better methods of organization, administration, and financing of education, to develop better types of school buildings and provide for their use, to improve methods of teaching and develop more adequate curricula and courses of study. These investigations and studies shall be undertaken in rural, elementary, secondary, higher, professional, physical, including health, and recreational education, and likewise for the mentally and physically handicapped, the training of teachers, immigrant and adult education, and such other fields as in the judgment of the Secretary may require study and investigation to promote the welfare of education throughout the United States and its possessions.

Section 10 authorizes the creation of a national council on education consisting of the head of the department of education of each State and Territory, to consult and advise with the secretary of education on subjects relating to the promotion and development of education in the United States and in its possessions.

The other sections of the bill relate to the transfer of the Bureau of Education with its records, employees, and so forth, to the department of education, providing quarters for the same, making available to the educational officers in the several

States and other persons interested in education the result of the studies and investigations made by this department, requiring the secretary of education to make annual report to Congress in writing, and providing that this act shall go into effect July 1, 1930.

A FRIENDLY CRITIC

In my 10 years' service in the House I have heard many eloquent speeches made in behalf of the Departments of State, Finance, National Defense, Agriculture, Commerce, and Labor, and, in fact, in behalf of all the major activities of the 10 great departments of the Government; and also in aid of flood control, river and harbor improvement, reclamation, mining, railroads, lumber, and vocational training in industry and agriculture; but I have heard little discussion on the all-important question of general public education. We largely owe our progress and prosperity to public education.

I am not an unfriendly critic of our public schools. In fact, I attended a small rural public school and later on became a teacher for a time in the rural public schools. I know of no class of men and women of whom so much is required and who give so much of splendid, unselfish service to their respective communities and who receive so little reward as the average public-school teacher. Our purpose is to help, if we can, pupils, teachers, and tax payers. [Applause.]

I have been a member of the Committee on Education of the House for nearly 10 years, and during that time we have had scores of the leading educators, business men, and welfare workers before our committee on bills looking toward the establishment of a department of education. The information that I have received at these hearings, studies made, and my own personal experience in the public schools convince me that education should be aided, encouraged, and dignified by a place in the President's Cabinet. [Applause.]

We now have a population approximating 120,000,000 people and our national wealth is estimated to be more than $350,000,000,000. Every year Congress appropriates billions of dollars for the activities of the Government pertaining largely to the material welfare of our citizens, and only a paltry few thousand dollars to promote education. I am wondering if we are not advancing our material welfare to the neglect of the physical, mental, and spiritual life of the Nation.

EDUCATION OF MAJOR IMPORTANCE

Our forefathers in the preamble to the Constitution declared their purpose to be to form a more perfect Union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to themselves and their posterity. No one believes more sincerely than I do in a policy of adequate national defense on land and sea, in the air, and under the sea, and no one rejoices more than I in our material wealth of rivers, lakes, inland seas, highways, railroads, fertile valleys, and our mountains filled with minerals and precious ores, our banks, our commerce, our factories, forests, fields, and mines, but, my countrymen, the security of this Nation does not rest upon the completeness of our armaments on land and sea, our gold, or our possessions; rather it rests more securely upon the enlightened moral and spiritual leadership of the Nation. China has vast possessions and is rich in natural resources, and has a population three times as great as our own. Russia surpasses us in the extent of her possessions and in population. She, too, is rich in minerals and soils, but they can not compare with our own land. They have neglected too long popular education.

What has contributed as much to make the union of the States more perfect, to establish justice, insure domestic tranquillity, provide for the common defense, promote general welfare, and make secure the blessings of liberty to ourselves and our children as has our schools, colleges, and universities? In urging this measure I feel that I am doing that which will promote the purposes of the founders of the Constitution. [Applause.]

CONSTITUTIONAL

Article I, section 8, of the Constitution, provides:

> Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Justice Story, one of the great constitutional lawyers of the Nation, declared that the test was—

> whether or not the act complained of was for the welfare of the people of the United States and general in scope, and not State or local.

Alexander Hamilton in 1791 stated that the phrase "general welfare" was as comprehensive as any that could be used, and that—

> there seems to be no reason to doubt that whatever concerns the general interest of learning, of agriculture, of manufactures, and of commerce are within the sphere of the National Congress as far as regards an application of money, the only qualification of the generality of the phrase in question which seems to be admissible is this: That the object to which an appropriation of money is to be made must be general, and not local, its operation extending in fact, or by possibility, throughout the Union, and not being confined to any particular spot.

President Monroe in 1822 expressed his attitude on the "general-welfare" clause in the following language:

> My idea is that Congress has an unlimited power to raise money, and that in its appropriation it has a discretionary power, restricted only by the duty to appropriate it to the purpose of common defense and of general, not local; national, not State, benefit.

The action of Washington, Jefferson, Madison, and other Presidents, including President Coolidge, and all the Congresses from 1789 to the present time appears to be in harmony with this construction of Article I, section 8, of the Constitution on the "general-welfare" clause. It appears to me that the makers of the Constitution, after they had expressly stated that Congress had the power to lay and collect taxes, and so forth, to pay the debts and provide for the common defense, feeling that the country would grow and expand, a large discretionary power should be vested in the representatives of the people, inserted the saving clause "and general welfare."

The Continental Congress as early as 1787 in the Ordinances of 1787 made provision for the allotment of lands for the benefit of public education, and by various acts and grants from 1787 to the present time Congress has granted to the States nearly 150,000 square miles of public lands expressly for public-school purposes, and even a larger acreage of swamp lands for their benefit, the proceeds of much of which were used for the construction and maintenance of public education.

Only a few days ago this Congress passed an act, and it was signed by the President, granting 50,000 acres of public lands for miners' hospitals in the States of Utah and Arizona. A number of acts were passed by Congress during the term of President Jefferson granting a part of the public domain to States to aid in public education. In fact, 30 States have received large grants from the Federal Government for this purpose, and Congress appropriated $5,000,000 to the State of Oklahoma in lieu of public lands which became part of the permanent public-school fund of that State. The tables giving names of the States and the amount of public lands granted to the States for public schools are as follows:

Federal land grants for common schools

(States and sections in each congressional township)

	Acres
GROUP 1. STATES RECEIVING SECTION NO. 16	
Alabama	911,627
Arkansas	933,778
Florida	975,307
Illinois	966,320
Indiana	668,578
Iowa	988,196
Louisiana	807,271
Michigan	1,021,867
Mississippi	824,213
Missouri	1,221,813
Ohio	724,266
Wisconsin	982,329
GROUP 2. STATES RECEIVING SECTIONS NOS. 16 AND 36	
California	5,534,293
Colorado	3,685,618
Idaho	2,963,698
Kansas	2,907,520
Minnesota	2,874,951
Montana	5,198,258
Nebraska	2,730,951
Nevada	2,061,967
North Dakota	2,495,396
Oklahoma	1,375,000
Oregon	3,399,360
South Dakota	2,733,084
Washington	2,376,391
Wyoming	3,470,000
GROUP 3. STATES RECEIVING SECTIONS NOS. 2, 16, 32, AND 36	
Arizona	8,093,150
New Mexico	4,355,662
Utah	5,844,196
Total (not including Alaska) 114,304.8 square miles or	73,155,075
Alaska reservations[1] (sections 16 and 36) 32,826.8 square miles or	21,009,209
Grand total 147,131.6 square miles or	94,164,284

In 1802 and 1803 Congress first made public land grants to States for internal improvements. This policy has been followed from time to time, and millions of acres have been granted for that purpose. During the administration of Andrew Jackson, Congress passed an act, approved June 23, 1836,

by which $28,000,000 was loaned to the States for internal improvements, education, and other purposes. This money was never repaid.

The Federal Government spent large sums of money in helping to establish State agricultural and mechanical colleges, and we appropriate more than $2,000,000 every year to help sustain them. The Smith-Lever Act, providing for Federal aid in home economics, was approved May 8, 1914. On February 23, 1917, the Smith-Hughes vocational education law was passed, which marked the entrance of the Federal Government upon a national policy of aiding in vocational education. These acts were followed by the Smith-Sears Act, approved June 27, 1918, providing funds for the vocational rehabilitation of disabled soldiers and sailors, and the Smith-Bankhead Act, June 2, 1920, to provide funds for the vocational rehabilitation of citizens disabled in industry or otherwise, and about the same time we passed the Federal aid road act, and at this session of Congress we passed the act to aid vocational training in agriculture.

To carry out these various acts Congress appropriated in 1912 over $8,000,000; in 1920, nearly $36,000,000; in 1921, with the Federal aid for roads included, it jumped to more than $90,000,000. In 1927 the amount was $136,659,786.40, and the purposes for which this sum was expended are as follows:

Federal-aid payments to the States for the fiscal year 1927

Support of agricultural colleges	$2,400,000.00
Support of experiment stations	2,400,000.00
Cooperative agricultural extension work (1926)	6,875,727.55
Vocational education	7,184,901.51
Vocational rehabilitation	880,263.00
Highways	81,371,013.03
National Guard	31,363,935.31
Forest-fire prevention	654,101.57
Distribution of nursery stock	71,194.61
Forestry extension work	46,241.64
Maternity and infancy hygiene	899,824.71
State fund under oil leasing act	2,498,689.58
State fund from sale of public lands (1926)	13,893.96
Total	136,659,786.47

This does not include the sums carried for the Bureau of Education for educational activities in the United States, which in that year amounted to $221,600.

Specific appropriations for the Bureau of Education

Year	Total
1867 and 1868	$18,592
1869	20,000
1870	6,000
1871	14,500
1872	26,500
1873	34,850
1874	34,850
1875	35,570
1876	35,570
1877	31,060
1878	30,340
1879	31,220
1880	28,720
1881	52,780
1882	56,155
1883	58,555
1884	56,455
1885	55,955
1886	58,595
1887	56,095
1888	54,920
1889	54,920
1890	54,920
1891	57,220
1892	58,620
1893	57,570
1894	56,320
1895	58,320
1896	61,320
1897	61,520
1898	61,520
1899	61,270
1900	61,270
1901	62,670
1902	63,370
1903	63,990
1904	62,190
1905	62,190
1906	62,390
1907	64,190
1908	66,250
1909	67,500
1910	72,200
1911	72,200
1912	79,800
1913	88,800
1914	89,000
1915	120,500
1916	120,500
1917	125,500
1918	139,300
1919	162,260
1920	216,960

[1] Reserved but not granted; area estimated.

Think about the situation: The Commissioner of Education looking after the reindeer of Alaska; over $700,000 go to Alaska; $284,000 go to education in the 48 States. I want to see the reindeer in Alaska taken care of, but I am more concerned, ladies and gentlemen, in taking care of the 30,000,000 boys and girls in the United States who are in schools and colleges. [Applause.]

BUREAU OF EDUCATION

In 1867 Congress established the present Bureau of Education and has annually made appropriations for its support. If Congress had the power to appropriate public lands and money to establish and maintain schools and colleges in the various States and create a Bureau of Education, it certainly has the power to create a department of education.

There is nothing sacred in the number "10" of the departments of our Government. We started with only three departments, and as the country grew in wealth and population and the activities of the Government were enlarged, the Departments of Army, Navy, Interior, Agriculture, Commerce, and Labor were established. The same objections were urged to the establishment of the Departments of the Interior, Agriculture, Commerce, and Labor as are now being urged against a department of education. The same objections were urged to the establishment of a Bureau of Education as are now being urged to the establishment of a department of education. All these were established because it was believed by the Congresses and the Presidents that they were acting in harmony with the "general welfare" clause of the Constitution.

WASHINGTON—MADISON—HAMILTON—JEFFERSON—ADAMS

Many of those who oppose this legislation urge that it is not in keeping with the spirit of our Government and violative of the fundamental law of the land.

Washington presided over the Constitutional Convention; Madison is not infrequently declared to be the "father of the Constitution"; Hamilton was one of the outstanding leaders in that great body. Jefferson and Adams were quite as familiar, no doubt, with the power delegated to Congress by the Constitution as some of the opponents of this measure. It is interesting to note the attitude of these great patriotic American leaders on this important subject. Their writings and acts while President clearly indicate that they fully believed that Congress has the power to aid and encourage education in the States.

Washington in his first message to the Congress declared:

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways—by convincing those who are intrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens and proceeding from a disregard to their convenience and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness—cherishing the first, avoiding the last—and uniting a speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients will be well worthy of a place in the deliberations of the legislature.

President Madison in his second annual message to Congress on December 5, 1810, urged the Congress to aid education in the following language:

Whilst it is universally admitted that a well-instructed people alone can be permanently a free people, and whilst it is evident that the means of diffusing and improving useful knowledge from so small a portion of the expenditures for national purposes, I can not presume it to be unseasonable to invite your attention to the advantages of superadding to the means of education provided by the several States. A seminary of learning, instituted by the National Legislature within the limits of exclusive jurisdiction, the expenses of which might be deferred or reimbursed out of the vacant grounds which have accrued to the Nation within those limits. Such an institution, though lacking in its legal character, would be universally in its beneficial effects by enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the means of those who might resort to this temple of science to be redistributed in due time to every part of the community. Sources of jealousy and prejudice would be diminished,

the features of national character would be strengthened, and greater extent given to social harmony. But, above all, a well constituted seminary in the center of the Nation is recommended by the consideration that the additional instruction emanating from it would contribute not less to strengthen the foundation and to adorn the structure of our free and happy system of government.

President Jefferson in his eighth and last message to the Congress, speaking of the continuance of certain revenues for certain purposes, names education among the first that deserves favorable consideration of the Congress:

Patriotism would certainly prefer its continuance and application to the great purpose of public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper * * *. By these operations, new channels of communication will be opened up between the States, the lines of separation will disappear, their interest will be identical, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care. A public institution can alone supply those sciences which are necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation.

President John Quincy Adams said in his first annual message to the Congress:

The great object of the institution of civil government is the improvement of the conditions of those who are parties to the social compact and no government in whatever form constituted can accomplish the lawful ends of its institutions but in proportion as it improves the conditions of those over whom it is established * * *. Among the first, perhaps the very first, instruments for the improvement of the conditions of man is knowledge adapted to the wants, the comforts, and the enjoyments of human life.

From President Harding's message to Congress, December, 1922:

From the very beginning public education has been left mainly in the hands of the States. So far as schooling youth is concerned the policy has been justified, because no responsibility can be so effective as that of the local community alive to its task. I believe in the cooperation of the national authority to stimulate, encourage, and broaden the work of the local authorities. But it is the especial obligation of the Federal Government to devise means and effectively assist in the education of the newcomer from foreign lands, so that the level of American education may be made the highest that is humanly possible.

From President Coolidge's message to Congress December 4, 1928:

While this province belongs peculiarly to the States, yet the promotion of education and efficiency in educational methods is a general responsibility of the Federal Government.

From President Coolidge's message to Congress December 6, 1923:

Having in mind that education is peculiarly a local problem, and that it should always be pursued with the largest freedom of choice by students and parents, nevertheless, the Federal Government might well give the benefit of its counsel and encouragement more freely in this direction. If anyone doubts the need of concerted action by the States of the Nation for this purpose, it is only necessary to consider the appalling figures of illiteracy representing a condition which does not vary much in all parts of the Union. I do not favor the making of appropriations from the National Treasury to be expended directly on local education, but I do consider it a fundamental requirement of national activity which, accompanied by allied subjects of welfare, is worthy of a separate department and a place in the Cabinet. The humanitarian side of government should not be repressed, but should be cultivated.

Mere intelligence, however, is not enough. Enlightenment must be accompanied by that moral power which is the product of the home and of religion. Real education and true welfare for the people rest inevitably on this foundation, which the Government can approve and commend, but which the people themselves must create.

From President Coolidge's message to Congress, 1927:

EDUCATION

For many years it has been the policy of the Federal Government to encourage and foster the cause of education. Large sums of money are annually appropriated to carry on vocational training. Many millions go into agricultural schools. The general subject is under the immediate direction of a Commissioner of Education. While this subject is strictly a State and local function, it should continue to have the encouragement of the National Government. I am still of the opinion that much good could be accomplished through the establishment of a department of education and relief, into which would be gathered all of these functions under one directing member of the Cabinet.

The Republican Party at its national convention at Cleveland in 1924 spoke as follows on the questions of a department of education and relief:

The conservation of human resources is one of the most solemn responsibilities of government. There is an obligation which can not be ignored and which demands that the Federal Government shall as far as it lies within its power give to the people and the States the benefit of its counsel.

The welfare activities of the Government connected with the various departments are already numerous and important, but lack of coordination which is essential to effective action. To meet these needs we approve the recommendation for the creation of a Cabinet post of education and relief.

DEMOCRATIC PLATFORM

A plank adopted at the Democratic National Convention in 1924 in New York City declares as follows:

We believe with Thomas Jefferson and other founders of the Republic that ignorance is the enemy of freedom, and that each State, being responsible for the intellectual and moral qualifications of its citizens and for the expenditure of moneys collected by taxation for the support of its schools shall use its sovereign right in all matters pertaining to education. The Federal Government should offer to the States such counsel, advice, and aid as may be made available through the Federal agencies for the general improvement of our schools in view of our national needs.

It will be observed that the Democratic platform says:

We believe with Thomas Jefferson and other founders of the Republic that ignorance is the enemy of freedom. * * * The Federal Government should offer to the States such counsel, advice, and aid as may be made available through the Federal agencies for the general improvement of our schools on view of our national needs.

The Republican Party states in its platform that the welfare activities of the Government lack coordination, and to meet these demands—

we approve the creation of a Cabinet post of education and relief.

ORGANIZATIONS PRESS AND CITIZENS FAVOR

We hear it said by many opponents of the department of education that the only persons who favor the creation of this department is a self-seeking organization, referring to the National Education Association. The National Education Association is made up of about 200,000 teachers and other officers engaged in the work of public education throughout the Nation. They are in charge of public education. They know the needs of education in this country and their support of this measure should have great weight; but this is not the only organization that is backing a department of education. It numbers among its supporters some 35 or 40 of the great educational, fraternal, and welfare bodies of the country. Among them are the following:

National Congress of Parents and Teachers.
American Federation of Teachers.
General Federation of Women's Clubs.
National League of Women Voters.
American Federation of Labor.
National Committee for Department of Education.
Supreme Council, Scottish Rite of Free Masonry, Southern Jurisdiction of the United States.
International Council of Religious Education.
National Women's Christian Temperance Union.
National Council of Jewish Women.
National Federation of Business and Professional Women's Clubs.
American Association of University Women.
General Grand Chapter of the Order of the Eastern Star.
National Women's Trade Union League.
National Board of Young Women's Christian Association.
Federal Council of Churches of Christ in America.
National Federation of Music Lovers.
American Library Association.
National Society for Vocational Education, Women's Relief Corps.
National Kindergarten Association.
American Home Economics Association.
American Nurses' Association.
American Hellenic Educational Progressive Association.

Mr. BLACK of New York. Mr. Speaker, will the gentleman permit a question at that point?

Mr. ROBSION of Kentucky. In a moment.

It will be observed that this includes the National Education Association, the National Congress of Parents and Teachers, the American Federation of Teachers, the General Federation of Women's Clubs, the National League of Women Voters, and the American Federation of Labor.

Can it be said that these groups of people representing together millions of parents, teachers, and welfare workers are not acquainted with the needs and interested in the children of the land, the cause of education, and the preservation of our country? I could not wish for better support than the millions of these unselfish men and women, members of these 35 or 40 great American organizations.

Furthermore, there are hundreds of thousands of individual citizens, many great newspapers and periodicals supporting this measure who have no membership in the organizations to which I refer. Three polls of the Sixty-ninth and Seventieth Congresses show a comfortable majority in both Houses favorable to a department of education, but neither the House nor Senate has ever had an opportunity to vote on a measure creating a department of education. These measures have been smothered in committee by men being placed or getting on the Committees on Education of the House and Senate who are opposed to this measure.

One of these days the American people are going to insist upon their representatives in the House and Senate being given an opportunity to express the will of the Nation on this very, very important piece of legislation.

30,000,000 PUPILS

That we may have a more comprehensive idea of the importance of this program, I wish to call your attention to the fact that we have about 30,000,000 students and nearly 1,000,000 teachers in the schools, colleges, and universities of the Nation. We spend in round numbers $3,000,000,000 annually for education, and have invested in lands, buildings, and equipment more than $5,000,000,000. These 30,000,000 young people of to-day will become the Republic of to-morrow. Let us remember that the "trained mind" is the greatest producing agency in the world, and without it fertile soil, timbered lands, and mineral deposits are but so much useless material. The State that fails to educate "dooms its children to political and industrial subjugation." The human mind can not visualize the potential power and wealth of these 30,000,000 young Americans, trained as they should be physically, mentally, and spiritually. The question arises, Are we, under present methods, giving to these young people the training to which they are entitled and which will best equip them to be most useful to themselves and our country, and, furthermore, is this education being provided with due regard and consideration for the taxpayer? Looking at the program in its larger aspects we may admit that we have a sufficient number of teachers, ample investment and equipment; however, I think a research and study will disclose that there is much yet to be desired, helpful to the pupils, better training and better pay for our teachers, and wide improvement may be made in buildings and equipment and economies may be effected resulting in large benefits to the taxpayer.

$200,000,000 FOR RESEARCH

The National Education Association is one of the earnest sponsors of this measure. The teachers realize the tremendous responsibility to these 30,000,000 young Americans and to the taxpaying public. They know the situation. They tell us that they need help, and they are pointing to the way in which we can help. They urge us to give to education the same encouragement and dignity we give to commerce, agriculture, and labor. The Bureau of Education has now been created more than 60 years, but we have starved it from the time of its creation. Last year we appropriated something less than $1,000,000 for the Bureau of Education, but we directed that not more than $284,000 of it be used for education in the United States and more than $700,000 of that sum we directed to be used in Alaska, under the direction of the Commissioner of Education, looking after reindeer, health, education, and so forth, of the people of the small number of people in Alaska. Is it not a crying shame that we should use nearly three times as much money for the reindeer, health, and education in Alaska as we use for education in the 48 States? Are not the 30,000,000 "dears" of the 48 States of much more importance to the welfare of this country than the "deers" of Alaska? There are those who make light of research and survey in education. The February, 1929, number, of the Nation's Business has a very illuminating article on "debunking research." The writer points out that, in 1927, according to a compilation made by the National Research Council, there was spent for scientific research in industry that year $200,000,000, while we only spent the small sum in university and governmental research of $17,000,000. If the hard-headed business men of the country see the necessity and value of spending $200,000,000 for research in commerce, mines, factories, and so forth, how much more important is it that we have proper research to deal with the 30,000,000 pupils, 1,000,000 teachers, nearly 300,000 public educational institutions, and the expenditure of $3,000,000,000 annually for educational purposes? This writer says that, although industry spent $200,000,000 in 1927 and large sums before that time in research, many great corporations were unable to go ahead in some lines because of lack of fundamental and scientific information. We have the students, we have the teachers, and we have the buildings and equipments; but are we proceeding along the best and most economical lines for the good of these students and with due regard for the taxpayers? The great activities of the Departments of Commerce, Agriculture, and Labor are in research. The Department of Commerce is constantly seeking new markets for American products and to bring the producers and consumers together. These researches have brought us billions of dollars of foreign commerce and greatly benefited labor as well as industry. We spend other millions every year in research in agriculture. The experimentation, studies, surveys, and researches by the Bureau of Roads in the Department of Agriculture as to materials, plans of construction, financing of highways and bridges, in my judgment have saved the American many times their cost; and who can estimate how much has been saved in handling our crops, fruits, cattle, and poultry, in producing and marketing them? The result of these researches is made available to all of our citizens. No one is compelled to accept this information, but our citizens are gladly availing themselves of this service, and it is adding to the progress and prosperity of the Nation.

Now, we insist upon research, study, and investigation for education. There are wider differences in educational conditions in the various communities in the country than there were in the matter of building roads and in agriculture. Research will gather best methods and plans of construction of building, of financing, courses of study, training of teachers, recreational, primary, elementary and higher education, and make this information available to educational institutions and officers and all others interested in education in the Nation. This will bring about closer cooperation and coordination. Understand that this information will not be forced upon anyone. The Man of Galilee said that "the truth will make us free." We know that the people of the land will be anxious to know the truth. Whatever has proven to be sound and helpful in one community will then be available to the people of every other community of the land—just like our information about roads, poultry, cattle, fruits, and so forth. All who have made a study of our educational programs agree there is tremendous waste in the cost of operation of many of our educational institutions and more unfortunate still the waste of human energy and opportunities. We have not as yet worked out a comprehensive plan of coordination of elementary, secondary, and higher institutions of learning. These do not articulate as they should. They do not fit in together. There is too much lost motion and waste of effort and money. We must work out plans for elementary education with the ultimate view of having them fit into the high-school and college systems. Courses of study, buildings, and equipment should be planned and laid out with regard to their ultimate ends and purposes. The elementary program should naturally fit into junior high, advanced high, and college work. School officials, parents, teachers, and pupils should have before them the best plans, the most successful programs of the various communities and the States of the Union. We too long have had the idea of giving students some learning, some culture, and too often ignore the practical aspects of education. The students should be trained along lines so as to enable them to be most useful to themselves and to their communities. These studies, no doubt, will point out the value of high standards of qualifications and better pay for teachers and to emphasize more clearly the importance of knowledge of methods in presenting the subjects and to give more study to the habits, dispositions, and natural capacities of the pupils.

Let this department of education do for education what agriculture, commerce, and labor are doing for the respective groups that they serve. If research is essential for agriculture, commerce, and industry, how much more is this service essential to education? The success of all of the 10 departments and special activities of our Government that they represent, and industry, and the perpetuity of our Government and its institutions depend upon enlightened citizenship, and it is unthinkable to me that the agency of the Government that represents the great cause of education is hid away as a small bureau in a great department and starved to death. Can it be that we regard the welfare of chickens, pigs, cattle, sheep, roads, and instruments of war of more importance than the 30,000,000 children of the land seeking an education? With these properly trained, the Republic is secure, and the peace, happiness, and the prosperity of the Nation are assured.

FIVE MILLION ILLITERATES

The United States Chamber of Commerce recently issued a bulletin entitled "Illiterates." They point out that the census of 1920 disclosed nearly 5,000,000 people in the United States over 10 years of age who confessed that they can not read or write in any language. This does not include perhaps another million or more who kept this incapacity concealed from the census enumerators. The Army test during the World War under the draft disclosed that about 25 per cent of the flower of the young manhood of America called to the defense of our country was unable to read and understand newspapers, or to write letters to their loved ones at home. This means that there were about 1,500,000 of our young men called to the colors who found themselves in this condition.

The illiteracy commission of the National Education Association, after a careful study of the question, has published its conclusions to the effect that nearly 20,000,000 of our population above the age of 10 years can not make effective use of reading and writing in their daily tasks.

Franklin K Lane, the great Secretary of the Interior under President Wilson, declared that illiteracy was costing this country the sum of at least $825,000,000 annually. It is further declared that illiteracy most often walks hand in hand with poverty, waste, low standards of living, crime, and ill health.

We find that the school terms range from 5 to 9 months to the year, and that the salaries range from $290 to $1,290 per year in the various States. The United States Chamber of Commerce further declares that the first and chief cause of illiteracy is inadequate schools. This covers teachers, buildings, equipment; second, inadequate or unenforced attendance laws; and third, immigration. We also find from the last available statistics 30,000 teachers with not more than an eighth-grade education, and 300,000 who have had no special, professional preparation for the work of a teacher, and hundreds of thousands of our teachers are less than 21 years of age. Can it be said with any degree of fairness, with these facts staring us in the face, that we are doing the job as it ought to be done?

OTHER OBJECTIONS

We have shown that the bill does not in any way interfere with local and State regulation of the public or private educational institutions in the several States; that Congress has the power under the Constitution to establish a department of education; that practically all of the Presidents and all the Congresses from 1789 to the present time have not only recognized the importance of public education, but have approved grants of land and money to aid education; that there is a genuine need for a department of education and that it can and will render effective service to education throughout the United States and its possessions; that a department of education will be of special service to the rural schools and backward communities; that research and investigation will help education as much or more than research and investigation have aided commerce and industry; and that there is a real public demand for a department of education with a secretary as a member of the President's Cabinet.

We wish to point out and attempt to answer some of the other objections.

No. 1. A department of education would destroy local initiative and support of education.

If we are to judge by the experiences of the Federal Government in aiding education in the States for over 100 years, this objection becomes a mere assertion without foundation in fact. Instead of destroying initiative and support of education in the States, it has encouraged it beyond all expectations.

No. 2. A department of education would create an educational bureaucracy in Washington.

The meaning intended to be conveyed by the word "bureaucracy" is that the Federal Government will assume control of education. We have elsewhere stated that this control can not be obtained except by an amendment to the Constitution of the United States.

Digressing for a moment, I want to say that, in my opinion, the word "bureaucracy" has become a means of expressing contempt for our form of Government. It is far too frequently used by irresponsible persons of bad designs on our institutions. Boards, bureaus, commissions, and departments and similar administrative agencies are the outgrowth of evolution in government. They are the only means by which our Government can be administered. They are the only instrument through which Congress expresses the will of the people and should be respected by all loyal citizens.

No. 3. A department of education will standardize education.

The opponents do not tell us what they mean by this statement. If they mean that the Federal Government will attempt to set up a code of rules to govern the classroom teaching or a set of rules to be followed by the various State school officials, their fears are without foundation, for this is but another way of saying that a department of education will interfere with the rights of the States to control the administration of their schools.

If the opponents of the bill mean that comprehensive research work will lead to an undesirable uniformity in educational procedure their fear is groundless. Educational research as well as all other research work leads away from the kind of undesirable uniformity which now exists in those centers where progressive ideas are slowly adopted because of the inability to get them. In such centers intelligent teaching and sound business administration of schools will rapidly take place because of the influx of progressive ideas resulting from the distribution of the best thought and the latest scientific achievements by the department of education gathered from the more progressive centers of the country. If the opponents of the bill mean that a distribution of the results of a comprehensive research program will constantly tend to bring the backward centers in education up to the standards of the most progressive centers we gladly admit their declaration. This is the outstanding purpose for creating a department of education. This is the vision by implication which Washington and other early Presidents had when they repeatedly recommended to Congress the wisdom of encouraging education in the States. They went so far during their time as to recommend the creation of academies, seminaries, and other institutions of learning out of the resources of the Federal Government. Of course, in their day education was thought of in terms of reading, writing, arithmetic, the arts and sciences, the knowledge of which was to be had at academies, seminaries, and colleges. These they wanted widely distributed and at public expense. The educational processes was then not thought of as a science in itself, and like all other bodies of scientific thought it is constantly in a state of change. To-day the educational process finds itself to be a multitude of interrelated sciences, from the process of kindergarten teaching through the various specializations in the primary, intermediate, and secondary schools; in fact, on through the modes of teaching the sciences themselves, including art, music, commerce, agriculture, and so forth.

No. 4. The creation of a department of education will be an entering wedge for Federal control of our State schools.

When the opponents of the bill creating a department of education are cornered and do not know what else to say, they play up the "bugaboo" that a department will be the entering wedge to Federal control of our schools. The critics of the proposed department of education seem to forget what I have just stated, that the Federal Government established a policy of encouraging education a century and a quarter ago and that this policy has expanded until the civilian activities alone are now spread over four departments and several independent agencies, among which is the Federal Board for Vocational Education. The critics seem not to be able to distinguish between an agency set up to administer law and the law itself. A bureau has just as much administrative authority with respect to carrying the intent of Congress as a department; in fact, it is the instrument by which the department acts under authority of Congress. And to repeat, Congress has no authority to control the administration of the public schools. The only entering wedge, therefore, which could be put into motion would be a proposed amendment to the Constitution of the United States, taking the power of school administration from the States, a proposal as impracticable as it is undesirable.

Governments like other human institutions either grow or they decay. All three branches of the Federal Government have expanded enormously. The legislative branch has expanded through increased membership and the creation of powerful committees. The judicial branch had expanded greatly; first, in the increase of the personnel of the Supreme Court, and, secondly, in the greatly increased number of lower Federal courts. There is nothing strange or unusual in the creation of a department. The Federal Government started with 3 and now has 10. Each new one is but an additional limb to the executive branch of our National Government, the creation of which lifts the burdens from the other departments and thus balances the work. Many of the departments to-day are out of balance.

Placing related administrative educational matters under one head is good business management. It is in agreement with the recent press announcements of President-elect Hoover and such is the policy of all wide-awake corporations, State and municipal governments. The application of this principle to the present educational activities of the National Government possesses many desirable features, among which are these:

(a) Congress will be able to see at a glance the entire educational program which will aid greatly in dispatching legislation.

(b) With the aid of the secretary of education, Congress can detect and obviate duplication of educational work which doubtless occurs under the present system, or may I say lack of system.

(c) Education will be placed on an equality with other welfare activities of the Federal Government such as commerce, labor, and agriculture, upon which all three of these basic national activities depend for their greatest success.

Dr. C. R. Mann, director American Council on Education, made this statement at the hearings before the Committee on Education of the House of Representatives of the Seventieth Congress:

Education may well claim rank in the National Government equal to that accorded to agriculture, commerce, and labor. The true functions of these departments are no more executive and administrative than are those of education. All are essentially research and news distributing agencies, enlightening the public by collecting and disseminating significant and valid information of wider scope than any State could secure by itself alone. By their constructive influence on American life they have fully justified the wisdom of establishing them.

No. 5. A department of education will increase the cost of education.

The opponents of a department of education like to talk about the cost of education. They mean gross cost. They never seem to think of the net profits accruing from education in both dollars and the fundamentals of modern civilization.

The saddest story in history, and certainly the most absorbing to the student, is a study of the contributing causes of the rise and downfall of civilizations. A well-known publicist, who has written extensively on the rise and fall of civilizations, says that we have reached a point in density of population and complexity of life where civilization is now "a race between catastrophe and education."

Education—and I am now speaking in the broad sense, the business phase, the determination of curriculums and teaching processes—like any other growing science, is based on facts, methods, and principles deduced from theory and practical experiences—trial and error, trial and success. To expedite the growth of this science and to make quickly available to the boards of education, to superintendents of schools and to teachers throughout the Nation, the results of current practices or experiments, a broad, comprehensive program of research is essential. To show that such a program is essential let us examine just four subjects for which there is an immediate crying need. There are a multitude of others, and in any healthy civilization many are constantly arising. The four that I will bring to your attention are—

First. Forms of school taxation.

Second. Construction and plan of school buildings.

Third. Rural school situation.

Fourth. Retardation or the failure of a million children annually in our public schools, to say nothing of the private schools.

I select these four subjects for research as an illustration because they have a more direct bearing on cost than many of the others which are peculiar to the psychological processes of teaching and the intricate business principles of school or municipal administration. The facts under these four subjects are less mystical to the lay mind but of no more importance socially and economically than those of pure pedagogical science.

1. FORMS OF SCHOOL TAXATION

Doctor Tigert, the retiring Commissioner of Education, gave an interview to Mr. Thomas R. Henry, feature writer of the Washington Evening Star, on What United States Education Needs. The story of this interview appeared in the Sunday issue of August 8, 1928. Doctor Tigert said:

No scientific study has ever been made of the proper form of taxation for school revenue. There is no guide to which the various local officials can turn. Everything is chaos. Yet since 1920 the national bill for education has doubled. * * * Surely an expenditure of wealth should not be haphazard.

Under the direction of a department of education modern business methods applied as a result of research will bring order out of the chaos which Doctor Tigert has here in mind. Nothing else will, and why insist that 48 States set themselves each to the task of doing the same job which can be done and ought to be done by the Federal Government once every decade or so?

2. CONSTRUCTION AND PLAN OF SCHOOL BUILDINGS

A. Lincoln Filene, of Boston, one of the leading business men of the country, has been consistently an advocate of a department of education. In a paper presented at the hearings we find this statement:

My advocacy of a bill creating a department of education rose out of my contact with education and my contact with research as it has been applied to business. As a member for many years of the advisory board of education of the State of Massachusetts and from contacts with other educational groups, I have been frequently impressed with the great need for more facts as a basis for educational practice. Education is one of the great enterprises of this country. The present value of public-school property in the United States is $4,676,603,539.

In 1926 the Nation expended $411,370,774 for school buildings and sites. Much of this money was wasted because local boards did not have the latest information on the proper construction and utilization of school plans. Research would allow the school committee (or the board of education) of each individual city to reduce expenses and carry out a far more effective plan of school construction. Through information given by a Federal department of education it could profit by the examples, good and bad, of what other communities with similar problems had done. The expenditures for public elementary and secondary schools alone for current expenses and building costs in the United States in 1926 were $2,200,812,685. In the conduct of this great enterprise too much waste takes place. We find obsolete and unjust methods of taxation; funds not distributed so as to equalize educational opportunities. Many boards can not tell with accuracy what their own schools cost; it is impossible to obtain accurate figures as to the separate costs of elementary, junior and senior high school education. Careful budgetry is probably the exception rather than the rule in planning school expenditures. Research is needed to work out the best methods of school accounting and the budgetry procedure in order to guard against waste.

On the above figures for the cost of school buildings and sites a saving of approximately $20,000,000 would result each year and remain in the pockets of the taxpayers. The cost to the Federal Government for this one item of research would be about $500,000, or a little more than twice the amount recently appropriated for research work in connection with secondary schools. Net profits on this one subject for research alone would be about $19,000,000. Surely guesswork procedure wastes millions of dollars every year in the conduct of our schools.

3. RURAL EDUCATION

We again quote from the interview which Mr. Henry had with Doctor Tigert:

Everywhere in the field of public education, from the kindergarten in the city slums to the great State university, Doctor Tigert sees fundamental problems. But he feels that the greatest problem of all remains that of the rural school of the type he characterizes as "a little building on a little plot in a little place where a teacher with little pay teaches little things." Such a school, he says, compares with the average city school as the oxcart of the pioneer compares with a fast automobile. The oxcart gave notable service in its time and place. It was the instrument with which empires were built. By means of this slow, cumbersome means of transportation great men carried civilization into the wilderness and beyond. In the same period the 1-room school also was invaluable. The list of celebrated Americans who were products of these rude crossroads shacks is so impressive that it throws a false glamor over them.

Long since the children of the pioneers have junked the oxcart. These now are museum rarities. They are economic impossibilities. Yet the oxcart of education still creaks along through the rural districts, regardless and almost disdainful of the 8-cylinder automobiles of education which have been created during the past half century.

"Equality of opportunity" is a cherished American slogan. Yet gross inequalities exist at the very roots of opportunity—elementary education. Out of 275,000 public schools in the United States which are creating the Americans of the future, 158,000 are of this 1-room type. Their students number 5,000,000, one-quarter of all the public-school students of the Nation.

These 5,000,000, Doctor Tigert holds, are denied anything like equality of educational opportunity. The sons and daughters of the rural population served by such schools, he holds, are deprived of a good start in life. True enough, men and women in the past have risen to greatness on the rural 1-room school and they probably will do so again. Well, for that matter, Columbus discovered America with ships of a type on which only a crack-brained adventurer would venture to sea to-day.

The retiring head of the Bureau of Education is not sure, in fact, that this sort of school is not worse than nothing at all. He feels that the boy or girl might get more education merely by living in the town and absorbing, without instruction, some of the present-day science and culture.

4. RETARDATION OR FAILURE OF PUPILS

Doctor Davidson, superintendent of public schools in Pittsburgh, Pa., and former president of the National Education Association, is authority for the statement that from 1,000,000 to 1,250,000 children fail in the public schools of America. The private schools doubtless have about the same ratio of failures.

Doctor Davidson said at the recent hearings on the education bill:

Why do the children fail? As I have already tried to say that is entirely discoverable by the proper scientific studies. Many cities are making such studies and many States are making such studies at the present time, but obviously the study of any one State or of any given city loses its largest value if a clearing house is not established through which these facts can be gathered and disseminated throughout the Nation.

It is estimated that the cost in dollars of having these children "repeat" the work that they have already been over is upward of $85,000,000. The National Education Association, which is so intimately associated with the whole problem of education, states in one of its bulletins that "the social cost in mal-educated children, given the habit of failure, is far greater than the annual cost in dollars. Most of the $85,000,000 can be saved and used for increasing the meager educational opportunity now offered many children. The million and more children who fail each year will be given a hopeful rather than a destructive attitude toward life. Better teaching methods, wise selection of teaching matter, deeper study of child nature can solve the problem. Only a department of education can expect to command the resources or the prestige essential to the great work to be done in making the education of our children less of a guesswork and more of an intelligent procedure.

Will those who say that a department of education will increase the cost of education please reply?

Now, it is true that research work costs money. It requires the employment of able statisticians, research analysts, and clerical help, but research is to education what replacement is to the maintenance of manufacturing, industrial, and commercial plants. Every business man knows that he must set aside a fund for replacement and depreciation or go out of business. It is an ever-present problem in education to discover new processes and to adapt old processes to new needs of a constantly changing condition in society. This is the natural law in the social world—the wheels of progress must be kept turning on the axis of education or down goes civilization! Simple, is it not, when we apply our minds seriously to some of the more concrete problems which have been illustrated by the four subjects just considered? But who is to pay for the essential research work to keep our greatest and most important enterprise at the highest state of efficiency? Shall the States and cities assume all of the cost of research work or shall the Federal Government shoulder part of it? It would appear to be the consensus of opinion among public-school educators that many of the States have neither the vision nor the resources to carry on a broad perpetual program of research which would essentially require statisticians and research analysts of each State to go into every other State for the desired information. True, the States are now doing some of it. The cities are doing some of it, and private wealth is doing some of it, but since such work is so vital to the cause of education in the States and so vital to the perpetuation of our national civilization why should each of the 48 States plus our other political organizations set up research expense accounts to do identically the same job?

The situation is well summed up by a recent statement by Charles R. Mann previously quoted:

The task of collecting, classifying, and testing all the information that is needed is too large for any local, State, or voluntary organization. Each individual group must be active in finding and studying the facts of its own environment. But the significant facts of local life must be united in a national picture, which, by comparing trends and tendencies, would arouse the sporting spirit of local groups to compete for honorable mention for distinguished service in realizing more fully our national ideals.

I now yield to the gentleman from New York.

Mr. BOYLAN. I want to ask the gentleman if he believes in State rights.

Mr. ROBSION of Kentucky. I believe in all of the rights granted to the States by the Constitution of the United States.

Mr. BOYLAN. Does not the gentleman think that this is primarily a State function? If the conditions exist as suggested by the gentleman, are they not due to the respective States, and if they do exist, what great magic wand could be waved over the situation that would bring about a change, and could that change be accomplished by having a man sit in the President's Cabinet?

Mr. ROBSION of Kentucky. I have called attention to the provisions of the bill itself which expressly provide that nothing contained in this act shall in any way infringe upon or impair the rights, laws, duties, or responsibilities of the several States and the citizens thereof, not only as to public schools and public institutions of education, but likewise as to private schools and private institutions of education. Nothing in this bill in any way seeks to change the laws or the regulation of the schools and educational institutions of the several States. Washington, Madison, Jefferson, Monroe, and other Presidents, Hamilton, and each and every Congress since 1789 have recognized the right of the Congress under the Constitution to aid and encourage public education in the States.

A department of education here would establish a clearing house of information, statistics, and facts for the use and benefit of all those interested in education who might desire to avail themselves of this service. There is nothing in the bill that would compel any school or school officer, teacher, or pupil to accept this information.

I am sure the gentleman from New York would not want to do away with the Departments of Commerce, Agriculture, or Labor. They serve labor and industry largely by research, study, and investigation, making the information available to all those who might be interested.

Our liberties, our peace, our prosperity depend upon an enlightened citizenship—education. Is our interest in railroads, coal mines, factories, agriculture, corn, wheat, poultry, hogs, and cattle—all of which are tremendously important—more important than the childhood, the young manhood, and young womanhood of the Nation who will become the Republic of to-morrow?

In placing a representative of education in the Cabinet of the President, we would be putting first things first, and giving to the 30,000,000 students, the nearly 1,000,000 teachers, and the nearly 300,000 public educational institutions a voice at the council table of the Nation. [Applause.]

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, the gentleman who has just discussed the department of education bill is a little more frank on the subject than others who have favored it before the Committee on Education. He frankly believes that the educational problem of the country can be solved by Federal money; but the National Education Association, and others, who have favored the bill in recent years have tried to sheer away from the notion of large Federal appropriations. Originally, they wanted a Federal subsidy, but finding they could not get it they cut their bill in half and then asked for a Federal department of education. We who have opposed them have always believed that all they wanted in the long run was an appropriation, and the gentleman from Kentucky, in opening his remarks, called attention to the small appropriation that is made for the Bureau of Education, indicating that it is his desire that there be great sums of Federal moneys expended on education.

The truth of the situation is that the Federal Government is spending about $60,000,000, if not more, per annum on educational projects and, according to the gentleman from Kentucky, that the States and cities are spending about $3,000,000,000 on education to-day. My own notion of it is that it is nearer $2,000,000,000 for 25,000,000 children. I ask the Members of this House whether the States and cities are not affording liberal means of education when they are spending $2,000,000,000 per annum on 25,000,000 children. In other words, it is costing the cities and States about $80 per child for education.

The gentleman pointed out the difference between Russia and China and the United States and he called attention to the wonderful progress of the United States with respect to its schools. Then I say to him, let the Federal Government keep its hands off our schools; let our schools progress as they have progressed under local guidance; let not our schools be stagnated by the heavy hand of the Federal Government and let not the educational system of our country be reduced to the basis of the Russian educational system. [Applause.] It is Russia that has a national department of education or a Soviet commissioner of education, and if you read the provisions of the Russian program for education you can almost parallel them with the suggestions made in the various Federal department educational bills which have been before our committee.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BLACK of New York. I yield.

Mr. COCHRAN of Missouri. Was any evidence presented before the committee which tended to show that there is any State in the United States which does not respond when called upon to appropriate money for education.

Mr. BLACK of New York. No. As a matter of fact it happens that just now the States and cities are engaged in a strong race in the matter of education and that spirit of rivalry should not be stopped by the Federal Government. It is true that there have been many land grants for educational purposes,

but the history is that a great deal of that money of the Federal Government has been diverted to other purposes. The history of Federal connection with education has been one of corruption, and we want no more of it.

The gentleman called attention to the political platforms on this subject, but in the last campaign the Republican platform was very silent on the subject of a department of education. As a matter of fact, the Republican platform did not say a word about a Federal department of education, showing that those who control the Republican Party and the administration had realized, after their guidance of the administration, that a Federal department of education would be a very, very unwise proposition.

The gentleman spoke about the great organizations that support this bill, but we know how they get together; we know that the National Education Association is a bellwether; we know that the National Education Association herds these organizations into line and has them adopt stereotyped resolutions in favor of this bill.

The gentleman called attention to the deficiencies among our teachers. If the Federal Government is not going to standardize education, what is the Federal Government going to do about these deficient teachers? If such a plan were to be adopted, the Government would have to do something in the way of taking their licenses from them; it would have to do something which would stop them from teaching; and it would have to do something which would interfere with the State and city systems, or else it does not mean anything.

Then they say the Federal department of education is going to be a research proposition. The gentleman spoke about reindeer. I say that this country is spending plenty of money on education, and the fact that the reindeer appropriation happens to be carried in the Department of the Interior appropriation bill is no reflection on the public spirit of this country as to the amounts of money spent on children.

This is a specious argument of the type used by some of the educators to get this appropriation. Now, there is no real reason for this. The gentleman spoke about taking care of chickens, hogs, and pigs. What are our children that they are to be taken care of like we take care of chickens, hogs, and pigs? You could take care of chickens and hogs or you could take care of vegetables under the guidance of the Federal Government without doing them any harm, but you can not interfere with the child. The child belongs to the parents. The parents have the duty to educate that child and the further the Federal Government keeps away from the real guidance of the child, at the mother's knee, the better it is for the child.

You can not put children on a parity with hogs and pigs. This is the trouble with some of these research operators. They want to operate on the human soul and the human mind and the human heart as though they were operating on guinea pigs. This is one of the troubles with the people who want this type of legislation. [Applause.]

COTTON FUTURES

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. SNELL. Reserving the right to object, I do not want to object, but we have a couple of matters we want to get in this afternoon, and if the gentleman will not ask to extend the time, but will conclude in five minutes, I shall not object.

Mr. STEVENSON. I will conclude in five minutes. You have never found me breaking faith in that respect.

Mr. SNELL. If there are any further requests, I shall have to object.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. STEVENSON. Mr. Speaker, I am not going to discuss the State-rights question that we have been hearing about just now. We have always stood for that, but the South Carolina Legislature is standing now with the House of Representatives of the United States and has passed the following resolution:

A concurrent resolution concerning cotton "futures"

Whereas transactions in cotton involving the sale thereof for future delivery as commonly conducted on cotton-futures exchanges, and known as "futures," are affected with a national public interest; and

Whereas such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling cotton in interstate commerce; and

Whereas the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of cotton and to facilitate the movements thereof in interstate commerce; and

Whereas such transactions are utilized by shippers, dealers, manufacturers, and others engaged in handling cotton in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; and

Whereas the transactions and prices of cotton on such cotton-futures exchanges are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling cotton in interstate commerce, and that such fluctuations in price are an obstruction to and a burden upon interstate commerce to cotton and render regulation imperative for the protection of such commerce and the national public interest therein; and

Whereas the House of Representatives of the United States Congress did, on January 21, 1929, by unanimous vote, pass (H. R. 13646) a bill "for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges"; and

Whereas said bill is now pending for final determination in the United States Senate: Therefore be it

Resolved by the House of Representatives of the General Assembly of the State of South Carolina, That we respectfully urge our Senators to aid in the passage of said bill.

The concurrent resolution was agreed to and ordered sent to the senate.

This was unanimously passed, I believe, in the House of Representatives of the State of South Carolina. I am just rising to call attention to the fact that while this House unanimously passed this much-needed legislation, while it has the indorsement of the members of all the legislatures, I venture to say of the Southern States, and while it really has the indorsement of the honest cotton trader all over the country, yet there is a dumb silence in the other body which has to act upon it, and it stays asleep in some committee room, sat upon by some of the great friends of the farmers who have taken care of the cotton people of the United States in the last quarter of a century to such an extent that they are all now broke. [Laughter and applause.]

That bill was drawn after fullest hearings in which the Secretary of Agriculture, Mr. Jardine, said:

I believe that the ends sought to be achieved by the proposed legislation are good and I recommend its enactment as being desirable from the public standpoint.

There were present at the hearing representatives of the following associations, all interested in honest dealings in the cotton trade:

Mr. H. M. Bennett, from the Arkansas Cotton Association; Mr. C. M. Owens, from the Arkansas Cotton Association; Mr. H. G. Safford, chairman of the legislative and futures contracts committee of the American Cotton Shippers' Association, and formerly president of the Texas Cotton Association; Mr. J. S. Billingslea, of Georgia, president of the Atlantic Cotton Association; Mr. E. B. Stearns, president of the New Orleans Cotton Exchange; Mr. K. D. Wells, president of the Southern Cotton Shippers' Associations; Mr. C. W. Wells, of the New Orleans Cotton Exchange; and Mr. D. E. McCuen, past president of the Atlantic Cotton Association.

Mr. Safford made this statement as to the purposes of the proponents of the bill and the work of preparing it—

I was on a committee two and a half years ago which came up to Washington and went to see Secretary Jardine with reference to this same matter, asking him if he could do anything without legislation and, if he could not, to consider carefully what legislation might be introduced which would cure the evils of which we complained and under which we suffered. * * *

Mr. VINSON had introduced this bill in the House, and it contained almost all of the principles which we thought meant improvement, and we took that as a model on which to work. This committee spent a good deal of time over it, and checked the thing, paragraph by paragraph, and made some suggestions for amendments to clarify and to further strengthen the bill, which Mr. VINSON has been kind enough to accept in toto; so that the committee which I represent and the association which I represent is very glad to give its entire indorsement to the bill. Now, the form of bill which may be presented or carried through the Senate or House we have no wish to dictate, but the principles which are contained in the bill, as amended, are those for which we stand and which we think would better the conditions immensely.

Now, to get to the bill. The first part of the bill, constituting the cotton exchanges as public utilities, is copied from the grain futures act, with the elimination, as Mr. VINSON has said, of the taxing features of the Smith-Lever Act which had, in the grain act, been held unconstitutional. This would make it practically certain that the bill would go through the courts without being destroyed.

Mr. KINCHELOE. You started to say about your conversation with the Secretary of Agriculture, and you did not finish that.

Mr. SAFFORD. He said at that time he had no right whatever to interfere with the cotton futures market; he had no legal status in their investigation or in their control.

Mr. KINCHELOE. Did he suggest any remedy?

Mr. SAFFORD. He suggested it would be entirely agreeable to him if such legislation could be introduced and passed as would give him the same regulatory control as he had under the grain futures act.

Mr. Stern, president of the New Orleans Cotton Exchange, discussed the need of legislation and the form it should take, as follows:

Mr. STERN. Mr. Chairman, I will make a very brief statement. I know the time is exceedingly limited. I only want to say that, as president of the New Orleans Cotton Exchange I am here to state that the board of directors of the New Orleans Cotton Exchange have voted to approve the report made by the legislative committee of the American Cotton Shippers' Association, which has been presented here by Mr. Safford, the previous witness.

We believe that the further control and regulation by the Government as outlined in this bill is sound. I, for one, and I think I bespeak the sentiments of my exchange, consider the cotton exchanges are quasi-public utilities, serving a great public interest and for that reason it is sound in theory and practice to have them properly regulated by governmental bodies. We believe the provisions proposed in this bill will accomplish that result.

I may say another act has been proposed in the Senate embodying substantially the same principles as this bill, in the form of an amendment to the Smith-Lever Act, instead of, as I understand it, a new piece of legislation.

Now, as to the choice of the form in which those principles are to be enacted into law, it seems to us improper for us to express any opinion as to the question of form. That is the duty and province of the lawmakers of Congress to choose between the forms; but the subject matter, the principles of both bills, we approve of and indorse and believe they will work to the benefit of the cotton trade.

This refers to the bill of the senior Senator of South Carolina a companion bill to this Vinson bill.

Mr. H. M. Bennett, representing the Arkansas Cotton Trade Association, wrote the committee as follows:

The interests that we represent have given their unqualified indorsement of the Vinson bill and the recommendations of the committee on legislation of the American Cotton Shippers' Association.

We wish to emphasize the conviction of our people that some remedial legislation of this nature should be passed before the adjournment of this session of Congress.

Messrs. J. S. Billingsted and D. E. McCuen, president and past president of the Atlantic Cotton Association, made the following statement relative to the bill.

Mr. Henry G. Safford, of Houston, Tex., is chairman of the future contract committee of the American Cotton Shippers' Association. Mr. Safford has testified before your honorable committee on the general subject matter of the Vinson bill amended, and we wish to state that we indorse without reservation his entire testimony.

Mr. Hubbard, president of the New York Cotton Exchange, made the following statement for the record.

The New York Cotton Exchange realizes that your committee wishes to report a bill which will forever preclude the possibility of the cotton market being manipulated by scheming minds to the prejudice of the public welfare. The exchange without legislative assistance is powerless to prevent such abuses.

Now these are all people who buy and sell spot cotton and use exchanges as a legitimate hedge and want to stop unfair manipulations which ran down the price of cotton in 1927 from over 23 cents to 18 cents because the manipulators early in the season had sold more than the crop of that year at 18 cents and unless they could depress the price by delivery day to about that figure they would be ruined. They manipulated the market to that effect and it cost the farmers $20 a bale on millions of bales of cotton.

An interview was published in the papers after the Vinson bill went to the Senate that the gentleman quoted expected to rely on the promise of the exchanges to reform themselves. I invite this gentleman's attention to the statement of the president of the New York Exchange, quoted above, that it is impossible to reform without legislative assistance, and to plead with him to exert his well-known influence in cotton legislation to have this bill reported and passed to aid in such reform. He himself admits the need of reform and the president of the exchange says legislation is absolutely essential to bring it about.

RETIREMENT LEGISLATION

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up the resolution H. Res. 222.

The SPEAKER. The gentleman from New York calls up the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1727, an act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I shall only take the time of the House to make a very brief statement concerning the legislation to be considered under this rule. I appreciate the fact that Members of the House are well acquainted with all of the provisions of this legislation, but on account of the misinformation that has gone out through the country, furnished by various representatives of organizations who receive special benefit under this legislation, I feel that a statement of the absolute facts should be made for the benefit of the country at large at this time. I want to call attention specially to a statement often made, and specially made in northern New York a few weeks ago by the president of one of these organizations, that this is the employees' money and why is Congress unwilling to let us do what we want to with it? If that statement was true, I would agree with him. But such is not the fact, as I will explain to you.

I will say that the statement I make is taken from the report of the Committee on the Civil Service that was written and prepared by the gentleman from New Jersey [Mr. LEHLBACH], chairman of the Committee on the Civil Service, and I think it is probably the best information available at this time relative to the cost of the proposed retirement measure.

The retirement bill we are working under at the present time costs the Federal Government an annual charge of $19,950,000 a year, and it will cost us that amount for each year for 30 years. The Federal employees are paying into this fund at the present time under the present bill $28,000,000 per year. If we pass the bill this legislation now proposed the contribution on the part of the Federal Government will be increased to $30,000,000 a year for the next 30 years, and a contribution of $10,000,000 annually for all time. During this same 30 years there will be contributed by the Government employees $28,000,000 a year, or the same amount now being contributed. So under the provisions of the bill proposed at the present time, the Federal Government will pay just a little more than 50 per cent of its entire cost. I think that that information ought to go to the country at large so that they will know exactly what we are doing at the present time, by passing this increased retirement act.

I am not opposed to Government employees nor their desire for retirement, but I feel that I owe an equal obligation to the men who work in the stores, the mills, the factories, and on the farms to the obligations that I owe the employees of the Federal Government. [Applause.] For that reason I feel that it would not do any harm to anyone if the measure was delayed for two or three years more until it was more carefully and fully considered by the House of Representatives, and until we are absolutely sure we can afford to assume this added obligation.

THE EVENING SESSION

Mr. TILSON. Will the gentleman yield to me to make an announcement?

Mr. SNELL. I will.

Mr. TILSON. Mr. Speaker, a number of Members have inquired of me to-day in regard to an evening session for the consideration of the Private Calendar, evidently not having noticed on the calendar this morning that an evening session has been arranged for this evening. I hope the entire membership of the House will take notice and be ready for the session on the Private Calendar, which arrangement was entered into last night.

Mr. SIMMONS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SIMMONS. Will the Chair recognize any motion for the consideration of a bill on the calendar before the star.

Mr. TILSON. The call will begin at the star, at the point in the calendar where the last call left off.

Mr. SIMMONS. And the Chair will not recognize any Member asking that a bill be considered on the calendar prior to the star, so that Members opposed to those bills will know that they will not come up?

Mr. TILSON. The call of the calendar will begin at the star, and it is not probable that the entire calendar will be finished within three hours.

RETIREMENT OF EMPLOYEES

Mr. PERKINS. How many employees in the Federal Government are affected by this bill?

Mr. SNELL. Between three hundred and four hundred and fifty thousand. How much time does the gentleman from North Carolina want?

Mr. POU. About 10 minutes.

Mr. SNELL. I yield 10 minutes to the gentleman from North Carolina.

Mr. POU. I yield three minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker and gentlemen of the House, this bill, reported out of the Committee on Civil Service, I am sure most Members will agree is a very meritorious bill. All it does is to reduce by two years practically the ages where certain civilian employees may retire and in addition raises the maximum to $1,200 a year.

We have heard something about extending these provisions, but it must be remembered that the employees contribute 3½ of the per cent of the total cost of this retirement annuity, under the retirement system.

Up to this point, ladies and gentlemen, the Government has contributed very little, although the Government may be called upon to pay more later.

Mr. SNELL. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. SNELL. We appropriated $19,950,000 last year.

Mr. LEHLBACH. Three years ago we appropriated $9,450,000 and this year we have appropriated $9,900,000.

Mr. CELLER. Mr. Speaker, I stand corrected on that, but I want to emphasize the fact that the major portion of the expense entailed by this system has been paid by the employees themselves, who contribute out of their salaries 3½ per cent. As the law now stands, it appears to me that a man has to die to win. He drags on a pitiless existence until he is 70 years of age, in certain classes of employment, and then he retires—retires to what? Not to an enviable existence by any means, but to enfeebled, decrepit old age. He retires just in time to die. What does life hold out to a man of 70 after many years of labor? I am almost certain that if the facts could be adduced, the Government would save money by liberalizing this retirement system as it will if we pass this bill, because there are a great many employees in the Government service who are superannuated, and we can get rid of them by this liberal retirement amendment. We can let them out under the present system. They will not retire. Why should they? They asked for extensions. The annuity is a mere pittance. It hardly averages more than $500, if that. Let us liberalize the age limit and increase this annuity to a maximum of $1,200. Let us pass the bill.

Mr. POU. Mr. Speaker, I yield seven minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, I imagine that there is very little, if any, opposition to this bill. So far as my own individual position is concerned, since coming to the House six years ago, I have been a member of the Civil Service Committee, and along with other gentlemen on that committee have worked in an effort to liberalize and humanize the retirement law. I am in favor of this bill and expect to vote for it, but it is not about the merits of the legislation that I desire to speak to the House to-day. Bringing this bill up to-day is nothing but a gesture. It is very well to make a record of it, that those who read may understand, that the consideration of this retirement bill to-day is just a little sop thrown out in an effort to pacify the feelings of some of the old superannuated employees who are sitting around now waiting for their Government to open up its heart and treat them fairly, justly, and honestly.

What are the facts about it? This bill passed the Senate May 3, 1928. It came to the Committee on Civil Service of the House May 10, 1928, and was unanimously reported out immediately. On May 23, 1928, 20 days after it passed the Senate, a rule was granted for its consideration by the Rules Committee, and although there have been vague, indefinite promises floating around ever since that time, not until to-day, when it is perfectly safe to bring it up, has it been brought forward, knowing full well, as gentlemen do know, that it will sleep the peaceful sleep that other legislation has enjoyed when it has reposed in the pocket of the Chief Executive, as it has reposed in the pocket of the gentleman from New York [Mr. SNELL] for nearly a year. This bill will never be signed. Everybody here who is familiar with the situation knows that it will not be signed. If there had been the slightest chance in the world of its being signed, it would not have been brought up here to-day. What is the situation? We are now in the shadow of the closing hours of the Congress. The President is against the bill. Has been against it all the time. He has said that he would veto it, "no matter what you did to it or how you changed it." The President must be saved from necessity of vetoing a piece of legislation that so vitally affects the happiness and the very sustenance of employees who have given many, many years of valuable service to this Government. Therefore, the distinguished gentleman from New York [Mr. SNELL], the genial chairman of the Rules Committee, carries the rule in his pocket from May 23, 1928, to this good day, though the Congress has been ready to pass the bill without a dissenting voice, and over the veto of the President, if it had an opportunity so to do. Had the bill been brought out one week ago to-day, a very different situation would have obtained, because had the bill then been passed, the President would have had to have taken affirmative action. He would have been compelled to place his veto on the bill, and the bill would have come back to the House for action, and very speedily his veto would have been overridden; but to-day Members of Congress are being given the opportunity to vote, and that is all it will ever amount to.

This is nothing but a colossal joke. There are thousands of old employees of this Government, men and women, who have given many years of arduous service to the Government. The men and women who really perform the work, as every Member of Congress knows if he has been in close touch with the departmental matters, are not the Cabinet Members, are not the chiefs of the departments. The people who do the manual service, the detailed work, that carries on the affairs of the Government are these men and women behind the desks who draw often very small, inadequate salaries. You have an army of these old men and women, and some in the galleries to-day watching you, who are laboring under the delusion that the gentleman from New York [Mr. SNELL] has opened up his heart, and that the administration has recanted, that the retirement bill is going to become a law. God pity them! They are going to be sadly disillusioned after the 4th of March, for the bill will never be heard of again. Those men and women have given anywhere from 5 to 10 to 20 up to 40 years of the best years of their lives to Government service. They are asking you to liberalize the retirement law. They ask for bread, and you give them a vote on the bill.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I prefer not to yield. Of course, it is going to cost the Government something to carry on this retirement law. Congress knew it would cost something when the system was inaugurated, but the employees are paying a great portion of the system and the testimony before our committee and before the Senate committee shows that from a purely economic and business standpoint this Government will make great gains by retiring the superannuated employees. We have all of that information. Not only that, but you can find by inspecting the records that every time the statisticians have made estimates of the cost of the retirement system they have overestimated what the cost will be and underestimated what the receipts of the system will be. If you will compare the figures to-day, the amount that is in the retirement fund with the estimates of the actuaries made some years ago, you will find that the fund has greatly exceeded what the actuaries estimated would come in.

Let us examine and compare the estimates with the facts:

Act of May 22, 1920	Balance (estimated in 1919) [1]	Actual balance [2]
July 1, 1921	$4,356,500.00	$9,672,842.03
July 1, 1922	7,828,500.00	18,134,263.91
July 1, 1823	10,416,000.00	25,510,288.97
July 1, 1924	12,119,000.00	33,586,193.19
July 1, 1925	12,937,500.00	44,665,778.56
July 1, 1926, 3½ per cent	12,757,500.00	54,629,004.93
July 1, 1927	15,307,000.00	68,336,760.95
July 1, 1928	14,058,000.00	83,078,430.00

[1] From Report No. 99 by Senator Sterling, July 23, 1919.
[2] From Reports of Secretary of Interior.

Without contributions from the Government estimated surplus July 1, 1930, at 2½ per cent, $6,192,500.

Not only that, but the estimates show that in 28 years the Government will be through with making any contributions whatever to this retirement fund, and under the system, by the employees making their contributions, it will be self-sustaining.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. SNELL. I understood the gentleman to say that after 28 or 30 years the Government would not have to make any contribution?

Mr. WOODRUM. Yes.

Mr. SNELL. That does not comply with the report written by the gentleman's committee. I take my information from the report furnished by the committee, which says it would be about $10,000,000 a year.

Mr. WOODRUM. I read to the gentleman, on page 2, next to the concluding paragraph on page 2 of the report:

> Under the proposed amendment the additional cost is estimated at $4,362,000. It is anticipated that after approximately 28 years all that cost to the Government will be completely liquidated.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SNELL. Mr. Speaker, I yield to the gentleman two more minutes.

The SPEAKER. The gentleman from Virginia is recognized for two more minutes.

Mr. SNELL. But in the final conclusion of the report written by the committee it says:

> Thereafter the contribution of the Government will approximate $10,000,000 per annum, and the contribution of the employees will be about $28,000,000.

That is the concluding paragraph of the report. The gentleman refers to one portion of the bill, and not to the whole.

Mr. WOODRUM. Has the gentleman Report No. 1580?

Mr. SNELL. Yes.

Mr. WOODRUM. That is my understanding of it. The gentleman may be correct.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Speaker, under leave to extend, I insert a table which has been prepared based on the estimate of Dr. Alvan H. Thompson, which I feel will be of interest to the House. Doctor Thompson's figures have proven very conservative to date, as the contributions have been more and the payments of annuities and refunds less than in this table.

Based upon the computations of Dr. Alvan H. Thompson, of the Pension Bureau, in testimony before the Joint Civil Service Committee January 14, 1926, plus the contributions of the Government provided in the last session, the most conservative estimate places the retirement fund in 1941 at $537,332,944, with interest at more than $20,000,000 per annum. This with contributions of more than $30,000,000 from the employees' salaries and nearly $20,000,000 from Government contributions, would soon build this into a tremendous fund. Doctor Thompson estimates the expenditures in the fiscal year of 1941 at less than $35,000,000 with an income of more than $70,000,000. This does not seem necessary. Our own estimates, based on the best figures to date, give us approximately $620,000,000 in the fund July, 1942, with interest of nearly $25,000,000 annually, with no additional appropriations by the Government except those now in force.

Operation of civil-service retirement law

RETIREMENT AND DISABILITY FUND

July 1—	Contributions by employees	Government	Interest	Annuity and refunds	Balances
1929	$25,932,000	$19,950,000	$4,042,670	$17,996,000	$132,994,670
1930	26,148,000	19,950,000	5,319,786	19,598,250	164,814,206
1931	26,364,000	19,950,000	6,592,568	21,096,750	196,624,624
1932	26,364,000	19,950,000	7,864,984	22,498,500	228,305,108
1933	26,796,000	19,950,000	9,132,104	23,811,000	260,373,312
1934	27,012,000	19,950,000	10,414,892	25,039,500	292,710,704
1935	27,288,000	19,950,000	11,708,428	26,190,750	325,406,382
1936	27,440,000	19,950,000	13,016,255	27,279,000	358,542,637
1937	29,965,000	19,950,000	14,341,705	29,879,200	392,920,142
1938	30,199,000	19,950,000	15,716,805	30,884,000	427,901,947
1939	30,433,000	19,950,000	17,116,077	31,826,400	463,574,624
1940	30,667,000	19,950,000	18,542,984	32,711,200	500,023,408
1941	30,901,000	19,950,000	20,000,936	33,542,400	537,332,944

The following table is extracted from the report of the Hon. Hubert Work, Secretary of the Interior, on the operation of retirement law, beginning with the first annual report of June 30, 1921, down to and including the last annual report of June 30, 1928. The items specified in this table show the amount of contribution of the employees each year with interest, the amount of annuities paid out with refunds, and the balance on hand at the end of each fiscal year:

Total receipts for fiscal year ending June 30, 1921, including contributions with interest	$12,586,389.37
Total disbursements	2,913,547.34
Balance in fund June 30, 1921	9,672,842.03
Balance in fund July 1, 1921	9,672,842.03
Total receipts for fiscal year ending June 30, 1922, including contributions with interest	14,853,748.99
Total disbursements	6,392,327.11
Balance in fund June 30, 1922	18,134,263.91
Balance in fund July 1, 1922	18,134,263.91
Total receipts for fiscal year ending June 30, 1923, including contributions with interest	15,155,609.28
Total disbursements	7,779,584.22
Balance in fund June 30, 1923	25,510,288.97
Balance in fund July 1, 1923	25,510,288.97
Total receipts for fiscal year ending June 30, 1924, including contributions with interest	16,632,485.93
Total disbursements	8,556,581.71
Balance in fund June 30, 1924	33,586,193.19
Balance in fund July 1, 1924	33,586,193.19
Total receipts for fiscal year ending June 30, 1925, including contributions with interest	20,028,867.69
Total disbursements	8,949,282.32
Balance in fund June 30, 1925	44,665,778.56
Balance in fund July 1, 1925	44,665,778.56
Total receipts for fiscal year ending June 30, 1926, including contributions with interest	20,173,691.86
Total disbursements	10,210,465.49
Balance in fund June 30, 1926	54,629,004.93
Balance in fund July 1, 1926	54,629,004.93
Total receipts for fiscal year ending June 30, 1927, including contributions with interest	27,168,463.84
Total disbursements	13,460,707.82
Balance in fund June 30, 1927	68,336,760.95
Disbursements on account of annuities and refunds for fiscal year ending July 1, 1928	14,761,614.75
Contribution by employees, 3½ per cent of salary	28,500,000.00
Total in fund July 1, 1928	83,078,430.00
Appropriated by Government	19,950,000.00
Total amount in retirement and disability fund July 1, 1928	103,028,430.00

Number died during the past fiscal year, 1,271.

Number of employees on retirement roll July 1, 1928, 15,383.

Number of deaths since the law became effective—more than 7,000.

There are 405,000 employees of the Government service who come within the purview of the retirement law, and they pay into the retirement fund 3½ per cent of their salary, which amounts to more than $28,000,000 annually.

I also insert a list of a few out of the many private banking and industrial concerns who have adequate retirement systems.

Bankers Trust Co. of New York have voluntary retirement at age 60, after 15 years' service. The maximum annuity is $5,000. Employee's contribution is 3 per cent of salary.

The First National Bank of New York has a similar system, the employees contributing 5 per cent of their salaries.

Speyer & Co. of New York allow voluntary retirement at age 60 with a service requirement of 25 years. The annuity is 75 per cent of salary for the past 10 years, and the contribution of the employee is 2 per cent and 3 per cent.

The Guaranty Trust Co. has a voluntary retirement age at 65 after 15 years' service; or, no age after 45 years' service. The maximum annuity is $5,000. The contribution of the employee is from 2 per cent to 35/50 of average pay last three years.

The Prudential Life Ins. Co. allows retirement at age 65 after 25 years' service. The annuity is $150 a month, and the employee contributes 1 per cent of his average pay for the last 10 years.

Morris & Co. allow voluntary retirement at age 55 after 15 years' service. The annuity is 2½ per cent of final salary, the contribution of employees being 3 per cent of salary received.

The Union Trust Co., New York, has voluntary retirement at age 65 after 20 years' service. The maximum annuity is $5,000, the employee's contribution being 1 per cent of average salary for five consecutive years of highest pay.

The First National Bank of Chicago allows optional retirement at age 60, after 15 years' service, the employee's contribution being 3 per cent of salary. The annuity is 35/50 of salary.

Fairbanks, Morse & Co. have voluntary retirement at age 60, with 20 years' service requirement. There is a maximum annuity of $4,000. Employee contributes 3 per cent of salary.

Hibbard, Spencer, Bartlett & Co. allow retirement at age 65 after 15 years' service, with a maximum annuity of $1,500. The employee contributes 3 per cent of salary.

The American Telegraph & Telephone Co. have voluntary retirement ages of 60 and 55 with 30 and 25 years of service required. The minimum annuity is $360. There is no contribution by employees.

The Western Electric Co. has a similar system.

The Consolidated Gas Co. of New York allows retirement at age of 50 or over after 25 years' service, and the annuity is from 20 per cent to 60 per cent of salary. There is no contribution by employees.

The Niagara Falls Light & Power Co. has voluntary retirement at age 65, with 10 years' service. The annuity is $1,000. There is no contribution by the employees.

The Southern California Edison Co. allows retirement at age 60, with 20 years' service. The minimum annuity is $300. There is no contribution by employees.

Butler Bros. have retirement age of 60 after 20 years' service, with maximum annuity of $1,000. The employee does not contribute.

The Commonwealth Edison Co. retires at ages 55, 60, and 65, with 30, 15, and 5 years' service requirements, respectively. The maximum annuity is $5,000. There is no contribution by the employee.

The United Cigar Stores retire at age 60 after 25 years' service. Maximum annuity is $200 a month. The employee does not contribute.

The Otis Elevator Co. retires at age 60 with 20 years' service, with a maximum annuity of $125 a month. The American Smelting & Refining Co. has a similar system, with a maximum annuity of $3,000.

Swift & Co., the Western Union Telegraph Co., Procter & Gamble all retire at age 60, with 25 years, 20 years, and no stipulated service requirement, respectively. Procter & Gamble's maximum annuity is $1,800. There is no contribution by employee.

The Westinghouse Airbrake Co. have voluntary retirement at age 65, with no stipulated service requirement. The maximum annuity is $100 a month. The employee does not contribute.

The Equitable Life Insurance Co. retires at age 65, with 10 years' service. The maximum annuity is $3,600.

The Cleveland Cliffs Iron Co. allow retirement at age 60, with 25 years' service. The annuity is $1,200. Employees contribute 1 per cent of salary received for the last 10 years.

The Wilson Packing Co. has a retirement age of 55 after 20 years' service. The maximum annuity is $5,000, and the employees contribute 2 per cent of salary.

The Crane Co. allows voluntary retirement at age 60 after 20 years' service. The maximum annuity is $125 a month. Employees contribute 2 per cent of salary received for last 5 years.

The Murphy Varnish Co. has voluntary retirement at age 60 after 20 years' service. The maximum annuity is $2,400, and the employee contributes 2 per cent of average salary for last 10 years.

Mr. SNELL. Mr. Speaker, inasmuch as the gentleman from Virginia referred to the gentleman from New York, I want to say that the gentleman from Virginia, as he said, was speaking to the gallery; the gentleman from New York was speaking his absolute judgment as to what ought to be done at the present time to properly protect the people of the whole country, as well as the employees of the Federal Government.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LEHLBACH. Mr. Speaker, I move that the House resolve into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1727; and pending that request, I would like to ask who, if anybody, desires time in opposition to the bill?

The SPEAKER. The gentleman from New Jersey moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 1727.

Mr. LEHLBACH. I would like to ask if anyone desires a half hour in opposition to the measure?

Mr. BANKHEAD. I do not think there is anybody on this side who is opposing the bill, but I think the gentleman from Virginia [Mr. WOODRUM] would like to have some time on this side. There is no opposition, as I understand.

Mr. LEHLBACH. I know of no opposition on this side. While we are to have an hour's debate, I propose to take only a very few minutes, and I have but one request for 10 minutes.

Mr. WOODRUM. If there is nobody opposed to the bill I submit we might have a vote on the bill.

Mr. LEHLBACH. I would like to make a brief statement of the amount of money involved.

The SPEAKER. Does the gentleman make any suggestion as to the time?

Mr. LEHLBACH. It is that the time be equally divided. That is provided, however, by the rule.

The SPEAKER. The gentleman from New Jersey will have control of half the time, and the gentleman from Alabama [Mr. JEFFERS] the other half. The question now is on agreeing to the motion of the gentleman from New Jersey that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Montana will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1727, with Mr. LEAVITT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 1727, which the Clerk will report, by title.

The Clerk read as follows:

A bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for half an hour.

Mr. LEHLBACH. Mr. Chairman, in order to clear up a persisting misunderstanding as to the cost borne by the Government and the share borne by the employees, I beg your indulgence while I repeat what I have said eight or ten times in the last 10 years upon this floor.

The cost of the bill is separable into two items. The first item is what is known as the normal cost. The Government employees who come within the provisions of the retirement act pay 3½ per cent of their salaries to the retirement fund for the maintenance of that fund. When the time arrives when all those who retire or are eligible for retirement or in the years to come will be eligible for retirement, they will have paid their full proportion to the retirement fund. But before that we have employees who are retired immediately without having made any contribution. The following year they pay 3½ per cent of one year's salary, and so on, and they are still retiring, having paid for eight years 3½ per cent of their salary.

That is known as the deficiency cost. The normal cost is where everybody has paid from the beginning of his employment until his retirement or withdrawal. The deficiency cost is where a person has either paid nothing or little or a lesser proportion of the contribution to the retirement fund from the beginning of his employment until the cessation of his employment.

The normal cost under the law as it exists to-day is figured as 3.90 per cent of the pay roll. Of that 3.90 per cent of the pay roll, which is the normal cost of retirement, the employees pay 3.50 per cent. That is the sum paid into the fund for its maintenance, and the Government pays 0.48 per cent of the cost of maintaining the fund. Inasmuch as the contributions belong to the contributor and are returned to him in some form, or to his next of kin if he should die in the service, the cost of the deficiency is borne wholly by the Government. The cost of the deficiency is 1.97 per cent of the pay roll, and that entire 1.97 per cent is borne by the Government, because no employee is taxed to pay for the retirement of another employee who has not paid his full share toward the retirement cost. Now, adding the normal cost and the deficiency cost together, it makes a total maintenance charge of 5.95 per cent of the pay roll, of which the employees pay 3.50 per cent of that pay roll and the Government pays 2.45 per cent of the pay roll, including the deficiency charge. In other words, in taking up this deficiency slack the employees contribute 3.50 per cent of the pay roll and the Government pays 2.45 per cent of the pay roll.

When the bill was enacted into law it was known as a 50-50 bill, assuming that the payments for the maintenance of the fund would be so distributed between the employees and the Government that the contributions would be about alike, 50 per cent of the cost of the fund being contributed by the employees and 50 per cent of the cost of the fund being contributed by the Government. Even with this deficiency, which is not a burden on the employees, but is a burden on the Government, we find that the employees are nevertheless paying 3.50 per cent of the pay roll and that the Government is paying 2.45 per cent—less than half.

Now, after 28 years from now, approximately, have elapsed the deficiency cost will have been wiped out, and if the law remains as it is we find that the Government employees will pay 3.50 per cent of the pay roll and the Government 0.48 of 1 per cent of the pay roll. So, of course, that is not a 50-50 proposition.

This bill increases the annuities from a maximum of $1,000 to a maximum of $1,200 and, of course, has relative steps of increases of annuities in the ranges below the maximum. It provides that those who have served continuously in the service for over 30 years are retired optionally 2 years earlier

than they would automatically retire under the terms of the present law.

Mr. MORGAN. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. MORGAN. Are these estimates based upon the proposed increases in the pending bill?

Mr. LEHLBACH. No. The estimates I have stated refer to the law as it is now. Now, I have explained that this bill seeks to increase the maximum to $1,200 with proportionate increases along the line, and a 2-year earlier optional retirement for those who have served 30 years or more in the Government service. This has been figured by the actuaries. The figures given to us are the only official figures we have and we are bound by them, but I want to state that in almost every instance they have overestimated the cost of the maintenance of this retirement system, because it is the custom of insurance-company actuaries to load their premiums to an extent that there is no danger of even approaching the line of excess liabilities over assets. This increase will cost a percentage of 1.58 per cent over the present cost. Therefore the Government will pay about 2 per cent as against the employees' 3½ per cent when the normal stage is reached, and the Government will have to contribute 1.58 per cent more per year than the 2.45 per cent it is now contributing.

In money the deficiency cost is about $4,362,000 additional over the existing cost and the normal cost is $5,535,000 over the present normal cost, so that for 28 years or so the Government will pay a little less than $10,000,000 additional into the fund, and after it reaches the normal stage it will be paying $5,535,000 more into the fund, that is, in addition to the $19,000,000 it is contributing now.

The fact that there is a cash balance in the fund does not mean anything at all, because the liabilities of the Government are very slight when people first begin to retire, but as the decades go on they increase by geometrical progression.

If the fund were once wiped out then we would have to contribute everything over and above the 3½ per cent of the Government employees, but making these annual appropriations just sufficient to keep the fund balanced, makes no heavy load on the Treasury and in view of the intention, when the system was originally installed, and the fact that the Government is paying a much less sum than was anticipated, I feel perfectly justified in recommending that this bill do pass.

I reserve the balance of my time, Mr. Chairman.

Mr. SIMMONS. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SIMMONS. I have wondered if any study has been made comparing the retirement benefits now accorded to Federal employees with retirement benefits in established businesses, say, in the city of Washington. As I understand it, the business men of Washington have asked for this bill and the newspapers have abused Congress for not passing it. What retirement benefits do they give their employees?

Mr. LEHLBACH. Such retirement systems as I know existing in Washington, such as the system the Evening Star maintains, are so much more liberal that there is no comparison; and I want to say that I have not seen a Government retirement system in Great Britain, Germany, Italy, France, or any other country that is not much more liberal than the retirement system we have here, and there is not a municipality having a retirement system or a State having a retirement system that is not more liberal than our retirement system.

Mr. SIMMONS. Outside of the Evening Star retirement system, what businesses in Washington are retiring their employees and giving them the benefits that the Government now gives its employees?

Mr. LEHLBACH. I do not know, but I do not know of a railroad in the country without a liberal retirement system, and we have railroad employees here; I do not know of a first-class insurance company; I do not know of a large employer of labor in my section of the country that does not have a retirement system.

Mr. SIMMONS. How do they compare? Has there been a study made as to the comparative bases between the two?

Mr. LEHLBACH. There has been, but the facts are not at my fingers' ends right now.

Mr. SIMMONS. The gentleman has not those figures available for us now?

Mr. LEHLBACH. But so far as any Government retirement system is concerned, this is the most conservative I have found either in the lesser subdivisions of this country or in any foreign country the figures of which we have had access to.

I now yield 10 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman and gentlemen, I do not propose to allow the remarks of the gentleman from New York, the chairman of the Committee on Rules, to pass unanswered. I believe he made the statement that nobody had answered him on the merits of the bill.

The chairman of our committee has already emphasized the fact that a 50-50 proposition for the retirement of superannuated employees is the most conservative, or to put it the other way, the most illiberal of all the retirement systems in the country. I have been on this committee for a good many years and I was here when the retirement legislation was originally passed, and the fact is that investigation demonstrated that a great many of the largest corporations in this country retire their superannuated employees without any contribution from their wages. Others require a contribution of only one-fourth of the total cost of the system.

Now, if the Members of the House will examine the debates when this retirement legislation was first enacted they will find that it was held out to the country as a 50-50 proposition. I remember well the debate in the Senate when the Senator from Utah, Mr. SMOOT, said he believed the result would be that the Government would pay five-eighths of the total cost. Senator Sterling, who was in charge of the bill, contended that it would only be a 50-50 proposition. The Government would pay one-half and the employees would pay one-half.

I can also remember hearing the distinguished chairman of the Committee on Rules, the gentleman from New York—I was sitting in the front seat when he brought in the rule for the original retirement legislation—state that it was a 50-50 proposition.

Now, what happened? If the Government had carried out the 50-50 idea, Congress would have appropriated the first year from the Public Treasury an amount equal to the contribution of the employees. The employees contributed, in round numbers, from $12,500,000 to $28,500,000 annually, the Government contributed nothing, and that went along for eight years. This fact ought to be emphasized, because if the Government had appropriated an amount equal to the amount contributed by the employees for the first period of eight years and that amount had been invested, as the rest of the fund is invested, in interest-bearing securities, we would have a fund to-day of between $300,000,000 and $400,000,000.

Now, these estimates of cost by the actuaries are overestimates, and this is proved by the actual experience with respect to this fund. I called attention to this fact in a speech which I made the other day on the floor of this House. These same actuaries made the prediction when this bill was passed that if the Government made no contribution at the end of eight years there would not be any money in the fund at all. What are the facts? At the end of the period, without any contribution from the Government, there was $83,000,000 in the fund, and this in spite of the fact that that fund, contributed entirely by the employees, took care of the biggest peak of retirement you will ever have, because when the act went into effect from 6,000 to 7,000 old employees walked out immediately, resulting incidentally in an annual saving to the Government Treasury of over $800,000.

In other words, the actuaries were wrong—they were away off in their estimate; but the fact remains, as the chairman of our committee has just emphasized, that even with the enactment of this bill the civil-service retirement system is far from being a 50-50 proposition. The Government will never—even if the bill is enacted and even if the actuaries are entirely correct—the Government will never pay more than half of the cost of this retirement system. And if, as experience shows, the actuaries are wrong, the Government will never pay anywhere near the one-half they agreed to pay when the legislation was enacted.

Now, somebody may ask, why were the actuaries wrong? Well, in addition to the fact that they always overestimate, in order to be on the safe side, the fact is they have not sufficiently taken into consideration the immense turnover in the Government service, amounting in some years to almost 10 per cent of the approximately 400,000 employees. In other words, in some years 40,000 Government employees leave the service for one reason or another. They will never be a charge on the fund, although they are refunded the money that they have paid in, with interest.

Again, the actuaries assume that each man and woman when they come to the retirement age is going to retire. But every Member of the House knows that he is being continually importuned, by letter or otherwise, by persons in the Government service who have reached the retirement age and who desire to obtain an extension of two years, and then frequently of two years more, so that if they are still able to perform their duties

they may be allowed to continue to work. These extensions are constantly being granted, and instead of becoming charges on the fund a very large number of employees, when they reach the retirement age, still continue to contribute to the fund.

And, finally, the death rate of the Government employees, when they finally do retire, is very much greater than the ordinary normal death rate in the country at large.

As a result of these four reasons, the figures given by the actuaries have been wrong.

The chief point, however, which I want to emphasize is that the actual experience of this very fund shows they were entirely wrong. They predicted in 1920 that in 1921 there would be only $4,356,500 in the fund if the Government contributed nothing, whereas there was actually $9,672,842.03. At the end of seven years these same actuaries predicted that there would be only $15,307,000 in the fund when there was actually $68,336,760.95. And bear in mind that if the Government had kept faith and contributed its share the fund would be two or three times greater.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. SPROUL of Kansas. When did the Government agree to contribute 50 per cent, and who was its representative when it made the agreement?

Mr. DALLINGER. The men who were sponsors for the legislation on the floor of the House and the Senate.

Mr. SPROUL of Kansas. Does not the gentleman know that such statements, made as they were made, do not even bind the Members to-day or anybody else?

Mr. DALLINGER. I will say to the gentleman from Kansas that nothing binds the Government of the United States of America, as was shown in the case of the French spoliation claims, when the United States received from France millions of dollars to take care of the owners of vessels destroyed during the Napoleonic wars; that sum was turned into the Treasury, and although the Court of Claims has decided that two or three millions of dollars belong to the owners, or their descendants, Congress has never passed an appropriation to pay these just claims. Of course there is nothing to compel this great Nation to carry out its promises. When the retirement legislation was being prepared it was understood and held out to the country that it was a 50-50 proposition, and it was so understood when the legislation was enacted and signed by the President.

Now, this bill increases the annual retirement annuity from $700 to $800 a year. If the Government had contributed its part from the beginning and that amount had accumulated for the eight years from 1920 to 1928, the enactment of this bill would not require any additional appropriation over and above what is now being appropriated from the Government Treasury. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LEHLBACH. Mr. Chairman, if there is no further time to be used on the other side, I ask for the reading of the bill.

The Clerk read as follows:

SEC. 4. The annuity of an employee retired under the provisions of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by such employee during the five years of allowable service next preceding the date of retirement, by the number of years of service, not exceeding 30 years, and dividing the product by 40. In no case, however, shall the annuity exceed $1,200 per annum. For the purposes of this act, all periods of service shall be computed in accordance with the provisions of section 5 of this act, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," whenever used in this act, shall be so construed as to exclude from the operation of this act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

Mr. SMITH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH: Page 2, line 21, strike out the following in lines 21 and 22: "The five years of allowable service next preceding the date of retirement," and insert in lieu thereof the following: "Any five consecutive years of allowable service at the option of the employee."

Mr. SMITH. The reasons for this amendment are as follows:

First. The amendment of the law would increase the annuity of many a little, of a few some, and of a very few a great deal, without lessening the annuity of anyone.

Second. It would increase the efficiency of the civil service in two ways: (a) By encouraging every employee, especially those in the lower grades, to strive always to do his or her best in order to advance, and thus reach the high five consecutive years of service before becoming less efficient, on account of age, when reductions would occur; and (b) by allowing the chiefs of bureaus to reduce inefficient employees, without reducing their annuities, when they come to retire; otherwise no chief will likely reduce an old and faithful employee, however inefficient on account of age, if at the same time he reduces his annuity for the rest of his life.

Third. There are employees whose salaries have been reduced during the last few years before retirement on account of inefficiency, due to old age, or sickness, or accident, or dislike of chief or other cause, who otherwise would have received the full amount under the present law. Should a person have his pension reduced the remainder of his life because of a reduction in salary, due to accident or other causes which made it necessary to reduce his salary? This often occurs under the present law.

Fourth. It is true of clerical and other simple work that after the age of 60 or 65 a clerk is usually less efficient, and where distinctly inefficient should be reduced, so that a younger person may be promoted to his place; but this is not liable to be done, as it at the same time reduces the annuity under the present law.

Fifth. Making the annuity depend on the average of any five consecutive years of service does full justice and injures no one, helps many, and makes the service much more efficient.

If a clerk's salary is $1,600 and he renders inefficient service on account of age or illness, the Government loses full service annually until he retires under the present law, for he may not be reduced, as it reduces his retired compensation the rest of his life. But if the law is amended as proposed he could be reduced and a younger and more efficient clerk be promoted to the $1,600 place, and the Government would be the gainer and the employee's retired pay not be affected. In every case of reduction in salary on account of old age or inefficiency under the proposed amendment the Government will save much, increase efficiency greatly, and do no injustice to anyone.

The Civil Service Commission, in the following letter addressed to the chairman of the committee, recommends the adoption of the amendment, which was embodied in H. R. 15679.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 3, 1929.

HON. FREDERICK R. LEHLBACH, M. C.,
Chairman Committee on Civil Service,
House of Representatives.

MY DEAR MR. LEHLBACH: The commission notes that H. R. 15679, introduced by Mr. SMITH, proposes to amend the retirement act in section 4 by providing that the annuity shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employees during any five consecutive years of allowable service, by the number of years of service, not to exceed 30, and dividing the product by 45.

The effect of this amendment, if enacted into law, would, of course, be confined to a limited number of cases so far as increasing the amount of annuity is concerned. Undoubtedly there are some annuitants who, during their later period of service, were reduced in salary to such an extent that under the present method provided for computing annuities they receive an amount considerably less than the maximum. Such reductions in salary were no doubt justified by the decreased usefulness of these employees, who had grown old in the service, but the decreased annuities resulting therefrom are probably not so easily justified. The proposed amendment would permit an adjustment in these cases.

It is believed that the provisions of H. R. 15679 would have a beneficial effect not only on the individual annuitants, but would also tend toward more efficient administration. With few exceptions the heads of the departments and offices will not willingly decrease the salary of employees nearing retirement age, knowing that such decrease will lower the annuity which they would otherwise receive, although such reduction in salary and position might be demanded, by the best interests of the service. If the salary in these cases could be reduced to conform with their worth to the service, but not lower the annuity, there would be less reluctance in so doing.

The commission does not have at hand any figures which would show the probable cost to the retirement system of this proposed change in method of computing annuities, but it is not believed any great burden would be imposed on the system thereby. The commission recommends favorable consideration of the bill.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

Mr. LEHLBACH. Mr. Chairman, personally I have no objection to the amendment. I think it is a good one and I believe it will result in a saving to the Treasury in the long run.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 8, insert a new section, as follows:

"SEC. 3. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 3. This act shall become effective on July 1, 1928.

With the following committee amendment:

Page 3, line 18, strike out the figure "3" and insert "4."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the committee will now rise and report the bill back to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. WOODRUM) there were—ayes, 219; noes, 0.

Mr. WOODRUM. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays. Those who favor taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Thirty Members have arisen, not a sufficient number.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mrs. NORTON of New Jersey. Mr. Speaker, I am glad to see that we are not going to adjourn without having voted on this urgent bill. I understand this bill slightly increases the annuities paid retired employees and permits optional retirement after 30 years' service.

I know the Members of this House are in favor of increasing the present retirement pittances; for giving old and deserving men and women just a little more money to aid them in their remaining days of life.

Federal aid to the retirement fund to this day has been wholly unnecessary and it may come to pass that the United States Treasury may never pay a dollar of the cost of retiring Federal Government employees. Even if these liabilities do become actualities in years to come, they will probably be far less than estimated. However, the United States Government should participate in the retirement of its own employees. Great industrial organizations are doing just that and conferring other benefits upon their employees.

It must be remembered that civil-service employees, thousands of them poorly paid, and the leaders of Congress are inclined to the belief that they will continue to be poorly paid, are paying the annuities to their aged comrades out of their own pockets—out of deductions from their pay due to the passage of the retirement bill.

About 405,000 Government employees are paying into the retirement fund more than $28,000,000 annually. Disbursements for annuities and refunds for the fiscal year amounted to about $14,761,614. These figures prove that no Federal contributions are needed, as yet.

I am informed that the total amount in the retirement fund June 30, 1928, was $103,028,430; and the growth of this fund is amazing.

Many of these retired employees have passed on, with little reward from their Government. If we had not passed this legislation to-day, I feel we would have done one of the greatest injustices in history. Let us give these needy and loyal employees that which is rightly due them. [Applause.]

Mr. LEHLBACH. Mr. Speaker, through inadvertance I omitted to offer an amendment to the bill, changing the date when it shall go into effect. The bill was passed by the Senate some time ago, and under the language in the bill it is effective as of date of July 1, 1928. It was my intention to amend that by making it July 1, 1929. I ask unanimous consent to vacate the proceedings involving the passage of the bill, and that the Clerk be authorized to change the date 1928 to 1929.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to vacate the proceedings involving the passage of the bill referred to, to the extent that the figures "1928" may be changed "1929" in section 4, line 19, page 3 of the bill. Is there objection?

There was no objection.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTION 5A OF THE NATIONAL DEFENSE ACT

Mr. RANSLEY. Mr. Speaker, I call up House Resolution 334, which I send to the desk and ask to have read.

The Clerk read, as follows:

House Resolution 334

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 450, a bill to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. RANSLEY. Mr. Speaker and Members of the House. This resolution, if passed, brings before the House for consideration H. R. 450, a bill to amend section 5a of the national defense act.

The bill provides that the Secretary of War is authorized to place educational orders for munitions of war of special or technical design with commercial concerns so as to familiarize the manufacturing establishments with the manufacture of such munitions.

It is plain to everyone that the object is quantity production in time of emergency. This, my friends, spells preparedness in capital letters.

We have no large private munition factories as they have in foreign countries; our arsenals can only produce 10 per cent of what we would need in war.

By placing educational orders with manufacturers, the manufacturers will familiarize themselves with what they are expected to produce and be in a position to enlarge their plants in time of war.

If we are forced into war, we should not only defend ourselves but must be in a position to do so. Men can be mobilized faster than munitions can be produced.

As an example of what is needed in war, the English alone, at the Battle of the Somme, used 4,000,000 shells. Compare that with the fact that the northern forces during the entire war of the States used only 5,000,000 shells. You can see the necessity of quantity production and the absolute necessity of the manufacturer knowing what he is expected to produce in time of war.

Surely experience gained by educational orders means insurance or preparedness.

I ask for the passage of the resolution.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield me a little time?

Mr. RANSLEY. I yield the gentleman 10 minutes.

Mr. BANKHEAD. Mr. Speaker, I shall have very little to say on this rule. I have been unable from my study of the provisions of this legislation to give the bill my support. I really do not see any necessity of an emergency nature that would justify this departure in so-called preparation for war. I voted against the rule in the Committee on Rules. I am against the bill, although, of course, I realize the rule will probably be adopted. I understand some gentlemen on the minority side, the gentleman from Texas [Mr. GARRETT] and the gentleman from Mississippi [Mr. COLLINS] and others, desire to make arguments against the bill in Committee of the Whole. I content myself with expressing my opposition to the rule.

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Deal	Hull, Tenn.	Reed, Ark.
Auf der Heide	Dempsey	James	Rogers
Beck, Pa.	DeRouen	Johnson, Okla.	Sears, Fla.
Beck, Wis.	Doutrich	Kindred	Sirovich
Beers	Doyle	Kunz	Spearing
Blanton	Estep	Lanham	Stedman
Bowles	Fletcher	Lozier	Strother
Boylan	Fulbright	McClintic	Sullivan
Brand, Ga.	Gambrill	McSwain	Taylor, Colo.
Britten	Greenwood	Maas	Tillman
Burtness	Griest	Merritt	Timberlake
Bushong	Hadley	Michaelson	Treadway
Butler	Hall, N. Dak.	Mooney	Watson
Carew	Hammer	Moore, N. J.	Weaver
Carley	Harrison	O'Connor, N.Y.	White, Kans.
Casey	Haugen	Oliver, N. Y.	Wilson, Miss.
Connolly, Pa.	Hawley	Palmer	Wolfenden
Crisp	Hoch	Patterson	Wurzbach
Crowther	Hope	Porter	
Curry	Houston	Quayle	
Davey	Hudspeth	Ramseyer	

The SPEAKER. Three hundred and forty-three Members are present—a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

Mr. RANSLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MORIN. Mr. Speaker, I call up the bill H. R. 450, and move that the House resolve itself into Committee of the Whole House on the state of the Union for its consideration.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 450.

Mr. MORIN. And pending that, I ask unanimous consent that the time be equally divided, one half to be controlled by myself and the other half to be controlled by the minority member of the committee, the gentleman from Texas [Mr. GARRETT].

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

The SPEAKER. The gentleman from Pennsylvania, Mr. KELLY will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 450, with Mr. KELLY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 450, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 450) to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MORIN] is recognized for one hour.

Mr. MORIN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and members of the committee, this bill, H. R. 450, which gives a sharply defined and adequately safeguarded discretion to the Secretary of War, to place educational orders for munitions of special or technical design with responsible commercial concerns, should have favorable consideration by the House for the following important reasons:

(1) This bill is a logical and necessary expansion of the Government's present policy of planning in peace time for the mobilization of the country's industrial resources in event of another war.

As a result of our bitter experiences in the past war, Congress saw the wisdom of providing in the national defense act of 1920 for a program of industrial preparedness. The Assistant Secretary of War is made responsible for this industrial planning work, which to date has all been done on paper, necessary and good as far as it goes. This bill carries this planning work one logical step further by enabling the War Department to have the factories on this industrial preparedness program manufacture every once in a while some of the munitions which they have agreed to manufacture in time of war.

(2) By enabling our commercial factories to become familiar with munitions production, the testimony of practical manufacturers shows that we can save many months of invaluable time if and when the Government is compelled in event of war to call on our commercial factories to convert themselves to munitions production.

This time is saved for two reasons:

(a) Educational orders will make it possible to have available in time for each plant which will be called upon to manufacture specialized munitions at least one complete set of the special dies, jigs, fixtures, and gauges which are needed to enable the plant in question to convert itself to war production. This one set of special tools can in time of emergency be used as a pattern for the rapid production of additional sets, and hence save the plant in question many months' time in designing and adapting these tools to its factory requirements.

(b) These educational orders will also make it possible to have available in each of these plants a small nucleus of men, one or more foremen, and some artisans who are familiar with the art of manufacturing the particular munitions in question by actually having made them. These men in times of emergency can serve as a nucleus for the rapid training of additional workers and thus save valuable time.

(3) This saving of time will result in an economical reduction in the total amount of reserves of munitions which must be maintained in peace time to enable an army to get into action while our factories are getting into war production.

(4) It must be borne in mind in considering the need for this legislation that we have no large privately owned munitions industry in this country. Hence, in war time it is absolutely necessary for us to rely on commercial plants which must convert themselves to munitions production; for example, we must depend upon a concern which in peace time manufactures calculating machines to manufacture fuzes for us in war time. It must be borne in mind also that our Government arsenals and factories, when going at full speed, can only manufacture from 1 to 10 per cent of the munitions needed in event of a major war.

Mr. ALLEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. MORIN. Yes.

Mr. ALLEN. What per cent do you advocate that the arsenals should use?

Mr. MORIN. Not over 10 per cent of the need during war can be produced at Government arsenals.

Mr. ALLEN. Where do you get that information?

Mr. MORIN. From the Ordnance Department, the officer in charge of the work in the arsenals.

The objections to this bill are—

(1) That it will interfere with the operation of our Government arsenals and Government-owned factories.

The answer is that it will not. There will be maintained in these institutions at all times a trained force of workmen capable of rapid expansion to work these arsenals at their capacity. Unless there is sufficient money appropriated for the purchase of munitions to enable the War Department to keep the arsenals in operation, and in addition place educational orders, there will be no educational orders placed. These arsenals will serve as heretofore to keep the art of manufacture alive, to improve that art, and as a proper check on commercial orders as to the cost of manufacture.

(2) That it is inadvisable to relax the usual provision of awarding contracts to the lowest responsible bidder.

The answer is that it is necessary to do this if the Secretary of War is to be able to train and educate responsible and

competent industrial plants in peace time for their allotted work in the industrial mobilization of the Nation in an emergency. Furthermore, your committee gave this objection the consideration it deserves and feels that it has amply safeguarded the discretion the bill will give the Secretary of War.

Mr. ALLEN. Mr. Chairman, will the gentleman yield again?

Mr. MORIN. Yes.

Mr. ALLEN. We all know that the arsenals at the present time are down away below the ratio of 1913 or 1914. They are crying for work, and the policy has been to ignore the great arsenal plants that we have in our country. In my district there is an arsenal that contains over $400,000,000 of stores, with a mere handful of men taking care of them. This would only make it evident that more arsenals are going out of existence.

Mr. MORIN. No; it will not affect the arsenals in any way. They will always be maintained with trained workmen to supply the bulk of munitions during peace.

Another objection is—

(3) That educational orders will result in building up a private munitions industry in this country.

Nothing could be further from the facts. The testimony of responsible manufacturers shows beyond any doubt that these educational orders are not and can not be a source of profitable commercial business, because such orders are bound to be a disturbance as well as a source of great inconvenience to a plant engaged in commercial production.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MORIN. I yield to myself one minute more.

Our responsible manufacturers will accept such orders only from a willingness to cooperate in an effective way with the War Department in its industrial preparedness program. Furthermore, your committee has taken the additional precaution of providing that no firm can be given such an order except once in every three years, and that the maximum amount the War Department may spend on educational orders shall not be more than $1,000,000 a year from available appropriations during the next five years.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield there?

Mr. MORIN. Yes.

Mr. LINTHICUM. Has this the approval of the War Department?

Mr. MORIN. It has the approval of the War Department. It does not require any additional appropriation.

Mr. LINTHICUM. How has the appropriation been made for this purpose heretofore?

Mr. MORIN. There is provision in the War Department appropriation bill each year for the making of munitions, and they will use part of the funds in that bill in the allocation of these orders. It does not require any other appropriation.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. MORIN. Yes.

Mr. HUDSON. This bill practically destroys competitive bidding for this work, does it not?

Mr. MORIN. It does not, for the reason that these are just for noncommercial articles and not commercial articles. Of course, it is necessary to do that in order that the Assistant Secretary of War, who has charge of this work, can allocate these contracts in the plants that come within the scheme of industrial preparedness.

Mr. HUDSON. What amount has been allocated for this work?

Mr. MORIN. No money at all. They have just gotten the plans ready, but have not functioned as yet.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MORIN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. GARRETT] is recognized for one hour.

Mr. GARRETT of Texas. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. GARRETT of Texas. Mr. Chairman and Members of the House, it is not often that there comes a serious disagreement in the Committee on Military Affairs concerning legislation affecting the national defense. I believe it can be truthfully said of the Committee on Military Affairs that there have been fewer minority reports coming from that committee concerning legislation than perhaps any other committee in the House. I think it is unfortunate that we are called upon in the closing days of a busy Congress to legislate on propositions of such vast importance as the one that is included in this bill. I do not agree with the chairman of the Committee on Military Affairs in the conclusions he reaches concerning the scope or the effect of this proposed legislation. It is a radical departure on the part of the Government of the United States from the position that it has held and maintained through all the years of the past relative to the manufacture of munitions of war. It has been the policy of our Government in the past concerning the manufacture of munitions of war that they shall not be turned over to special or private interests, but that the Government itself will manufacture them in its own arsenals, and only in times of emergency do we usually depart from that principle but never in peace times.

Now, the real purpose of this legislation, as it was originally introduced, is found in the bill in its original form, which is an amendment of the national defense act, providing, among other things, that the Secretary of War—

> shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis.

Now, we propose to amend that section by adding the following language:

> That the Secretary of War may authorize the placing of educational orders for equipment, munitions, and accessories needed in the military service with commercial concerns to the degree that is considered by him as being necessary to familiarize commercial factories with munitions manufacture and to advance the industrial war plans of the War Department, and in placing these educational orders the competitive bids which in his opinion best secure these results may be accepted; and he shall make statement of his action under this provision in his annual report.

That was the original bill prepared in the War Department. The committee has hedged it about by a number of amendments seeking to make it a little more secure and to protect the Government more than it would have been protected in the first draft. But the purpose of this legislation is to empower the Secretary of War in his discretion, in times of peace, to let contracts under a competitive system or not, if he sees fit, for the education of manufacturers in the manufacture of munitions of war and everything connected with it. That is the purpose of this bill. Not only that, but the distinguished gentleman says it will not cost any money, but it provides that $1,000,000 shall be taken from appropriations made for the War Department for other purposes and expend that amount within each five years to start with. Who is it in this House who does not know that by beginning with $1,000,000 upon a great program of this kind that it will not end in hundreds of millions? Not only that, but the gentleman says the arsenals are in no danger. I say to the gentleman, and I here and now predict—in order that the younger Members of this House may remember—that if this legislation is passed it will be an entering wedge for the private manufacturers of munitions of war in the United States and the ultimate abandonment of the arsenals of the United States.

As the legislation is written the Government pays all the bills.

A manufacturer may not make a profit out of this experiment but he loses nothing. What does he gain? Oh, my friends, I would have you remember that if the War Department goes out on this educational program to let contracts to certain industries for the manufacture of munitions of war, and an emergency does come, who is it here that does not know that only those industries that have been educated will be the ones to get the great war contracts for the manufacture of munitions of war? Then will come the harvest of profit gathering.

Mr. JOHNSON of Texas. Then it will permit favoritism in its worst degree, will it not?

Mr. GARRETT of Texas. It will not only be favoritism in its worst degree but it will be a favoritism that the Government itself has built up against its own institutions. The founders of our Government, my friends, never intended that the national defense of this country or the manufacture of munitions of war should ever depend upon the activity or good will of private industry. It has always been the policy of our country and it is traditional with us that we should not confide into the hands of selfish interests the national defense of our country in supplying us with munitions of war, either in times of peace or in times of war, except by our permission or under the command of the President of the United States and the Congress.

Now, my friends, there are many others who want to speak on this bill, and I feel I should conclude, but, my friends, in my opinion there has not been brought upon the floor of this House in this or any other Congress since I have been here a more important piece of legislation than you are now considering under a special rule, and in my humble judgment if you shall pass this legislation as the years go on you will have cause to regret that you did not stand by the traditional moorings and teachings of our country and not start out on a program of education that can not end in any other way than detrimental to our own established institutions.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARRETT of Texas. Mr. Chairman, I yield myself two additional minutes. Not only that, my friends, but we propose in this legislation to turn over to private industry all of the dies, jigs, and everything the Government has that have always been considered military secrets within its ordnance department. I contend that those secrets pertaining to our national defense should not be taken away from the Ordnance Department and turned over to private industry.

Mr. RANSLEY. Will the gentleman yield.

Mr. GARRETT of Texas. I yield.

Mr. RANSLEY. If the gentleman would only read the reports he would find that the jigs and dies will remain the property of the Government and are not turned over.

Mr. GARRETT of Texas. Why, certainly. The Government simply gives them away for a season, but of what use would these things be after manufacturers have reproduced them and are prepared to make everything there is in them? Who cares anything about the title after they find out all they want to know? You may not turn them over permanently, but after they have been turned over and they learn everything about them, who then cares anything about the title? The Government is to get back those dies and jigs, but the manufacturers will have gained all the information they desire about them, can reproduce them if they wish, so that there is no great use to be made of them thereafter by the Government.

Now, my friends, I simply want to sound this word of warning. I hate to disagree with the chairman of my committee and the majority of my committee, but to my way of thinking in the interest of the national defense of my country, I am unwilling to pass legislation that will end, in my opinion, in turning over the manufacture of munitions of war to private industry, both in times of peace and in times of war. [Applause.]

Mr. MORIN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, the gentleman from Texas [Mr. GARRETT] is unduly alarmed about what this bill means. I have always been very conservative toward the War Department of this Government. I never did, on any occasion, allow them to reach their hands into the pockets of the people, but I have not been sitting around here idle all these years. [Laughter and applause.]

It is manifest, gentlemen, that this is a progressive Government. The United States of America, in my judgment, is greater than any other three governments of this civilized world. This Republic has always been nestling in peace and never prepared for war, and still we always win every war. All these people plotting around are afraid the United States is going to be engulfed in some cataclysm and be destroyed in some unknown manner. This sounds like nonsense to me, but with the rapid progress we are making in development, the United States Government can not sit down and be idle.

So far as I am concerned, I believe that these things that fly through the air like blimps, airplanes, and airships can whip out all the armies of the world. So far as infantry is concerned, in 30 years from now it will be a thing of the past.

Who, 20 years ago, would have thought you could have this thing we call radio, where you can sit down in your own home and listen to a man over in Rome or in London, and listen to the beautiful operas and to the great orators of this earth? Ten years ago you would have thought the man was crazy who would say we could do that. Ten years ago you would have thought the man crazy who believed we could fly through the air and carry freight and passengers, yet a man crossed the Atlantic Ocean in an airship and flew all the way down to South America in an airship and returned just as safe as we used to be in the ordinary ox team. Yet there are people who are afraid to do anything. [Applause.]

My friend GARRETT stood up here and talked about $5,000,000 in five years' time. This is not an additional sum, but it must come out of the available funds appropriated for munitions of war. To have this country absolutely safe with regard to all the different things that will go to make us a success in any war, an experiment of $1,000,000 a year is indeed economical.

The gentleman says we ought to do all of it in the Government arsenals. I believe in making everything we possibly can for the armed forces of the Government in the arsenals that this Government operates, and yet good business makes me know it is necessary for private industry to know something about making these different accessories, like guns, machines, and so forth, that our Government would need in an emergency.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman.

Mr. GARRETT of Texas. Did not the hearings before our committee disclose that munitions of war go out of date and become obsolete in a short length of time; and what evidence has the gentleman that what these manufacturers might make would not be out of date when the war came on?

Mr. QUIN. Certainly; and, my friend, that good double team that your father owned went out of date, and you have an automobile to-day; but was he crazy because he had a nice horse and buggy? Do you mean to say that because a man had a wheelbarrow he is crazy when now he has a tractor that is run by gasoline and a motor engine? [Laughter and applause.]

The argument of the gentleman is that we should sit down here and not do anything. As I told you to start with, I believe all of this will be antiquated and out of date 30 or 40 years from now; but it behooves us as patriotic men in the watchtower to be ready at all times and at all hours, because we do not know when the enemy will come to our door.

What kind of manufacture is provided for in this bill? It is not to be for profit. The evidence before our committee is that this is to be done out of patriotic motives, and I believe that, because I do believe there are many honest, patriotic men engaged in business in this country who are anxious to make these patterns and start this line of business and have a few trained men at hand to organize a great force of workers in that particular line whenever needed, not for profit. They are entitled to their expenses and a reasonable profit if they want it, although the gentlemen who testified before us said many of them would agree to do it without a dime of profit.

These are the things that will keep the United States Government up to date in jigs, dies, and the different types and kinds of guns and cannon and the different types and kinds of ammunition; not the things you put on the soldiers' backs, not the things you put in his stomach, because they are articles of commerce that anybody can make, and you can get them in any emergency, but these are the technical things that we need to fight a war with.

These are the things that are necessary to win a victory. These are the things that you must keep up to date and have somebody prepared to make them in case you want a great number of them all of a sudden, just like it was with respect to this Government when we went into the war with Germany. At that time our country did not have the different necessities in store, and should not have them. Our mistake was that we did not have any experienced force and the dies and patterns in different lines of private industry prepared to make in mass production the guns, accessories, and munitions of war called for by the exigency of the occasion. We were too long in getting ready for the needs of the Army. We were fortunate that our allies could supply us the guns and munitions. We do not propose under this bill to waste a dollar of money. We mean to save much money for the Government of this Republic by adopting this businesslike policy, as a man must do when he engages in a successful business. There is no business but what must keep abreast of the times.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. JOHNSON of Texas. Does not the gentleman think it is wise to have the provision whereby competition is eliminated?

Mr. QUIN. Certainly; what do we want to fool around for when you ask patriotic men to do this thing?

Mr. JOHNSON of Texas. How do you know that they are going to be patriotic?

Mr. QUIN. I assume that we will have a sensible, patriotic man to be Secretary of War. If he turns out to be a rascal it will not be but a little time before Congress knows it; but we can not start out with the proposition that every man put in a high place is going to be a scoundrel. I assume that in a business proposition the Government will get the best of it. We want to send out these men to these large factories to see what they can do in a time of emergency. Here is a factory that can make a certain thing, and we want to take on this experiment to see if they can make a certain type of munition of war, a small division of it to be turned out in an experimental way, when if there should be war they could turn over the entire plant to the making of that thing. Take another factory to make another special thing, and so on throughout the United States

we could have 25 different plants that would be ready in the space of a day and a night, to turn the plants over and manufacture that thing by the thousands.

We want it understood that if the Government needs it they know the place where they can go and have them turned out. That is the object of the bill—not as my good friend from Texas says to go into an unknown field or into an unknown method of handling the thing. It is a sensible businesslike way of handling them, not in an unknown field, but so that the Government will be able to know where to obtain the technical parts of these things if war does come. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. LETTS].

Mr. LETTS. Mr. Chairman, I am very anxious that Members of the House should at least understand the nature and extent of this bill. I hope that I may always be considered reasonable with respect to matters which relate to justifiable preparation for war or against the threat of war. I think that this Government should have a well-developed and fully considered program with respect to that matter, but I believe it should come from the Congress of the United States. I do not think that a policy of that kind should be developed in the office of the Secretary of War and be handed out to Congress piecemeal. I wish it might be fully understood just what this bill will do.

At this time the arsenals of the United States have about one-third as many civilian employees as they had in 1913 and 1914, before there was any breath or suspicion of war.

Since the war ended these plants have run down; they are almost abandoned. The few men that are employed there are required mostly to take care of the machinery in the shops. Here is the Rock Island Arsenal near my district worth approximately $400,000,000. It is practically idle, many men employed there were thrown out and required to find employment elsewhere. Yet they say it is necessary to give these educational orders to private concerns throughout the country so that someone may know how to produce war materials. Why not have someone in the arsenals that understand these things? Why not have a personnel in the arsenals that can readily expand and send skilled and able men out into private concerns to direct the operation of those plants?

Mr. MORIN. Will the gentleman yield?

Mr. LETTS. I yield to the chairman of the committee.

Mr. MORIN. How would the gentleman expect the arsenals to function if they send these men out to private concerns?

Mr. LETTS. The arsenals should be sufficiently manned so that they could spare the necessary men to go out into the private manufacturing concerns.

Mr. MORIN. They only produce 10 per cent of the full capacity in peace times. We need the men in the arsenals for the same reason that we need them in the factory in the time of an emergency.

Mr. LETTS. The trouble with the gentleman's suggestion is that he is willing to neglect factories and arsenals which are now owned and controlled by the Government, in order to build up the industrial organizations throughout the country. We should have those splendid arsenals of ours equipped with machines and tools and jigs and dies and men and foremen, so that in time of emergency we can pick up these able men and send them to the private plants and let them take charge of production.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. LETTS. I yield to the gentleman from California.

Mr. SWING. Is not that what took place in the last war?

Mr. LETTS. That is exactly what took place. I call attention to the fact that we had at the Rock Island Arsenal something over 1,900 men before the great World War broke out, and now we have about 670 men there. Some men were sent out as foremen, and we were required to draw in many more workmen from all these parts of the country at a very great cost to the Government.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from California.

Mr. BARBOUR. At the time of the World War was not our industry on a producing basis because it had been producing munitions for two years for the Allies?

Mr. LETTS. Yes; that is correct.

Mr. WAINWRIGHT. And yet, notwithstanding that fact, was it not a year and a half after we were in that war before our armies were in any way supplied with what they ought to have?

Mr. LETTS. Perhaps so, but there is nothing in this plan that will speed up matters of production. I ask the gentleman, when would the private concerns want these orders? They say they are willing to take them without profit. When would they want them? Would they ask for them at the busy times, when they are making plenty of money for the stockholders, or when work is slack?

They would then come to the War Department and say, "Business is slow throughout the country, and we must have a war order from you in order to keep our factories running," and every industrial plant throughout the country will, when business is bad, come to the Government and say, "Now is the time that we must have these orders; we must have orders worth enough to us, at least, to enable us to keep our working forces together and avert the necessity of turning them loose." What would be the result? We would be building up a war party in this country of manufacturers, who know that they can come to their Government in a time of financial, industrial, or labor distress, and get the orders that will help them out of their difficulties, and we would be putting the spirit of war in our workmen around those private plants, who, at the behest and suggestion of their employers, would write to us, their Congressmen, and say, "See that our plant gets a war job."

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from Mississippi.

Mr. BUSBY. Would not the natural consequence of scattering this manufacturing of ordnance all over the country tend to cause the different parts of the country to demand war on slight provocation, in order that they might have more business?

Mr. LETTS. Certainly; and, furthermore, if we prepare for war, are not the countries that we are preparing against going to prepare themselves to meet us, and does not that foment a war spirit throughout the world?

Mr. W. T. FITZGERALD. Is there not a plant down at Alexandria?

Mr. LETTS. I think not?

Mr. W. T. FITZGERALD. Did they not have one there just about the close of the war?

Mr. LETTS. I am not sure about that. That may be.

Mr. W. T. FITZGERALD. I understand that they had. I was wondering what condition that was in.

Mr. LETTS. The gentleman from Pennsylvania [Mr. MORIN] has suggested that while this act will repeal certain parts of the national defense act, it is in the interest of good judgment and good ordinary sense. What does it do? In the first place, we have as a part of existing law a provision that munitions of war and war materials must be made in the arsenals when they can be produced there on an economical basis. This bill would repeal that part of the law. Furthermore, it is a provision of existing law that materials required by the Government must be procured upon competitive bids, and this bill would directly repeal that law and permit the Secretary of War to pick out a favored bidder. It presents the opportunity for favoritism. It may easily become a matter of tremendous and vital national importance. I have not the facts in detail, but I recall that about 1913 there was a gentleman in this House from the fourteenth district of Illinois named Tavenner, the immediate predecessor of the distinguished gentleman, Mr. Graham, who was ahead of our distinguished colleague, Mr. ALLEN. Mr. Tavenner analyzed the Navy League at that time, and he found that every member of that league was a representative of some large manufacturing concern that had orders to produce materials for the United States Navy. Think of it! And is not that the natural tendency? What would happen here? Is it not the most likely thing in the world that after this bill is enacted the private manufacturers of the country will assemble themselves and organize so that they may have an effective and necessary understanding between them so that there will be no overlapping, so that there will be no jostling, so that each one will get his share of the pudding that is being passed about?

Mr. BLACK of Texas. And is there not always the danger that these interested parties would foment war scares for the purposes of stimulating orders of that kind?

Mr. LETTS. I think that is a very reasonable probability, and more than that, it is most likely. Recently the Assistant Secretary of War went before a committee of the Senate and requested an appropriation or an authorization to purchase 100 light tanks, all the time having within his own jurisdiction these arsenals, a particular charge that belonged to him. Now I understand that he believes that to purchase and to procure may be somewhat synonymous in meaning; but he forgot the arsenals.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from Texas.

Mr. WURZBACH. I view of the fact that by the express terms of this legislation only $1,000,000 a year can be expended, does not the gentleman believe that he is unduly

alarmed at the danger of too great an extension of power in the Secretary of War?

Mr. LETTS. May I ask the distinguished gentleman to answer the question for himself? The request has gone out under the propaganda for a 10-year program for about $2,000,000 a year. We have authorized the expenditure of something less than $700,000 a year only for this purpose. Now, if $1,000,000 a year is used for educational orders, it will be about $300,000 in excess of what is being expended now for all purposes of that character, just where will the arsenals come in?

Mr. WURZBACH. I do not think it is contemplated that the arsenals shall be done away with or that their power shall be limited. Following up the question which I propounded in the beginning, does not the gentleman believe that if there should be any abuse of the discretion conferred upon the Secretary of War, Congress could then within a year correct this legislation, or repeal it if it saw fit?

Mr. LETTS. Yes; but in the meantime a great deal of damage may be done, and you will have propaganda constantly on your desks, and the manufacturers of the country will be writing to you asking you to support this thing, which is to their advantage.

Mr. WURZBACH. You doubt then that Congress would have the intelligence and the courage and independence, in the face of this propaganda, to remedy the situation?

Mr. LETTS. I expect the Congress to resist this propaganda to-day. Perhaps the gentleman believes, as others describe this bill to be, an authorization for a million dollars a year for five years independently for educational purposes. Indeed, the language of the bill may justify such interpretation, for at the bottom of page 4 you will find language like this—

Provided further, That the Secretary of War is hereby authorized to expend not to exceed $1,000,000 in each of the next succeeding five fiscal years after the passage of this act.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from Michigan.

Mr. HUDSON. As I understand the purposes of this bill, they use the term "educational" so that in these plants workmen may be trained so as to have knowledge in the production of these things. But is it not true that these workmen would be scattered in the interval, and you must have continuous employment, and therefore the very fact of the turnover would defeat the purpose of the bill?

Mr. LETTS. Yes. I think that is obvious, and when we realize that no manufacturer will want these orders if they are to be without profit, it is plain that they will not take them at the time when the Government should have the service, but only at such times as meet the convenience of the manufacturers.

Mr. MORIN. If the gentleman will yield——

Mr. LETTS. Yes; for a question.

Mr. MORIN. I will say that the manufacturers——

Mr. LETTS. I did not yield for a statement. I yielded for a question. That is the representation that has been made, that these educational orders are to be without profit. How can any manufacturer or the manager of any incorporated concern represent his stockholders in that manner, and what inclination is there in men engaged in business to labor without reward?

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from New York.

Mr. LAGUARDIA. Is it not all fresh in our memory, the huge profits that were made by these manufacturers during the war?

Mr. LETTS. We never can outlive the shame that the profiteers brought upon us during the war.

Mr. HUDSON. Dollar-a-year men.

Mr. BUSBY. Mr. Chairman, will the gentleman yield there?

Mr. LETTS. Yes; I yield to the gentleman from Mississippi.

Mr. BUSBY. How can they manufacture these things without investing a great deal of capital in their plants?

Mr. LETTS. In this bill, as I understand it, we allow the Secretary of War to enter into any kind of contract, on a cost-plus plan or anything that would involve expenditures, and including the necessary cost to equip the plant and carry out the contract.

Mr. BUSBY. If this is to be an educational bill, would it not be better to educate the people to make these articles in the Government arsenals?

Mr. LETTS. Yes. But this is not to educate the people in the ways of economy and thrift, but in a new way of spending the people's money.

Mr. HOWARD of Nebraska. I have not the information at hand myself, but does the gentleman know whether this bill has the unanimous approval of the Committee on War?

Mr. LETTS. I can not answer that.

Mr. MORIN. If you refer to the Committee on Military Affairs, I am one member who does not object to the bill. If the gentleman will yield now, I wish to say——

Mr. LETTS. I can not yield now. I am sorry. The chairman says it is not proposed in any way to harm arsenals and the men and women employed in them. I propose at the proper time to offer an amendment which, it seems to me, will test the sincerity with which the proposition has been advanced, that the bill will not injure the arsenals.

By my amendment I want to provide that "nothing in this act shall operate to reduce in quantity the amount of any class of ordnance work at present being performed in each or any of the Government arsenals, nor shall any educational order be awarded to any private individual, firm, or corporation until provision is made for assigning to the several Government arsenals a sufficient amount of ordnance work and other materials that are required by the War Department and of the work of other departments and agencies of the Government sufficient to continue the employment of a continuous working force not less than that employed prior to June 30, 1917, at each of the several arsenals."

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MORIN. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. McSWAIN]. [Applause.]

The CHAIRMAN. The gentleman from South Carolina is recognized for 15 minutes.

Mr. McSWAIN. Mr. Chairman and members of the committee, I wish to explain, if I may, very briefly the salient points of the bill as recommended by the committee. The original bill as introduced in the House and considered by the committee was vulnerable in all the respects, in my humble judgment, that have been argued in opposition to the bill as reported. If gentlemen have read the hearings before the committee, they will see, I believe, that I urged objections of the same general nature as have been urged here. Therefore the whole matter was gone over in my own mind, and I offered in the committee amendments which prevailed, and those amendments constitute the bill that is now under consideration.

Let us see some of the points of distinction and difference in this amended bill and see if the committee is not justified in asking for legislation of this sort as recommended here. In the first place, the original bill authorized the letting of contracts for the procurement of equipment, ordnance, and accessories thereto generally. The bill as reported restricts and limits the power not to equipment and ordnance generally but to what? To munitions of war. Of what sort? Of a special and technical design, noncommercial in character, and essential accessories and parts thereof which may be needed—that is, accessories to special, technical, and noncommercial articles.

Now, it is manifest that in order to be prepared to turn out munitions of a special, technical, and noncommercial character there must be some preliminary changes in preparations of design and plan. The evidence is that the arsenals, which have been mentioned by the previous speaker, were unable in the last war to produce more than about 15 per cent of the total munitions necessary to carry on.

Mr. LETTS. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. LETTS. Would it not be well if the War Department would come to the committee with a program which would include some kind of a plan that would make reasonable peacetime use of the arsenals? In other words, is not that the best place to begin and not the place to end in the matter of preparation for war?

Mr. McSWAIN. If the gentleman were to start to manufacture commercial commodities in a Government plant, we would run into the proposition we ran into with reference to the use of the Muscle Shoals property, which has a great national defense scope and purpose, and when we proposed to use that in peace time for the fixation of nitrogen, which would have value as a commercial and agricultural commodity in order to promote agriculture, the House passed it, the Senate passed it, and it met with a pocket veto from the President. We always run into opposition when we attempt to put the Government into business.

Mr. LETTS. Is it not the gentleman's conclusion that this relates to noncommercial articles only?

Mr. McSWAIN. The noncommercial articles mentioned here are articles that are capable of being used only in war. That is the point and that is what is meant by noncommercial. It means fuzes, bombs, weapons, and things of that sort.

Mr. LETTS. I should think that perhaps it might mean articles not used in commerce.

Mr. McSWAIN. Why, certainly; that is what it means. Therefore it is necessary that these ordinary industrial plants

shall be permitted to have some training period in order to be able to turn out such noncommercial, special design and technical commodities in the event of war.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. DOUGLAS of Arizona. It seems to be the contention that some of these munitions and articles of war should be manufactured in Government arsenals. If we were to compare the capital investment which would be required in Government arsenals to adequately equip and maintain an army at the front with the relatively small amount carried in this bill, which would the gentleman think would be the greater?

Mr. McSWAIN. It is obvious, of course, that since we are not engaged in war, except for a small percentage of the time—certainly we have not been engaged in war during 5 per cent of our history—that to maintain great ordnance establishments and great arsenals at 100 per cent maximum for the production of articles that are used only 5 per cent of the time would be bad business for the Government and for the Treasury. We do not maintain an Army of 1,000,000 men all the time to do all the fighting, but call from the civilian ranks men to fight when the Nation's life and honor are at stake. So it is proposed, and ever has been the scheme, that ordinary commercial industrial enterprises shall in time of war be able to contribute those supplies of munitions, ordnance, and accessories thereto that are necessary to carry on.

But let us go on. Do you not see that a part of the bill proposed here is that the first order may include what? A set of gauges, dies, jigs, tools, fixtures, and other special aids and appliances, the title to which shall remain in the Government. Having been manufactured by such and such concern, having been accepted by the Ordnance as sufficient to accomplish the purpose desired, they are tagged, they are stored away, they are stored in a certain compartment, and marked as being suitable to be used in a certain industrial plant; and in the event of emergency they are put on the machinery already in that establishment and the plant starts to turning out equipment with a very small percentage of the time that would be required if they had to start with the making of such dies, jigs, and patterns.

I think all of us, including those who have in the best of good conscience seen fit to oppose this measure, will agree this is wise, because we all know, ladies and gentlemen, that modern wars are not only wars of men, but they are wars of munitions, they are wars of machines, they are wars of matériel, and that is an increasing proposition, and it has progressively increased from every war that we have historic knowledge of until this good day.

As I now remember, there was more explosive content, more nitrogen, consumed in the Battle of Gettysburg than was consumed in the whole seven years of the Revolutionary War, and several times as much consumed in the great assault and attack at St. Mihiel in 1918 as at the Battle of Gettysburg.

Mr. WRIGHT. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman.

Mr. WRIGHT. There seems to be the idea among some of the Members that this is an entirely new proposition. I want to ask the gentleman if the War Department is not doing now just what is authorized by this bill in putting out educational orders?

Mr. McSWAIN. They are trying to do it. In compliance with existing law they are, of course, letting contracts, but they are obliged to let them as the law requires under the principle of competitive bidding.

Mr. WRIGHT. I understand that, but they are actually doing this kind of work?

Mr. McSWAIN. Oh, yes; in effect.

You will observe there is another very marked distinction between the original bill and the bill as reported. The original bill did not contemplate any advertisement. I am committed to and firmly convinced of the proposition that there must be the widest publicity in all Government business. So I insisted that there should be in this bill a provision that there shall be advertisement to the whole country so that every person, firm, or corporation in the country shall have ample opportunity after such notice by advertisement to come in and offer to bid on every proposed contract.

Mr. LINTHICUM. I think the gentleman has probably answered the question I was about to ask him. When the gentleman asked you awhile ago how they were doing this work now, the gentleman said that they had to do it by competitive bidding. Does this bill intend that they shall continue under the plan of competitive bidding?

Mr. McSWAIN. The bill as now reported requires advertisement and requires competitive bidding, but does not require the War Department to accept the bid of the lowest bidder. That is not required. It permits the War Department to pick out which of the bidders in its judgment will best contribute to the strengthening of the national defense from an industrial point of view, and offer the bid to him rather than to another.

Mr. SWING. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. SWING. Where in the bill does it require the Secretary of War to let it to any one of the persons who bid? He may advertise for bids, but he may let the contract to some one who has not bid at all.

Mr. McSWAIN. If it is not in there, I will offer an amendment so that it shall be in there.

Mr. SWING. Will the gentleman also offer an amendment that it shall be done without profit, as has been so generally stated here?

Mr. McSWAIN. No; I do not take any stock in that. Nobody is going to do any kind of work without profit.

Mr. SWING. We have been told that that is their promise.

Mr. McSWAIN. That has been stated, and that is the belief of many; but that is just an unreasonable proposition, that is all there is to it.

Mr. SWING. Of course.

Mr. McSWAIN. How can a man agree in advance whether it is to be with profit or not?

Mr. LINTHICUM. Will the gentleman yield for one more question?

Mr. McSWAIN. Yes.

Mr. LINTHICUM. If we are already doing this work by competitive bidding and getting along pretty well, why do we need more legislation?

Mr. McSWAIN. For the very reason that has been urged, if the gentleman will permit, that to require the acceptance of the minimum bid might give the work to an enterprise that is not qualified or not situated so that it can in time of war be of material help to the Government.

Mr. LINTHICUM. Why would you have such a firm as that to bid at all?

Mr. McSWAIN. We do not ask anybody to bid. We advertise it to the world and let everybody bid. You can not pick out your bidders.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MORIN. Mr. Chairman, I yield to the gentleman five additional minutes.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. O'CONNOR of New York. With reference to this advertising about which the gentleman feels so strongly, would it not be possible for that to be a very harmful thing, especially if you are going to advertise to the world that the United States is interested in developing certain machines of war? Is not that business sometimes necessarily done secretly, so that this advertising feature might be injurious?

Mr. McSWAIN. No; I do not think so. I do not agree with the gentleman about that. The only things that any nation is justified in keeping secret are peculiarly technical military instruments of war.

Mr. O'CONNOR of New York. Take a specific instance, and suppose the Government was trying to develop a gun larger than any yet produced, and they advertised and wanted bids to build the dies or whatever may be necessary to build the gun, referring to it in size, the rest of the world immediately knows that the United States Government is going ahead, and they will likewise go ahead. I do not see any sense in that advertising feature at all.

Mr. McSWAIN. Well, I am sorry to differ with the gentleman, but I submit what is the history of every State in this Nation, that in order to obtain supplies for public use every firm and corporation in the State shall have an opportunity to bid on them. We can not keep things like that secret. You can not hide a big gun, you can not hide the airplane. I am not alarmed for fear somebody will find out our military strength. If we have the strength we need not go around swaggering with the big stick; we take the attitude of manly independence, and say, "Here we are strictly on the defensive, but if you want to jump on us, we know what you will get." We are not intimidating anyone but respecting all, strong and weak alike.

Mr. DOWELL. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. DOWELL. I want to call attention to one of the provisions in this bill. At the bottom of page 2, it says:

That the Secretary of War is authorized to place such orders with such persons, firms, or corporations as shall, after consideration of all offers and of the circumstances, appear to him, in his discretion, best calculated to serve the interests of the Government and promote the cause of national defense.

Mr. McSWAIN. Here is the answer to that. On page 2 it says:

Provided further, That any person, firm, or corporation receiving any such contract or order shall keep an accurate record of account of all costs for the manufacture of all such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, and of the munitions and accessories and parts hereby authorized to be manufactured, and such record of account shall be submitted at any time upon demand to the Secretary of War or any person designated by him for inspection and audit, to the end that full information relating to the cost of such production may be had by the Secretary of War, and a certified copy of said record of account shall be delivered to the Secretary of War at the completion of the contract, to be preserved by him for the period of 10 years thereafter.

These must be kept 10 years and reported by the Secretary of War. Now, here is the point: This is to be public. The acts and doings of the Secretary of War must be reported to the Congress. If he abuses that discretion of letting the contracts, then Congress will correct him and charge him with certain malfeasance in office. Under the law, if administered fairly and honestly, you will find out what it costs in peace time to manufacture these things. Therefore, we will have a standard check against graft and greed demanded in an emergency war. Because when the manufacturers say to you that they can not manufacture for less than a certain sum you will answer that in peace time, as shown by the report, here is the time sheet, here is the material sheet, here is the cost of the items of various factories, and so in time of peace it costs so much. So that we will know what the cost is, and if prices are frozen when war breaks out we can then say that it costs no more in war time than in peace time, and we will have a standard to guide us in time of war in letting contracts.

Mr. TILSON. Did the committee have hearings on this bill?

Mr. McSWAIN. Yes.

Mr. TILSON. Was the report unanimous? I see no minority views on it.

Mr. McSWAIN. So far as I know there were no minority views.

Mr. GARRETT of Texas. I will say that the vote in the committee, although I understand it is not in order, was unanimous except that I was one member who voted against it. I now yield 10 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman and gentlemen of the House, whenever anyone these days wants to put over something they sloganize it. That is what they are doing here; they put in the word "educational" merely for the purpose of trying to fool us and cram down the throats of this Congress one of the most vicious pieces of legislation ever proposed.

Let us see what the bill actually provides; let us strip it of some of its verbiage and see what is in it. It provides for the manufacture by private concerns of munitions. That includes ordnance, it includes shells, it includes powder, it includes all kinds of explosives, all noncommercial in character. In other words, it includes everything except that which is carried in the stores of the country. It includes uniforms, it includes shoes, unless these shoes are of a commercial nature.

I am stating the facts in this case, and if you will get a copy of the bill and carefully read it you will see for yourselves that I am stating facts correctly. That is all I ask you to do. It includes everything except what is ordinarily commercial in its nature that the War Department wants to buy.

That is not all there is in this bill. It includes "essential accessories"—whatever that might mean—and parts thereof, and these expressions are to be taken separate and apart from munitions of war.

We see now what they are privileged to buy. Let us go on and see what else is provided. It is provided next that there shall be public notice so that business may bid. That is just throwing out a sop to somebody, because it is perfectly meaningless. What is the use of having bids when the bidder can not get the contract? And that is what the bill says. Somebody down in the War Department thinks that we are a lot of dumb-bells and are going to swallow this measure merely because it is labeled "educational order." What next is provided?

That the Secretary of War is authorized to place orders with such persons, firms, or corporations as shall, after consideration of all offers and of the circumstances, appear to him, in his discretion, best calculated to serve the interests of the Government—

And, of course!—

and promote the cause of national defense.

Some more bunk. What can he do? He can buy anything of the nature first described and pay any sort of price that he may elect to pay in his discretion. He is not going to buy, of course. We talk about the Secretary of War, when we know who is going to buy this stuff. We know that Army officers are going to buy it. Before I read further let me skip to the last part of the bill and see what are to be taken into consideration in these purchases:

and shall account for such other items and factors of cost as the Secretary of War may require, including direct labor, material, general expenses, and overhead.

There is no limit to the profit that may be made out of these orders. It is a bid thrown out to industry so that industry will get behind this big procurement-planning program of the War Department by which they propose, and there is legislation now for it, to have 35,000 Army officers to take care of the factories and fields and transportation companies of this country of ours. They have got some in them now, and in the last War Department appropriation bill they proposed additional officers of this kind in the Medical Corps.

Let us go further and see what else is involved in this bill. This bill also authorizes them to purchase and to put into the hands of manufacturing concerns, gauges, jigs, dies, and those things which are essential to the manufacture of certain classes of munitions. We have always provided for jigs and dies. We have over $25,000,000 worth of jigs and dies and gauges in the War Department now, used in the last war, which are catalogued and are ready for use at any time, and we gave them $25,000 more this year for jigs and dies than was provided for in the 1929 bill. There is only one thing that is left, then, according to their own arguments, and that is to "educate men" to do the work. When you say that, you have said all, even accepting their plans and their proposals. We have navy yards and arsenals in this country, and those arsenals and navy yards are now doing just one-third as much work as they did in 1914, and in 1914 they did one-twelfth of their maximum capacity. In other words, one thirty-sixth of the forces in the navy yards and arsenals to-day are supplying this country with sufficient ammunition to take care of all munitions, and so forth, which we use in practice in the Army and the civilian branches of the Army, and in addition to that we have enough ammunition in reserve now to last a million men one year.

If the word "educational" were left out of this bill, it would not get 25 votes in this House, and the word is absolutely meaningless.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MORIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the committee, sometimes when I hear gentlemen speak in this House on matters concerning the national defense it seems as though they took a ghoulish satisfaction in opposing everything that is for the national defense, and they always seem to be predicating their remarks upon the idea that the War Department is engaged in some fell design to scuttle the finances of the country. As a matter of fact, this measure, in my judgment, has a very vital bearing on the whole subject of national defense. May I call to your mind, particularly to the minds of those who happened to be in the Army during the war, the condition that confronted us with regard to material and supplies required for war. You will remember that there was not an airplane or a bit of ordnance that was delivered upon the western front or used by our armies in battle before the armistice, and that it was not until the war was practically all over that this huge supply of material and munitions referred to here to-day was created or came into being. It is just to prevent a recurrence of that situation, to attempt to prevent that condition, that this measure is brought in. You will remember that in the national defense act Congress attempted to fix the responsibility somewhere for the assurance of adequate material in time of war, and reposed that responsibility upon the Assistant Secretary of War. Congress made him responsible for the assurance of adequate material for war. That has necessitated what is known as the industrial war plan, and the Assistant Secretary of War, under the Secretary of War, has been trying for the last seven years to develop a plan to obviate the condition which existed when we went into the last war, when we were absolutely helpless, so far as anything else but man power was concerned. It has been suggested here that the arsenals can be relied upon to supply us with munitions of war.

The arsenals can never supply us with more than about 1 to 10 per cent of the supplies we will require in war. Where are the other 90 per cent to come from? Manifestly from the industries of the country. One of the things that impressed those who came into the War Department shortly after the war was the vast supplies of munitions on hand, and then we

realized that the facilities and appliances in the factories and industries that created that vast supply had been dissipated or been dismantled or, at all events, practically have ceased to exist. The problem presented was, how in case of another emergency can we secure in some reasonable time all these special munitions and appliances we must have, and which require a special knowledge and a long time to make?

How, I ask now, could we get into our stride again without beginning all over again? This measure is designed in a very reasonable and very practical way to enable the industries of this country to acquire the knowledge of what responsibility would rest upon them in time of emergency and of how to meet that responsibility. I say, gentlemen, we should not approach these matters from the standpoint of the frailties of human nature and predicate our action upon the idea that those in the War Department and other departments of the Government are apt to be faithless to their trust. I sometimes think, gentlemen, that our whole course is predicated more upon the idea that we are a dishonest, rather than an honest people. I hope the House will rise to the fine purpose of this measure, and not decide it upon the basis of the local interests of arsenals, but from the broadest standpoint of the national interest. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I am opposed to this measure. It is not because I have any prejudice against the War Department. I am opposed to it because it is impracticable. If we are going to be practical—and we should be practical as legislators—we ought to require those in charge of the War Department in looking after our interests to be practical. If we are to maintain arsenals in this country and appropriate millions of dollars every year to maintain them, those arsenals ought to be the great educational institutions, the laboratories of the Army for the purpose of meeting these constant changes in munitions of war. Guns and airplanes built to-day become obsolete to-morrow. It should be the duty of the national factories in this country to keep up with the constant changes in these munitions of war. The arsenals should be so equipped as to keep constantly abreast of these changing conditions, making new patterns and having them at all times up to date, so that in the event of war, when we shall have to expand these other institutions, they may be supplied with these latest patterns and jigs and materials and other devices.

Why, when we got into the World War we talk about not having had time in which to prepare ourselves for the manufacture of munitions. The fact is that every factory in this country had been manufacturing munitions for more than two years before we got into the war for the Allies, notwithstanding this when we got into it we did not manufacture a shell of our own that was ever fired over there, I am told. There was something deficient then, and that should be a lasting lesson as to why we should keep these arsenals up to date. The War Department ought to be supplying them with information which they are supposed to obtain concerning the continual improvements in the science of war and the changes in the munitions of war.

Besides that, we are setting here a very dangerous precedent. If we are going to permit Army officers, in their discretion, to purchase these munitions of war, we will next be asked to give the naval officers discretion in the purchase of all the necessities for the Navy Department. Not long will it be, then, with this precedent before us, until every other branch of the Government will be asking that they have the same discretion. It is a very dangerous proposition.

This million dollars that is mentioned here, $1,000,000 for each of five years, is just the nose of the camel getting under the tent. It will cost, I dare say, $20,000,000, in addition to this million dollars that may be expended for the purchase of munitions, to purchase jigs and patterns that are proposed to be scattered all over this country. We should act practically upon this proposition, and if we are going to adopt this new scheme against the Treasury, the extent of which no one can calculate, we ought to shut up the doors of the arsenals. To adopt this scheme is to declare our arsenals have been a failure, and that we have been wasting our money in times past. The practical thing to do is to have these war officers give their expert knowledge to the arsenals which we are maintaining [applause], and then if war comes—and God forbid that it should come—we can depend upon that agency which we have created for the purpose to keep us in an up-to-date state of preparedness. [Applause.]

Mr. MORIN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 13 minutes.

Mr. MORIN. I yield three minutes to the lady from California [Mrs. KAHN].

The CHAIRMAN. The lady from California is recognized for three minutes.

Mrs. KAHN. Mr. Chairman and members of the committee, I think the gentlemen who are so deeply interested in the arsenals are unduly alarmed. I am sure there is no disposition on the part of the War Department to curtail in any way the work being done by the arsenals. But in case of emergency, time is the great factor. No matter how desirous you are of expanding your arsenals, you simply can not do it in an emergency rapidly or efficiently enough to supply all the country will need. It would be a physical impossibility.

I think this bill is a real step in advance in our national defense. We are not making millionaires out of these manufacturers. We will divide $1,000,000 among them yearly for five years, so that in cases of emergency they will have the proper tools to adapt to their machinery in order to make certain articles of munitions. For example, we may give Dodge Bros. a contract or we may give the New Britain Tool Co. a contract. Why? So that in case of necessity we can shoot out to them the jigs, dies, and tools they have made and which are fitted for their machinery and which we have kept in our arsenals for just such an emergency. They will have their workmen, which they have trained, their organization, which they can expand, and they can go to work without loss of time. It is simply a matter of precaution, and $1,000,000 expended now will be worth $50,000,000 or $500,000,000 in case of emergency. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, I am sure the sponsors of this bill claim no originality in the idea. This scheme is not new. It has been tried and put into practice. Only a few days ago I read the statement made by the man who is the original author of this plan, and he says he rues the day that he originated it. The original author of this plan was General Ludendorff, the quartermaster general of the Imperial Army of Kaiser Wilhelm. It is Ludendorff's idea that you have written into this bill. The German plan contemplated the giving of so-called educational orders just as this bill provides under the control of the quartermaster general of the imperial army, so that every factory in Germany and every toy factory was convertible into a factory for the production of munitions.

Now, gentlemen, I do not in the least doubt the good faith of the War Department, but we must take human nature into consideration. We must apply the experience we acquire here every day. Just picture this bill three years from now. When the factory in New Britain has had its order, as suggested by the distinguished and charming lady from California, then the Dodge factory, as some one else suggested, then other orders will be given out, and then the gentleman from South Carolina will want an order for some one in his district. I can picture the stampede to get in every annual appropriation bill. So it will become the greatest log-rolling bill we have ever had. Why, talk about the rivers and harbors bill in the old days and talk about your public buildings omnibus bill, why they will be nothing in comparison with this bill. If you will think about those bills you will realize what you will be up against in this bill if enacted into law.

The statement made by the gentleman from Indiana [Mr. WOOD] is unanswerable. He is right at the helm; he is right in the Committee on Appropriations and he knows and speaks from experience. He knows the pressure that will be brought to bear. Then what are we going to do after we have these factories educated? After we have whetted their appetites they will say, "Give us orders," and then the gentleman from Pennsylvania will have to go out and look for a war to keep the factories busy. Anything for business. I believe in taking profits out of war. That is the tendency of the day. This bill is only an advance salesman to put more profits in war.

Mr. COOPER of Wisconsin. Will the gentleman yield for a brief question?

Mr. LAGUARDIA. Certainly.

Mr. COOPER of Wisconsin. It has been said repeatedly that this is a matter of preparing for an emergency. Does the gentleman know why this bill, having been introduced on the 5th of December, 1927, is not brought to the floor of the House until the last week of the present Congress, when the rules are suspended?

Mr. LAGUARDIA. The gentleman knows from his many years of experience in the House that it is the hope that in the confusion of the last days of the Congress you can get a bill like this through. It is hoped that when we are all occupied in

trying to get our own bills through, when there is confusion, haste, hurry, and pressure something like this can squeeze through. I will say that when Ludendorff first applied it it was a very innocent looking thing, but the results we saw in 1914.

Now, gentlemen, it is not a matter of preparedness at all. There is no matter of emergency. To listen to some of the gentlemen, who are on the Committee on Military Affairs, you would think we were facing an emergency within 24 hours. I do not believe there is the slightest or remotest danger now of any emergency unless we go out and look for it, and it behooves us not to look for it. It seems to me that with our natural resources and holding the position we hold in the world to-day, we should assume leadership in the movement for world peace and not set a bad example by passing legislation like this.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORIN. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. FISHER].

Mr. FISHER. Mr. Chairman, ladies and gentlemen of the committee, if there had been a law like this enacted by the Congress several years before the declaration of war in 1917 and in force in our country, there would have been a very different story to tell.

Those that followed our country throughout the war all remember that we were ashamed of our shortage in military supplies; we had particularly an inadequate supply of airplanes, and throughout the war and not until the armistice, did we get in shape where we could ship airplanes or all the materials essential to the war in the quantities that were needed for the great army we had sent across the seas.

After the armistice was declared the question of the continuance of the airplane industry was a very vital one, but we saw day after day and year after year, since the war, that the airplane factories did not have customers and our own Army and Navy for a long time, too long, were using old, out-of-date airplanes which were dangerous to the fliers. We were not keeping alive the technical machinery or the technical laborers that are necessary. We became ashamed of our inadequacy in aviation.

There was developed a splendid spirit and the Congress greatly increased the appropriations to overcome this unfortunate situation. A 5-year program was established for the development of aviation for the Army, for the Navy, and for the Department of Commerce, with a generous gift from a millionaire to aid the Department of Commerce in its development of commercial aviation; also through offering prizes in the colleges of our country for inventions relating to aviation. But I want to say that even with this push by the Government with its millions of dollars of increased appropriations for an increased number of airplanes and increased forces in the services, I can not say how long it would have taken us to have filled the place we should have occupied in the world's history as a leader in aviation had it not been for the spectacular and daring flight of Colonel Lindbergh and the flights of others like Chamberlain and Byrd. Our country was thrilled and aviation has developed as it was never dreamed it would be developed in such a very short time.

To-day there are sections in our country where there are being built airplane factories in increasing numbers, sometimes as many as two during a month in order to supply the demand for planes both in this country and Europe.

There is not any hope that in respect to the demands of our Army for materials like the many kinds of guns, ammunition, clothes, shoes, and things of that kind, we will have a like thrill given so that we will get the technical machinery and the skilled men to do this sort of work so that the materials would be available in time of war.

Those who have talked with the men who were on the War Industries Board have heard them tell the story of the great trouble they had and the great distress they were in as to how they were going to get sufficient guns of the various types and how they were going to get a sufficient quantity of munitions. A particular case was as to how they were going to have manufactured new antiaircraft guns, a gun which had never before been manufactured. One of the members of the War Industries Board and an officer of the Army went to a manufacturer to get him to manufacture these machines in quantity production. He had a fine factory, but no machine that could make this particular gun. He was patriotic and wanted to do the work, but he did not even have the skilled men to manufacture them even if he had had the machinery. It took a long time to develop quantity production under such circumstances. It was found by experimentation and experience that these aircraft guns were not the kind they ought to have at all and the plans had to be entirely changed. After the war an entirely different type of aircraft gun was adopted. To manufacture this new gun there is needed special machinery and skilled labor.

How are we to accomplish this purpose? We can not rely on the arsenals like the one at Rock Island with the small group of men there. They could only produce a small percentage of the needs. The experience and the genius that brings out great inventions do not always come from those in the Government service. We must reach out into the private industries of the country, interesting them, so if we ever again have to have a declaration of war we can have them ready to supply the demand. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman, the gentleman from Tennessee [Mr. FISHER] thinks if we had had this bill in effect for a few years before the war the result of the war might have been more favorable. The gentleman overlooks the fact that far more than mere educational contracts had been given by the allies to the private industry of this country for more than three years before we got into the war.

The trouble is simply this: In this day and age of rapid advance in mechanics and chemistry, warfare as well as every other kind of industrial activity is progressing with such rapidity that the educational contract given to-day is of little value a few years from now. You may build your jigs and your dies, but five years from to-day most of them will be obsolete. They will be stored away somewhere in some storehouse, an expense to the Government. If the armies that went upon the fields of France and Belgium at the beginning of the war, armed as they were, had met another army armed as the armies were armed at the close of the war, your first army would have been wiped out as completely as though they had been armed with bows and arrows.

Mr. HUDSON. Will the gentleman yield?

Mr. SWING. I only have three minutes.

The trouble with this whole problem is that this great Government of ours, which has to-day made a record for business administration, is asked now to turn its back upon a fundamental principle of American business. When you let go of competitive bidding, you have no place where you can stop short of discrimination and favoritism.

I was glad that the chairman of the Committee on Appropriations rose to protest against this bill and all that it means. He has ably pointed out the waste of funds involved. Four years ago the same proposal was brought upon the floor, but it contained a proviso that these educational contracts could not be let in excess of 25 per cent of what the arsenals and shipyards could do the work for; in other words, 25 per cent over the actual cost; but to-day this bill contains no limitation at all, the sky is the limit, and any kind of a contract that the Secretary of War may see fit to give may be given at any kind of price that the industry may ask for it. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GARRETT of Texas. Mr. Chairman, I yield the four remaining minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman and members of the committee, I am very much interested in this bill, not alone because the largest arsenal in our country is located in my district, but to me the economic question enters into it. The business side of this bill appeals to me with even less force than the fact that we will abandon the arsenals and allocate the orders with private manufacturers.

We have got the arsenals, they have been here for a long while. You will pardon me if I refer to the Rock Island Arsenal, which is the largest one in the United States, located on an island of 1,000 acres in the Mississippi River. A large business was transacted there before the war and great orders were turned out during the war, and a steady work was maintained there prior to the war.

In the Rock Island Arsenal they could manufacture to-day if they had the orders, airplanes, locomotives, guns, equipment of all kinds that they use in the war. And yet scarcely an order is allocated to the Rock Island Arsenal; the men that are maintained there are without any question of the highest type of mechanics we have in our country. There remain there groups of men who have been employed in the Rock Island Arsenal for 20, 30, and 40 years. It is their life, and these people do not understand the policy of our Government in turning its back in the way of orders for that magnificent and well-equipped arsenal. There are over 15 miles of railroad on the island; millions invested in equipment that belongs to the Government. It is your arsenal, it does not belong to Rock Island, it belongs to the people of this great country.

Mr. UPDIKE. Will the gentleman yield?

Mr. ALLEN. I yield.

Mr. UPDIKE. How many people are employed in the Rock Island Arsenal?

Mr. ALLEN. About 500 now, before the war about 1,500.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. ALLEN. I will.

Mr. WILLIAM E. HULL. Is it not true that they can manufacture war material at the arsenal cheaper than they can buy it elsewhere?

Mr. ALLEN. No doubt about that; they can manufacture airplanes to-day cheaper than they could be manufactured anywhere else. I think the name of this bill ought to be changed from an education bill to the incubator bill, starting war babies for the next war. [Laughter and applause.]

Mr. MORIN. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Chairman and gentlemen of the committee, this bill has been before Congress in substantially its present form for fully three years, having been originally introduced by the Member from Massachusetts, Mrs. ROGERS. And for much of that time I have been looking somewhat into the matter because of general interest in the subject. It is true that we have adequate arsenals to manufacture the munitions of war at present needed. On that, there is no dispute. It is also true, however, that the arsenals of the Government are run under Government operation, with no independent check whatever as to the efficiency of these operations as compared to like operations in the hands of private enterprise. If this bill which appropriates $1,000,000 a year as a maximum can produce for the Government of the United States cost sheets as is provided in the bill which will enable us to check the operations of the arsenals which are spending $20,000,000 a year for munitions, it will be well worth the entire cost.

Mr. LETTS Will the gentleman yield?

Mr. FORT. I yield.

Mr. LETTS. Is it not just as practical to have the cost sheets in the arsenal?

Mr. FORT. You then would have no comparison with what is done in the modern manufacturing establishments, which are developing the mass-production methods which American manufacturers have adopted generally, with a resulting efficiency such as has never been known in the world until within the last eight years. I say, as an abstract proposition, that the possible saving through improved efficiency in the arsenals would make well worth while the expenditure of $1,000,000 a year for five years as a check against the $20,000,000 a year the arsenals are now spending.

Mr. LETTS. Will the gentleman yield?

Mr. FORT. I am sorry; I have not the time. What are we going to get for this $1,000,000 a year? Suppose you take the General Motors Corporation with its $2,000,000,000 of business a year, or Henry Ford's tremendous industry, and place a $200,000 order with them for some type of gun carriage. Suppose we give Edison an educational order for a sounding device. What are we buying for that? The best brains in America for that kind of a job. We could not buy those brains for the whole million dollars a year in any way except as a patriotic service to the Nation. We are buying efficient, trained engineering and chemical staffs. We are buying the knowledge of alloys, we are buying the scientific knowledge of the staffs of those great enterprises, so that, if a war should come, those trained experts will know when they come to us in the emergency what they have found in their experimentation will improve the efficiency of our munitions and our other accessories. Take the item testified to in the hearings in respect to searchlights. Have we any men in the service of the Government or in our arsenals who have made the detailed, intensive study of the qualities of glass that have been made in our great glass plants?

Mr. SWING. Mr. Chairman, does the gentleman ask that question for an answer?

Mr. FORT. Yes.

Mr. SWING. The indestructible glass was discovered and perfected out here at the Bureau of Standards by a United States expert.

Mr. FORT. I know that to be the fact, but we are not working as they are day after day in great glass factories in America, to perfect the carrying quality of the light ray through glass. We are not working in our arsenals or anywhere else, and we could not without enormously increasing our arsenal appropriations, to improve the ordinary pieces of metal, the ordinary pieces of glass. These great plants with these educational orders will give to the Government of the United States a benefit worth to it, in one single munition which it may have them make, more than it could buy for millions a year, or develop through its own experts, who are not doing that kind of work. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the second sentence of the second paragraph of section 5a of the national defense act, approved June 4, 1920, be, and the same is hereby, amended by striking out the period at the end of the sentence, inserting a colon and the following:

Mr. MORIN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KELLY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 450) to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes, and had come to no resolution thereon.

NAVY APPROPRIATION BILL—CONFERENCE REPORT

Mr. FRENCH. Mr. Speaker, I present a conference report upon the bill H. R. 16714, making appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rules.

PAY CLERKS AND ACTING PAY CLERKS, UNITED STATES NAVY

Mr. HOUSTON of Hawaii. Mr. Speaker, the House yesterday passed a bill (H. R. 14923) to amend the Navy appropriation act for the fiscal year ending June 30, 1916, relative to the appointment of pay clerks and acting pay clerks, with an amendment. The effect of the amendment was to quote incorrectly the present statute. I ask unanimous consent to vacate the proceedings by which the bill was passed in order that the proper amendment may be inserted.

The SPEAKER. The gentleman from Hawaii asks unanimous consent to vacate the proceedings by which the bill H. R. 14923 was passed yesterday in order to make the correct amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the correct amendment.

The Clerk read as follows:

Amendment offered by Mr. HOUSTON of Hawaii: Page 2, line 10, after the word "acting," strike out the words "or permanent."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT JUDGE, NORTHERN DISTRICT OF MISSISSIPPI

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1965) to authorize the appointment of a district judge for the northern district of Mississippi, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill (S. 1965), which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a judge of the District Court of the United States for the Northern District of Mississippi, who shall reside in such district and whose compensation, duties, and powers shall be the same as now provided by law for other district judges.

SEC. 2. Upon the appointment of such judge, the present judge of the District Courts of the United States for the Northern and Southern Districts of Mississippi shall be the judge of the District Court of the United States for the Southern District of Mississippi. Such judge for the southern district of Mississippi shall reside in such district.

The SPEAKER. Is a second demanded?

Mr. SCHAFER. I demand a second.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. SCHAFER. I just want to get a bit of information. Has the Committee on the Judiciary, by unanimous vote, recommended favorable action on this bill?

Mr. GRAHAM. They have.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

MAKING THE UNITED STATES A PARTY DEFENDANT IN CERTAIN CASES

Mr. GRAHAM. Mr. Speaker, I call up the conference report on the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases and ask that it be agreed to. The conferees have reached a complete agreement.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 13981, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 13981 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered one and agree to the same with an amendment as follows:

Strike out section 4 of the matter proposed to be inserted by said amendment and renumber sections, and the House agree to the same.

GEO. S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.
G. W. NORRIS,
T. J. WALSH,
C. W. WATERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13981 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

By the Senate amendment the United States consents to be made a party to all litigation either in the Federal or State courts to unfetter real estate from Government liens.

The conferees on the part of the House were satisfied that the Senate amendment would effectuate the objects of the House bill just as well as the provisions of the House bill itself, with one exception; that was the fourth section of the Senate amendment, which seemed to the conferees to impose an unusual and unnecessary delay upon the foreclosure and sale under the bill. The House conferees presented their objections to this paragraph, and the Senate agreed to recede.

GEO. S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. GARRETT of Tennessee. Mr. Speaker, did the gentleman ask unanimous consent to take up the conference report?

The SPEAKER. He called up the conference report.

Mr. GARRETT of Tennessee. When was it filed?

Mr. GRAHAM. This morning. This is within the last 6-day limit, when under the rule conference reports need not be filed in advance.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LOAD LINES FOR AMERICAN VESSELS

Mr. WHITE of Maine. Mr. Speaker, I present a conference report for printing under the rule.

The SPEAKER. The gentleman from Maine presents a conference report on the bill (S. 1781). Ordered printed under the rule.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Restore the word "foreign," and at the end of line 8, page 1, change the period to a comma and insert the words "the Great Lakes excepted." and on page 2, at the end of line 3, change the period to a comma and insert the words "the Great Lakes excepted." and the House agree to the same.

Amendment numbered 45: That the Senate recede from its disagreement to the amendment of the House numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 9. The Secretary of Commerce is directed to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade and the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report."

And the House agree to the same.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
A. M. FREE,
EWIN L. DAVIS,
S. O. BLAND,
Managers on the part of the House.
W. L. JONES,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1781, "An act to establish load lines for American vessels, and for other purposes," submit the following written statement explaining the effect of the action agreed on by the conference committee:

Of the 46 amendments adopted by the House, the Senate has receded from its disagreement with respect to 44 and has agreed to the same.

On amendment No. 3 the Senate has receded from its disagreement and agreed to the same with an amendment. In the form in which the amendment now appears, section 1 of the bill applies only to vessels engaged in the foreign trade, those on the Great Lakes excepted. This change is effected by the restoration of the word "foreign," in line 8 of page 1, and by the addition of the words "the Great Lakes excepted," after the word "sea," in line 8, on page 1, and after the word "sea," in line 2, page 2.

The Senate receded from its disagreement to the amendment of the House No. 45, and agreed to the same with an amendment in the following terms:

"SEC. 9. The Secretary of Commerce is directed to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade and the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report."

The House conferees have agreed to this change. They did so only when convinced that the retention of section 9 in the form in which it was passed by the House meant that no load-line legislation would be adopted at this Congress. The House conferees were satisfied beyond a doubt that its alternatives were to secure a load line law for vessels in our foreign trade only or no legislation. They felt it their duty to save of this legislation what they could. As evidence of the attitude of the House conferees and of the views of the Senate conferees the following vote was adopted unanimously by the conferees:

"On motion, voted that it is the sense of the conferees on the part of the Senate and of the House that load-line legislation

should be made applicable to all vessels of the United States of over 250 tons, including those operating in the foreign trade, making a voyage by sea in the coastwise and intercoastal trade or on the Great Lakes; that the conferees have agreed to a report applying the load line only to vessels engaged in the foreign trade because of the parliamentary situation and the apparent impossibility of procuring more comprehensive legislation during the present Congress; and that the conferees advise that they will support and undertake to procure the passage of legislation in the next Congress applying load lines to all of the classes of vessels above enumerated."

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
ARTHUR M. FREE,
EWIN L. DAVIS,
S. O. BLAND,
Managers on the part of the House.

AMENDMENT OF THE NATIONAL PROHIBITION ACT

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Resolution 343

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of (S. 2901) an act to amend the national prohibition act, as amended and supplemented. That after general debate, which shall be confined to the act and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the act, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment the committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, in answer to several inquiries, I expect to call that up to-morrow.

JOINT COMMITTEE TO INVESTIGATE RESPECTING THE RANK AND PAY OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST SURVEY, AND PUBLIC HEALTH SERVICE

I present another privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents another privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Joint Resolution 430

Joint resolution (H. J. Res. 430) for the appointment of a joint committee of the Senate and House of Representatives to investigate the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Resolved, etc., That a joint committee, to be composed of five Members of the Senate, to be appointed by the Vice President, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall make an investigation and report recommendations by bill or otherwise to their respective Houses, relative to the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the several services mentioned in the title of this joint resolution.

JOINT COMMITTEE TO COOPERATE WITH THE NEW BERN HISTORICAL SOCIETY, NORTH CAROLINA

Mr. SNELL. Mr. Speaker, I present another privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents another privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Concurrent Resolution 60

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the Colonial and Revolutionary period at New Bern, N. C.

EDITH BOLLING WILSON

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the Senate bill 4276 be taken from the Speaker's table and passed under suspension of the rules.

The SPEAKER. The Chair can not recognize the gentleman to move to suspend the rules. The gentleman can ask unanimous consent.

Mr. MONTAGUE. It is a bill to grant a pension to Edith Bolling Wilson. It was unanimously reported by the committee. I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4276) granting a pension to Edith Bolling Wilson

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edith Bolling Wilson, widow of Woodrow Wilson, late President of the United States, and to pay her a pension at the rate of $5,000 per year from and after the passage of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from New York [Mr. SNELL] to act as Speaker pro tempore this evening.

THE CONGRESSIONAL RECORD

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter I have received in connection with my campaign to rejuvenate the CONGRESSIONAL RECORD and also a poem accompanying the same.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a letter and a poem. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, in connection with my campaign to rejuvenate the RECORD, I received the following letter-poem, which I include under permission granted me to extend my remarks, as follows:

TAKOMA PARK, MD., *February 26, 1929.*

Congressman BOYLAN,
Washington, D. C.

HONORABLE SIR: With pleasure, commensurate with the timeliness of the resolution offered by yourself in the House of Representatives on February 22, I have read your able and urgent appeal, looking to the revision, beautification, and improvement, otherwise, of the CONGRESSIONAL RECORD, so as to widen its distribution, broaden its influence, and deepen its effectiveness upon the American mind.

With one particular end in view, a by-product of your own great aim—one which I prefer especially to stress—I am enclosing a series of related verses, entitled "Poet Laureate of America," trusting that you may see fit to have them printed in the CONGRESSIONAL RECORD, or, better still, have them read on the floor of the House, if you feel so disposed.

In addition to the daily doings of Congress, the CONGRESSIONAL RECORD should carry daily the pictures of the President and his cabinet officials, the justices of the Supreme Court, and the Members of both Houses of Congress—most of whom multiplied millions of the American people have never seen—and, as suggested in your resolution, it might be made yet more interesting, and thereby more instructive, by the daily creations of the best cartoonist to be had, and by the adoption of other modern accessions which have made the newspapers of to-day the greatest and most far-reaching educators in all the world.

Respectfully,

HORACE C. CARLISLE.

POET LAUREATE OF AMERICA

By Horace C. Carlisle

Everybody who reads the CONGRESSIONAL RECORD
Reads the widest-read daily, perhaps, in the world,
For it carries, verbatim, the doings of Congress
Wheresoever the Stars and the Stripes are unfurled—
And it ought to be read by a sovereign people
In whom all the great powers of sovereignty dwell—
For Americans justly have boasted their freedom
Ever since independence rang liberty's bell.

But from that day to this there has one thing been lacking—
With the volumes of poems that have sung her renown
As a nation, our Congress has chosen no poet
Yet to wear the unworn poet laureate's crown.
On its blank cover page, now subserving no purpose,
The CONGRESSIONAL RECORD might carry each day
A short poem, effervescing with dynamic power,
To America's heart in a national way.

What a great opportunity for a real service!
Like Niagara's waters, now running to waste!
On this now wasted page a nonpartisan poem
Of American interest ought to be placed.
Who can say that this page was not left for this purpose,
In accord with the infinite's unquestioned plan,
Until He, in His wisdom, could properly fashion
For this wonderful service a suitable man?

This poetical page should give daily a picture
Of some pertinent phase of American life,
And help crystalize sentiment throughout the country,
In these days of distrust and distraction and strife.
It should soften the hearts of divergency's factions,
In the North and the South and the East and the West,
And should seek a solution to national problems—
And point up, past the better, always toward the best.

And when death calls a man from the House or the Senate,
Or from any high office of national trust,
This poetical page, in appropriate sweetness,
As it sadly commends his dead form to its dust,
Might express the great heart of a sorrowing people,
As they inwardly weep o'er their visible loss,
And remind a wide world that the man or the woman
Who would win a real crown must first bear a real cross.

May we hope that, some day, the CONGRESSIONAL RECORD
Will of this wasted page make a real beauty spot,
Where the roses of truth and the laurels of honor
May engender a fragrance that can't be forgot—
And reflect, in poetical beauty and splendor,
'Neath the stars and the stripes of Old Glory unfurled,
Our American life, in its manifold fullness,
To the multiplied millions all over the world.

STATE TAXATION OF NATIONAL BANKS

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bank-tax question.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. McFADDEN. Mr. Speaker, there having been so many inquiries during the past sessions of Congress relative to the question of amending the law effecting the State taxation of national banks, in view of the fact that there can now be no action by Congress at this session I deem it advisable to give expression to my own personal views on this important subject.

The bills H. R. 8727 and H. R. 14001 would permit the State taxation of national-bank shares at no "greater rate than that assessed within the taxing district of the bank's location upon real estate used for mercantile or like business purposes," nor higher than is assessed upon shares of corporations engaged in the business of receiving deposits subject to check or the capital of individuals likewise employed in that business.

From the very inception of the permission by Congress to the States to tax national bank shares and in making subsequent amendments thereto, Congress has recognized the fact that to allow a tax classification of national bank shares with only a very limited part of the moneyed capital competing with banks would not safeguard the national banks against excessive taxation by the States.

It is well known that there is a vast amount of moneyed capital competing with banks outside of that employed in the business of receiving deposits subject to check. Under the proposed legislation it is alleged that such moneyed capital could be favored and national banks discriminated against.

The Comptroller of the Currency, in his 1928 annual report to Congress, says of this pending legislation "that I feel it my duty to call the matter to the attention of the Congress and recommend that none of these bills be enacted into law." The report further states:

> It is contended by the State tax authorities interested in the passage of such bills that since the States would not impose an undue burden of taxation on their own State banks that national banks would be amply protected. While the State tax authorities are undoubtedly sincere in their contentions, the fact remains that under such bills the States would have the right to place an undue burden upon national banks and upon their own banks to such an extent as would make banking unprofitable or at least burdensome, which in the last analysis is the right to destroy a Federal instrumentality.

It is not merely a question of what the States might do, if unchecked, to national and State banks alike. It is a matter of history that present attempts have been made to discriminate against banks and in favor of moneyed capital in the hands of individuals used in active competition with the banks. In the many cases which have come before the courts it has been proved to the satisfaction of the courts that the States, by discriminatory taxation, have allowed individuals, finance companies, and other groups engaged in the lending of money to escape with taxes from one-half to one-tenth of the tax imposed upon banks. If the national banking system is to survive, it must have more substantial protection than the mistaken supposition that the States will be concerned for its welfare.

In 1923 and 1926 amendments to section 5219 provide for four exclusive alternative methods for the State taxation of national banks, as follows:

(1) Taxation of the shares, but at no "greater rate than is assessed upon moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks."

(2) Taxation of the dividends or their inclusion in the taxable income of an owner or holder, but not at a greater rate than is assessed upon the net income from other moneyed capital.

(3) Taxation of the net taxable income of the banks themselves, but at no greater rate than provided in (4).

(4) Taxation of the banks themselves, "according to or measured by their net income," from all sources, "but the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits."

Practical application of the above alternative methods has been satisfactorily demonstrated.

Those States adhering to the general property tax apply the share-tax method, as they have been doing for over 60 years. Low rate intangible-tax States can, as Pennsylvania has done for over 40 years, tax national-bank shares at the same rate as other intangibles or else adopt the net-income methods under the third and fourth alternatives. Wisconsin is taxing its banks under the net-income tax, the third alternative. Massachusetts and New York have adopted the fourth alternative and tax their banks "according to or measured by" their net income from all sources. California, under a recent constitutional amendment, will also presently follow Massachusetts and New York.

Under the fourth alternative method which is in effect an excise tax, any State, regardless of its present system of taxation, may tax its national banks directly upon net income from all sources, providing only that the rate—i. e., the tax burden—shall not be higher than the rate—i. e., the tax burden—assessed upon other financial corporations—which includes State banks—nor higher than the highest of the rates—i. e., the tax burden—assessed by the taxing State upon mercantile, manufacturing, and business corporations.

In the face of the plain duty of Congress to safeguard the national banks against discrimination in taxation, the bars of protection as now established under section 5219 can not, in the opinions heretofore expressed and made of record, be lowered. The States are afforded the fullest opportunity to tax national banks fairly, and it is for State legislatures to mold their bank tax laws according to the general rules prescribed by Congress which, of necessity, must consider the subject from the broad standpoint of the Federal Government and of all the States. It is manifestly impossible to vary a national standard in order to meet the peculiarities of a few State taxing systems. Taking the country as a whole, the earnings of national banks do not warrant permission to States to tax them at a greater rate than they tax the same kind of property as that in which national banks employ their funds nor more than they impose upon financial, mercantile, manufacturing, and business corporations.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa, & Calistoga Railway;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;
H. R. 5287. An act for the relief of Etta C. Sanborn;
H. R. 5288. An act for the relief of William F. Kallweit;
H. R. 5289. An act for the relief of Loretta Kallweit;
H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;
H. R. 5952. An act for the relief of Robert Michael White;
H. R. 9009. An act for the relief of Francis Leo Shea;
H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;
H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;
H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;
H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;
H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;
H. R. 12390. An act for the relief of Frank C. Messenger;
H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;
H. R. 12638. An act for the relief of David A. Wright;
H. R. 12666. An act for the relief of William S. Shacklette;
H. R. 13632. An act for the relief of Ruth B. Lincoln;
H. R. 13658. An act for the relief of Hugh Anthony McGuigan;
H. R. 13721. An act for the relief of Edwin I. Chatcuff;
H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;
H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;
H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";
H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co., under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stats. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L., 356);
H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;
H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;
H. R. 15330. An act authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;
H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;
H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;
H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America;
H. R. 15651. An act for the relief of Leonidas L. Cochran;
H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;
H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;
H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;
H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;
H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;
H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;
H. R. 16565. An act authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;
H. R. 16612. An act granting the consent of Congress for the construction of a dam or dams in Neches River, Tex.;
H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928;
H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928; and
H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;
S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;
S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;
S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.; and
S. 5255. An act for the relief of the present and former postmasters and acting postmasters, and for other purposes.

The message also announced that the Senate concurs, with amendments, in the concurrent resolution of the House (H. Con. Res. 37) to print 3,000 additional copies of the hearings during the Sixty-ninth Congress on the bill (H. R. 7895) relating to the stabilization of the price level of commodities.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 5766. An act for the relief of Andrew T. Bailey; and
S. 5776. An act for the relief of Wynona A. Dixon.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4385) entitled "An act to establish the Teton National Park in the State of South Dakota, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORBECK, Mr. NYE, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the title of the bill (S. 4517) entitled "An act appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;
H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;
H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;
H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.;
H. R. 15712. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes;
H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;
H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service equivalent to retired pay granted to members of the Coast Guard; and
H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial

circuit of the United States, and to create a tenth judicial circuit.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps";

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.;

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania;

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928;

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State, established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; and

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House stood in recess until 8 o'clock this evening.

EVENING SESSION

The House was called to order by the Speaker pro tempore (Mr. SNELL).

PRIVATE CALENDAR

The SPEAKER pro tempore. Under the unanimous-consent order bills unobjected to on the Private Calendar will be considered this evening, beginning at the star. The Clerk will call the first bill.

THOMAS F. SUTTON

The first business on the Private Calendar was the bill (H. R. 6884) for the relief of Thomas F. Sutton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I object.

Mr. DICKINSON of Missouri. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. ROWBOTTOM. Yes.

Mr. DICKINSON of Missouri. I do not know whether the gentleman has read this report or not.

Mr. ROWBOTTOM. Yes; the man was discharged from the Army for being an habitual drunkard.

Mr. DICKINSON of Missouri. No; the gentleman has the wrong bill in mind. There is nothing of that kind in the report. I know this man and no man stands higher in his community.

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent that we may pass this bill temporarily and return to it later.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

CHANCY L. M'INTYRE

The next business on the Private Calendar was the bill (H. R. 12498) granting an honorable discharge to Chancy L. McIntyre.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Chancy L. McIntyre, who was a member of Company —, Medical Department, Regular Army of the United States of America, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 2d day of March, 1926: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 5, strike out the word "company" and the comma following, and amend the title.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS F. SUTTON

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent that we return to Calendar No. 848, the first bill called, and I withdraw my objection.

The SPEAKER pro tempore. Without objection, it is so ordered, and the Clerk will report the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas F. Sutton, who was a member of Company E, Sixth Regiment Tennessee Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 27th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "27th day of August, 1865," and insert in lieu thereof "17th day of September, 1862."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADELAIDE (ADA) J. WALKER ROBBINS

The next business on the Private Calendar was the bill (H. R. 13866) for the relief of Adelaide (Ada) J. Walker Robbins.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged nurses, Adelaide (Ada) J. Walker Robbins, shall hereafter be held and considered to have served as a nurse in the military service of the United States from the 16th day of June, 1864, to the 22d day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 8, strike out "22d day of August," and insert in lieu thereof "8th day of September."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS A. M'GURK

The next business on the Private Calendar was the bill (H. R. 16466) for the relief of Thomas A. McGurk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sol-

diers, Thomas A. McGurk, alias Thomas Devlin, who was a member of Company K, Sixth Regiment United States Infantry; Hospital Corps, United States Army; Fourth Battery, United States Field Artillery; Company A, Seventeenth Regiment United States Infantry, shall hereafter be held and considered to have been one and the same persons and to have been discharged honorably from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 2, line 1, after the word "States" insert "as of each date of discharge shown on the official records of the War Department."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MABEL L. BROWN

The next business on the Private Calendar was the bill (H. R. 5933) for the relief of Mabel L. Brown.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Mabel L. Brown, mother of Walter L. Brown, late private of Battery A, Eighteenth Field Artillery, shall be regarded as the duly designated beneficiary of the late Private Brown under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

With the following committee amendment:

Line 5, after the word "beneficiary," insert "and dependent"; in line 6, strike out the words "May 11, 1908, as amended by the act approved March 3, 1909," and insert in lieu thereof "December 17, 1919 (41 Stat. 367)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARRIE M'INTYRE

The next business on the Private Calendar was the bill (H. R. 10200) for the relief of Carrie McIntyre.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Carrie McIntyre, mother of Henry D. McIntyre, who served as a private in Service Company, Fourth Regiment United States Infantry, shall be considered as the duly designated beneficiary of the late Henry D. McIntyre, under the act approved May 11, 1908, as amended by the act approved March 3, 1909 (35 Stat. 108, 735).

With the following committee amendments:

Line 6, after the word "beneficiary," insert "and dependent."

Line 7, after the word "approved," strike out all language and insert in lieu thereof "December 17, 1919 (41 Stat. 367)."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANGENORA HINES

The next business on the Private Calendar was the bill (H. R. 11383) for the relief of Angenora Hines.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joseph Hines, who was a member of Company E, Tenth Veteran Reserve Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 23d day of March, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TWIN CITY FORGE & FOUNDRY CO.

The next business on the Private Calendar was the bill (H. R. 16535) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection.

Mr. SCHAFER. Reserving the right to object, has the Department of Justice or the War Department approved this bill? I notice that the committee report contains a letter from the Attorney General, but it does not show that he is in favor of this bill.

Mr. ANDRESEN. The Department of Justice is in favor of the bill, but at the present time there is no Government agent who is authorized to execute a release in satisfaction of the mortgage.

Mr. SCHAFER. The mortgage has been satisfied by the court decision, but there is nobody authorized to make the release?

Mr. ANDRESEN. The gentleman is correct.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute and deliver to the Twin City Forge & Foundry Co., of Stillwater, Minn., a release or satisfaction of a certain mortgage dated August 13, 1918, executed by the Twin City Forge & Foundry Co. to Newton D. Baker, Secretary of War of the United States of America, as trustee on behalf of the United States of America, said mortgage being in the amount of $750,000 and covering certain real estate and personal property of the said Twin City Forge & Foundry Co. situated in the county of Washington and State of Minnesota; and said mortgage being recorded on August 19, 1918, on pages 112, 113, and 114 in book of mortgages No. 37 in the office of the register of deeds of Washington County, Minn. The indebtedness for which said mortgage was given is now fully paid and satisfied. The Secretary of War is further authorized and directed to execute such release or satisfaction in such form as is conformable with the laws of the State of Minnesota.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM T. RING

The next business on the Private Calendar was the bill (H. R. 7174), granting compensation to William T. Ring.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to William T. Ring, of New Haven, Conn., as compensation for injuries sustained by the said William T. Ring when struck by a stone which fell from the pediment of the Federal building at New Haven, Conn., February 7, 1927.

With the following committee amendments:

In line 5, strike out the figures "$3,000" and insert in lieu thereof "$462.55"; after the word "appropriated," add "and in full settlement against the Government."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALMA RAWSON

The next business on the Private Calendar was the bill (H. R. 15197) for the relief of Alma Rawson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of $500 to Alma Rawson as reimbursement for personal injuries as a result of slipping in a puddle of water at the Crescent Street post office, Brockton, Mass., on May 11, 1928.

With the following committee amendment:

Strike out the figures "$500" and insert in lieu thereof "$176.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A. N. WORSTELL

The next business on the Private Calendar was the bill (H. R. 8519) for the relief of A. N. Worstell.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of A. N. Worstell, postmaster at Valparaiso, Ind., in the sum of $68,248.12. Such sum represents the amount of a deficit in the account of the said A. N. Worstell caused by the theft, on March 25, 1925, of postage and revenue stamps from the post office at Valparaiso, Ind.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SUIT AGAINST UNITED STATES BY MERRILL ENGINEERING CO.

The next business on the Private Calendar was the bill (H. R. 10817) to provide for suit against the United States by the Merrill Engineering Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in any suit brought within four months after the enactment of this act by the Merrill Engineering Co., of Jackson, Miss., against the United States in the United States District Court for the Southern District of Mississippi, to recover compensation for extra work performed by such company under a contract dated September 25, 1925, between the Merrill Engineering Co. and M. C. Tyler, major, United States Army, representing the United States, for the construction of a brick pavement on the bridge roadway of Wilson Dam, located near Sheffield, Ala., the failure of such company to comply with the provisions of paragraph 38 of the specifications of such contract shall not constitute a defense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of the Merrill Engineering Co."

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. BRIZARD

The next business on the Private Calendar was the bill (H. R. 14583) for the relief of A. Brizard (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. Brizard (Inc.), Arcata, Calif., the sum of $150 as compensation for a mule killed while under rental to the United States Forest Service, in California, for use in its official business in the year 1926.

With the following committee amendment:

Line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARSHALL STATE BANK

The next business on the Private Calendar was the bill (H. R. 14738) for the relief of the Marshall State Bank.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Marshall State Bank, Marshall, Ill., United States coupon note No. J-1067846 in the denomination of $500 of the Victory Liberty Loan 4¾ per cent convertible gold notes of 1922–23, matured May 20, 1923, with interest at the rate of 4¾ per cent per annum from December 15, 1919, to May 20, 1923, inclusive, without presentation of said note or the coupons representing interest thereon from December 15, 1919, to May 20, 1923, the note with the said coupons attached having been lost, stolen, or destroyed: *Provided,* That the said note shall not have been previously presented and paid and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further,* That the said Marshall State Bank shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said note and the interest payable thereon when the note matured, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed note hereinbefore described, or the coupons belonging thereto."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JESSIE L. KINSEY

The next business on the Private Calendar was the bill (H. R. 15161) for the relief of Jessie L. Kinsey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. O'CONNELL. Mr. Speaker, I am glad to notice that there are a lot of these bills that refer to losses occurring in post offices. Heretofore it has been difficult to get these bills through the House. I am glad at last that we are taking cognizance of the fact that these losses are legitimate, and that these postmasters are not having so much trouble in getting their money back.

The SPEAKER pro tempore. The Chair is informed by the Clerk that there is a Senate bill (S. 5326) of similar title on the Speaker's desk. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Jessie L. Kinsey, postmaster at Beach, N. Dak., in the sum of $476.90, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Beach, Beach, N. Dak.: *Provided,* That the said Jessie L. Kinsey shall assign to the United States any and all claims she may have to dividends arising from the liquidation of said bank.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill (H. R. 15161) was laid on the table.

JOHN T. PAINTER

The next business on the Private Calendar was the bill (H. R. 15914) for the relief of John T. Painter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit John T. Painter, postmaster at Greensburg, Westmoreland County, Pa., in his accounts with the sum of $23,366.84, the amount of money and postage stamps lost in the burglary of the post office at Greensburg, Pa., on April 22, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 16219) for the relief of the Federal Construction Co. (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to substitute for this bill Senate bill 4817, on the Speaker's table.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is the Senate bill in the identical form reported by the Claims Committee of the House?

Mr. BLAND. It is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow to Federal Construction Co. (Inc.), the sum of $2,800, in full settlement for the construction of a concrete drainage trench in connection with contract of July 6, 1925, for the construction of a drainage system at United States Veterans' Bureau Hospital No. 97, Chillicothe, Ohio. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,800 for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill (H. R. 16219) was laid on the table.

CLYDE H. TAVENNER

The next business on the Private Calendar was the bill (H. R. 16342) for the relief of Clyde H. Tavenner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde H. Tavenner, the sum of $893.92, representing the amount paid by him in 1916 to the Public Printer for speeches ordered, but neither printed nor delivered, the said amount in that year deposited by the Public Printer in the Treasury of the United States to the credit of miscellaneous receipts, as required by law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

R. H. KING

The next business on the Private Calendar was the bill (S. 1766) for the relief of R. H. King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I object.

Mr. SCHAFER. Mr. Speaker, I wish to state to the gentleman that this bill was reported from the Claims Committee, of which he is a member, by a unanimous vote. I was chairman of the subcommittee that reported the bill. It appears from the report of the Post Office Department that this postmaster thought there was something wrong in the accounts of his office and requested an investigation by post-office inspectors. The inspectors did not make the visit until some time after the request, and then it was found that the assistant postmaster was spending more money than he was making, and after a thorough investigation, upon the recommendation of the postal inspectors, the assistant postmaster was discharged. I think it is a very meritorious bill. It received careful and serious consideration by the Claims Committee before it was reported out by a unanimous vote.

Mr. ROWBOTTOM. The Postmaster General states that this postmaster was very lax in the handling of his office.

Mr. SCHAFER. I hope that the gentleman will carefully study the entire report of the Postmaster General, where he will find a statement of all the facts in the case, and if the gentleman will read the report in full I am sure he will find that the bill is meritorious.

Mr. O'CONNELL. Mr. Speaker, here is a chance where we have an opportunity to override the opinion of a department officer.

Mr. UNDERHILL. I do not think you override him entirely. This is simply a case where a postmaster is required to take such employees as are furnished to him by the Government and has suffered by the action of those employees.

Mr. O'CONNELL. That is just the situation. They have got to take anybody who is sent to them and be responsible for what they do.

Mr. SCHAFER. I would state to the gentleman that this postmaster has made good every penny of the bond. He borrowed up to the limit on his life insurance to do so. The record indicates that he did not embezzle this money.

Mr. ROWBOTTOM. Mr. Speaker, in view of the statements that have been made, I will withdraw my objection.

The SPEAKER pro tempore. Objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. H. King, of Alvin, Tex., former postmaster at that place, $2,283.28, the amount paid by him to the Government of the United States on account of defalcation in the post office at Alvin while he was postmaster, said defalcation having occurred without fault or negligence on his part.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ALICE SARRAZIN

The next business on the Private Calendar was the bill (H. R. 5950) for the relief of Alice Sarrazin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Alice Sarrazin, mother of Jules A. Sarrazin, late of Company K, Sixth United States Infantry, Fort McPherson, Ga., shall be regarded as the duly designated beneficiary of the late Jules A. Sarrazin under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

With a committee amendment as follows:

In line 5, after the word "beneficiary," insert the words "and dependent"; and on line 7, after the word "approved," strike out "May 11, 1908, as amended by the act approved March 3, 1909," and insert "December 17, 1919 (41 Stat. 367)."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PAUL WALLERSTEIN

The next business on the Private Calendar was the bill (H. R. 3675) for the relief of Paul Wallerstein.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. UPDIKE. Reserving the right to object, Mr. Speaker, what does this bill do?

Mr. SCHAFER. This bill makes the discharge of a Civil War veteran honorable. It appears from the record of the War Department that he deserted while on furlough about February 28, 1865, and reenlisted nine days later, on March 9, 1865, and served until he was honorably discharged from that enlistment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Paul Wallerstein, who was formerly a private in Company D, Seventy-fifth Regiment, and Company K, Forty-sixth Regiment, New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said companies and regiments on July 28, 1865.

With a committee amendment as follows:

At the end of line 9 insert: *"Provided,* That no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

W. L. INABNIT

The next business on the Private Calendar was the bill (H. R. 9530) for the relief of W. L. Inabnit.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized and directed to place upon its compensation roll, subject to the provisions and limitations of the compensation laws of employees of the United States, the name of W. L. Inabnit, former employee of the United States, and pay him compensation at the rate of $66.67 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEO BYRNE

The next business on the Private Calendar was the bill (H. R. 14850) authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of $100 a month, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to pay to Leo Byrne, on account of the results of injuries received while on duty with the Reserve Officers' Training Corps, at Camp Knox, Ky., on July 21, 1927, the sum of $100 per month, payments to start from the date of the accident, July 21, 1927.

With a committee amendment as follows:

Strike out all after the enacting clause and insert "That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to Leo Byrne, on account of injuries sustained July 21, 1927, while in the performance of his duty as a student of the Reserve Officers' Training Corps, University of Missouri, Ky., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 6, 1916, as amended by the act of February 12, 1927."

Amend the title so as to read: "A bill for the relief of Leo Byrne."

Mr. IRWIN. Mr. Speaker, I offer an amendment. On page 2, line 10, strike out the period, insert a colon, and add the following:

Pay and allowances not to exceed $150 per month.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IRWIN to the committee amendment: On page 2, line 10, strike out the period, insert a colon and add the following: "Pay and allowances not to exceed $150 per month."

Mr. UNDERHILL. Mr. Speaker, I think the amount should be $117 instead of $150.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. UNDERHILL. Certainly.

Mr. COCHRAN of Missouri. The pay of the Employees' Compensation Commission is based on two-thirds of the salary.

Mr. UNDERHILL. The pay of the Employees' Compensation Commission in no case exceeds $117 per month.

Mr. COCHRAN of Missouri. This pay and allowances amendment is necessary according to the legal department of the Compensation Commission. They must have some figure upon which to base the allowance and as it is intended to grant this young man a reasonable amount it was agreed that if an amendment was offered in this form it would enable the commission to carry out the intent of Congress. The bill in the form it was reported would not have brought the desired result, the Compensation Commission holding it could not pay any compensation. The bill in its original form as I introduced it was worded properly. This young college boy injured in a training camp spent 1 year and 6 months in Walter Reed Hospital. I visited him at every opportunity. He was sent home just before Christmas, the doctors stating nothing further could be done for him.

The mother of this young man came to Washington from St. Louis and remained here for over a year so she could be near her disabled son. At his home he is under the care of a private specialist. Added to this expense is the cost of surgical dressings which amount to over $1 a day.

Unfortunately there is no general law under which he would have title to recognition, but recently, due to this case and several others, the Secretary of War recommended the passage of a bill placing students injured in training camps on the rolls of the Compensation Commission. The recommendation came too late for consideration at this session but I desire to express the hope it will be speedily enacted in the next Congress.

The SPEAKER pro tempore. The question is on agreeing to the amendment to the committee amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELIZABETH ROBINS PENNELL

The next business on the Private Calendar was House Joint Resolution 33, to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. LUCE. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 58, an identical resolution.

The SPEAKER pro tempore. Without objection the Clerk will report the Senate resolution.

There was no objection.

The Clerk read as follows;

Resolved, etc., That the United States of America hereby waives any claim for security from the said Elizabeth Robins Pennell other than her own bond, for its benefit as residuary legatee and remainderman under the will of the said Joseph Pennell, and it is declared to be the opinion of Congress that such personal bond without surety would, if approved by the orphans' court, of Philadelphia County, adequately secure the interests of the United States under section 23 of the fiduciaries act of Pennsylvania.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

A similar House joint resolution was laid on the table.

BEY MARIO AROSEMENA

The next business on the Private Calendar was House Joint Resolution 373, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Bey Mario Arosemena to receive instruction at the United States Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby, and that Bey Mario Arosemena shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Bey Mario Arosemena shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further,* That in the case of said Bey Mario Arosemena the provisions of section 1320 and 1321 of the Revised Statutes shall be suspended.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

FELIX COLE

The next business on the Private Calendar was the bill (H. R. 14022), for the relief of Felix Cole for losses incurred by

him arising out of the performance of his duties in the American Consular Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,414.37 to Felix Cole, consul of the United States of America, formerly stationed at Petrograd and Archangel, Russia, as reimbursement for losses by theft, pilferage, or confiscation of personal effects stored at Petrograd, Russia, due to his hurried departure from that city under orders in 1917; and for his personal effects stolen from a railroad car between Harbin, China, and Vladivostok, Russia, in 1920; and for the expenses of travel of his wife and child to the United States from Russia, which expenses were refused payment on technical grounds by the Comptroller of the Treasury; all said losses and expenses having arisen during and out of his performance of duty in the American Consular Service.

With the following committee amendment:

On page 1, line 5, strike out the sign and figures "$7,414.37" and insert in lieu thereof the sign and figures "$4,691.10."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. WILLIAM CASSIDY

The next business on the Private Calendar was the bill (H. R. 14975) for the relief of Capt. William Cassidy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Capt. William Cassidy, Quartermaster Corps, United States Army, in the sum of $4,740.39 on account of stoppage of pay as the result of the loss of public funds due to financial irregularities and frauds against the Government, in the handling of public funds by a civilian employee of the Quartermaster Corps at Camp Custer, Mich., during the period from April, 1924, to October, 1927, for part of which Captain Cassidy has been held responsible, and to certify the same to Congress for an appropriation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAGINAW & MANISTEE LUMBER CO.

The next business on the Private Calendar was the bill (H. R. 12198) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to grant to the Saginaw & Manistee Lumber Co. timber from national forest lands in Arizona, to be cut and removed under such conditions as the Secretary of Agriculture may require, in exchange for timber or seed trees of at least equal value, as determined by the said Secretary, on lands of the United States on which the said company has timber rights under the act of April 1, 1918 (40 Stat. 1358).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL HOOPER LANE

The next business on the Private Calendar was the bill (H. R. 14765) for the relief of Samuel Hooper Lane, alias Samuel Foot.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Samuel Hooper Lane, alias Samuel Foot, shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a teamster of Company F, Fourteenth Regiment Michigan Volunteer Infantry, on July 19, 1862, and as a private of Battery I, Fifth Regiment United States Artillery, on July 20, 1865: *Provided*, That no pension, back pay, or back allowances shall be held to have accrued by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KATHERINE ELIZABETH KERRIGAN CALLAGHAN

The next business on the Private Calendar was the bill (H. R. 16666) for the relief of Katherine Elizabeth Kerrigan Callaghan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I want to call the attention of the House to the fact that there is no evidence whatsoever submitted in this report to show that this man came to his death through any fault of the Government.

It is true that some years previous to his death he was knocked down and slightly injured by a truck that was owned by the United States Government. He was taken to his home, stated he was all right, and long, long afterwards he put in a claim. This claim has been heretofore on two occasions to my knowledge before the Committee on Claims and has been turned down. If the House chooses to pay a gratuity of $750 to this man, I am not going to stop it by objecting to the consideration of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Elizabeth Kerrigan Callaghan, widow of John Callaghan, of Alexandria, La., the sum of $750. Such sum shall be in full satisfaction of all claims against the United States on account of the death through injuries sustained by the said John Callaghan as a result of being run over on June 9, 1922, by a Government-owned ambulance attached to United States Veterans' Hospital No. 27, and operated by an employee of the hospital, through the carelessness and negligence of the driver of the ambulance.

With the following committee amendment:

Page 2, line 2, after the word "ambulance," insert:

"*Provided*, That no part of the amount of any item appropriated in this act in excess of $50 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which exceeds $50 of the amount of any item appropriated in this act on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK YARLOTT

The next business on the Private Calendar was the bill (H. R. 15440) for the relief of Frank Yarlott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Frank Yarlott, Crow allottee No. 1695, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as a homestead.

With the following committee amendment:

Line 7, after the word "homestead," add the words "except as to the northwest quarter of section 32, township 7 south, range 38 east, Montana meridian, Mont., which 160 acres shall remain inalienable in accordance with section 13 of said act of June 4, 1920, cited."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

H. L. REDLINGSHAFER

The next business on the Private Calendar was the bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the accounts of H. L. Redlingshafer, a district fiscal agent of the Forest Service, Department of Agriculture, to allow the sum of $242.50, payments to Chester W. Cheatham, now deceased, of per diem in lieu of subsistence at Juneau, Alaska, during the period January 1 to April 30, 1925.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE A. HORMEL & CO.

The next business on the Private Calendar was the bill (H. R. 15635) for the relief of George A. Hormel & Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to consider in lieu of the House bill the Senate bill (S. 5058), a similar bill.

Mr. ROWBOTTOM. Mr. Speaker, may I ask the gentleman if that is an identical bill?

Mr. HAUGEN. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George A. Hormel & Co., out of any money in the Treasury not otherwise appropriated, the sum of $44 in full satisfaction of said company's claim for excess amount paid by it to the Department of Agriculture for transcript of testimony in docket No. 269, Secretary of Agriculture *v.* George A. Hormel & Co. and Rath Packing Co.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

GALLUP UNDERTAKING CO.

The next business on the Private Calendar was the bill (S. 4890) authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL. Mr. Speaker, how does a bill like this come before the House? Why does the United States have to bury these Indians?

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL. Reserving the right to object, I would like to get some explanation from the committee.

Mr. UNDERHILL. Mr. Speaker, the gentleman who introduced the bill not being present, I do not think it is incumbent upon me to defend it.

Mr. O'CONNELL. Since the committee passed it, I will withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $120 to the Gallup Undertaking Co., or as much thereof as is necessary, in full and final settlement for the burial of four Navajo Indians, to wit: Mary Uxhi, John Short, an unknown Navajo Indian woman, and Hasteen E. Bai (Kinticini), in the State of New Mexico during the fiscal year 1926.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES E. JENKINS

The next business on the Private Calendar was the bill (S. 1338) for the relief of James E. Jenkins.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James E. Jenkins, Reno, Nev., out of any money in the Treasury not otherwise appropriated, the sum of $69 to reimburse him for money necessarily expended for medical services rendered Indian children under authority of the Bureau of Indian Affairs, and for drinking water at the Reno, Nev., office of said bureau.

Mr. WARREN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Insert, after the word "appropriated," in line 6, the words "and in full settlement."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARY DAWSON

The next business on the Private Calendar was the bill (H. R. 14910) for the relief of Cary Dawson.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WARE. I ask unanimous consent to substitute the Senate bill, which is identical with the House bill.

The SPEAKER pro tempore. Is there objection?

The Clerk read the Senate bill, as follows:

An act (S. 5221) for the relief of Cary Dawson

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the settlement of the accounts of Cary Dawson, regional disbursing officer, special disbursing agent, United States Veterans' Bureau, Cincinnati, in the sum of $330 for restoration of the premises which were occupied by the United States Veterans' Bureau on the fourth floor of the Cleveland Life Building, Evansville, Ind.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The House bill was laid on the table.

D. B. HEINER

The next business on the Private Calendar was the bill (H. R. 15421) for the relief of D. B. Heiner.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. B. Heiner, out of any money in the Treasury not otherwise appropriated, the sum of $9,500 as reimbursement for loss incurred by him as the collector of internal revenue for the twenty-third district, Pennsylvania, in paying into the Treasury of the United States the amount of the shortage of stamps in his office caused by the embezzlement of the stamp clerk.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

E. SCHAAF-REGELMAN

The next business on the Private Calendar was the bill (H. R. 16122), for the relief of E. Schaaf-Regelman.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. Schaaf-Regelman the sum of $500 to reimburse him for expenditures made by him in the construction of a road on the San Carlos Indian Reservation in the State of Arizona.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM S. WELCH

The next business on the Private Calendar was the bill (H. R. 5971) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., bankrupt.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER and Mr. WARREN objected.

W. C. MOYE AND NANNIE MOYE

The next business on the Private Calendar was the bill (H. R. 6757) for the relief of W. C. Moye and Nannie Moye.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to W. C. Moye and Nannie Moye, dependents of Frank Langdon Moye, the sum of $10,000 on account of the death of Frank Langdon Moye, who was killed at Savannah, Ga., July 27, 1919, by coming in contact with the propeller of an airplane, which was the property of the United States and under the operation of Capt. Herbert A. Dargue.

With the following committee amendments:

In line 5, after the word "appropriated" add "and in full settlement against the Government,". In line 7 strike out the figures "$10,000" and add "$5,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REBECCA E. OLMSTED

The next business on the Private Calendar was the bill (H. R. 1934) for the relief of Rebecca E. Olmsted.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rebecca E. Olmsted, of Reading, Mass., the sum of $1,050, out of any money in the Treasury not otherwise appropriated, on account of the death of her son, Lieut. Robert S. Olmsted, Air Service, United States Army, in the disaster of Army balloon *S–6* on September 23, 1923.

With the following committee amendment:

Strike out all the language after the enacting clause and insert in lieu thereof:

"That Rebecca E. Olmsted, mother of Lieut. Robert S. Olmsted, Air Service, United States Army, shall be regarded as the duly designated beneficiary and dependent of the late Robert S. Olmsted, under the act approved December 17, 1919 (41 Stat. 367)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE W. M'PHERSON

The next business on the Private Calendar was the bill (H. R. 9175) for the relief of George W. McPherson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $10,000 to George W. McPherson, of Noblesville, Hamilton County, Ind., on account of the death of his wife, Anna W. McPherson, caused by a collision with an Army truck at Fortville, Ind., on July 10, 1927.

With the following committee amendment:

Line 6, strike out "$10,000" and insert "$5,000."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

B. FRANK SHETTER

The next business on the Private Calendar was the bill (H. R. 14172) for the relief of B. Frank Shetter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to B. Frank Shetter, during his natural life, the sum of $50 per month, to date from the passage of this act, as compensation for disability sustained while in the line of his duties as checker at the arsenal, Rock Island, Ill., said monthly payments to be paid through the United States Employees' Compensation Commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. FLEMING

The next business on the Private Calendar was the bill (H. R. 4699) for the relief of William H. Fleming.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Fleming, who was a member of Company K, Eighth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 28th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. GILMORE

The next business on the Private Calendar was the bill (H. R. 7051) for the relief of George W. Gilmore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George W. Gilmore, who was a member of Company A, Thirty-third Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been mustered in August 1, 1862, to have served honorably, and to have been discharged honorably from the military service of the United States as a member of that organization on the 23d day of December, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

B. P. STRICKLIN

The next business on the Private Calendar was the bill (H. R. 10321) for the relief of B. P. Stricklin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,850 to B. P. Stricklin on account of injuries sustained while in the service of the United States in assisting prohibition

agents in the raiding of a wildcat distillery on Sullivans Ridge, in Davidson County, Tenn."

The committee amendment was agreed to, and the bill as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM C. SCHMITT

The next business on the Private Calendar was the bill (H. R. 6698) for the relief of William C. Schmitt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secfetary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Schmitt an amount at the rate of $117 per month from December 5, 1920, to the date of the passage of this act, on account of injuries caused by the explosion of shells aboard the Army lighter *Amackassen: Provided,* That from the date of the passage of this act the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to William C. Schmitt, on account of injuries sustained December 5, 1920, the provisions of an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 6, 1916, as amended by the act of February 12, 1927."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES MOFFITT

The next business on the Private Calendar was the bill (H. R. 2424) for the relief of James Moffitt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Moffitt, who served in Company F, First United States Infantry, war with Spain, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company: *Provided,* That no pension or pay shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, strike out: "*Provided,* That no pension or pay shall be held to have accrued prior to the passage of this act" and insert: "August 25, 1900: *Provided,* That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALBERT D. CASTLEBERRY

The next business on the Private Calendar was the bill (H. R. 11149) for the relief of Albert D. Castleberry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Albert D. Castleberry, who was a member of Company I, Forty-fourth Regiment United States Volunteer Infantry, Philippine Insurrection, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of May, 1901: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER MALONE

The next business on the Private Calendar was the bill (H. R. 14579) for the relief of Walter Malone.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Walter Malone, who was a member of Company E, Twentieth Regiment United States Infantry, 1899–1902, Spanish-American War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 14th day of January, 1922: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment as follows:

In line 10 of the bill strike out "1922" and insert "1902."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEWIS H. EASTERLY

The next business on the Private Calendar was the bill (S. 5090) for the relief of Lewis H. Easterly.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Lewis H. Easterly shall be held and considered to have enlisted as a musician in Company G, Ninth Regiment Illinois Volunteer Infantry, on August 1, 1861, to have served continuously until February 5, 1862, and to have been honorably discharged from such service on that date; but no pension, pay, or bounty shall be held to have accrued prior to the passage of this act, except that the Secretary of the Interior is authorized and directed to make payments of pension under claim No. IO–1617817 as if such claim had been allowed.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

VERNON S. ROSS

The next business on the Private Calendar was the bill (H. R. 15641) to correct the military record of Vernon S. Ross.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Vernon S. Ross, who was a member of Troop K, Fourteenth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 21st day of August, 1901: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment amending the title.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANDREW T. BAILEY

The next business on the Private Calendar was the bill (H. R. 12492) for the relief of Andrew T. Bailey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BUCHANAN. I move to substitute the Senate bill S. 5766 for this bill.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 5766) for the relief of Andrew T. Bailey

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew T. Bailey, during his natural life, the sum of $90 per month, to date from the passage of this act, as compensation for the loss of the sight of both eyes while serving as a trusty at the Federal penitentiary at Atlanta, Ga., said monthly payments to be paid through the United States Employees' Compensation Commission.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MARION M. CLARK

The next business on the Private Calendar was the bill (H. R. 4611) to remove the charge of desertion and grant an honorable discharge to Marion M. Clark.

The title to the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Marion M. Clark, who was a member of Troop L, Fourteenth Cavalry, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 30th day of December, 1901: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. MONTAGUE. Mr. Speaker, the committee offers an amendment to the title of the bill so that the title will read, "A bill for the relief of Marion M. Clark."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS FINLEY

The next business on the Private Calendar was the bill (H. R. 4624) to correct the military record of Thomas Finley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Finley, who was a member of Battery C, Seventh Light Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of May, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment to amend the title.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANCIS J. MOORE

The next business on the Private Calendar was the bill (H. R. 16560) to correct the military record of Francis J. Moore.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Francis J. Moore, who was a member of Company G, Second Regiment United States Veteran Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 2d day of March, 1866: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment to amend the title.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIEUT. FRANCIS D. HUMPHREY, UNITED STATES NAVY

The next business on the Private Calendar was the bill (H. R. 16889) for the relief of Francis D. Humphrey, Supply Corps, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Reserving the right to object, Mr. Speaker, this bill seems to authorize a credit in the accounts of a certain naval officer.

I am not going to object to these bills, but I think the House is entitled, when a committee reports legislation of this kind, to have the comptroller's opinion touching all of these reports. In the reports on the next seven or eight bills there is no statement at all from the Comptroller General, who in every case has disallowed the claim. So we are taking it on the faith of the committee.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WARREN. Yes.

Mr. LAGUARDIA. Did the comptroller submit a report to the committee?

Mr. WARREN. I do not know.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Francis D. Humphrey, Supply Corps, United States Navy, in the amount of $3,754.82, which sum represents payments made by said officer to a number of enlisted men for quarters and subsistence while attached to the U. S. S. *Scorpion* and serving on shore at Constantinople, Turkey.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. P. J. WILLETT

The next business on the Private Calendar was the bill (H. R. 16890) for the relief of Capt. P. J. Willett, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. P. J. Willett, Supply Corps, United States Navy, in the amount of $250, which amount represents payments made by Lieutenant Commander Willett, Supply Corps, United States Navy, during the period from March 16, 1914, to August 8, 1914, at the naval station, Hawaii, on account of a laborer who was fraudulently carried on the yard rolls during said period, which payment was subsequently disallowed by the Comptroller General, and to pay him $201.89, the amount otherwise due him for refund of taxes illegally collected, which was applied to reduce the above indebtedness, and the amount necessary is reappropriated from the appropriation to which the collection was credited.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. EDWARD F. NEY

The next business on the Private Calendar was the bill (H. R. 16894) for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward F. Ney, Supply Corps, United States Navy, in the amount of $23.22, which amount represents a payment of travel allowance made by Lieutenant Ney, Supply Corps, while disbursing officer of the receiving ship at Boston, Mass., to one C. P. Brooks, ex-seaman, second class, United States Navy, at the time of his discharge on April 28, 1922, which payment was made pursuant to the instructions of the Navy Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. THOMAS C. EDRINGTON

The next business on the Private Calendar was the bill (H. R. 16893) for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Thomas C. Edrington, Supply Corps, United States Navy, in the amount of $7,388.78, which sum represents a payment made by said officer to the F. W. Mark Construction Co. (Inc.), under department contract No. 2005 (Yards and Docks, No. 3269), dated September 30, 1918, as amended by letter change issued by the Bureau of Yards and Docks under date of December 21, 1921, authorizing an increase in the contract price on account of "the elimination of work in excess of eight hours a day after the date of the armistice, November 11, 1918."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. HENRY GUILMETTE

The next business on the Private Calendar was the bill (H. R. 16895) for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Henry Guilmette, Supply Corps, United States Navy, in the amount of $49.80, which sum represents a payment made by said officer to Joseph Daniel Morrison, machinist's mate, first class, United States Navy, as a travel allowance upon transfer to the Fleet Naval Reserve, Class F–4–C, after 16 years' service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. EDWARD MIXON

The next business on the Private Calendar was the bill (H. R. 16897) for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward Mixon, Supply Corps, United States Navy, in the amount of $387.73, which sum represents overpayments to civilian laborers at the Helium Production Plant, Fort Worth, Tex., during the first quarter, 1924, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. ROBERT O'HAGAN

The next business on the Private Calendar was the bill (H. R. 16898) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Robert O'Hagan, Supply Corps, United States Navy, in the amount of $544.72, which sum represents payments made by said officer to a number of enlisted men for quarters and subsistence while attached to the U. S. *Scorpion* and serving on shore at Constantinople, Turkey.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. WILLIAM L. F. SIMONPIETRI

The next business on the Private Calendar was the bill (H. R. 16900) for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. William L. F. Simonpietri, Supply Corps, United States Navy, in the amount of $220, which amount represents payments to M. W. Doolan Co. for personal services as food inspectors under proposal and acceptance dated May 12, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. JOHN M. HOLMES

The next business on the Private Calendar was the bill (H. R. 16902) for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. John M. Holmes, Supply Corps, United States Navy, in the amount of $896.48, which amount represents payments made by the said Lieutenant Holmes, Supply Corps, to two men employed at the Navy supply depot as inspectors of tea purchased by the Navy Department under contract, such employment being at the instance of the Bureau of Supplies and Accounts and in accordance with awards which were based upon approved requisition.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS COCHRAN

The next business on the Private Calendar was the bill (H. R. 16903) for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy, in the amount of $200, which amount represents payments to M. W. Doolan Co. for

services performed in connection with inspection of canned fruits and vegetables under accepted proposal dated April 20, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WALTER B. IZARD

The next business on the Private Calendar was the bill (H. R. 16896) for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Walter B. Izard, Supply Corps, United States Navy, retired, in the amount of $455.22, which sum represents payments made by said officer to H. Hanakahi, carpenter's mate, United States Navy, during the period from July 1, 1913, to March 15, 1914, on forged pay receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DANIEL A. NEWMAN

The next business on the Private Calendar was the bill (H. R. 16892) for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force, in the amount of $894, which sum represents payments made by said officer to Lieut. Harry S. Lyons, United States Naval Reserve Force, on forged pay receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOWELL G. FULLER

The next business on the Private Calendar was the bill (H. R. 13127) for the relief of Lowell G. Fuller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, and marines, their widows and dependent relatives, Lowell G. Fuller shall hereafter be held and considered to have been honorably discharged March 30, 1899, from the military service of the United States in his final service as an electrician sergeant of the post noncommissioned staff United States Army, Fort Monroe, Va.: *Provided,* That no pension, bounty, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HARVEY H. GOYER

The next business on the Private Calendar was the bill (H. R. 2436) for the relief of Harvey H. Goyer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Harvey H. Goyer, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 14th day of November, 1902: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM P. BRADY

The next business on the Private Calendar was the bill (H. R. 2441) for the relief of William P. Brady.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William P. Brady, who was a member of Company —, Eleventh Regiment United States Volunteer Signal Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal of that organization on the 25th day of February, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD H. COTCHER

The next business on the Private Calendar was the bill (H. R. 10824) for the relief of Edward H. Cotcher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edward H. Cotcher, formerly captain of the Sixty-fifth Infantry of the Army of the United States, before a retiring board to inquire whether at the time of his honorable discharge, November 24, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Edward H. Cotcher a captain in the Army of the United States and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided,* That the said Edward H. Cotcher shall not be entitled to any back pay or allowances.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOWARD C. FRINK

The next business on the Private Calendar was the bill (H. R. 14767) for the relief of Howard C. Frink.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Howard C. Frink, who was a member of Company H, Thirty-first Regiment Michigan Volunteer Infantry, and who was discharged honorably from the military service of the United States as a member of said company and regiment May 17, 1899, and who reenlisted on September 6, 1899, as a recruit for the Forty-third Regiment United States Volunteer Infantry, and who was honorably discharged on September 29, 1899, shall hereafter be held and considered to be entitled to all rights, privileges, and benefits accorded honorably discharged soldiers by law: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD A. BURKETT

The next business on the Private Calendar was the bill (H. R. 15029) for the relief of Edward A. Burkett.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward A. Burkett, who was a member of Company L, Fifth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service

of the United States May 31, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 8, after the word "States," insert "May 31, 1899."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN SEAMEN—STEAMSHIP "ORION"

The next business on the Private Calendar was the bill (S. 2291) for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims, notwithstanding any lapse of time or statute of limitation, and without the permission on the part of the Government or its representatives, to interpose any kind of defense to said claim, except to have the person, persons, corporation, or corporations to whom such money or a part of such money shall belong, as a matter of equity and justice, to hear, adjudicate, and render judgment, such as equity and justice may require, in favor of such person, persons, corporation, or corporations, as upon a determination of the facts heard by said court, the said court shall determine, is entitled to receive such money in the sum of $21,624.66, less any costs legally incurred in the Court of Claims, which said sum of money has been paid into the Treasury of the United States by the United States Shipping Board, on account of a purchase by the Black Star Line (Inc.), or other persons in their behalf, of a certain ship known as the steamship *Orion*. It is hereby recognized by this act that the said sum of money above set forth, in equity and good conscience, does not belong to the United States Government, and the Court of Claims is vested with full jurisdiction, under its rules and proceedings, to render judgment for such money or parts thereof as in equity and good conscience any person or persons, corporation or corporations, may be entitled to receive.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOEL TOWNSEND

The next business on the Private Calendar was the bill (H. R. 15449) for the relief of Joel Townsend.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joel Townsend, who was a member of Company K, Ninety-sixth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 27th day of December, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "27th" and insert in lieu thereof "20th"; also strike out the word "December" and insert in lieu thereof "November."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

C. J. COLVILLE

The next business on the Private Calendar was the bill (H. R. 16837) for the relief of C. J. Colville.

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to substitute an identical bill (S. 4811).

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

An act (S. 4811) for the relief of C. J. Colville

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle in an amount not exceeding $4,867.91, the claim of C. J. Colville arising out of an agreement to purchase in 1920 certain steel, and which sale was not consummated because of a misunderstanding as to the quality of the steel. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $4,867.91 for the full and final payment and discharge of any and all claims arising out of the transaction.

Mr. O'CONNELL. Mr. Speaker, I would like to get some information in regard to this bill from some member of the committee. It has no apparent author.

Mr. UNDERHILL. I doubt, Mr. Speaker, if any member of the committee knows anything about it. I will read from the report—that the Comptroller General has stated that the claimant has an equitable right to the money. Now, Mr. Speaker, far be it from me to question the Comptroller General when he gives out any money or recommends the payment of money to anybody. [Laughter.]

The bill was ordered to be read the third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

The House bill was laid on the table.

AIRPLANE ACCIDENT AT LANGIN FIELD, MOUNDSVILLE

The next business on the Private Calendar was the bill (H. R. 16958) to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $16,778.57 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of claims for property damage, death, or personal injury due to the Army airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, to the persons entitled thereto and in the amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document No. 562, Seventieth Congress, second session, pursuant to the act of March 5, 1928. (45 Stat. 2, 7.)

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS T. GRIMSLEY

The next business on the Private Calendar was the bill (H. R. 6939) for the relief of Thomas T. Grimsley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $652.50 to Thomas T. Grimsley, on account of an injury sustained August 6, 1922, while in the performance of his duty as an employee of the District of Columbia, at the District workhouse at Occoquan, Va.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES P. HAMILL

The next business on the Private Calendar was the bill (H. R. 7560) for the relief of James P. Hamill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to the legal guardian of James P. Hamill, the sum of $5,000, in compensation for injuries caused through negligence on the part of employees of the United States Army in Chicago, Ill.

With the following committee amendment:

Line 7, strike out "$5,000" and insert "$2,000."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

C. L. BEARDSLEY

The next business on the Private Calendar was the bill (H. R. 12782) for the relief of C. L. Beardsley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. L. Beardsley, of Rock Island, Ill., the sum of $325. Such sum shall be in full satisfaction of all claims against the United States on account of the loss at Wallace Field, Bettendorf, Iowa, on December 27, 1924, of personal property owned by the said C. L. Beardsley and contained in a frame building which, with its contents, was destroyed by fire through the negligence of an officer of the United States Army.

With the following committee amendment:

Line 11, strike out "through the negligence of an officer of the United States Army" and insert "while the Wallace Aero Co. was aiding a stranded Air Service officer to recondition his plane in order to enable him to return to his proper station."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ANGELO CERRI

The next business on the Private Calendar was the bill (H. R. 15288), for the relief of Angelo Cerri.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Angelo Cerri the sum of $160, out of any money in the United States Treasury not otherwise appropriated, for the loss of a cow, due to the negligence of employees of the United States Geological Survey while engaged in installing river gauges on the dam on the Connecticut River at Enfield, Conn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HUNTER W. BOOKER AND OTHERS

The next business on the Private Calendar was the bill (H. R. 12255) for the relief of Hunter W. Booker, H. H. Holt, and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hunter W. Booker, H. H. Holt, and Annie V. Groome, administratrix of Nelson S. Groome, deceased, of Hampton, Va., the sum of $2,014.54, to reimburse them for moneys actually expended by Hunter W. Booker, H. H. Holt, and Nelson S. Groome in connection with the purchase of lands at Langley Field, Va., purchased by said parties for the benefit, and at the special instance and request of the United States.

With the following committee amendments:

Line 5, strike out "Hunter W. Booker" and insert "Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased";

Line 8, page 1, insert "of the estate" after the word "administratrix."

Line 9, page 1, strike out "$2,014.54" and insert "$1,120.62."

Page 2, line 1, strike out the initial "W" and insert the initial "R."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased."

JOHN WESLEY CLARK

The next business on the Private Calendar was the bill (H. R. 13869) for the relief of John Wesley Clark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $5,000 to John Wesley Clark for the loss of his leg as the result of being struck by a United States Army truck on March 19, 1920.

With the following committee amendments:

Line 5, after the word "appropriated" insert "and in full settlement against the Government."

Line 6, strike out "$5,000" and insert "$3,000."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WYNONA A. DIXON

The next business on the Private Calendar was the bill (H. R. 9933) for the relief of Wynona A. Dixon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. A similar bill is on the Speaker's table, and without objection the Clerk will report the Senate bill S. 5776.

There was no objection, and the Clerk reported the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,666.67 to Wynona A. Dixon, that being the value of certain of her property seized and appropriated by the military forces of the United States during the late Civil War, as found by the Court of Claims and reported in Senate Document No. 333, Sixty-first Congress, first session.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ESTATE OF C. C. SPILLER

The next business on the Private Calendar was the bill (H. R. 11339) for the relief of the estate of C. C. Spiller, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, we ought to have some explanation about this bill.

Mr. HOOPER. Mr. Chairman, I think I can give some explanation. C. C. Spiller was a part owner of a vessel called *Paint Rock*, down on the Cumberland River in Tennessee during the time of the Civil War.

I want to state to the gentleman—and I will be very brief about this—that in the beginning of the Civil War C. C. Spiller was in the Confederate Army. How he came to be in the Confederate Army is not wholly explained; but, as you know, in the War Claims Committee and in the Court of Claims loyalty is a prerequisite in allowing claims of this sort. He was in the Confederate service for a few months, but it is claimed by those who knew him down there that he was forced into that service. However that may be, the fact remains that after he had been in the Confederate service for a few months he got into the Federal service, in a semimilitary capacity, piloting this steamboat on the Cumberland River. He was with the Federal Government from 1862, I believe, to the close of the war, conducting this steamboat along the river, where he was fired upon on several different occasions while piloting Federal troops on the river.

Mr. O'CONNELL. I believe the gentleman, and I will withdraw my objection.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, is it not a fact that the committee report conclusively shows that this man served as a captain in the Confederate Army and did not render service to the Union Army at all during the Civil War?

Mr. HOOPER. I have just been trying in a voluble and vehement way to tell the gentleman from New York (Mr. O'CONNELL) all about that.

Mr. SCHAFER. The gentleman from Michigan did not give the gentleman from New York any reason why we should pass this bill.

Mr. O'CONNELL. I would state to the gentleman from Wisconsin that——

Mr. SCHAFER. I will tell the gentleman from New York that I have the floor and have not yielded to him.

Mr. HOOPER. This man was in the Confederate service for a brief time. Later on, whatever the circumstances may have been, he took the oath of allegiance to the United States, and from that time, according to a mass of testimony taken in the matter, he was loyal to the United States. He was not only loyal to the United States but his life was in peril on several occasions when piloting Federal soldiers back and forth on the Cumberland River. His boat was destroyed by Confederate troops in the Cumberland River. The court in its early findings, during the early part of the war or shortly after the war was of opinion that he was not loyal, but later on he was considered as loyal, and the records prove it.

Mr. SCHAFER. The record shows that he was operating this boat in a semimilitary way. This bill does not cover any payment for corn or hay or things like that that were included in the original claim?

Mr. HOOPER. No. This applies only to the losses of his interest in the steamboat.

Mr. SCHAFER. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of $8,000, found to be due him by the Court of Claims, in congressional case No. 10549, as appears by Senate Document No. 173, Fifty-ninth Congress, second session, being his share of the reasonable charter value, together with the destruction thereof, of a small steamboat known as the *Paint Rock*, taken and used by the United States, and while in their possession accidentally destroyed and never paid for, all while the said C. C. Spiller, deceased, was a loyal citizen of the United States, as evidenced by the findings or report, dated June 27, 1864, of a board of claims designated by the commanding officer of the Department of the Cumberland, by Special Field Order No. 104, dated April 12, 1864, still of record in the War Department.

Mr. HOOPER. Mr. Speaker, I move that the Senate bill, S. 5787, be substituted for this bill.

The SPEAKER pro tempore. Is it at the desk?

Mr. HOOPER. It is not on the calendar, but it is identical with this bill. It passed the Senate and is identical with this bill.

The SPEAKER pro tempore. We have no record of it here.

Mr. HOOPER. I suggest that the bill be withheld temporarily, and then we can pass the Senate bill.

The SPEAKER pro tempore. The Senate bill is not here.

Mr. HOOPER. Can not this bill be passed over temporarily? I will ask unanimous consent later to return to it.

The SPEAKER pro tempore. I think we shall have to pass this bill, and the gentleman can take it up again if he so desires.

The House bill 11339 was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS T. GESSLER

The next business on the Private Calendar was the bill (H. R. 13465) for the relief of Thomas T. Gessler.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors, Thomas T. Gessler shall hereafter be held and considered to have been honorably discharged from the naval service of the United States.

With a committee amendment as follows:

After line 7, insert "*Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIEUT. DAVID O. BOWMAN, UNITED STATES NAVY

The next business on the Private Calendar was the bill (H. R. 13959) for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Lieut. David O. Bowman, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy, which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided*, That the said Lieutenant Bowman, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander in the Medical Corps of the United States Navy: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ANNIE BRUCE

The next business on the Private Calendar was the bill (H. R. 15190) granting six months' pay to Annie Bruce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Annie Bruce, widow of Lieut. Frank Bruce, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Frank Bruce was receiving at the date of his death.

SEC. 2. That the payment of the amount of money hereby allowed and authorized to be paid to said Annie Bruce is authorized to be made from the appropriations for beneficiaries of officers who die while in the service of the United States Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. JOHN H. MERRIAM

The next business on the Private Calendar was the bill (H. R. 16901) for the relief of Capt. John H. Merriam, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. John H. Merriam, Supply Corps, United States Navy, in the amount of $310, which sum represents a payment made by said officer to the J. H. Nolan Construction Co., April 12, 1916, on public bill No. 1028, contract No. 2180, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. VICTOR B. TATE

The next business on the Private Calendar was the bill (H. R. 15976) for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sums of $300 and $290, respectively, to reimburse Lieut. (Junior Grade)

Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy, for money placed for safekeeping with a supply officer of the Navy, and lost by his defalcation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. GEORGE S. SEIBELS

The next business on the Private Calendar was the bill (H. R. 16887) for the relief of Capt. George S. Seibels, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. George S. Seibels, Supply Corps, United States Navy, in the amount of $2,778.01, which sum represents payments made to Aviation Chief Machinist's Mate Willie Perry Conway, Fleet Naval Reserve, for retainer pay during the period from October 1, 1922, to June 30, 1926, disallowed by the Comptroller General in Statement of Differences M-23367-N, dated August 4, 1927.

With the following committee amendment:

Page 1, line 4, strike out the initial "S" and insert the initial "G."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

CAPT. CHESTER G. MAYO

The next business on the Private Calendar was the bill (H. R. 16888) for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Chester G. Mayo, Supply Corps, United States Navy, in the amount of $2,994.38, which sum represents the aggregate of payments made by said officer on voucher No. 8419 for $2,400 paid February 23, 1922, under department contract No. 3069 (Yards and Docks No. 4301); on voucher No. 3334 for $164 paid March 3, 1922; on voucher No. 162 for $3 paid September 5, 1922; on voucher No. 5182 for $275 paid July 3, 1922; on voucher No. 3820 for $15 paid August 11, 1920; and on voucher No. 4708 for $137.38 paid August 28, 1922, which payments were subsequently disallowed by the Comptroller General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. WALTER R. GHERARDI

The next business on the Private Calendar was the bill (H. R. 17001) for the relief of Capt. Walter R. Gherardi, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the line selection board of the Navy, as provided by United States Code, title 34, section 292, in its consideration of the officers eligible for consideration for selection for promotion to the grade of rear admiral may base its recommendation in the case of Capt. Walter R. Gherardi upon his comparative fitness for the shore duties of the grade of rear admiral: *Provided*, That in the event of his selection and subsequent promotion he shall be carried as an additional number in grade.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HOMER N. HORINE

The next business on the Private Calendar was the bill (H. R. 9515) for the relief of Homer N. Horine.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HAWLEY). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Homer N. Horine, who was a member of Company G, Fourth Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a sergeant of that organization on the 1st day of November, 1898.

With the following committee amendment:

Page 1, line 6, after the word "Infantry," insert the words "shall hereafter be held and considered to have become a member of Company G, Fourth Regiment Kentucky Volunteer Infantry, on the 11th day of July, 1898, and."

The committee amendment was agreed to.

Mr. WARREN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WARREN: Place a semicolon after the figure "1898," at the end of the bill, and add the following: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM P. FLOOD

The next business on the Private Calendar was the bill (H. R. 13288) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill or some member of the committee who is going to fix the cash award to Mr. Flood under the proposed legislation.

Mr. SCHAFER. I am not a member of the committee and I am not the author of the bill, but I can state that the Secretary of the Navy will fix the amount, and this bill has the approval of the Secretary of the Navy and the approval of the Director of the Budget.

Mr. O'CONNELL. Is this the ordinary process of legislation?

Mr. SCHAFER. It is the ordinary process for taking care of these cases.

Mr. O'CONNELL. Under the statute?

Mr. SCHAFER. Yes; and this bill has the approval of the Director of the Budget and the Secretary of the Navy.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, in his discretion and under such rules and regulations as he may have prescribed for a like procedure under the act of Congress approved July 1, 1918 (vol. 40, Stat. L. p. 718), to pay a cash reward to William P. Flood for such designs, inventions, or suggestions as he may have made during his employ in the governmental service which resulted in an improvement in naval material or an economy in manufacturing processes: *Provided*, That such sum as may be awarded to him under this authority shall be paid out of current naval appropriations in addition to his retirement pay or allowances: *Provided further*, That no award shall be paid under this act until the said William P. Flood has properly executed an agreement to the effect that the use by the United States of the designs, inventions, or suggestions made by him shall not form the basis of a further claim of any nature against the United States by him, his heirs, or assigns.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. ARTHUR W. BABCOCK

The next business on the Private Calendar was the bill (H. R. 16891) for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Arthur W. Babcock, Supply Corps, United States Navy, in the amount of $402, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1927, to December 31, 1927, disallowed by the Comptroller General in Statement of Differences K–25607–N dated April 28, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. ARCHY W. BARNES

The next business on the Private Calendar was the bill (H. R. 16899) for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Archy W. Barnes, Supply Corps, United States Navy, in the amount of $804, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1926, to June 30, 1927, disallowed by the Comptroller General in statement of differences K–30398–N dated July 31, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES L. M'CULLOCH

The next business on the Private Calendar was the bill (S. 4604) for the relief of James L. McCulloch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office is hereby authorized and directed to recognize as valid the assignments of military bounty land warrant No. 61756 for 160 acres, issued June 19, 1849, under the act of February 11, 1847 (9 Stat. 123), to John Barman, notwithstanding the provisions of section 9 of said act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOMER ELMER COX

The next business on the Private Calendar was the bill (H. R. 10611) for the relief of Homer Elmer Cox.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $147.73, to reimburse Coxswain Homer Elmer Cox, United States Navy, for losses of clothing and other personal effects sustained by him when the U. S. S. *San Diego* was sunk off Fire Island Light on July 19, 1918: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him.

With the following committee amendment:

Line 5, after the word "reimburse," insert the word "former."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEONARD T. NEWTON

The next business on the Private Calendar was the bill (H. R. 15489) for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $485 to Leonard T. Newton, pharmacist mate, first class, United States Navy, which sum was deposited by the said Leonard T. Newton while he was serving on the U. S. S. *Henderson*, for safekeeping with a pay clerk of said vessel, who subsequently absconded with said funds and deserted from the naval service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ESTATE OF JAMES GLOVER, DECEASED

The next business on the Private Calendar was the bill (H. R. 9119) for the relief of the estate of James Glover, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL. Mr. Speaker, I reserve the right to object to get some information on this bill. This is a lot of money, $25,000, for a Civil War claim.

Mr. HOOPER. I realize, Mr. Speaker, as the gentleman has said, that this seems to be a pretty large sum of money. The committee has cut down the sum very largely from what was originally claimed; but I would ask the gentleman to remember that even if these claims seem large—and they always seem old, of course, because they are survivals of the Civil War or of that period—nevertheless I think that this claim is a just one.

In 1857 a citizen of Pennsylvania and two of his sons went down to Louisiana and established a grist mill in that State. The father came home to Pennsylvania and saw nothing more of his sons for three or four years. One of the sons was taken prisoner, as a loyalist to the United States, by the Confederate soldiers. The other one escaped into the swamps, and later on came back into the neighborhood where the grist mill was and was captured and put in prison.

This grist mill is inventoried very carefully in the information which we have had before us. The grist mill was taken first by Confederate troops, and then—as I recall the evidence in the case—was seized and burned by Union troops in order to prevent it from falling into the hands of the Confederates operating in that vicinity.

Mr. O'CONNELL. Will the gentleman yield?

Mr. HOOPER. Certainly.

Mr. O'CONNELL. Where has the claim been since it was originally incurred?

Mr. HOOPER. The claim has never been through the Court of Claims.

Mr. UNDERHILL. Where has it been all this time?

Mr. HOOPER. The claim has been pigeonholed in the committees.

Mr. UNDERHILL. What has become of the policy of the War Claims Committee with reference to these Civil War cases? The committee did adopt the policy at one time in this House of refusing to go back to these cases, but this is the second or third one that has been brought out here to-night.

Mr. HOOPER. I will answer the gentleman's question, and very gladly. The War Claims Committee did have for a good many years a policy that no claim growing out of the Civil War should be considered in this Congress. Four years ago when I came here, with other new men coming in, some of us thought that it was not just for the United States Government, as strong and rich and powerful as it is, to have old, unpaid, and unliquidated claims kicking around here year after year and never to dispose of them. The gentleman may object, but I am going to get this out of my system. Finally we came to the conclusion that if a plain majority of the committee, whether Republican or Democrat, southern or northern, favored it we would take up these claims. We have done it and the committee has considered those claims as carefully as we can. We have passed out only just and honest claims.

Mr. UNDERHILL. I would like to ask the gentleman from Kansas if he approves of this change of policy?

Mr. STRONG of Kansas. Three years ago the War Claims Committee was attacked on the floor of the House by half a dozen Members, and after that the Senate began the policy of attaching to bills from the War Claims Committee bills rising from the Civil War, and to meet the attempt of Senators and Members we thought we would, by a majority vote, send these bills to a subcommittee for consideration.

Mr. UNDERHILL. Are you going back to the War of 1812 and the Revolution?

Mr. LaGUARDIA. We had a bill reported out of our committee for the War of 1812.

Mr. HOOPER. Will gentlemen allow me one more statement: I do not know whether it is a proper policy or not, but I have been one of those, and there are many others, who feel that if there is no statute of limitations running against the Gov-

ernment, the Government ought not to continue, even after the lapse of years, to neglect to do justice to people having these honest claims.

Mr. O'CONNELL. Up to the third generation.

Mr. HOOPER. I realize that we have claims going back to the War of the Revolution, but the mere lapse of time does not make an honest claim bad.

Mr. O'CONNELL. I want to say that I have the profoundest respect for the distinguished chairman of the Committee on Claims, with whom I served for many years, and if the bill gets by him it must be pretty nearly right.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I think it is time that the House put a stop to going back three and four and five generations on claims that have been refused heretofore by Congress after Congress. We are getting into a liberal mood, and we are giving away from the Public Treasury funds that are raised by taxation to people who have really no more claim in justice to the amounts awarded than I have.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr UNDERHILL. Yes.

Mr. STRONG of Kansas. I would like to say that this bill has not been rejected by Congress, and is not an unjust claim. It is a just claim.

Mr. UNDERHILL. The House has time and again determined against the French spoliation claims, so much so, that it has not considered them, and those claims have the prestige of having been reported out of the Court of Claims.

Mr. LAGUARDIA. I would like to ask the gentleman from Kansas how proof can be had of these old claims?

Mr. STRONG of Kansas. They come from affidavits of people who claim to know the facts. I want to say that this claim was sent to the subcommittee by a majority of the committee.

The subcommittee holds hearings, listens to the proof, and makes a report, and then the bills are passed only by a majority of the full committee. In every case these bills have been reported out by a unanimous vote.

Mr. LAGUARDIA. With all that, I will say that none of these claims dating away back to 1860 and prior thereto can be justified in law, in equity, in morals, in logic, or in common sense.

Mr. STRONG of Kansas. Oh, the gentleman is mistaken about that.

Mr. LAGUARDIA. And if I have left out anything else, I shall be glad to put it in later.

Mr. STRONG of Kansas. I suggest that he say that they are incompetent, irrelevant, and immaterial.

Mr. O'CONNELL. Mr. Speaker, I would like to ask the distinguished chairman of the Committee on War Claims, if there are any lawyers' fees connected with this that he knows of?

Mr. STRONG of Kansas. Not in this case at all.

Mr. UNDERHILL. If this case goes through, you will have a whole lot of them brought here that have been dug up by lawyers.

Mr. STRONG of Kansas. We have passed a good many Civil War claims at this session of Congress.

Mr. LAGUARDIA. I would not brag about it.

Mr. STRONG of Kansas. I do brag about it, because I take the position that if the Government owes a just claim we ought to pay it. If you do not want to pay this because it is old, that is your business.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of James Glover, deceased, late of Westmoreland County, Pa., the sum of $72,565 for use and destruction of property by the military authorities of the United States during the late War of the Rebellion.

With the following committee amendment:

Line 7, strike out "$72,565" and insert in lieu thereof "$25,000 in full settlement."

The committee amendment was agreed to and the bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN P. WHIDDON

The next business on the Private Calendar was the bill (S. 4234) authorizing the purchase of certain lands by John P. Whiddon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to John P. Whiddon, of Inverness, Fla., patent for lots 7 and 8, section 8, and lots 4 and 5, section 9, township 19 south, range 20 east, Tallahassee meridian, Fla., upon payment for the same at the rate of $1.25 per acre.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLESTOWN SAND & STONE CO. OF ELKTON, MD.

The next business on the Private Calendar was the bill (H. R. 11659) for the relief of the Charlestown Sand & Stone Co. of Elkton, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. STRONG of Kansas. Mr. Speaker, will the gentleman reserve his objection?

Mr. SCHAFER. Yes.

Mr. GOLDSBOROUGH. Mr. Speaker, in August, 1917, the Charlestown Sand & Stone Co. entered into a contract with the United States Engineers to furnish and deliver to Fort Saulsbury in Delaware certain quantities of cement, sand, and gravel at a certain price. In January, 1918, the Government took charge of the railroads, and in April and again in June, the Government raised the freight rates. A little later they started condemnation proceedings against this company. The company then allowed the Government to take charge of its property and to have the property run under the Government's supervision. The consequence was that they loaded this concern, which had a capacity of about 5 carloads a day, with from 18 to 20 carloads, so that at the end of the Government's control it cost those people $12,000 to refit their plant and get it back in proper condition. In addition to that, when the Government was running the plant under its supervision, it took out the stone from the top and instead of dumping it in the regular dump, they put it on top of other stone and rendered that of no value, so that the company's loss was $36,000. But all this bill is reported out for is the actual loss in freight rates due to the fact that the Government, which was the person with whom the Charlestown Sand & Stone Co. had a contract, raised the freight rates.

Mr. SCHAFER. Why single out this company and make an adjustment for freight rates? Are there not hundreds and thousands of other companies that are in the same situation by reason of increased freight rates at that time?

Mr. GOLDSBOROUGH. No. No; because both the War Department and the Navy Department immediately after this bid changed their contract so that those contracts provided that there should be a change in compensation commensurate always with the change in freight rates.

Mr. SCHAFER. Did that apply to all contracts where freight rates entered into the matter?

Mr. GOLDSBOROUGH. Yes.

Mr. SCHAFER. That will clear up that point in my mind. Here is another point. We are at the close of the session. The bill passed the Senate carrying an amount of $18,547.88, which included $6,161.89 by reason of an increase in the cost of sand and gravel.

Mr. GOLDSBOROUGH. No; it was an increase in the cost of production.

Mr. SCHAFER. Yes; but this contract was made several months after the war was declared, and I am absolutely opposed to making an adjustment on that part of the claim. If I am assured by the gentleman and by the chairman of the committee reporting this bill that the gentleman and that the committee will see to it that in the closing days of the session this amount of $6,161.89 is not inserted, due to a parliamentary situation in a conference, I shall not object to the consideration of the bill.

Mr. GOLDSBOROUGH. Absolutely not, sir. It was agreed in the subcommittee that this claim should be cut down to the freight rate, and that is all that was left in.

Mr. SCHAFER. Will the gentleman who now has the floor and the committee try to stop every effort to include the $6,161.80 in conference?

Mr. GOLDSBOROUGH. I would consider it bad faith not to do so.

Mr. STRONG of Kansas. I try to carry out the wishes of the committee and of the House.

Mr. SCHAFER. Mr. Speaker, I will withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Charlestown Sand & Stone Co., of Elkton, Md., out of any money in the Treasury not otherwise appropriated, the sum of $18,547.88, in full settlement of the additional freight charges and the increased cost of labor and materials incurred by said company in the fulfillment of the requirements of the United States engineer office under the contract of August 23, 1917, for furnishing and delivering cement, sand, and gravel (or broken stone) to Fort Salisbury, Del., for the construction of gun and mortar batteries.

With committee amendments as follows:

Page 1, line 7, strike out "$18,547.88" and insert "$12,385.99."

On page 2, line 4, strike out "Salisbury" and insert in lieu thereof "Saulsbury."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES H. YOUNG

The next business on the Private Calendar was the bill (H. R. 15900) for the relief of Charles H. Young.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I notice that the committee report indicates that the department has made a thorough investigation and has recommended an allowance of $580.38 following that investigation, which amount was not acceptable to the claimant. Now, they have a bill to submit the matter to the Court of Claims. Is there any limit as to the amount we shall have to pay under this procedure if the Court of Claims should find favorably for the claimant?

Mr. SINCLAIR. The Court of Claims will adjudicate it as the evidence in the case indicates.

Mr. SCHAFER. In the District of Columbia there are strange actions by some of the courts these days.

Mr. SINCLAIR. I think the gentleman will find that most cases have been decided justly and equitably.

Mr. SCHAFER. When the bill was before your committee was there any estimate of the amount of the claim? What amount was claimed by the party who is asking for the passage of this bill?

Mr. SINCLAIR. I believe the difference between the Government and the claimant was something like $200. I have not had opportunity to look the bill over carefully, and I do not recall the exact amount. I think, however, that the difference between the Government and the claimant is about $230.

Mr. SCHAFER. If that is so, I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of Charles H. Young and to render judgment against the United States for damages, if any, suffered by reason of the occupancy by the United States between June 30, 1917, and November 30, 1919, of two parcels of land, with buildings and improvements, situated in Middlesex County, Mass., containing 64 acres, more or less, as conveyed by two deeds from Lincoln F. Spear to Charles H. Young, recorded in Middlesex County registry of deeds, dated July 23, 1914, book No. 3901, page 501, and September 2, 1915, book No. 3996, page 544.

SEC. 2. Such claim may be instituted at any time within four months from the approval of this act, notwithstanding lapse of time or any statute of limitations.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF THE UNIVERSITY OF KANSAS

The next business on the Private Calendar was the bill (H. R. 15942) for the relief of the University of Kansas.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STRONG of Kansas. Mr. Speaker, I would like to have the gentleman from Michigan [Mr. HOOPER] or some other gentleman explain the bill to the gentleman.

Mr. HOOPER. I am not going to make any more speeches this evening on any of these bills.

Mr. WARREN. If the gentleman will allow me to interrupt him——

Mr. HOOPER. Certainly——

Mr. WARREN. I understand the few bills remaining over on this calendar will be called up again before March 4. This is a most unusual bill.

Mr. HOOPER. I will admit that it is out of the ordinary.

Mr. WARREN. This happened six years prior to the outbreak of the Civil War.

Mr. HOOPER. I think that is true.

Mr. WARREN. I would like to have this bill passed over.

Mr. HOOPER. On the question of jurisdiction, I am sure that comes into the gentleman's mind as to why this comes here as a war claim. It came before the Committee on Claims first and they held that they did not have jurisdiction, and then it was sent to the War Claims Committee, which took jurisdiction of it. I hope the gentleman will examine into that matter carefully.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRENCH STEAMSHIPS "P. L. M. 4" AND "P. L. M. 7"

The next business on the Private Calendar was the bill (H. R. 16691) to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to settle the claims of the Compagnie des Chemins de Fer de Paris à Lyon et à la Mediterranée in the sums of 12,401 pounds sterling 2 shillings 8 pence and 1,384 pounds sterling 15 shillings 9 pence, amounting in all to 13,785 pounds sterling 18 shillings 5 pence, for damages sustained by the French steamship *P. L. M. 4* in a collision with the U. S. S. *Henderson*, in the roadstead of St. Nazaire, France, on October 14, 1917, and for damages sustained by the French steamship *P. L. M. 7*, in a collision with the U. S. S. *Lake Charlotte*, in the roadstead at Brest, France, on August 25, 1918; and that the Secretary of War be, and he is hereby, authorized and directed to settle at the same time the claim of the United States against the Compagnie des Chemins de Fer de Paris à Lyon et à la Mediterranée in the sum of $51,598.04 for damages sustained by the U. S. S. *Pennsylvanian* in the roadstead at Brest, France, on February 13, 1918: *Provided*, That the sums claimed by the said Compagnie des Chemins de Fer de Paris à Lyon et à la Mediterranée shall be offset against the sum claimed by the United States, and upon exchange of releases, such offset settlement shall be accepted by the claimant company and the United States as full and final settlement of all claims whatsoever arising from the collisions described in this act.

With committee amendments as follows:

Page 2, line 6, after the word "on," insert "or about."

On page 2, after line 14, insert "in a collision."

On page 2, line 16, after the figures "1918," insert "with the French steamship *P. L. M. 7*."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MINA BINTLIFF

The next business on the Private Calendar was the bill (S. 3002) for the relief of Mina Bintliff.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, Mina Bintliff shall be held and considered to be the dependent mother of Charles Bintliff, who was killed in the performance of his duties as a prohibition enforcement officer.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRY E. GOOD

The next business on the Private Calendar was the bill (S. 3233) for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Harry E. Good, of Winamac, Ind., administrator de bonis non of the estate of Ephraim N. Good, deceased, United States registered notes Nos. G–711353, for $50, G–742262, G–742263, G–722406, for $100 each, G–191976 and G–76576, for $500 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, inscribed "Ephraim N. Good," with interest at the rate of 4¾ per cent from December 15, 1922, to May 20, 1923, said notes having been stolen in the robbery of the First State Bank of Star City, Ind., after having been assigned in blank but not acknowledged before any officer as required by the regulations of the Treasury Department: *Provided*, That said notes shall not have been presented to the Treasury Department for payment: *Provided further*, That said Harry E. Good shall first file with the Treasury Department a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the principal became due and payable in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the notes herein described.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROY M. LISSO

The next business on the Private Calendar was the bill (S. 4819) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.), on account of work performed in May, June, and July, 1918, by the Pelican Laundry (Ltd.), the French Unique, and the Frazee Hat Co. in laundering and dry cleaning equipment of the United States Army, and to allow said claim in an amount not exceeding $17,212.65 in full and final settlement of any and all claims arising out of work performed by either or all of said companies during the period mentioned. The sum of $17,212.65, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for the payment of said claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

T. L. YOUNG AND C. T. COLE

The next business on the Private Calendar was the bill (S. 4848) for the relief of T. L. Young and C. T. Cole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to relieve T. L. Young and C. T. Cole from the payment of the judgment recovered on the bond for the sum representing the amount of the bond they signed as surety for C. A. Walters, who was subsequently rearrested and produced in court: *Provided*, That the defendants, T. L. Young and C. T. Cole, pay the costs in the case of the United States against C. A. Walters and others, being case No. 2566 of the term of the District Court of the United States held at Kansas City, in said district, beginning on the 6th day of October, 1924, and also the cost of apprehending the said C. A. Walters, said costs to be determined and certified to the Secretary of the Treasury by the Attorney General.

With the following committee amendment:

On page 2, in line 5, after the word "General" insert a colon and add the following proviso:

"*Provided further*, That the defendants, T. L. Young and C. T. Cole, pay the costs in case No. 2613."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARY MURNANE

The next business on the Private Calendar was the bill (H. R. 3738), for the relief of Mary Murnane.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of $10,000 to Mary Murnane, of New Haven, Conn., in compensation for injuries sustained January 19, 1926, in the city of New Haven, Conn., when struck by a United States Post Office Department motor vehicle.

With the following committee amendments:

In line 4, after the word "authorized," insert the words "and directed," and after the word "pay" insert the words "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

In line 6, strike out the sign and figures "$10,000" and insert the sign and figures "$109."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHESLEY P. KEY

The next business on the Private Calendar was the bill (H. R. 14873) for the relief of Chesley P. Key.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, and in full settlement against the Government, to Chesley P. Key, of Collinsville, Ill., the sum of $5,000 for injuries of a permanent nature to his spine received when the skylight in the Collinsville post office fell upon him while a patron of said post office on October 27, 1918.

With the following committee amendments:

In line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

In line 7, strike out the sign and figures "$5,000" and insert in lieu thereof the sign and figures "$3,500."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA THURNES

The next business on the Private Calendar was the bill (H. R. 4813) for the relief of Clara Thurnes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Clara Thurnes, of Chicago, Ill., the sum of $5,000 because of physical injury and damages sustained by her when she was struck by a truck, owned and operated by the War Department, on August 3, 1920.

With the following committee amendments:

Line 4, after the word "authorized" insert the words "and directed," and after the word "pay" insert the words "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

Line 7, strike out the sign and figures "$5,000" and insert in lieu thereof the sign and figures "$2,500."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JACK MATTSON

The next business on the Private Calendar was the bill (H. R. 8401) for the relief of Jack Mattson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jack Mattson, of Astoria, Oreg., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $5,500, in full compensation for injuries sustained by him while in the employ of the United States Engineers in the construction of jetties at the mouth of the Columbia River, Oreg.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARY AGNES RODEN

The next business on the Private Calendar was the bill (H. R. 14952) to reimburse the estate of Mary Agnes Roden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,515.48 to Sophie T. Walsh, administratrix of the estate of her deceased sister, Mary Agnes Roden, in full settlement of all claims against the Government of the United States for injuries received by said Mary Agnes Roden on December 11, 1926, when a United States mail truck collided with her at Lexington Avenue and Thirty-fourth Street, New York City.

With the following committee amendment:

In line 5, strike out "$5,515.48" and insert in lieu thereof "$5,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ETTA PEARCE FULPER

The next business on the Private Calendar was the bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object to state that I intend to offer an amendment to limit attorneys' fees to $10, and in a few words I want to give the reasons before the bill passes the objection stage.

Under the World War veterans' act as amended, an attorney could receive but $10 for taking up a case like this with the Veterans' Bureau. It appears that this man under a strict interpretation of the law was not entitled to take Government war-risk insurance because he was not in the active military service of the Federal Government. However, he executed an application in good faith at the time he was a member of the New Jersey Militia. This application was accepted by the Veterans' Bureau, he paid his premiums on the war-risk insurance in good faith, and applied for conversion under the law, and the application for conversion was favorably acted upon. Premiums were paid on the converted policy until the time of his death. In all fairness and justice the widow is entitled to receive this $10,000 Government insurance, and I serve notice that I intend to offer an amendment to have the attorneys' fees in the case limited the same as they are limited in war-risk insurance cases under existing law, in order to protect the widow and to see that no attorney or agent receives more than he would be able to receive under the general provisions of the World War veterans' act.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SCHAFER. I yield.

Mr. O'CONNELL. It is all right for us to offer such an amendment to this bill and tell the recipient of the money that $10 is all she can pay the lawyer under the bill, but what is to prevent her from giving the lawyer whatever she wants when the money is paid to her?

Mr. SCHAFER. I will state that I have an amendment in the usual form which the Claims Committee generally puts on these bills where they desire to limit the fees of attorneys. It is a pretty strict enactment, and if there is a violation the lawyer would be subject to a fine and would, therefore, be subject to disbarment. This is as far as I can go to help this widow. If the amendment is not acceptable, I shall have to object to the consideration of the bill.

Mr O'CONNELL. Offer the amendment and let us get along with the bill.

The SPEAKER pro tempore. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay to Etta Pearce Fulper, widow of William H. Fulper, late second lieutenant, supply officer, Second Battalion, New Jersey State Militia, the amount of his Government life-insurance policy No. K-446185, as if such William H. Fulper had been in Federal service when such policy was issued.

Mr. SCHAFER. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SCHAFER: At the end of the bill, in line 9, after the word "issued," strike out the period, insert a colon, and add the following: "*Provided*, That no part of the money appropriated in this act in excess of $10 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with the said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds $10 of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN W. ELKINS, JR.

The next business on the Private Calendar was the bill (H. R. 10912) to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to John W. Elkins, jr., former recreation officer at Fort Benning, Ga., but now a captain in the United States Army at Davidson, N. C., the sum of $940, the same being in full compensation of the amount remaining due on his salary because of the stoppage of pay arising out of a shortage found in the motion-picture fund at Fort Benning, Ga., in 1924, due to embezzlement by a subordinate officer.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN BOWIE

The next business on the Private Calendar was the bill (H. R. 13801) for the relief of John Bowie.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Bowie, of Annapolis Junction, Md., out of any money in the Treasury not otherwise appropriated, the sum of $12,000 for damage to his farm in Anne Arundel County, Md., on account of the occupation by the United States Army during the years 1917, 1918, and 1919.

With the following committee amendment:

In line 6, strike out the figures "$12,000.00" and insert the figures "$2,610.00."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

W. H. PARSONS

The next business on the Private Calendar was the bill (H. R. 15424) for the relief of Dr. W. H. Parsons.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object, I notice that there is an adverse report on this bill from the Secretary of War. It appears that the veteran was sent to a hospital but elected to go on home and while there incurred medical bills while on the furlough.

Mr. WHITE of Maine. I think, Mr. Speaker, the report of the War Department is inaccurate and misleading. This is not the usual case of a man on furlough incurring medical treatment while on a furlough. This man was in the military service stationed at Fort McKinley, Portland, Me. He came down with the measles which developed into pneumonia. He was hospitalized, and after some time his life was despaired of. After some time the man was sent to his home in the belief that only by that act could the man's life be saved. His mother was sent for. He was, with the concurrence of the military authorities and his mother, placed upon a boat and started for home. At a point about 16 miles from his home he was unable to go farther. He remained there some time but subsequently went on home. His condition again became critical and this doctor was called in to treat the case as an emergency case.

From that time on, almost until the time the man was discharged, the doctor was in attendance. He made telephone reports and reports by letter of the man's condition to the medical authorities, and a captain of the Medical Department, and a lieutenant of the Medical Department came to the man's home and consulted with the doctor. From time to time the medical authorities extended the man's furlough; from April until September there were various extensions of the furlough by the military authorities. Ultimately the man was discharged.

This case resolves itself into a simple proposition whether this country doctor—and if there ever was a good samaritan it is the country doctor—who was called upon and treated this man, should treat this man, taking the chances that he would be paid, or leave the soldier to die. He treated this man and saved his life, and the single issue before Congress is whether the doctor must bear the burden, or whether the Government should pay it.

Mr. SCHAFER. In view of the gentleman's statement I will withdraw my objection. I will state that if the gentleman had incorporated his statement in the committee report it would have saved considerable time. [Laughter and applause.]

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $663.17 to Dr. W. H. Parsons, Damariscotta, Me., for professional services rendered Austin V. Sproul, private, Battery E, Fifty-fourth Artillery, while on furlough during the period from April 27, 1918, to September 6, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GILLIAM GRISSOM

The next business on the Private Calendar was the bill (H. R. 8097) for the relief of Gilliam Grissom.

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. WARREN. Mr. Speaker, I ask unanimous consent to substitute S. 2695, an identical bill with the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

An act (S. 2695) for the relief of Gilliam Grissom

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of Collector of Internal Revenue Gilliam Grissom, North Carolina district, in the sum of $567.63 to cover disallowance due to overpayment of subsistence to Deputy Collector A. S. Mitchell, which was incurred in the months of March, April, May, June, and July, 1926.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The House bill was laid on the table.

JAMES ALBERT COUCH, ALIAS ALBERT COUCH

The next business on the Private Calendar was the bill (H. R. 17034) for the relief of James Albert Couch, alias Albert Couch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Albert Couch, alias Albert Couch, who was a member of Company E, Forty-fourth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of February, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. EDWARD V. RICKENBACKER

The next business on the Private Calendar was the bill (H. R. 12674) authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to award a congressional medal of honor to Edward V. Rickenbacker, formerly captain in the Air Service of the Army of the United States, for displaying unusual heroic courage and skill as an aviator during the World War, and because on numerous occasions he attacked enemy airplanes and balloons, some of the battles being within the enemy lines, and because he was officially credited with 25 victories against enemy airplanes and balloons for which he was awarded the distinguished-service cross of the United States for extraordinary heroism in action and various bronze oak leaves each in lieu of an additional distinguished-service cross, giving him the title of American ace of aces, and for which he was awarded the following foreign decorations: The croix de guerre on two occasions by the Republic of France and the French Legion d'Honneur "chevalier."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

STEPHEN COLE

The next business on the Private Calendar was the bill (H. R. 16291) for the relief of Stephen Cole, alias Steven Cole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Stephen Cole, alias Steven Cole, who was a private in Company D, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 7th day of April, 1874: *Provided*, That no bounty, pension, pay, or allowance shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS W. BATH

The next business on the Private Calendar was the bill (H. R. 16732) to correct the military record of Thomas W. Bath.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas W. Bath, who was first lieutenant and assistant surgeon in the Second Regiment Illinois Volunteer Infantry, Spanish War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States, credited with 90 days' service, and eligible to all benefits accruing under the law of May 1, 1926, and all acts amendatory thereto: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "States," insert "April 26, 1899."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of Thomas W. Bath."

MARMADUKE H. FLOYD

The next business on the Private Calendar was the bill (H. R. 16364) for the relief of Marmaduke H. Floyd.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Marmaduke H. Floyd, who was a first lieutenant in the Three hundred and fourth Stevedore Regiment, Quartermaster Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as an officer of said regiment on the 22d day of March, 1918: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 10, after the word "no," insert the word "back"; and after the word "pay" insert the word "bounty."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

E. GELLERMAN

The next business on the Private Calendar was the bill (S. 5514) for the relief of E. Gellerman, doing business under the name of Lutz-Berg Motor Co., at Denver, Colo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to recognize as valid and binding the assignment by Walter G. Kuhn, formerly of Denver, Colo., and whose present whereabouts is unknown, to E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo., of the former's claim against the United States, amounting to $94.65, arising out of an accident involving a United States mail truck, which occurred on November 29, 1927; the provisions of title 31, section 203, United States Code (sec. 3477 of the Revised Statutes of the United States), being expressly waived.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DALE S. RICE

The next business on the Private Calendar was the bill (H. R. 14089) for the relief of Dale S. Rice.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Dale S. Rice, of Okanogan, Wash., the sum of $606.52 as reimbursement for moneys paid by the said Dale S. Rice in purchase of lands under an additional homestead entry, serial No. Spokane 013980, made by him December 15, 1919, and canceled July 2, 1927.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, $606.52 for the payment of said sum to said Dale S. Rice, as provided in the foregoing section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PATRICK P. RILEY

The next business on the Private Calendar was the bill (H. R. 14137) for the relief of Patrick P. Riley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Patrick P. Riley, who served as a member of Company D, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from said service on the ———: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

After the word "the," in line 8, insert "11th day of July, 1883."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOUISE A. WOOD

The next business on the Private Calendar was the bill (S. 61) granting an increase of pension to Louise A. Wood.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I intend to ask that the committee amendment be rejected. I was glad that we passed a bill by unanimous consent to-day granting a $5,000 pension to the widow of former President Wilson. I believe we should grant the same amount to the widow of this very distinguished general of the Army, statesman, and former Governor of the Philippine Islands.

Mr. LAGUARDIA. Mr. Speaker, this is a Senate bill, and if we pass the Senate bill as it is it will mean something to Mrs. Wood. If we pass the bill with the House committee amendment it may be defeated. General Wood rendered 40 years' valuable service to the United States and died a poor man.

Mr. SCHAFER. I agree with the gentleman from New York.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise A. Wood, widow of Leonard Wood, late a major general in the United States Army, and pay her a pension at the rate of $5,000 per year in lieu of that she is now receiving.

With a committee amendment, as follows:

In line 8, strike out the figures "$5,000" and insert "$1,800."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. SCHAFER. I hope that the committee amendment will be defeated by a unanimous vote. This afternoon we passed by unanimous consent a pension for the widow of former President Wilson at $5,000 a year. There remains only a few days of this session of Congress. The pending bill as passed by the Senate by a unanimous vote carried $5,000. Vote down the committee amendment and pass this bill as it came to us from the Senate carrying $5,000, so that the bill can speed on its way to the

other end of the Avenue to-night and do justice to the widow of one of the greatest American soldiers and statesmen.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

The SPEAKER pro tempore. The question is the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

GEORGE B. SPEARIN, DECEASED

The next business on the Private Calendar was the bill (S. 1678) for the relief of the estate of George B. Spearin, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

DONATION OF A BRONZE CANNON TO THE CITY OF PHOENIX, ARIZ.

The next business on the Private Calendar was the bill (S. 5270) to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the city of Phoenix, Ariz., a bronze cannon marked as follows: "L'Obstinee ultima ratio regum no 4. Pluribus nec impar a Strassburg par Berenger 1756," now located at Fort Jay, N. Y.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HENRY I. POWER

The next business on the Private Calendar was the bill (H. R. 15590) for the relief of Henry I. Power.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Henry I. Power, late of Company I, First Regiment South Carolina Infantry, war with Spain, shall hereafter be held and considered to have served 90 days, or more, of honorable service: *Provided*, That no bounty, pension, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR W. TAYLOR

The next business on the Private Calendar was the bill (H. R 4824) for the relief of Arthur W. Taylor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Arthur W. Taylor, who was a member of Battery K, Third Regiment United States Volunteer Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 16th day of August, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOUIS VAUTHIER AND FRANCIS DOHS

The next business on the Private Calendar was the bill (H. R. 15703) for the relief of Louis Vauthier and Francis Dohs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in consideration of their long, honest, and faithful service as civilian instructors of cadets at the United States Military Academy, the Secretary of War be, and he is hereby, authorized to appoint Louis Vauthier and Francis Dohs warrant officers of the Regular Army, and immediately thereafter to place them upon the retired list of warrant officers of the Regular Army: *Provided*, That in determining the length of service for longevity pay and retirement they shall be credited with and entitled to count all service as civilian instructors at the United States Military Academy, whether continuous or not: *Provided further*, That upon retirement for age or otherwise they shall be entitled to all the privileges, pay, and allowances of retired warrant officers of the Regular Army regardless of their age at their appointment to and acceptance of such office: *And provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

H. E. JONES

The next business on the Private Calendar was the bill (H. R. 16867) for the relief of H. E. Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $38.43 to H. E. Jones, to cover the cost of power used to operate a canceling machine in the Bristol post office from February 15, 1921, to April 30, 1923.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. BENJAMIN MENDEZ

The next business on the Private Calendar was the bill (H. R. 17017) to authorize the President to present the distinguished flying cross to Capt. Benjamin Mendez.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to substitute Senate bill 5749.

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to present the distinguished flying cross to Capt. Benjamin Mendez in recognition of his extraordinary achievement in linking the continents of South and North America by an aerial journey, by seaplane, from the northern Atlantic coast of the United States of America to Giradot, Colombia.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

NANNIE C. BARNDOLLAR AND OTHERS

The next business on the Private Calendar was the bill (H. R. 17095) to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War shall appoint as warrant officers in the Regular Army the three following persons in the field service of the War Department employed at the Army War College, who were eligible for appointment in 1916 as field clerks, and who would have been eligible for appointment as warrant officers if they had been included in the legislation of 1916, namely: Albert B. Neal, chief clerk; Nannie C. Barndollar, librarian; Joseph B. Dickerson, principal clerk of the stenographic section: *Provided*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count all service now authorized by law to be counted for like purposes for warrant officers: *Provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to these appointees: *And provided further*, That nothing herein contained shall operate to decrease or diminish the pay of Nannie C. Barndollar.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES EARL BRIGGMAN

The next business on the Private Calendar was the bill (H. R. 3280) for the relief of James Earl Briggman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Earl Briggman, who served as a member of Company A, Thirteenth Regiment Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from said service on the 10th day of April, 1915: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

In line 6 strike out the words "Regiment Volunteer."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES DAVIS

The next business on the Private Calendar was the bill (H. R. 12333) for the relief of Charles Davis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Army, 1928," to Charles Davis, father of the late Charles L. Davis, private first class, Battery E, Fifty-second Coast Artillery, United States Army, who died on May 9, 1926, the sum of $279, the amount equal to six months' pay at the rate said Charles L. Davis was entitled to receive at the date of his death.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That Charles Davis, father of Charles L. Davis, late private first class, Battery E, Fifty-second Coast Artillery, United States Army, shall be regarded as the duly designated beneficiary and dependent of the late Charles L. Davis, under the act approved December 17, 1919 (41 Stat. 367)."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS BARRETT

The next business on the Private Calendar was the bill (H. R. 12960) for the relief of Thomas Barrett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Barrett, a private, Company I, Tenth Infantry, Spanish-American War, shall thereafter be held and considered to have been honorably discharged from the military service of said company and regiment: *Provided*, That no pension, pay, or bounty shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

On page 1, line 8, after the word "regiment" insert the words "on the 22d day of January, 1900."

On page 1, line 9, after the word "pay" insert the word "allowances."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC LIBRARY OF THE CITY OF LOS ANGELES

The next business on the Private Calendar was the bill (H. R. 14663) directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Patents is authorized and directed to supply to the public library of the city of Los Angeles, at the regular rate of $50 per annum prescribed by law for public libraries of the United States, uncertified printed copies of patent specifications and drawings published during the years 1915 to 1925, inclusive.

With the following committee amendment:

On page 1, line 8, after the word "inclusive," insert "*Provided*, That the public library of the city of Los Angeles shall pay to the Commissioner of Patents the sum of $2,500, which sum shall be deposited in the Treasury of the United States in accordance with the provisions of the act of March 6, 1920 (41 Stat. L. 512; U. S. C. title 25, sec. 79).

"SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, stationery, and supplies for carrying into effect this act for the fiscal year ending June 30, 1930, $2,500, to be expended by the Commissioner of Patents."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. JOHN J. POWERS

The next business on the Private Calendar was the bill (H. R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed in the administration of the act of August 29, 1916 (39 Stat. 635), to credit the account of Lieut. John J. Powers, Quartermaster Corps, as commissary officer at Maxwell Field, Montgomery, Ala., in the total sum of $705.80, representing proceeds of sales of subsistence supplies, for which he was held responsible, and which were embezzled by Sergt. James F. Cottingham, Quartermaster Corps, R–757447, United States Army, who deserted the service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELIZABETH QUINERLY CUMMINGS

The next business on the Private Calendar was the bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth Quinerly Cummings, of Kinston, N. C., the sum of $1,000. Such sum shall be in full settlement of all claims against the United States on account of injuries sustained by the said Elizabeth Quinerly Cummings in a collision which occurred in the city of New York, between an automobile being driven by Hugh Dortch, of Goldsboro, N. C., in which she was a passenger, and a truck owned by the United States.

With the following committee amendment:

Page 1, line 6, strike out "$1,000" and insert "$100."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HUGH DORTCH

The next business on the Private Calendar was the bill (H. R. 16090) for the relief of Hugh Dortch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hugh Dortch, of Goldsborough, N. C., the sum of $500. Such sum shall be in full settlement of all claims against the United States on account of injuries to the said Hugh Dortch and to an automobile driven by him, resulting from a collision, occurring in the city of New York, between such automobile and a truck owned by the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROBERT J. SMITH

The next business on the Private Calendar was the bill (H. R. 16085) for the relief of Robert J. Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Robert J. Smith shall hereafter be held and considered to have been honorably discharged from the military service of the United States on October 6, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ESTATE OF MARTIN PRESTON, DECEASED

The next business on the Private Calendar was the bill (H. R. 10516) for the relief of the estate of Martin Preston, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Treasury funds not otherwise appropriated, to the estate of Martin Preston, deceased, late of Johnson County, Ky., the sum of $3,384.25, in full compensation for quartermaster supplies and commissary stores taken from said Martin Preston for the use of and used by the United States Army during the Civil War in 1862.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAJ. O. S. M'CLEARY

The next business on the Private Calendar was the bill (H. R. 11001) for the relief of Maj. O. S. McCleary, United States Army, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection.

Mr. SCHAFER. Reserving the right to object, I would like to find out how the War Claims Committee obtains jurisdiction of this bill. It does not seem to refer, directly or indirectly, to any war period and it has an adverse report from the Secretary of War. The Secretary states that it will establish a dangerous precedent.

Mr. PEAVEY. Mr. Speaker, I will say that I do not know why the bill was referred to the War Claims Committee. It pertains to the Regular Establishment and I suppose for that reason would belong to that committee.

Mr. COLTON. If the gentleman please, this bill was introduced by my colleague, who is detained to-night on account of illness. I do not know as to the jurisdiction between the two committees, but I have investigated and I think the committee has carefully investigated and found that this is a very just claim and that it is only following a precedent that has been established for years.

The man had asked for a leave of absence; it was granted; it was expected that his pay would continue as it had continued theretofore, and, due to a ruling of the Comptroller General, the rule was changed.

Mr. SCHAFER. Then, it appears that the War Department must have made the adverse report without having all of the facts.

Mr. PEAVEY. I will say to the gentleman that the claim grows out of a change in administration policy on the part of the Comptroller General, and this man had already gone on his leave of absence. Just as soon as he was apprised of the facts about the change, he immediately returned to active duty.

Mr. SCHAFER. But, at the time he went on leave of absence, he would have been entitled to the money which this bill provides?

Mr. COLTON. Yes.

Mr. PEAVEY. The bill grows out of a change in his status while he was on leave of absence.

Mr. SCHAFER. I will not object, but I would suggest that when similar bills are introduced they should be referred to the committee which has jurisdiction.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Maj. O. S. McCleary, United States Army, retired, in the sum herein set forth which now stands as a disallowance on the books of the General Accounting Office, to wit, the sum of $148.98 deducted from the pay due Maj. O. S. McCleary for the month of July, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE MACK COPPER CO.

The next business on the Private Calendar was the bill (H. R. 12057) to confer jurisdiction on the Court of Claims to ascertain the damage by the United States to real property of the Mack Copper Co., a corporation, and to render judgment therefor as herein provided.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object, the title of the bill does not correctly indicate the contents, because the bill is amended and provides for a direct appropriation of $268,500. The committee report states that part of this claim arises out of the taking of top soil from 200 acres of land, and the report shows that the value of the 200 acres of land is $200 per acre. The amount arrived at from the taking of the top soil from this 200 acres is $150,000, while the total value of the 200 acres based on a value of $200 is only $40,000.

Mr. PEAVEY. This involves practically 4,000 acres immediately adjacent to the city of San Diego. If the gentleman cares to have me, I can give him the facts.

Mr. SCHAFER. I know what the facts are. Page 8 of the report states that there is $150,000 damage arrived at by reason of taking the top soil from 200 acres of land.

Mr. PEAVEY. That item is not in this bill at all.

Mr. UNDERHILL. The facts in the case are that the Court of Claims was called upon to render judgment and find the facts, which our committee and other committees have discarded. We now ask the Court of Claims to render judgment in their findings of fact. I do not know by what process they have reached the compromise, but it would seem that if the Court of Claims has made the findings of fact and reported them and the damage to the extent of $500,000, the Government is lucky to get off for that amount.

Mr. SCHAFER. I do not agree with the distinguished chairman of the Claims Committee. If the findings of the Court of Claims are based on the same facts and the same methods by which they arrived at a damage of $150,000 as the proper sum to be considered as damage for taking the top soil off of the 200 acres of land valued at $200 an acre, I would not pay much attention to the findings of fact of said court.

Mr. PEAVEY. Our committee did not find any such value as that. The evidence before our committee was that the land was valued at $1,000 an acre.

Mr. SCHAFER. Look on page 7 of the report where it states:

XXI. At the time the Government took possession of the 4,000 acres of plaintiff's land, said land was of the value of approximately $200 per acre. The 1,039 acres of plaintiff's land that were not covered by the lease, but which land was used by the Government, were of the value of $175 per acre.

Mr. PEAVEY. I do not know from what part of the document the gentleman is reading.

Mr. SCHAFER. I am reading from the Court of Claims findings of fact which appear on the top of page 7 of the committee report.

Mr. PEAVEY. The Court of Claims considered only the legal liability and allowed the further sum of $150,000 for the removal of the top soil from the 200 acres which was used for a drill ground, but that does not comprehend the value of the whole tract.

Mr. SCHAFER. The bill seems to be a remarkable one. The people gave a lease of this land to the Government. What did they expect the Government to do if they located a camp there? They knew that it would be used for the purposes that it was used for. I shall have to object.

ANNA E. STRATTON

The next business on the Private Calendar was the bill (H. R. 15562) for the relief of Anna E. Stratton.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Albert Stratton, who was a member of Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 19th day of September, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOMER D. NEIMEISTER

The next business on the Private Calendar was the bill (H. R. 16258) for the relief of Homer D. Neimeister.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Homer D. Neimeister, who was a member of Company G, Seventh Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been mustered in July 30, 1898, and honorably discharged from the military service of the United States as a member of that organization on the 6th day of November, 1898: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADAM A. SCHULTZ

The next business on the Private Calendar was the bill (H. R. 12463), for the relief of Adam A. Schultz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Adam A. Schultz, late a private, first class, Medical Department, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private, first class, of that organization on the 20th day of May, 1918: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES J. GIANAROS

The next business on the Private Calendar was the bill (H. R. 13872) for the relief of James J. Gianaros.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That James J. Gianaros, who was honorably discharged from the United States Army as a private, Salvage Company, Quartermaster Corps, January 15, 1919, shall be considered as having been discharged by authority of War Department Circular 106, dated December 3, 1918, pertaining to discharges, instead of War Department Circular 43, dated October 30, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM S. M'WILLIAMS

The next business on the Private Calendar was the bill (H. R. 15021) for the relief of William S. McWilliams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William S. McWilliams, who was a member of Troop E, First Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 26th day of July, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HELEN GRAY

The next business on the Private Calendar was the bill (H. R. 8691) for the relief of Helen Gray.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Helen Gray, of San Diego, Calif., the sum of $10,715.50 in full settlement of all claims against the Government and as compensation for damage to property and personal injuries to her resulting from her being struck and knocked down by a United States Government truck, then and there, on the 24th day of September, driven by Paul Perry, an enlisted man in the United States Marine Corps, and operated in the service of the United States Marine Corps.

With the following committee amendment:

Line 6, page 1, strike out "$10,715.50" and insert "$3,851.50."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT GRAHAM MOSS

The next business on the Private Calendar was H. J. Res. 339, conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

House Joint Resolution 339

Resolved, etc., That in the settlement of all claims of Mrs. Robert G. Moss as the widow of the late Robert Graham Moss, captain of Infantry, United States Army, who died at Columbus, Ga., on April 6, 1928, and who was entitled to promotion to the grade of major on March 24, 1928, and whose nomination for such promotion was pending in the United States Senate at the time of his death, said Robert Graham Moss shall be regarded as having been promoted to the grade of major on March 24, 1928, and as having been entitled, from and including that date, to the pay and allowances authorized for an officer in the grade of major with his length of service.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

T. A. GILLESPIE LOADING CO., MORGAN, N. J.

The next business on the Private Calendar was the bill (H. R. 15769), to pay certain claims, heretofore reported to Congress by the Secretary of War, arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co., at Morgan, N. J., October 4 and 5, 1918.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. PEAVEY. Mr. Speaker, will the gentleman withhold his objection?

Mr. SCHAFER. Yes.

Mr. PEAVEY. As chairman of the subcommittee that reported this legislation I ask unanimous consent that the bill be rereferred to the Committee on Claims for the purpose of amendment.

Mr. SCHAFER. The amendment ought to be to strike out the enacting clause. This bill is the biggest monstrosity that I ever saw on the Private Calendar.

The SPEAKER pro tempore. Is there objection?

Mr. PEAVEY. We ask unanimous consent to have it rereferred to the Committee on Claims.

The SPEAKER pro tempore. Without objection it will be so ordered.

There was no objection.

ARTHUR E. RUMP

The next business on the Private Calendar was the bill (H. R. 13430) for the relief of Arthur E. Rump.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur E. Rump during his natural life the sum of $117 per month, to date from the passage of this act, as compensation for injuries sustained while in the line of his duties as registry clerk at the St. Louis (Mo.) post office, said monthly payments to be paid through the United States Employees' Compensation Commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH F. THORPE

The next business on the Private Calendar was the bill (S. 382) for the relief of Joseph F. Thorpe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr COLTON. Will the gentleman reserve his objection?

Mr. SCHAFER. There seems to be a difference of opinion in the Claims Committee about this bill, and I happened to be attending another meeting when through a very unusual procedure of the Claims Committee it was reported out.

Mr. UNDERHILL. Mr. Speaker, I shall have to object.

Mr. SCHAFER. I object.

LAMIRAH M. THOMAS

The next business on the Private Calendar was the bill (H. R. 8208) for the relief of Lamirah M. Thomas.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

WIDOW OF EPHRAIM E. PAGE

The next business on the Private Calendar was the bill H. R. 9238) for the relief of the widow of Ephraim E. Page.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, Ephraim E. Page, who was a private in Company K, One hundredth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 12th day of June, 1865: *Provided*, That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BENJAMIN HAGERTY

The next business on the Private Calendar was the bill (H. R. 9699) for the relief of Benjamin Hagerty.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Benjamin Hagerty, who was a member of Company I, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 9th day of December, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD M'OMBER

The next business on the Private Calendar was the bill (H. R. 12593) for the relief of Edward McOmber.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Edward McOmber, late a private of Company H, Twenty-ninth United States Infantry be, and he is hereby, relieved of all disabilities attendant upon the discharge without honor received by him November 19, 1902, pursuant to paragraph 6, Special Orders, No. 281, Headquarters Philippine Division, November 17, 1902, and the Secretary of War is hereby authorized and directed to grant him an honorable discharge.

With a committee amendment as follows:

Strike out all after the enacting clause and insert the following: "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward McOmber, who was a member of Company H, Twenty-ninth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 17th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MALCOLM ALLEN

The next business on the Private Calendar was the bill (H. R. 13052) to correct the military record of Malcolm Allen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Malcolm Allen, who was a member of Company B, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a

private of that organization on the — day of April, 1894: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment, as follows:

Page 1, line 9, strike out "day of April, 1894," and insert "12th day of June, 1899."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HARRY HAMLIN

The next business on the Private Calendar was the bill (H. R. 14863) for the relief of Harry Hamlin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Harry Hamlin shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Troop H, Fourth Regiment, United States Cavalry: *Provided,* That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Harry Hamlin, who was a member of Troop H, Fourth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 28th day of September, 1903: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES LUTHER HAMMON

The next business on the Private Calendar was the bill (H. R. 15405) to correct the military record of James Luther Hammon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Luther Hammon, late of Bakery Company No. 1, Quartermaster Corps, Camp Travis, Tex., shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of March, 1920: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

E. O. M'GILLIS

The next business on the Private Calendar was the bill (H. R. 15686) for the relief of E. O. McGillis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, E. O. McGillis, late of the Seventh Battery, United States Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 16th day of May, 1901.

With the following committee amendment:

In line 9, after the figures "1901" insert the following: *"Provided,* That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NELSON KING

The next business on the Private Calendar was the bill (H. R. 15975) for the relief of Nelson King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Nelson King, who was a member of Company A, Fifth Regiment Vermont Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of September, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLOTILDA FREUND

The next business on the Private Calendar was the bill (H. R. 6705) for the relief of Clotilda Freund.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Clotilda Freund, of Jersey City, N. J., out of any money in the Treasury not otherwise appropriated, the sum of $7,152 in compliance with the findings of the Court of Claims, Senate Document No. 51 of the first session of the Sixty-fifth Congress.

With the following committee amendments:

On page 1, line 6, after the word "appropriated," insert the words "and in full settlement against the Government."

On page 1, at the end of the bill insert:

"Provided, however, That the said Clotilda Freund shall file all agreements with attorneys for the prosecution of this claim against the United States, and the said attorneys shall file a certificate that no attorneys other than those named by the said Clotilda Freund aided or assisted in the prosecution of the said claim, and shall file a full release and a complete discharge of the said Clotilda Freund from any claim for legal or other services, expenses, or disbursements in connection with the prosecution of said claim for the amount of $2,000 hereby authorized to be allowed. In the settlement of the claim as aforesaid the Comptroller General is directed to furnish to the said Clotilda Freund a copy of said release and discharge and upon application from her or on her behalf to furnish without charge an authenticated copy thereof pursuant to section 306 of the Budget and Accounting Act of June 10, 1921 (U. S. C. title 31, sec. 46)."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM J. M'KENNA

The next business on the Private Calendar was the bill (H. R. 8175) for the relief of William J. McKenna.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any law conferring rights, privileges, or benefits upon honorably discharged soldiers, William J. McKenna, who served as a captain in the Chemical Warfare Service, shall be held to have been honorably discharged on November 8, 1918: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

On page 1, line 7, strike out "1918, provided, that" and insert "1918: *Provided*, That."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEROY WILBUR ABBOTT

The next business on the Private Calendar was the bill (H. R. 14723) to provide hospitalization for Leroy Wilbur Abbott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of section 202, paragraph 10, of the World War veterans' act approved July 2, 1926, relating to hospitalization, Leroy Wilbur Abbott, late of Troop A, First United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said organization on October 5, 1917.

With the following committee amendment:

In line 9, after the figures "1917," insert a colon and the following: "*Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MEMBER OF THE BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Private Calendar was House Joint Resolution 362, for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That John J. Steadman, of California, be, and he is hereby, appointed a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to serve a full term commencing immediately upon the expiration of the term which he is now serving and which expires in January, 1929.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN D. O'CONNELL

The next business on the Private Calendar was the bill (H. R. 15478) for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John D. O'Connell, first lieutenant, Quartermaster Corps, United States Army, a sum not exceeding $1,024.12, representing the amount of deductions during the months from November, 1927, to date from his pay as first lieutenant, Quartermaster Corps, United States Army, this amount representing money stolen from the United States Government for which he was responsible.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS X. CALLAHAN

Mr. WARREN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 825, H. R. 15220, a bill for the relief of Francis X. Callahan, which was objected to by me, and I now withdraw my objection.

The SPEAKER pro tempore. Without objection the Clerk will report the bill H. R. 15220, Calendar No. 825.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I shall not object. This is a very meritorious bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summons Francis X. Callahan, late provisional second lieutenant, temporary first lieutenant, United States Infantry of the Regular Army of the United States, before a retiring board for the purpose of hearing his case, and to inquire into and determine all the facts touching on the nature of his disabilities, and to find and report the disabilities which in its judgment have produced his incapacity, and whether his disabilities are an incident of service; that, upon the findings of such a board the President is further authorized in his discretion either to confirm the order by which the said Francis X. Callahan was discharged or in his discretion to nominate and appoint by and with the advice and consent of the Senate the said Francis X. Callahan, late provisional second lieutenant, temporary first lieutenant, United States Infantry, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or hereafter may be provided by law and regulations for the officers of the Regular Army: *Provided*, That the said Francis X. Callahan shall not be entitled to any back pay or allowances by passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That any disability incurred in line of duty by Francis X. Callahan while serving as an officer of the Army of the United States during the World War from August 15, 1917, to September 18, 1919, inclusive, shall be deemed and considered to have been so incurred while serving as an officer of the Army of the United States other than as an officer of the Regular Army, so as to entitle said Callahan to the benefits and privileges of the emergency officers' retirement act (Public, No. 506, 70th Cong.): *Provided*, That such disability rating is sufficient and said Callahan is otherwise eligible for retirement under the terms and conditions of said act: *And provided further*, That said Callahan shall not be entitled to any back pay or allowances by the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CADET ADRIAN VAN LEEUWEN

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 7887) placing Cadet Adrian Van Leeuwen on the retired list.

Mr. ROWBOTTOM. The bill is back of the star.

Mr. STOBBS. We have just taken up a bill that was back of the star.

Mr. WARREN. Reserving the right to object, did the gentleman consult the gentleman from Texas [Mr. BLANTON] about the bill?

Mr. STOBBS. No; I have not seen the gentleman from Texas.

Mr. SCHAFER. If newspaper reports are correct, the gentleman from Texas, Mr. BLANTON, is not in Washington.

Mr. WARREN. I have no objection to the bill, but I understand he objected to it.

Mr. STOBBS. The gentleman objected to it after a colloquy with somebody else; but the bill is meritorious.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint Adrian Van Leeuwen, late cadet at the United States Military Academy, at West Point, to the position of second lieutenant of Infantry in the Army, and to place him upon the retired list with pay of a retired second lieutenant of Infantry.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the provisions of the World War veterans' act, 1924, as amended, are hereby extended and made applicable to Adrian Van Leeuwen for the purpose of the allowance to him of compensation and hospital and medical treatment on account of a physical disability contracted in line of duty while a cadet at the United States Military Academy; and the United States Veterans' Bureau is hereby authorized and directed to award and pay to said Adrian Van Leeuwen such compensation, and provide for him such hospital and medical treatment as he would be entitled to if his said disability had been contracted in line of duty in the military service of the United States between April 6, 1917, and July 2, 1921."

Mr. STOBBS. Mr. Speaker, I hope the committee amendment will not be agreed to.

The committee amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHNS-MANVILLE CORPORATION

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to call up the bill (S. 1547) for the relief of Johns-Manville Corporation. This is a Senate bill and when it was called the last time the gentleman from Michigan [Mr. HUDSON] made some inquiry. I sent the inquiry to the Comptroller General and I have a letter here in which he says that as an equitable proposition he considers the bill just.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. SCHAFER. Reserving the right to object, did the Comptroller General say it is a just bill?

Mr. CHINDBLOM. Yes; I have the letter from the comptroller here to that effect.

Mr. SCHAFER. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Johns-Manville Corporation the sum of $6,316.31 for increased cost of labor services and material on contract No. 3839–B for roofing at naval ordnance plant, South Charleston, W. Va.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the report of the Comptroller General on the bill just passed.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The letter referred to follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 6, 1929.

Hon. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. CHAIRMAN: In the matter of S. 1547, Seventieth Congress, second session, entitled "An act for the relief of Johns-Manville Corporation," submitted by you to the House of Representatives January 5, 1929, with recommendation for its passage (H. Rept. 2022), which bill, as before the House (Private Calendar No. 754), reads:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Johns-Manville Corporation the sum of $6,316.31 for increased cost of labor, services, and material on contract No. 3839–B for roofing at naval ordnance plant, South Charleston, W. Va."

I have the honor to advise that I am in receipt of a letter of January 31, 1929, from the Hon. CARL R. CHINDBLOM, House of Representatives, requesting that the matter of the bill be the subject of a report by this office along equitable lines.

The records of this office show that the H. W. Johns-Manville Co. (referred to in S. 1547 as the "Johns-Manville Corporation") presented a claim to this office for additional compensation under Yards and Docks contract No. 3839–B, dated June 19, 1919, for roofing of certain buildings at the naval ordnance plant, South Charleston, W. Va., amounting to $6,465.37, the items of which are as set out in the report of your committee on the bill, claim of October 25, 1922 (H. Rept. No. 2022, p. 3). The claim was disallowed (settlement No. N–133420, April 11, 1923) and the disallowance affirmed (Review 4966, January 16, 1924, August 18, 1924, and February 13, 1925), the contractor not being found legally entitled to be paid the additional compensation claimed. See herewith copies of such Review 4966; also Crook Company (Inc.) *v.* United States (270 U. S. 4); Detroit Steel Products Co. *v.* United States (62 Ct. Cl. 686), referred to on page 2 of the report of your committee; and conclusion of the Secretary of the Navy as set forth on said page 2 in his report on the bill, that—

"It appears to be clear * * * that the Johns-Manville Co. has no legal claim against the United States under the contract. * * *"

Viewed entirely as an equitable proposition—as distinguished from a legal one—I have to advise that certain elements of equity appear in favor of the contractor, as a result of its having been unduly delayed by the United States in the completion of the roofing; as, for example, as recognized in connection with the completion of the fourth building (heat treatment building) in my decision of January 16, 1924 (pp. 3, 4), where I said:

"At the time the contractor undertook to do the work on this building within five days after receipt of notice that the building was ready it was contemplated that the building would be ready about the time the three other buildings would be ready and that the contractor's force, equipment, and material would be at the site. It appears, however, that there was a delay of more than 17 months between the date of completion of the last of the three buildings and date of receipt of notice that the fourth building was ready and that because of this delay the contractor did not have, and could not be expected to have, its force, equipment, and material at the site ready to complete the work within five days after receipt of notice that the building was ready. Accordingly, it must be held that the contractor's delay in completion of the work on this building was unavoidable. * * *"

Accordingly, you are advised that the possession by the contractor of certain equitable—as distinguished from legal—rights in the matter has been and is recognized by this office.

A copy of this letter is being forwarded to Representative CHINDBLOM.

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. LANHAM, for three days, on account of illness.

ADJOURNMENT

Mr. IRWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 27, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 27, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

Directing and providing for the assembly, inventory, classification, preparation for publication, and publication of the official records and maps relating to the participation of the military and naval forces of the United States in the World War, and authorizing appropriations therefor. (H. J. Res. 359.)

To amend the national defense act so as to reestablish the Regular Army Reserve as a component of the Regular Army. (H. R. 14038.)

EXECUTIVE COMMUNICATIONS, ETC.

869. Under clause 2 of Rule XXIV, a letter from the Comptroller General of the United States, transmitting supplemental report with the recommendation thereon of an additional claim transmitted to this office by the Secretary of War involving damages for personal injury (H. Doc. No. 612), was taken from the Speaker's table and referred to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 17221. A bill to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; without amendment (Rept. No. 2725). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 17216. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 2726). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 17217. A bill to provide for the construction or purchase of three heavy sea-going Air Corps retrievers for the War Department; without amendment (Rept. No. 2727). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Labor (Rept. No. 2739). Ordered to be printed.

Mr. McFADDEN: Committee on Banking and Currency. S. 5684. An act to amend the War Finance Corporation act ap-

proved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes; without amendment (Rept. No. 2740). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARBER: Committee on Interstate and Foreign Commerce. H. R. 17262. A bill authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River, at or near Francis, Okla.; without amendment (Rept. No. 2742). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 343. A resolution providing for the consideration of S. 2901. An act to amend the prohibition act, as amended and supplemented; without amendment. (Rept. No. 2746). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Con. Res. 60. A concurrent resolution creating a joint committee to cooperate in New Bern, N. C., observance of events of Colonial and Revolutionary period; with amendment (Rept. No. 2747). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. J. Res. 430. A joint resolution creating a joint committee to investigate the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. (Rept. No. 2748.) Referred to the House Calendar.

Mr. BECK of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 17099. A bill granting the consent of Congress to construct, maintain, own, manage, and operate a tunnel or tunnels and approaches thereto under the Delaware River; with amendment (Rept. No. 2749). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 17183. A bill to continue in effect for five years the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921; without amendment (Rept. No. 2751). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 3441. A bill for the relief of John W. McCulloch; without amendment (Rept. No. 2728). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 12652. A bill for the relief of Andrew Amsbaugher; without amendment (Rept. No 2729). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14260. A bill to correct the military record of Daniel Hickey; with amendment (Rept. No. 2730). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 15145. A bill for the relief of Henry E. Williams; without amendment (Rept. No. 2731). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15282. A bill for the relief of Peter Guilday; with amendment (Rept. No. 2732). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 15397. A bill for the relief of Floyd Dillon, deceased; with amendment (Rept. No. 2733). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 15753. A bill for the relief of George Selby; with amendment (Rept. No. 2734). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. S. 1979. An act for the relief of the Union Shipping & Trading Co. (Ltd.); without amendment (Rept. No. 2735). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. S. 4815. An act for the relief of members of the crew of the transport *Antilles;* without amendment (Rept. No. 2736). Referred to the Committee of the Whole House.

Mr. WOODRUM: Committee on War Claims. H. R. 7982. A bill for the relief of the heirs of the late Frank J. Simmons; without amendment (Rept. No. 2737). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 10248. A bill for the relief of George S. Conway; with amendment (Rept. No. 2738). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 14976. A bill to correct the military record of John G. Wiest; with amendment (Rept. No. 2741). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 14021. A bill for the relief of Edwin Lockwood MacLean; with amendment (Rept. No. 2750). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARSS: A bill (H. R. 17274) to provide for the purchase of certain lands to enable the Chippewa Indians of Minnesota to harvest wild rice; to the Committee on Indian Affairs.

By Mr. GRAHAM: A bill (H. R. 17275) to amend section 649 of the Revised Statutes (sec. 773, title 28, U. S. C.); to the Committee on the Judiciary.

By Mr. SELVIG: A bill (H. R. 17276) to provide for the determination of claims for damages sustained by the fluctuation of the water levels of the Lake of the Woods in certain cases, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LANKFORD: A bill (H. R. 17277) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Okefenokee National Park in the State of Georgia, and for other purposes; to the Committee on Public Lands.

By Mr. ZIHLMAN: A bill (H. R. 17278) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. SPROUL of Kansas: A bill (H. R. 17279) providing procedure for the removal of corrupt public officials and defining certain crimes and prescribing penalties therefor in the District of Columbia; to the Committee on the Judiciary.

By Mr. WOOD: Joint resolution (H. J. Res. 429) to suspend the work on certain public improvements in the State of Virginia pending the cooperation of the State in protecting such improvements from nuisances; to the Committee on Public Buildings and Grounds.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Nevada, urging the passage of bills for the construction of roads on important links of our highway system; to the Committee on Roads.

By Mr. KORELL: Memorial of the Oregon State Legislature, memorializing Congress on behalf of Senator JOHNSON'S resolution to investigate the telephone companies; to the Committee on Interstate and Foreign Commerce.

By Mr. THURSTON: Memorial of the Forty-third General Assembly of the State of Iowa, in relation to an investigation to be made concerning the direct marketing of livestock in all of its phases; to the Committee on Agriculture.

By Mr. EVANS of Montana: Memorial of Montana's Twenty-first Legislative Assembly, being a "Memorial to the honorable Secretary of Agriculture of the United States advocating the establishment and promulgation of grades and standards of wheat which shall take into account its protein contents"; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 17280) granting an increase of pension to Mary E. H. Wetzel; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 17281) granting an increase of pension to Rhoda E. Blackwell; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 17282) granting an increase of pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 17283) granting a pension to Mary E. Keefe; to the Committee on Pensions.

Also, a bill (H. R. 17284) granting an increase of pension to Johanna Hettesheimer; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of New York: A bill (H. R. 17285) for the relief of the estate of Samuel Schwartz; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 17286) granting an increase of pension to Harriet Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17287) granting an increase of pension to Emma T. Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17288) granting a pension to Thomas Franklin Jones; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 17289) granting an increase of pension to Josephine Wise; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17290) granting an increase of pension to Mary E. Glaspy; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 17291) granting an increase of pension to Caroline Horner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13490. Petition signed by employee of the Navy Department in regard to the pending Lehlbach bill (H. R. 16643); to the Committee on the Civil Service.

13491. By Mr. CRAIL: Petition of Peerless Laundry Services (Ltd.), of Los Angeles, Calif., against a tariff on imported oils used in making soap; to the Committee on Ways and Means.

13492. Also, petition of Werner-Davis & Woodworth (Inc.), of Los Angeles, Calif., favoring a tariff on imported stained glass; to the Committee on Ways and Means.

13493. By Mr. CONNERY: Resolution of Peabody Post, 153, American Legion, of Peabody, Mass., urging upon the Congress of the United States the immediate repeal of clause (b) of section 11 of the immigration act of 1924, commonly known as the national-origins clause of said act; to the Committee on Immigration and Naturalization.

13494. Also, resolution of Shoe Workers Protective Union, Local No. 72, of Boston, Mass., urging a tariff on shoes of 35 per cent ad valorem; to the Committee on Ways and Means.

13495. By Mr. DALLINGER: Petition of the Catholic Daughters of America, urging the enactment of House bill 13793 and Senate bill 349; to the Committee on Immigration and Naturalization.

13496. Also, petition of the Catholic Daughters of America, protesting the passage of the national-origins revision clause and approving the Nye resolution; to the Committee on Immigration and Naturalization.

13497. By Mr. GARBER: Petition of National Builders' Supply Association of the United States, urging support of House bill 13405, requiring preferential treatment by the American Government for American-made goods in purchases for Federal Government work; to the Committee on Interstate and Foreign Commerce.

13498. By Mr. HOWARD of Oklahoma: Report submitted concerning the management of the Seneca Indian School located at Wyandotte, Okla.; to the Committee on Indian Affairs.

13499. Also, petition of Independent Oil Association, of Oklahoma, urging Congress to impose a protective tariff on crude oil imported into the United States; to the Committee on Ways and Means.

13500. By Mr. HUDDLESTON: Petition of W. L. Douglas Shoe Co. and sundry persons, of Birmingham, Ala., against any change in the tariff on leather and hides; to the Committee on Ways and Means.

13501. By Mr. LEHLBACH: Petition of retail shoe dealers and customers against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13502. By Mr. McFADDEN: Petition of residents of Sayre, Pa., to support House bills 9138 and 11526, to grant World War service pension to certain disabled soldiers, sailors, and marines of the World War; to the Committee on Pensions.

13503. Also, petition of the Orwell Grange, consisting of 71 members, Orwell, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13504. Also, petition of 50 citizens of the fifteenth district of Pennsylvania urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13505. By Mr. MEAD: Petition of Merchants' Association of New York, opposed to any tariff duty or limitation of products from the Philippine Islands; to the Committee on Ways and Means.

13506. Also, petition of Buffalo Council of the National Council of Catholic Women, favoring the bill (H. R. 13793) relating to records of arrival of certain immigrants; to the Committee on Immigration and Naturalization.

13507. By Mr. O'CONNELL: Petition of the Railway Business Association, Philadelphia, Pa., opposing the passage of Senate bill 4490, the bituminous coal bill; to the Committee on Interstate and Foreign Commerce.

13508. Also, petition of the Merchants' Association of New York, opposed to any restriction or limitation to the free movement of products between continental United States and the Philippine possessions in either direction; to the Committee on Ways and Means.

13509. By Mr. PALMER: Petition of 465 citizens of Ashland, Pa., urging the enactment of legislation to protect the people in the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13510. Also, petition of 28 members of Zion Lutheran Church, Ashland, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13511. Also, petition of 69 members of the Methodist Episcopal Church, Gordon, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13512. Also, petition of 58 members of the Lutheran Church, Gordon, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13513. Also, petition of 152 citizens of Girardville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13514. Also, petition of 72 citizens of McAdoo, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13515. By Mr. RAINEY: Petition of the pastor and 33 members of the Presbyterian Congregation Church, Kampsville, Ill., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13516. Also, petition of Harry L. Agnew and other citizens of Mason City, Ill., favoring Dale-Lehlbach bill and the La Follette bill; to the Committee on Appropriations.

13517. Also, petition of George W. Carder and 30 other citizens of Ashland, Ill., and vicinity, protesting against a duty on hides and leather; to the Committee on Ways and Means.

13518. Also, petition of L. Frank and 26 other citizens of Mason City, Ill., protesting against a tariff on hides and leather; to the Committee on Ways and Means.

13519. Also, petition of R. H. Clanahan and other citizens of Greene County, Ill., favoring a moratorium for drainage districts; to the Committee on Irrigation and Reclamation.

13520. Also, petition of Ira Cottingham and other citizens of Jerseyville, Ill., favoring a moratorium for drainage districts; to the Committee on Irrigation and Reclamation.

13521. Also, petition of F. P. Plahn and 35 other citizens of Greene County, Ill., protesting against a duty on hides and leather; to the Committee on Ways and Means.

13522. Also, resolution of Knights of Columbus, Carrollton, Ill., favoring Schneider bill; to the Committee on Immigration and Naturalization.

13523. Also, petition of Ben L. Smith and other citizens of Pekin, Ill., favoring flood control; to the Committee on Irrigation and Reclamation.

13524. By Mr. SELVIG: Petition of three residents of Kittson County and eight residents of Roseau County, ninth district of Minnesota, urging the enactment of House bill 10958; to the Committee on Agriculture.

13525. By Mr. THOMPSON: Letter of Ben P. Edgerton, of Hicksville, Ohio, relating to the tariff on sugar; to the Committee on Ways and Means.

13526. Also, letter from the Toledo Lumber & Mill-Work Co., protesting against a tariff on Canadian lumber; to the Committee on Ways and Means.

13527. Also, resolutions adopted by the national and State affairs committee of Toledo (Ohio) Chamber of Commerce, relative to the tariff on sugar; to the Committee on Ways and Means.

13528. Also, resolution unanimously adopted by the Ohio Farmers' Protective Association, in convention at Columbus, Ohio, February 8, 1929, relating to a tariff on Canadian lumber; to the Committee on Ways and Means.

13529. Also, report of hearings before Committee on Ways and Means on the sugar tariff, and comments thereon by Harry A. Austin, secretary of United States Beet Sugar Association; to the Committee on Ways and Means.

13530. Also, letter of Joseph Barker, of Antwerp, Ohio, concerning the tariff on sugar; to the Committee on Ways and Means.

13531. Also, letter of Harry G. Carr, of Antwerp, Ohio, concerning the tariff on sugar; to the Committee on Ways and Means.

13532. By Mr. TUCKER: Petition of the Thessalonica Baptist Church, 100 present, Fork Union, Va., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *February 27, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, with amendments, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

Ashurst	Edwards	McKellar	Smith
Barkley	Fess	McMaster	Smoot
Bayard	Fletcher	McNary	Steck
Bingham	Frazier	Mayfield	Steiwer
Black	George	Metcalf	Stephens
Blaine	Gerry	Moses	Swanson
Blease	Glass	Neely	Thomas, Idaho
Borah	Glenn	Norbeck	Thomas, Okla.
Bratton	Goff	Norris	Trammell
Brookhart	Gould	Nye	Tydings
Broussard	Greene	Oddie	Tyson
Bruce	Hale	Overman	Vandenberg
Burton	Harris	Pine	Wagner
Capper	Harrison	Ransdell	Walsh, Mass.
Caraway	Hawes	Reed, Pa.	Walsh, Mont.
Copeland	Hayden	Robinson, Ark.	Warren
Couzens	Heflin	Robinson, Ind.	Waterman
Curtis	Johnson	Sackett	Watson
Dale	Jones	Schall	Wheeler
Deneen	Kendrick	Sheppard	
Dill	Keyes	Shortridge	
Edge	King	Simmons	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that the announcement may stand for the day.

Mr. BRATTON. I wish to announce that my colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness. This announcement may stand for the day.

Mr. JONES. I wish to announce that the senior Senator from Connecticut [Mr. MCLEAN] is absent because of illness.

Mr. WATERMAN. I announce that my colleague the senior Senator from Colorado [Mr. PHIPPS] is detained from the Senate by illness.

Mr. GERRY. I wish to announce that the Senator from Nevada [Mr. PITTMAN] is necessarily detained on official business.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. President, I rise to a question of personal privilege. I regret to say that yesterday, in the course of a colloquy which arose between the Senator from Virginia [Mr. GLASS] and myself, I used some expressions which were decidedly more heated than the circumstances justified, and I take the blame for that occasion, so far as it is one that calls for notice at all, entirely upon myself.

Everyone who knows me knows that there is no Member of this body for whom I entertain a profounder respect than I do for the Senator from Virginia—respect for his stainless public and private character, for his great abilities, for his unflinching courage and his lofty independence of spirit.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the naval appropriation bill.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HALE. Mr. President, the conferees on the naval appropriation bill met and reached an entire agreement. There are four matters which have to go back to the House for a separate vote because under the rules of the House they are construed as legislation and must be passed on by that body.

The principal changes that we have made are, first, to reduce the amount available for the second batch of cruisers from $500,000 to $200,000. This will enable us to start those cruisers under the terms of the cruiser law in 1930. They will be started, of course, at the extreme end of that fiscal year.

The House insisted that the Senate conferees give up the amendment providing for a dry dock at Puget Sound. The appropriation for this was $400,000. The Senate conferees were very strong in their insistence upon having the item kept in the bill, but we were unable to prevail.

There was also an item of $154,000 in the bill as it passed the Senate to increase the pay of certain draftsmen. The House would not agree to this and the Senate conferees were compelled to recede on the matter.

On the question of helium production the House provided $160,000 and the Senate restored the Budget figure of $300,000. In coming to an agreement we have split the difference on these figures and have made the appropriation $230,000.

The conference report as agreed to by the conferees takes from the Senate bill $634,000, leaving only very small additions to the House bill, somewhere in the neighborhood of about $100,000, and, of course, the large item that was estimated for by the Budget Bureau, and which we have kept within the figures of the Budget Bureau, for the increase of the Navy, to take care of the cruisers and the new aircraft carrier.

Mr. NORRIS. Mr. President, I hope the Senator from Maine will let me ask him before he concludes his remarks what was done with amendment numbered 17 appearing on page 48?

Mr. HALE. That has to be voted on in the House of Representatives. That is the labor amendment. The conferees made no change whatever in it.

Mr. NORRIS. That amendment is technically in disagreement?

Mr. HALE. It is technically in disagreement.

Mr. NORRIS. If the House shall refuse to recede, then it will come back to the Senate and be adjusted in conference, of course?

Mr. HALE. That is correct.

Mr. NORRIS. But if the House does recede, then the controversy will be ended so far as that amendment is concerned?

Mr. HALE. It will be ended so far as that is concerned.

Mr. NORRIS. Mr. President, in my own right I want to take the floor for just a few moments.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HEFLIN. Does the Senator from Nebraska desire to occupy the floor now?

Mr. NORRIS. Yes; for a few moments.

Yesterday, Mr. President, when the Senator from Maine [Mr. HALE] asked unanimous consent to proceed to the consideration of the conference report I objected. I had asked the Senator if he would not let the conference report go over

until to-day, in order that I might examine it. As soon as the objection was made, the Senator moved to take up the report, a motion he had a perfect right, of course, to make under the rules, but I thought my request, since the report had not been printed, was very reasonable under the circumstances. However, if the Senator from Maine at that time had said that if after he had explained the conference report I still wanted it to go over for the day he would consent to that, the conference report would undoubtedly have been agreed to on yesterday, and one day on this bill would have been saved.

It did not seem to me, Mr. President, that a conference report on a bill of this importance, embracing as it does the appropriation of hundreds of millions of dollars of public funds, having to do for an entire fiscal year with the management, control, and operation of our Navy, ought to be agreed to without proper consideration. It did not seem to me that I had made an unreasonable request when I asked that the report be printed and that the Senate might not be required to vote upon it without having it printed. However, the Senator from Maine made a motion to proceed with the consideration of the conference report, and the Senate decided to do it.

I believe, Mr. President, since I have been a Member of this body and of the House of Representatives I have never yet made objection to any Member resorting to any course that the law and the rules of the body gave him the right to follow, and I have never felt piqued or hurt or injured because some other Senator or Representatives pursued that course. It is a right that he has, in which he must be protected; that is the object of law; that is the object of rules. So, realizing as I did and as I do, that the Senator from Maine had done nothing that was in any way a violation of the rules, I concede that he had a perfect right to take the course he took; but, Mr. President, when one resorts to technicalities that are afforded him by the law, he must not complain if other Senators or other Members of a body pursue the same course, and I intended to resort to the same right that the rules give to me to see that the conference report was properly debated. As a matter of fact, I did not have anything to do. All I had to do was to watch the proceedings; other Senators did my work for me more fully and completely than I could have done it.

Upon an examination of the report, Mr. President, so far as I am concerned, I find no fault with it, and it took me less than half an hour of time this morning to satisfy myself as to what the report really was. So that if the consideration of the report has been delayed a day, as it has, the Senator from Maine has himself to blame for it, for not acceding to what I believed to be a reasonable request under the circumstances.

I want to repeat that in no sense am I criticizing the Senator from Maine. I concede he did what he had a right to, and I did nothing but what I think I had a right to do. However, we are confronted now with the fact that one day later the conference report is still before the Senate. So far as I am concerned, I have no objection to the adoption of the conference report.

THE AMERICAN FLAG

Mr. HEFLIN. Mr. President, I send to the clerk's desk a resolution which I ask to have read and then I ask that it may lie upon the table.

The VICE PRESIDENT. The Chair will state to the Senator that the question now is on agreeing to the conference report.

Mr. HEFLIN. That is what I want to discuss at this time.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read the resolution (S. Res. 343), as follows:

(By Mr. HEFLIN)

Whereas the United States flag is the symbol of our national sovereignty and is the emblem of both civil and religious liberty, and as such is entitled to occupy the first and uppermost place on its own staff or hoist: Therefore be it

Resolved, That it is the sense of the Senate that the Secretary of the Navy be, and he is hereby, requested to formulate such rules and regulations as will prevent the flying of any emblem or pennant on the same staff or hoist above the United States flag on any battleship or other vessel in the naval service of the United States.

Mr. HEFLIN. I ask that the resolution may lie on the table.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. HEFLIN. I now ask the clerk to read the letters which I send to the desk in my time.

Mr. ODDIE. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. HEFLIN. Not just now.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

DEAR SENATOR HEFLIN: I, too, believe that no other flag should fly above the Stars and Stripes.

Yours truly,

GEO. FREDERICKSEN,
341 New York Avenue, Union City, N. J.

And my friends, Joe Sachs and his mother, 20 Cook Street, Jersey City, N. J.

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75 WOODLAND AVENUE, *Glen Ridge, N. J.*

To the Hon. Senator HEFLIN:

We desire to express our appreciation of your activities with respect to the use of our flag on war vessels, and we earnestly hope that you will continue your courageous and patriotic efforts. Certainly there is only one proper position for the Stars and Stripes in all public places, and that is on a staff by itself, and at the highest point above all flags and pennants. Let any other flags or pennants be placed on entirely separate staffs and at a point lower than the Stars and Stripes. We hold up your hands and trust you will persevere to a triumphant outcome of this question.

FLORA V. ANGELL.
JOB F. ANGELL.

CEDAR RAPIDS, IOWA, *February 16, 1929.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: Please accept my sincere congratulations and best wishes for your consistent and courageous stand for our country and its best traditions against the alien power that is constantly seeking to break down free government in America.

I hope that you will be accorded the appreciation you deserve and that more of the people's representatives follow your lead in trying to preserve America for the Americans.

It is certainly fine to see that there are still a few American statesmen who, regardless of foreign influences, can still work for our best interests in the face of the obstacles we ourselves have built up catering to a bogus tolerance.

More power to you, Senator, and may the American public wake up while there is still time.

With my sincere good wishes and appreciation of your efforts, I am

Respectfully,

J. W. SMILEY,
515 Merchants National Bank Bldg., Cedar Rapids, Iowa.

HILLCREST, N. Y., *February 16, 1929.*

DEAR SENATOR HEFLIN: I would certainly like to go on record as being very much against any kind of a flag or pennant going above our own American flag at any time or place.

Just heard Mr. Ford over Station WHAP read the speech you made to the Senators the other day on your amendment * * *.

It is surely too bad that in America you have to get up and plead with American Senators to fly their own flag first. We need more Senators like you, real Americans, who are not afraid to say what they think.

Sincerely hoping you get another chance to put your amendment through and that our American flag will be the only flag flying at the top of its staff on all American ships.

Respectfully yours,

M. RANNER,
Hillcrest, Spring Valley, N. Y.

ADAMSVILLE CIVIC ASSOCIATION,
Adamsville, Ala., February 20, 1929.

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: Hello, stormy petrel, keep it up. I don't want to see any flag or banner hoisted above the Stars and Stripes, and in fact don't want to see them on same staff * * *.

* * * * * * *

Yours truly,

M. W. SCOTT.

9715 WALTHAM STREET,
Jamaica, Long Island, N. Y.

Senator HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: I feel I should congratulate you on your stand on the flag question. Glad that we have one man in our Senate who is not afraid to uphold the best interests of the American people. The flag is the standard, the supreme emblem of our Nation, representing all that is good and pure in thought and deed, and it should never be placed second in any position for any purpose, sect, or creed.

Very truly yours,

A. DAVISON SHAW.

WEST ORANGE, N. J., *February 17, 1929.*

DEAR SENATOR: In regards to our flag, please use your influence to have it on a staff of its own and do not allow any other flag above it on any of our ships. If there is to be a flag to denote there is a service, let it fly somewhere else. It is wrong to put anything above the Stars and Stripes.

Let us know the votes for and against, and we can vote accordingly when they come up again for reelection.

Respectfully yours,

Mr. and Mrs. F. KOZI,
71 Whittlesey Avenue, West Orange, N. J.

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302 FARLEY BUILDING,
Birmingham, Ala., February 9, 1929.

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: I certainly agree with you that "no emblem, flag, or pennant shall be hoisted above the flag of the United States."

I further believe that every red-blooded American indorses your stand on this subject.

I hope that you will introduce a bill of similar nature and continue the fight. * * *

You are opening the eyes of sleeping American citizens to the dangers that confront us.

* * * * * * * * * * * If I can be of service to you, please call on me.

Sincerely,

FLETCHER LORD.

TUCKERTON, N. J., *February 18, 1929.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR HEFLIN: After reading your speech on the flag in the CONGRESSIONAL RECORD, as a red-blooded American I could not help writing and telling you how I admire you for the stand you are taking to uphold the rights of the flag that we love so well. You are absolutely right and you have many millions of good Americans with you. Keep up the good fight, do not falter for a moment, and victory will be yours in the end. I thank God for your life and hope that in His wise providence He will permit you to live many more years and that the good people of Alabama will return you to the United States Senate as long as you are able to serve. Good luck and may God bless you.

Sincerely yours,

S. S. ANDERSON,
110 Clay Street.

INDIAN SPRINGS, IND., *February 19, 1929.*

Senator THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: I want to express my thanks to you for the courageous fight for the rights of the American flag. It is men like you that live forever in the hearts of the people. It is to be regretted that other men with equal opportunity do not display the statesmanship, patriotism, and Americanism that you do.

Sincerely,

E. M. HUFF.

INDEPENDENCE, W. VA., *February 19, 1929.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SIR: I have read with great interest of your fight to keep dear Old Glory on the top of the pole, and can say that I am mighty proud to know that there is one man who is not afraid to say what he thinks when our American rights and interests are at stake.

Let me congratulate you on the noble and patriotic stand that you have taken, and may God give you health and power to keep this constantly before the people.

* * * * * * * * *

What has recently happened in Italy and Mexico should wake us up and put all true Americans on guard.

Sincerely yours,

E. H. SHAY.

AUXIER, KY., *February 16, 1929.*

Hon. TOM HEFLIN,
Member United States Senate, Washington, D. C.

MY DEAR SENATOR: I heartily agree with you in your opposition to putting any flag above the most outstanding emblem of our Nation or of any other nation in the world.

I speak the voice of one of the most powerful fraternal institutions in America whose principles are founded upon the most patriotic American ideals.

* * * * * * * * *

We are entertaining the hope that the enlightened people of the States hereafter will send men to the Senate who will uphold the free institutions of the United States.

Very truly yours,

W. N. STRATTON.

FIRST BAPTIST CHURCH,
Mansfield, Ark., February 11, 1929.

Hon. J. THOMAS HEFLIN, M. C.,
Washington, D. C.

MY DEAR SENATOR: I have been reading with interest in the CONGRESSIONAL RECORD your noble stand in defense of Old Glory. * * *

I have been thankful to God many times for your stand in the recent presidential campaign. I think our winning was due largely to such men as Straton, Cannon, and yourself.

May I say in closing that I am for you in your defense of our American principles. I am sorry that we do not have more men that have courage and conviction enough to be real Americans.

Hoping that your next bill in regards to the American flag goes over in a great way.

Yours sincerely,

C. L. MILLS.

GRANITE CITY, ILL., *February 19, 1929.*

Senator J. THOMAS HEFLIN.

MY DEAR SENATOR: I thank God for a Senator like you, who will tell certain people where to head in. It was you who saved us from war with Mexico.

Please send me your speech in regard to preventing the flying of the church pennant above the American flag.

Yours truly,

J. E. BARNFIELD, M. D.

GUTHRIE, OKLA., *February 8, 1929.*

Senator HEFLIN.

DEAR SIR: Am sorry to see that your flag amendment was voted down. I'm a Republican, but I hope I can have the honor of voting for you for President of the United States.

Yours respectfully,

F. V. HAMMERSLY.

Mr. HEFLIN. Mr. President, these are but samples of hundreds and even thousands of letters that I am receiving upon this subject. I wanted to have them read into the RECORD this morning in order that Senators here may know how the people back home feel upon this very important question.

I have a letter that seems to have been misplaced from an ex-service man, who said that he and others would fight and give their lives, if necessary, to put our flag back upon its staff from which an enemy had taken it, and he resents the action of United States Senators who voted to pull it down from its rightful place on its own staff in order to fly some other banner or pennant above it.

One of the letters read there deplores the fact that a Senator is obliged to get up here and plead with American Senators to fly their own flag first. The chief chaplain of the Navy wrote a letter here a few days ago which was read to this body in which he admitted that the pennant now used above our flag had never been adopted by any American religious group as a church pennant; and I assert to-day that no Protestant group of Christians and no Jewish group has ever indorsed this pennant that is now being used in the United States Navy, a Latin cross, as a pennant to fly above the Stars and Stripes.

As I said before, the chief chaplain admits that Great Britain does not lower the British flag when a church pennant is used at religious services on a man-of-war. The pennant is flown by the side of the British flag or below it. So we have a custom here, it seems, of flying a pennant called a church pennant; and if my Protestant friends do not know, they probably will learn that when one of our Roman Catholic friends refers to "the" church, he refers simply to the Catholic Church, and no other church. With them there is no other "church." The others are religious societies; and when they say "the church pennant," they mean that church.

Mr. President, it is rather shocking and somewhat discouraging, although I am pretty hard to discourage, to see a group of Senators vote twice to continue the practice of flying a cross, a foreign pennant, above our flag. The chief chaplain has told you plainly that it never has been adopted by any religious group in America as a church pennant. He has told you that sometimes they hold service on our ships without flying it at all.

I have suggested that we are willing to fly the pennant somewhere else on the battleship. By doing that you can continue to use a pennant when religious services are being held. Then I ask again why are you not willing to do that and let the

United States flag continue to fly on its own staff in its own right? Senators, what is going to be your final answer.

I have brought to the attention of the Senate the fact that the national flag conference approves this plan of flying the pennant somewhere else. It protests against flying a pennant or any other flag above the United States flag.

I have brought to the attention of the Senate, and shall do so again, the fact that the American Legion, brave boys, who took that flag to the battle fields of France and offered to give their lives under its sacred folds in the war with Germany, have approved this plan of flying the pennant at another place on our ships. They protest against flying any pennant or banner above the United States flag. Do you respect their wishes?

I have brought to the attention of the Senate the fact that the United States Flag Code Commission have a provision in the code they have submitted to the American people in which they say that "no flag or pennant should fly above the United States flag."

I have brought to the attention of the Senate, to both Democrats and Republicans, the fact that 126 patriotic societies, fraternal and otherwise, have indorsed the proposition of flying the pennant at another place on our ships and ceasing to fly it or any other flag above the United States flag.

Mr. President, this debate about the flag is being read as perhaps no other debate has been read in a long time because of what has recently occurred in Italy, the Pope becoming a temporal sovereign, a crowned king. Our people are having their eyes opened. They are thinking more seriously about this subject than they have hitherto. They know the secretive and insidious efforts that were made by Mussolini and the Fascists to bring about the undoing and downfall of Italy. They have followed, step by step, the betrayal of the Italian people by this bastard tyrant of Italy. They have seen this man Mussolini, Mr. President, kill off the great Protestant leaders of Italy. They have seen him strike down the Masonic order established by Garibaldi, the great Italian patriot of other days. They have seen free press destroyed, free speech destroyed, the right of peaceful assembly and religious freedom destroyed in Italy, when those in power denied all the time that that is what they were doing.

Now, what is the situation in Italy with regard to Protestants and Masons. The Knights of Columbus are permitted to have their fraternal orders here in the United States, but the Masonic order is not permitted to operate in Italy. The Masonic order is one of the very greatest American fraternal orders. When the Mexican Government does something that Catholic priests do not want done, this Knights of Columbus group in the United States urges us to go to war with Mexico; but when they kill Freemasonry in Italy, when they deprive the Protestant churches and the Jewish churches of Italy of the right to worship as they choose, which they have done, they seem to think that it is all right and is none of our business.

Now, let me say something to you Senators that I want every one of you to hear.

A Senator said to me the other day that while talking to a leader of the Catholic group he said: "The greatest mistake that has been made by the Catholics in recent years was when the Pope permitted himself to be made a king, a temporal ruler." This Catholic leader to whom he was talking said: "You don't understand, Senator. The Pope can not afford to be under any government. He has to be at the head of his own government. Nothing must be above the Pope. He represents the universal church." The Senator then said: "If that is true, then the Baptists, Methodists, and other religious groups can not afford to be under the authority of any government. The Catholic leader replied: "Oh, that is different. They are religious societies and divided groups, but the Pope represents the universal church." Then the Senator said: "That is a matter about which there is a difference of opinion." I am satisfied many of you did not know that situation existed here. But it does.

What has been announced in the concordat agreed on between Mussolini and the Pope? The Protestant Church in Italy can not, it dare not, go out and solicit or even invite people to join that church. I am giving you the facts, Senators. The Jewish Church of Italy is precisely in the same condition and is not allowed to carry on its propaganda—that is what it means, getting others to join, to increase its number. That is forbidden now.

Senators, this recent move in Italy is the most dangerous step toward destroying religious liberty that has been witnessed in the world in a hundred years. Think of one group of religionists taking charge of a country and saying to all other religious groups—those whose forbears worshiped as they are now worshiping, who died and have gone to their reward, that "You can no longer carry on your religious activities as you have done in the past. You can meet in your churches, those of you who are already members"—that is precisely what it means—"and you can go through your form of service until you die, but when you die, your church must go out of business. You can not carry on your church propaganda to get in new members and build up your church."

I challenge anybody here to deny that. That is what you have in Italy to-day under the agreement entered into by Mussolini and the Pope of Rome. Little by little and bit by bit they have crucified civil and religious liberty in Italy. Free government has perished there.

Now we come to the United States, and I have told you two or three times about how American citizens in Rhode Island have been treated by Roman Catholic authorities in Italy. I do not think it will hurt to remind you again, because you need to be reminded in view of the way some of you have been voting on the flying of the cross above the American flag. By the way, hundreds of my letters are asking me to send the writers the record showing how you voted on the roll call. They want to know how you voted, and they say they will vote too next year. They want to be informed as to your position on the matter of flying the American flag first on its own staff.

I told Senators before that there is no division here in the Senate amongst the Catholic Members on the matter of flying this cross above our flag. Every one of them, without a single exception, votes to continue to fly the cross above our flag, and they carry Protestant Senators along with them, strange, strange indeed, to say.

They know what it means. They are bound to know that when a foreign vessel passes one of our vessels on the high seas and they see the cross flying above our flag what it means to them. So it is certain, I think, that back yonder somewhere somebody put something over on our Navy and ordered the "cross" to fly above our flag. They know what it means when they see it flying above Old Glory at sea, and when you come forward and say, "We want to change that custom," they rise up in solid phalanx here and vote to continue the custom.

Why do they do that? If there were not some significance to it to Catholics, do you not know they would say, "We do not care. Fly the pennant, any sort of a pennant you want, anywhere else on the ship." Why is it that they are fighting to continue this particular custom of flying the cross above the United States flag? These are questions that you must consider. You may not want to consider them here, but you are going to consider them at home amongst the people who sent you here.

Let me tell you what is going on here. That group is writing letters to you thanking you for continuing that custom and saying that you are not "intolerant." They are writing letters to me and to those who voted as I voted to break up this indefensible custom. They are taking me and the Senators who voted as I voted to task, and they are praising those of you who voted to continue the custom of flying the cross above our flag.

Mr. President, I know a Member in one of these bodies who was defeated at the last election because of his secret subserviency to the Roman Catholic political influence in the United States. I have had brought to my attention a number of instances where a question like this arises—perhaps a Senator or a Member of the House would be besieged by some priest or somebody else on that side—and they are keenly alert to anything that interferes with their political program in the United States.

I know of a Senator to whom a group of them went and told that if he did not vote to expel me from the Senate, they would vote against him for reelection. Talk about intolerance! There it is in its most hideous form—Roman Catholics demanding that I be expelled because I did not want to go to war with Mexico for the Catholic Church. Just a few days ago the Senator from Connecticut [Mr. BINGHAM] suggested that these matters ought not to be discussed here, that he was getting tired of it.

Think of that! They have scared out and driven out nearly all the courage there is left in the public men of our country. If the American people do not wake up and make themselves felt you may well tremble for the safety of our country. We ought to discuss the Catholic question here, just as we discuss the Democratic or the Republican question, or the Methodist or the Baptist question. Any question that affects the welfare of this country ought to be discussed here, and people should not rise up and become so sensitive because we get up and talk plainly about great issues in America.

I should think that we have an issue here that needs attention when Catholics seek as they did here and ask to have me

expelled from this body because they did not like what I said. They wrote the Senator from Arkansas [Mr. ROBINSON] demanding that he should have a caucus and read me out of the Democratic Party. A Roman Catholic from Massachusetts wrote the governor of my State and asked him to call the legislature together to remove me from office. O Mr. President, but when we get up and talk about Roman Catholic dangers in the United States and give the facts, we are "intolerant."

Not long ago I was down at the station in this city boarding a train, and the conductor, whom I had seen frequently, although I did not know his name, was speaking to a young man standing there. He came into the train and said, "Did you see that tall young man talking to me there just before the train started"? I said, "I saw a tall boy there with you." The conductor said, "He asked me who you were, and I told him. He said, 'I am glad to see him. I like him. I am a Catholic, but I like him. I think he is telling a lot of truth, things that we ought to know. But my mother does not like him. She is a Catholic. She could kill him.'"

When I was speaking in Iowa last summer I reached Des Moines, and a young man by the name of McGuire phoned up and said he was a newspaper man and wanted to see me. I told him to come up. He came in and said, "Senator HEFLIN, I am a Catholic. I want you to know it. I want to interview you." I said, "That is all right. It does not make any difference to me what you are just so you are a good American. Sit down." He sat down. He said, "I want to ask you some questions. I am a graduate and I have always regarded the Pope only as the spiritual leader. Have you any specific instances that cause you to think to the contrary?"

I said, "Yes. On September 10, 1924, the Pope issued a statement in Rome published in the United States and published especially in Boston newspapers, from which I clipped it, in which he said that it was not only his right but his duty to advise Catholics how to vote." He seemed surprised. I said, "That is taking a good deal of authority, is it not?" He said, "It certainly is." I said, "The idea of the Pope living over in Rome undertaking to tell Catholics how to vote in the United States looks to me like an interference with our civic affairs and meddling with this Republic, and it is a dangerous practice." He said he thought so too.

I said, "There is another one, the Rhode Island incident where Catholics rebelled against the bishop and the priest who collected several hundred thousand dollars from them did not use it for the purpose for which they collected it. They went into a State court to make the priest give an accounting and while the court was proceeding with the case, a continuance being had, the bishop and the priest took the case to Rome and tried it before the college of cardinals, condemned these American citizens in Rhode Island, and the decree ordered that the newspaper belonging to one of those citizens should cease to be published, a newspaper run by an American citizen of the Catholic faith.

"The decree ordered Catholics to stop supporting his paper and excommunicated those people and condemned them in their absence—American citizens. That was done in a foreign country by a foreign potentate. Do you agree with me that that was wrong?" He said, "I do."

Mr. President, we have got to appeal to the young Catholics of America. They do not know the trouble that is awaiting them unless they wake up and inform themselves and face about. The priests must be made to know that they can not control America. We are not going to permit the Pope to have and control America. This is the American Government, a Government of the people, by the people, and for the people, not a government by the Pope and for the Pope, and it never will be such a government.

Mr. President, the Pope claims that he is above all authority on this earth, and Catholics hold that the will of the Pope is the supreme law of the world and they hold that the supreme duty of all Catholics is to do the will of the Pope. Then, if the Pope wills that the church is above the government and he is the ruler of the world, what are we to do and say in the Government of the United States when a case like the one in Rhode Island comes before us? Does it mean anything to have your flag pulled down and the Roman cross flown above it when religious services are being held by Protestants on a ship? Does it mean anything to lower Old Glory and run the cross above it when religious services are being held by Jews upon a ship? Does it mean anything to lower that flag which represents our sovereignty, the thing by which we are recognized in the family of nations, the thing that is the emblem of both civil and religious liberty? Does it mean anything to pull it down and put another banner or pennant above it? It means much to millions of patriotic Americans.

Later on I am going to ask you to pass my resolution, which simply provides that the United States flag shall be permitted to fly in its own right on its own staff on American battleships.

Let me say before I take my seat, if Senators will not vote to change the custom, men will come here in your places who will vote to keep our flag flying first and uppermost on its own staff.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. JONES. Mr. President, the Senate voted an amendment on the naval appropriation bill providing for the extension of the dry dock at Bremerton, Wash. This was recommended by the Budget Bureau and strongly recommended by the Navy Department. It is felt to be absolutely essential for the care of the Navy. While I do not profess to be an expert in matters of that kind it seems to me under the conditions that the amendment should have been agreed to. As I understand it, there is no Government dock in the Pacific that can dock the two airplane carriers which are on the Pacific. There is a private dock in which they can be docked, but if any substantial repairs are to be made on a vessel there are not the facilities connected with the private dock, as I understand it, that can make such repairs. So that our Navy, so far as the necessity of these ships is concerned, might be in a very unfortunate condition.

In addition to caring for those two vessels, however, I think the extension of dry dock No. 2 is necessary from other standpoints. If the dry dock should be extended a little bit farther, then when there is a congestion of vessels needing repairs two vessels could be put into the dry dock at once and the necessary work done upon them. It seems to me that it is very unfortunate that the extension is not provided for.

I know that as a general rule conferees are not permitted to disclose what takes place in conference, but I would like a brief statement from the chairman of the Senate conferees as to the main reasons why the amendment should not have been agreed to, and whether there is any likelihood of a different conclusion in regard to it hereafter.

Mr. HALE. Mr. President, I can only say to the Senator, without revealing what went on in conference, that the Senate conferees were very strong in their insistence upon the amendment, and we tried in every way possible to have it agreed to, but we could do nothing with the House conferees. I propose to do everything I can to see that the dry dock is extended so that we shall have at least one Government-owned dock on the Pacific coast that will take care of our largest ships.

Mr. JONES. The Senator, as a member of the Committee on Naval Affairs, has given a great deal of study to matters of this kind and I take it he appreciates the importance of the addition.

Mr. HALE. I appreciate fully the importance of the matter and I do not intend to have it dropped now permanently, but I can state that at the present time we were unable to do anything because we could not prevail on the House conferees.

Mr. JONES. I am not disposed to unduly delay the conference report. I feel very much like doing it, but I appreciate the situation of the conferees and the situation that confronts us in case the bill should fail, and I so feel regretfully that we have to accept the final decision of the conferees.

Mr. DILL. Mr. President, I want to say that I agree with everything my colleague has said and that I do not understand the reasoning by which the conferees would eliminate an amendment providing such a badly needed addition for naval purposes as this $400,000 appropriation would have provided.

Mr. HALE. I can only say to the Senator that the Senate conferees were as strong as they could be for the amendment, but we could not allow the bill to fail and we could not get the House conferees to yield.

Mr. DILL. Is there any provision in the bill for a similar construction of any kind of dock for naval purposes on the Pacific coast?

Mr. HALE. No; there is not.

Mr. DILL. While I have the Senator's attention may I ask what happened to the amendment providing an increase in wages for the technical employees, in which amendment the Senator from Virginia [Mr. GLASS] is also interested?

Mr. GLASS. Mr. President, I had risen to ask the same question.

Mr. HALE. That item was stricken out. We made a fight to have it retained, but we could not get the House conferees to agree.

Mr. DILL. I think that is as serious, if not more serious, than the other grievance.

Mr. HALE. The Senator knows that in a conference neither the Senate nor the House can have its way completely. We yielded on certain things and the House yielded on certain things.

Mr. GLASS. Mr. President, we find that is very true, but the trouble is that we also find that the Senate always yields. Some of us are getting rather tired of the practice.

Mr. HALE. Oh, no; the Senate does not always yield.

Mr. GLASS. Here was a proposition to make an almost inappreciable readjustment of a very great difference in the pay received in the bureau here in Washington by draftsmen and the pay received by draftsmen in navy yards. I say it was almost inappreciable. It was such a small readjustment that I felt almost ashamed to ask for so little. But now the Senate conferees have surrendered again to the House. Some of us are getting tired of the process. I would like to inquire of the Senator if this is a complete conference report?

Mr. HALE. This is a complete conference report except as to certain items on which the conferees agreed and which under the rules of the House have to be voted on there under a separate vote.

Mr. GLASS. I suppose whatever the House does will be the final action. This body apparently no longer counts in legislation.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. DILL. Mr. President, I believe that the Senate conferees have been too ready to yield on the dry dock amendment and the draftsmen's pay amendment. I do not for my own part see any justification for the attitude of the other branch of the legislative body in refusing to allow these technical men to have at least some increase compared to what they are entitled to when their pay is compared with that of men in the service here in Washington.

Mr. HALE. I may say without violating any confidence that we tried to do that, but we could not get any agreement at all on the part of the House conferees. In order to reach an agreement we had to yield.

Mr. DILL. It seems to me the other House might as well begin to realize its responsibility and that the Senate conferees might well impress upon them that they must necessarily yield on some things. In a matter that is so just as the appropriation which has been stricken out it seems to me the Senate conferees could have held out on that item at least.

Mr. HALE. We left the matter with the understanding on the part of the conferees that if there is an inequity in the pay which these men receive, the subject should be looked into very carefully next year and corrected.

Mr. DILL. I do not see how there can be any question of the lack of equity; I do not see how there could be any doubt about it on the part of anybody.

Mr. HALE. I agree with the Senator from Washington, and that is the reason why I was in favor of the amendment and reported it.

Mr. DILL. The Senator's amendment did not give them equity, but it did give some small relief and recognized an inequality to exist. I do not want to be put in the attitude of holding up a great appropriation bill over a matter of this kind, but I really think that the only way that some of these questions can be satisfactorily adjusted will be for some of us to take the position that these bills can not pass unless these inequalities are removed. I do not want, in the closing days of the session, to take that attitude, but I feel that the Senate conferees have been altogether too ready to yield on a matter that is so vital to these employees.

Mr. HALE. No, Mr. President; we were very far from being ready to yield. We simply yielded because we had to do so.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Washington?

Mr. HALE. I yield.

Mr. JONES. I wish to say that I agree with my colleague, the junior Senator from Washington [Mr. DILL] with reference to the other amendment, and I think that we ought to insist when this bill again comes in that action be taken with reference to both those amendments. The next time the bill goes to conference containing these provisions I hope the conferees will take a firm position, especially with reference to the claim as to pay of the draftsmen, which I think was demonstrated very clearly before our committee to be very deserving and very just. I think the time is coming when the Senate may take a firm stand with reference to these matters, so that the responsibility will rest at least as much upon the House of Representatives as upon the Senate for the failure to pass a bill of this character. If the House of Representatives is ready to assume the responsibility of defeating an appropriation bill because of certain amendments which the Senate, after very careful study and consideration, has added to it, let the House take that responsibility.

Mr. GLASS. Mr. President, the Senator from Washington will recall that the difference in salary between these two classes of Government employees aggregated nearly $800,000, and we compromised the controversy by accepting a pitiful $150,000.

Mr. JONES. With the hope, however, that the balance would be taken care of in a year or two.

Mr. GLASS. We propose by progressive steps gradually to reduce the disparity.

Mr. JONES. That is correct.

Mr. GLASS. The Senate amendment involves simply an expenditure of $150,000, whereas it would have required $800,000 properly to adjust the difference.

Mr. JONES. The Senator from Virginia is entirely correct.

Mr. NORRIS. Mr. President, I believe that it ought to be stated here in defense of the conferees on the part of the Senate that they were confronted with an insurmountable barrier, and I want to come to the defense of the conferees. I agree with the Senator from Washington and the Senator from Virginia that this is a very important matter and that the amendment proposed by the Senate ought to be incorporated in the law.

We are confronted with the condition of having provided for airplane carriers without a dry dock on the Pacific coast where they may be repaired. It might mean the difference between success and failure in a time of war.

However, Senators will remember that our conferees were confronted with the fact that on the 4th day of March next this Congress will be dead; it will have adjourned. This is a "lame-duck" Congress, and we have not been able to get an amendment to the Constitution to eradicate that evil. The House of Representatives is responsible and has been for six years for that failure. We are confronted every two years with this condition. This is only another illustration of the illogical position in which the country as well as the Congress is placed every two years. We shall never recover from this, Senators, until some of these bills are allowed to die, and Senators quit surrendering and let the responsibility fall upon those who are responsible for the failure of the "lame-duck" amendment to the Constitution of the United States.

Mr. BLAINE. Mr. President, I should like to make some inquiries concerning the possible and probable result of the conference report on this bill. As I understand, the Senate conferees have yielded to the House conferees on the provision with regard to dry docks on the western coast. I understand that those dry docks, without the extension proposed by the Senate, will not accommodate the larger vessels, especially the airplane carriers. I also understand that those dry docks are a part of navy yards owned by the Government of the United States on the western coast. If I am mistaken in my conclusions, I hope the Senator from Maine will correct me.

Mr. HALE. Mr. President, the dry dock on Puget Sound is at the navy yard at Bremerton.

Mr. BLAINE. And it is not sufficiently commodious to accommodate the larger vessels?

Mr. HALE. It is large enough to accommodate any of the vessels of the fleet with the exception of the two new aircraft carriers, the *Lexington* and the *Saratoga*.

Mr. BLAINE. But neither one of those dry docks will accommodate two cruisers at the same time?

Mr. HALE. I do not think they will accommodate two cruisers.

Mr. BLAINE. Or two ships?

Mr. HALE. It was figured that with the proposed extension, this dry dock would accommodate one battleship and two destroyers.

Mr. BLAINE. That is my information.

I also understand that the question of whether or not every alternate cruiser is to be constructed in Government navy yards has not as yet been settled by the conferees.

Mr. HALE. Mr. President, the amendment which the Senate adopted, the so-called labor amendment, has been agreed to by the House conferees, but under the rules of the House a separate vote has to be taken on it by that body.

Mr. BLAINE. But the so-called Dallinger amendment has not been agreed to or that part of the Dallinger amendment that affects this appropriation bill?

Mr. HALE. The conferees have agreed as to every amendment that was added in the Senate. The conferees have accepted the amendment.

Mr. BLAINE. The House conferees?

Mr. HALE. The conferees on the part of the House have accepted the Senate amendment as to that.

Mr. BLAINE. Do I understand that when this report goes back to conference that a movement is on foot to eliminate the Dallinger amendment or the requirements of the Dallinger amendment as inserted in the bill authorizing naval construction?

Mr. HALE. No; the Senate amendment specifically provides—

Provided, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the act to authorize the construction of certain naval vessels approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States except such material or parts as are not customarily manufactured in such Government plants.

The conferees have agreed to the Senate provision.

Mr. BLAINE. The House conferees have agreed to that provision?

Mr. HALE. They have.

Mr. BLAINE. Then what is the specific disagreement with reference——

Mr. HALE. There is no disagreement but the amendment has to be voted on in the House under the rules of that body.

Mr. BLAINE. I have not finished my question. What is the specific disagreement with respect to the provision concerning wages of those employed in the navy yards?

Mr. HALE. There was another amendment that was added on the floor of the Senate providing $154,000 for increasing the pay of draftsmen. That was a separate amendment and had nothing to do with the labor provision. The amendment in regard to the draftsmen was not agreed to.

Mr. BLAINE. I understand this is only a partial report.

Mr. HALE. No; it is a full report.

Mr. BLAINE. It is a full report subject to the action of the House on four amendments which under the House rules require a separate vote?

Mr. HALE. Yes; subject to the action of the House.

Mr. BLAINE. I understand.

Mr. HALE. But it is a complete agreement on the part of the conferees.

Mr. BLAINE. Should the House action be adverse then will the Senate conferees——

Mr. HALE. Then, the bill will go back for a further conference.

Mr. BLAINE. Will the Senate conferees strenuously refuse to recede from the position of the Senate?

Mr. HALE. On what?

Mr. BLAINE. On the question in dispute on which the House has to vote.

Mr. HALE. I can not tell until that question comes up. I do not think there is much chance of that.

Mr. NORRIS. Mr. President, if I understand the parliamentary situation——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I yield.

Mr. NORRIS. As I understand the parliamentary situation, if this conference report shall be agreed to everything in dispute is settled except amendment No. 17.

Mr. HALE. No; there were four amendments that have to go to the House.

Mr. NORRIS. Yes; but the amendment which the Senator from Wisconsin is talking about is included in the conference report and if the conference report is agreed to that question is settled.

Mr. HALE. If the Senator is referring to the appropriation for draftsmen, that is settled in this conference report.

Mr. BLAINE. That is settled.

Mr. HALE. Yes.

Mr. BLAINE. I had no desire to retard the progress of this conference report. My only object in making these inquiries was to be certain of that which we are going into when this conference report is adopted, if it is adopted.

THE RADIO COMMISSION

Mr. DILL. Mr. President, I desire to make a statement, not directly on this subject, which will take about five minutes.

On Monday last I made some remarks about the District Court of Appeals and its attitude toward the Government side of the radio case, and said at that time that I thought the court's action was indefensible. I still believe that. In fact, I think the court's action constitutes reversible error; but I desire now to say a word about the decision.

The District Court of Appeals in this case applied the rule of common sense in furnishing radio service to the people of this country, as against the theories of radio engineers, when it overruled the Radio Commission in the WGY case on Monday. This decision lays down two vital principles of radio jurisprudence: First, that no station has any property or vested right to the air; second, that the Radio Commission's regulations and rulings must be reasonable and in the public interest.

The decision wisely points out that the slight interference for radio listeners at long distances from WGY in Schenectady and KGO in Oakland is not to be compared to the loss of radio service in the suburbs by listeners among the 2,000,000 people who live within a reasonable listening distance of WGY.

Radio engineers maintain that there must be only one station on the air for each channel. They argue that the interference area is such that the people could not hear either WGY in Schenectady or KGO in Oakland; yet, owing to the injunction granted by the court, those two stations have been operating simultaneously, and the members of the Radio Commission tell me that there has not been a single complaint of interference. This fact in itself is a most complete answer to engineers who claimed these two stations could not operate at the same time and give efficient radio service.

If radio channels were unlimited in number, it would be all right to follow the theories of the radio engineers; but the fact is that there are only about 85 or 90 free channels for radio, and there are several hundred stations on the air and other stations are asking for licenses, and communities are asking for service. The commission undoubtedly can serve the public interest much more fully and satisfactorily by keeping down the power of radio stations and giving more stations and more communities the right to have local radio service. I hope the commission will profit by the order of the court.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. In just a moment.

When we passed the radio law we feared that the commission might become so engrossed in theories and engineering arguments that they would forget the public interest, and that their rulings might sometimes be unreasonable and arbitrary, and for that reason we gave the District Court of Appeals the power it has exercised in the hope that it would protect the public interest just as it has done in this case. So, from that standpoint, I think that the District Court of Appeals has served a real need in the radio situation. I think the court should be commended for applying the rule of common sense and calling the commission back to the purpose of the radio law—namely, to give as many people as possible efficient radio service, regardless of these engineering theories that do not work in practice.

Now I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I am much interested in the statement made by the Senator from Washington. To my mind, this decision is very helpful to the radio cause. In the first place, it makes it clear, as the Senator from Washington has stated, that these stations do not have vested rights. That is very clear from this language:

The construction of plaintiff's plant and its operation under the license obtained prior to the act of February 23, 1927, did not create property rights which may be asserted against the regulatory power of the United States if that power is properly restricted.

This language was quoted from the United States district court, and appears to be accepted by the court in its decision.

To my mind, that is a very important, far-reaching decision and makes it clear that Congress had the right to take charge of the air. I hope that part of the decision will be confirmed. Of course, there is a further point in the decision, which, to my mind, indicates very clearly that it is a mistake for the same body which administers the law to pass upon its acts.

I have the feeling that this decision indicates, as is stated in the decision, that the commission failed to recognize the importance of the public convenience, interest, or necessity. In my judgment, if the commission had been a purely appellate body, as the law contemplated it should be after its first year, it would have been more watchful of that particular condition. It would not have been swayed by the engineering problems which were dealt with in the administrative acts of the commission. Of course, when the matter was finally brought from the commission acting as an administrative body to the commission acting as a judicial body, it naturally confirmed the acts that it had done as an administrative body.

So this decision, in my judgment, fully justifies the opinion that many of us have, that there should be an absolute separation of the two functions of radio control, so as to have the administrative control worked out by the engineers of the commission, and then to have these larger things having to do with the public convenience, interest, or necessity, and all legal rights acted upon through appeal to the commission acting as an appellate body.

Mr. DILL. I want to say to the Senator, in reply to that, that the trouble is that under the law, until the commission has laid down the principles of allocation fully, the duties of the Department of Commerce are not administrative; they are legislative and judicial. The work of the commission has been largely legislative and judicial, and until these decisions are made there is no administrative work as such to be compared with the legislative and judicial work; and if this function goes back to the Department of Commerce now, then the decision such as was reversed in this case will be made in the first instance by the Department of Commerce, when these decisions should be made in the first instance by some such body as the Radio Commission.

Mr. COPELAND. Mr. President, if the Senator will permit me further——

Mr. DILL. I have finished.

Mr. COPELAND. Mr. Hoover pointed out very clearly in his testimony that it is necessary to have an administrative body deal with these things which are purely technical, and then that the judicial body should determine on appeal what should be done further in the matter.

I observe that the Senator from Maine [Mr. HALE] is somewhat restless. Does he want to go on with his conference report now?

Mr. HALE. I hope to get a vote on it.

Mr. COPELAND. I shall be very glad to have that done.

ADDRESS BY DR. FRANKLIN FORD

Mr. HEFLIN. Mr. President, I ask leave to have printed in the RECORD an address delivered by Mr. Franklin Ford, of New York, on Washington's Birthday.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ANNIVERSARY OF GEORGE WASHINGTON

To-night we honor the memory of the greatest American, George Washington, the founder of the American Nation. His life and his character offer so much for comment and for eulogy that we can not adequately cover it all to-night. We may picture him as a boy who could not tell a lie; we may see him as a youth, daring to mount and ride the unbroken horse belonging to his father, and succeeding; we may see him as a young surveyor in his native province of Virginia, but to-night we will present an aspect of George Washington which is not usually to be found, namely, his record as a Protestant.

George Washington was an ardent Freemason, and in his young manhood was grand master of Alexandria Lodge, of Alexandria, Va. He was thoroughly taught in the principles of Freemasonry, and accordingly believed in freedom of speech, the free press, liberal democratic forms of government, and universal, free education, which is to-day embodied in our public-school system. Of the Masonic craft, Washington said: "Freemasonry is a fraternity whose liberal principles are founded upon the immutable laws of truth and justice, and whose grand obligation is to promote the happiness of the human race."

Washington was a man of broad culture and had a thorough knowledge of history. He studied the political institutions of the Old World and recognized that the European system, based upon the fictitious "divine right" of the monarch to rule over subjects, was the great opponent of the rising idea of young America, which was government by the people through popular suffrage. As a Freemason, he was well aware that the chief of all "divine-right" systems was the Roman Catholic organization, headed by the triple crowned Pope; also that the Vatican was a bitter enemy of Freemasonry. As we know, various Popes have condemned this patriotic order. For example, Pope Leo XIII in his encyclical letter against Freemasons dated April 20, 1884, makes the objection to the craft that Masons believe in the separation of Church and State. This is expressed in his words, which I quote from page 90 of his Great Encyclical Letters, as issued by Benziger Bros., under the imprimatur or approval of Cardinal Farley:

"In those matters which regard religion let it be seen how the sect of the Freemasons acts, especially where it is more free to act without restraint, and then let anyone judge whether in fact it does not wish to carry out the policy of the Naturalists. By a long and persevering labor, they endeavor to bring about this result—namely, that the office and authority of the [Roman Catholic] Church may become of no account in the civil State; and for this same reason they declare to the people and contend that [Roman Catholic] Church and State ought to be altogether disunited. By this means they reject from the laws and from the commonwealth the wholesome influence of the Catholic religion; and they consequently imagine that States ought to be constituted without any regard for the laws and precepts of the [Roman Catholic] Church."

Pope Leo XIII further condemns Masonry because the order believes that all men are free and equal, that no one has a divine right to rule over them without their consent, and that government should be by the consent of the governed. On this point, hear these reactionary expressions of the so-called Vicar of Christ, Pope Leo XIII, from page 96 of his volume of letters, from the same encyclical condemning Freemasonry:

"Then come their doctrines of politics, in which the Naturalists lay down that all men have the same right, and are in every respect of equal and like condition; that each one is naturally free; that no one has the right to command another; that it is an act of violence to require men to obey any authority other than that which is obtained from themselves. According to this, therefore, all things belong to the free people; power is held by the command or permission of the people, so that, when the popular will changes, rulers may lawfully be deposed; and the source of all rights and civil duties is either in the multitude or in the governing authority when this is constituted according to the latest doctrines. It is held also that the State should be without God; that in the various forms of religion there is no reason why one should have precedence of another; and that they are all to occupy the same place.

"That these doctrines are equally acceptable to the Freemasons, and that they would wish to constitute States according to this example and model, is too well known to require proof."

George Washington, as a Master Mason, was well aware of the traditional attitude of the Papacy in condemnation of Masonic principles, for the Popes of his time condemned Freemasonry, as Leo XIII did a century later, and he understood that the Roman Catholic organization, with its political allies on various thrones in Europe, was an enemy of American principles of freedom, liberty, and separation of Church and State. His devotion to Freemasonry persisted throughout his entire life, and when he laid the cornerstone of the Capitol he did so in Masonic regalia and with Masonic rites, thus dedicating this country to liberty and free government, in contrast with the papal system of rule by so-called divine right. The oath of office, as our first President, was administered to Washington by Chancellor Livingston here in New York, April 30, 1789, on a Bible borrowed from the Masonic Lodge of St. John. This Bible, I believe, is still preserved to-day by the Masons.

George Washington is on record regarding the Roman Catholic question, as I shall now relate, so that these statements are not matters of mere opinion but of historic fact.

King George III of England, to whom the united English colonies of America attributed the oppressions of which they complained in the Declaration of Independence, was born in the home of a Roman Catholic, the Duke of Norfolk, and educated by another Romanist, the Earl of Bute. When he ascended the British throne, the Earl of Bute was his chief counselor and minister. The administration which precipitated the Revolutionary War was controlled by Roman Catholics. During the entire struggle, the heads of the British War Department, Viscount Barrington and Mr. Charles Jenkinson, were Roman Catholics. The tyrannical spirit of the administration of George III was a result of this reactionary Roman Catholic cabinet.

In the spring of 1774, this Romish administration in England procured the passage of an act establishing the Roman Catholic Church in the Province of Quebec. This act occasioned consternation and great resentment in the American Colonies. George Washington, Samuel Adams, Patrick Henry, Alexander Hamilton, and other colonial leaders, roundly condemned the Quebec act as a menace to the liberty of the American Colonies, and protested against the ascendency of the Roman Catholic Earl of Bute as minister of George III.

The First Continental Congress met at Philadelphia on October 24, 1774, and shortly afterwards in an address to the people of Great Britain, which is now one of our historic State papers, declared:

"At the conclusion of the late war [1763] * * * which was succeeded by an inglorious peace, formed under the auspices of a minister of principles, and of a family unfriendly to the Protestant cause, and inimical to liberty—we say at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted and has ever since been pertinaciously carrying into execution." (Journal of First Continental Congress, p. 40.)

Speaking of the Quebec act, the First Continental Congress passed the following resolution:

"*Resolved*, That the following acts of Parliament are infringements and violations of the rights of the colonists, and that the repeal of them is necessary, in order to restore harmony between Great Britain and the American Colonies, viz: * * * the act passed in the last session of Parliament establishing the Roman Catholic religion in the Province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there to the great danger from the total dissimilarity of religion, law, and government, of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France." (Declaration of Rights, by the First Continental Congress, p. 31 of Journal.)

Bear in mind that George Washington was the leading spirit in these declarations of the First Continental Congress condemning Romanism in Quebec. The address to the people of Great Britain of 1774 was personally signed by George Washington, as well as the other members of that great body of American patriots. The address strongly condemned the establishment of the Roman Catholic Church in Quebec, in the following language, which I quote verbatim from this great State paper, which is available to any student in the Public Library:

"Now mark the ministerial plan for enslaving us:

"Well aware that such hardy attempts to take our property from us, to deprive us of that valuable right of trial by jury, to seize our ports, to destroy our charters, and change our forms of government, would occasion, and had occasioned great discontent in the Colonies, which might produce opposition to these measures, an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavoring to carry their oppressive edicts into execution; and by another act the Dominion of Canada is to be so extended, modeled, and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices—that by their numbers daily swelling by Catholic emigrants from Europe, and by their devotion to administration so friendly to their religion, they might become formidable to us; and on occasion be fit instruments in the hands of power, to reduce the ancient, free Protestant Colonies to the same state of slavery with themselves.

"This was evidently the object of the act, and in this view, being extremely dangerous to our liberty and quiet, we can not forbear complaining of it as hostile to British America. Superadded to these considerations, we can not help deploring the unhappy condition to which it has reduced the many English settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned can not claim the benefit of the habeas corpus act, that great bulwark and palladium of English liberty. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country a religion that has deluged your island with blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world."

George Washington, therefore, was clear in his mind on the question of Roman Catholicism as an enemy of political liberty, as were the other Members of the Continental Congress. Alexander Hamilton, his chief adviser and our first Secretary of the Treasury, likewise condemned the establishment of Romanism in Quebec, and in a public letter to the people of New York, issued in 1775, he expressed his apprehension in the following words, describing the future condition of Quebec under the Government of Roman Catholic priestcraft. Note that his protest against Roman Catholic immigration is virtually the same as has been voiced by other patriots from colonial days to the present. The following are Hamilton's words:

"The nature of its [Quebec's] civil government will herewith put a stop to emigration from other parts of the British dominions thither, and from all other free countries. The preeminent advantages secured to the Roman Catholic religion will discourage all Protestant settlers, of whatever nation; and on these accounts the Province will be settled and inhabited by none but Papists. If lenity and moderation are observed in administering the laws, the natural advantages of this fertile infant country, united to the indulgence given to their religion, will attract droves of emigrants from all the Roman Catholic States in Europe, and our Colonies (to the south and east of Canada) in time will find themselves encompassed with innumerable hosts of neighbors disaffected to them, both because of difference in religion and government [who] will be the voluntary instrument of ambition, and will be ready at all times to second the oppressive designs of the administration against the other parts of the empire." (The Thirteen Colonies. Hamilton's Works, vol. 1, pp. 186–187.)

The oppressions of the Romanist administration of Great Britain continued, and the Revolutionary War broke out in 1776, with George Washington as Commander in Chief of the American Army. Washington's genius as a military tactician carried the day against forces superior in number, equipment, and training. This period of his history presents him in heroic colors. Whether we see him on his horse leading the dangerous charge at the Battle of Princeton, rallying his scattered forces to victory amid a rain of British bullets, or whether we see him kneeling in the snow at Valley Forge praying to God for support in a righteous cause, his nobility of character, strength of purpose, and gifts of unselfish leadership stand forth in clear light.

An historic incident of the Revolutionary period is little known. This was the effort to poison Washington, planned by a treacherous group, through the hand of one Thomas Hickey, reported to be a Roman Catholic of Irish extraction. Indeed, the number of Roman Catholics in the British Army prosecuting war against the United Colonies was large. The war was unpopular among a large section of the British people, and to carry on the struggle the administration was compelled to pass a law enabling Roman Catholics to serve in the army. Before that time papists had been prevented by law from serving in the British Army, because of suspicion as to their allegiance to the government, in contrast to their allegiance to the Vatican. Gen. Charles Lee, of Washington's staff, has testified that the ministerial troops in America were "composed of the scum of the Irish Catholics." Those are his own words.

Attempts upon the lives of American Presidents have been numerous, and Roman Catholic responsibility therefor, in a number of instances, is well known. The attempt upon Washington's life is known to very few. The facts are related in the official magazine of the Daughters of the American Revolution for January, 1918, in an article written by Augusta Huiell Seaman. Her article is of great historic interest, and so I quote it as follows:

"In June of 1776 General Washington arrived in New York, after the successful campaign that had resulted in the British evacuating Boston and sailing for Halifax. The Commander in Chief at first selected the Kennedy House, No. 1 Broadway, as his headquarters. But summers in the city, then even as now, were at best hot and trying periods. Washington soon removed to Richmond Hill, and there established himself with his military family, among whom was young Aaron Burr.

"What arrangements he may have made with Madame Mortier [the chatelaine of the Richmond Hill estate] are not known. She may have offered him the hospitality of her home, which is highly unlikely, being, no doubt, a staunch Tory. Or, more probably, she may have removed in high dudgeon to the congenial company of Tory relatives and friends, leaving her home at his mercy. Whichever may have been the case, there is no doubt that ample compensation was made her for the use of her domicile. Washington was punctilious in such matters.

"While in residence at Richmond Hill, his excellency was fated to be the center of a singular plot, and had one of his narrowest escapes from death.

"It seems that Tory Governor Tryon, having found it convenient for obvious reasons to take up his abode on the British man-of-war *Asia*, lying in the harbor, decided on a scheme that would simultaneously soothe his ruffled feelings and deal a smashing blow to the new-fledged Continental Army. It was a well-laid plot, wherein at a duly selected moment the Tories were to break down Kings Bridge, blow up the magazines, spike the guns, and massacre every American field officer. The chief item of this little surprise party, however, was that Washington should be killed or delivered over alive to the enemy. Governor Tryon even managed to corrupt one of Washington's own life guards, a man named Thomas Hickey.

"The scheme was cleverly worked out and bade fair to be a success. But, as usual, there was a woman in the case. Thomas Hickey was not above being susceptible to feminine charm, especially when that charm was embodied in the person of pretty Phoebe Fraunces! She was the daughter of the well-known Sam Fraunces of tavern fame, always a loyal admirer of Washington. When the general came to take up his headquarters at Richmond Hill, Sam at once proffered his daughter's services as housekeeper, an offer that was no doubt gladly accepted. Thus it was that Hickey found ample opportunity to carry on a flirtation with Miss Fraunces. So infatuated did he become at length that he committed the indiscretion of confiding to her the conspiracy and beseeching her assistance.

"It is altogether probable that Miss Phoebe had no particular admiration for Thomas—how, indeed, could she?—and her loyalty to Washington was almost a religion. But, shocked and disgusted as she must have been, she was astute enough to feign an absorption in Hickey's interests that completely hoodwinked her lover. She even went so far as to mix with her own hand the poison in the green peas and serve them to His Excellency on the fateful day of the plot's culmination.

"But she had previously sought and obtained a long interview with the General, and it is needless to say that the peas remained uneaten. Hickey and 20 others were arrested. The traitorous life guardsman was court-martialed and sentenced to pay the full penalty of his treachery. He was hung in Rutger's Square, with the full approval of Washington, and with a gaping audience of 20,000 to witness his end."

Here ends the quotation from Mrs. Seaman's account in the Daughters of the American Revolution magazine, and thus we see how a quick-witted and loyal American girl, Phoebe Fraunces, saved the life of General Washington from the cowardly and treacherous poison plot of Thomas Hickey. Fraunces's Tavern still stands in lower New York City, as a museum and patriotic shrine.

Washington's greatness is further illuminated by his steadfast refusal to yield one iota from democratic principles. After the Revolution had ceased, on October 17, 1781, with the surrender of Lord Cornwallis at Yorktown, a group of reactionaries conceived the idea of destroying the democratic movement for government by the people, and endeavored to establish our Government as a monarchy, with George Washington as the king. The conspirators drew up a long letter dealing with the financial troubles of the country, the defective political organization which had hampered the conduct of the Revolutionary War, expressed disapproval of the democratic idea, and ended with the suggestion of an American crown. Washington received this extraordinary letter when he was encamped at Newburgh-on-the-Hudson. He sat at his table

when he had recovered from the shock and wrote the following letter. In all his correspondence, there is nothing more direct, strong, or more cold:

NEWBURGH, *22 May, 1782.*

SIR: With a mixture of great surprise and astonishment, I have read with attention the sentiments you have submitted to my perusal. Be assured, sir, no occurrence in the course of the war has given me more painful sensations than your information of there being such ideas existing in the Army, as you have expressed, and as I must view with abhorrence and reprehend with severity. For the present the communication of them will rest in my own bosom, unless some further agitation of the matter shall make a disclosure necessary.

I am much at a loss to conceive what part of my conduct could have given encouragement to an address which to me seems big with the greatest mischiefs that can befall my country. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable. At the same time, in justice to my own feelings, I must add that no man possesses a more sincere wish to see ample justice done to the Army than I do; and, as far as my powers and influence, in a constitutional way, extend, they shall be employed to the utmost to effect it, should there be any occasion. Let me conjure you, then, if you have any regard for your country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind and never communicate, as from yourself or anyone else, a sentiment of the like nature.

I am, sir, your most obedient servant,

GEORGE WASHINGTON.

Such was George Washington's repudiation of the suggestion that any citizen of America be subject to a crowned head. Yet there are still to-day, in the democratic United States, people supporting and bowing down to a triple-crowned head, who surrounds himself with all the mummery and flummery of human royalty and extends the pontifical toe to be humbly kissed by his subjects.

From his clear vision of the inevitable conflict between American democracy and Romanized European autocracy in government, Washington saw that the United States must therefore beware of European entanglements. Such institutions as the League of Nations and the World Court would have been anathema to the spirit of the Father of his Country. In his great Farewell Address, he warns us in these words:

"Europe has a set of primary interests which to us have none, or a very remote relation; why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? * * * Against the insidious wiles of foreign influence, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government."

Thus, we honor to-night the memory of a great man, a great patriot, a great military genius, a great democrat, a great President, a great Freemason, and lastly, a great Protestant.

In closing, we reverently speak again the tribute paid to George Washington by that humble backwoodsman but great servant of liberty, justice, and honor, Abraham Lincoln, who said:

"Washington is the mightiest name on earth—long since mightiest in the cause of civil liberty; still mightiest in the moral reformation. On that name a eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor, leave it shining on."

AMERICAN COTTON VERSUS EAST INDIAN JUTE

Mr. RANSDELL. Mr. President, I ask unanimous consent that excerpts from statements before the Ways and Means Committee of the House of Representatives made by Representatives Cox and JONES, Mr. McCampbell, and myself as to the desirability of substituting American-grown cotton for jute may be inserted in the RECORD.

There being no objection, the excerpts referred to were ordered to be printed in the RECORD, as follows:

AMERICAN COTTON VERSUS EAST INDIAN JUTE

[Excerpts from the remarks of Hon. JOSEPH E. RANSDELL, of Louisiana, before the Ways and Means Committee of the House of Representatives of the United States, February 4, 1929, together with excerpts from the testimony of Members of Congress and others as to the desirability of substituting American-grown cotton for jute; and a comparison of the wages, standards of living, and other factors in British India and the United States]

Senator RANSDELL. I do not think I overstate the fact in saying that the crisis now confronting the American cotton industry is the most serious in all its history, and that if we can loosen the strangle hold by which its East Indian competitor is slowly choking it to death, a greater service will be rendered the small American cotton farmer, now barely able to coax a hard living from the soil, than anything that has happened since Eli Whitney invented the cotton gin. Our present situation results from the policy we have pursued in the past of admitting jute and its products free of import duties, or practically free; and it has brought the American cotton farmer, as well as the American cotton manufacturer, to a point where that policy must be changed or they will inevitably perish. Under the proposed amendment to the jute schedule, which I have introduced, entries under the free list, as now provided for, would be eliminated, and in lieu thereof a duty of 3 cents a pound would be levied on "waste bagging and waste sugar-sack cloth; jute and jute butts, not dressed or manufactured in any manner and not specially provided for."

ANALYSIS OF RANSDELL AMENDMENT

Under the policy pursued in the past this material has entered free, under the mistaken idea that the cotton farmer could thereby secure a cheaper covering for his crop. As a result millions of pounds have been imported annually to fabricate cotton bagging, and the practical effect has been to leave unused other millions of pounds of domestic low-grade cotton that should have been utilized for this purpose.

The latest complete data dealing with these imports covers the entries for the calendar year 1927 and was prepared by the Tariff Commission. It shows the quantity, the value, the duty collected, and the actual or equivalent ad valorem rate of duty under each of the paragraphs dealing with jute. This table shows that during the calendar year 1927 we admitted free 207,009,600 pounds of "waste bagging, sugar-sack cloth, jute, and jute butts not dressed or manufactured," the equivalent of 414,000 bales of 500 pounds, and the appraised value was given at $12,154,074. The Tariff Commission table for the same calendar year shows that we imported some 2,900,000 pounds of jute sliver, yarn and roving, twist twine, and cordage, valued at $351,556.

This is one of the least important paragraphs dealing with jute duties, and I only refer to it now to explain the amendment that I have suggested. The changes in rates, as proposed by my amendments, on these manufactured products, are in harmony with the proposed removal of jute and jute butts from the free list. These jute imports are very largely the output of the cheap agricultural labor in India, which receives even less wages than the labor in the Indian jute mills. This especially applies to cordage which is provided for under this paragraph. In a report on the jute industry of India made by the Department of Commerce while Mr. Hoover was Secretary, and published in Commerce Reports for August 15, 1927, the statement is made that "labor is so cheap in the jute sections of India that no attempt has been made to introduce labor-saving devices, most farming being carried on with teams of bullocks and wooden plows. * * * Hand spinning of jute twine is still carried on as a cottage industry throughout the jute-growing districts."

It is with paragraph 1008, however, that we are principally concerned. Again using the data furnished by the Tariff Commission for the year 1927, we find that the jute fabrics entered, consisting mostly of burlaps, amounted to 568,707,735 pounds, the equivalent of 1,113,000 bales of 500 pounds, valued at $67,236,554; and this represented goods which could easily have been substituted by cotton grown and fabricated in America. In this paragraph I have suggested striking out the words "1 cent a pound" and substituting in lieu thereof "10 cents," which is not an abnormal figure if the cotton farmer who produces his crop under American standards of living and wages, and the American mill worker are to be placed on terms of equality with their Indian competitors.

With reference to bags, bagging, and gunny cloth, there were imported under paragraph 1019 during the year we have been considering 111,307,946 square yards, and there is hardly anyone who would have the hardihood to deny that if cotton could have been substituted it would have been more desirable in every respect. The bags or sacks, bagging, and gunny cloth brought in under paragraph 1018 on which a duty of 1 cent a pound was paid, plus a small ad valorem duty ranging from 10 to 15 per cent, amounted to 37,845,815 pounds, or over 75,000 bales of 500 pounds. Unfortunately the 111,307,496 square yards of these fabrics entered under paragraph 1019 have not been reduced to pounds. It would amount to a very considerable and unwholesome increase of the total equivalent in bales, of this pauper-grown substitute for cotton, with which we have been flooding the American market.

These, in substance, are the amendments I have offered to the jute paragraphs of the existing tariff law. They are based on the enormous wide spread in the standard of living and the costs of production here and in India, and wherever possible I have made use of statistics and other data whose accuracy can not be successfully challenged. We are fortunate, in this instance, to have the official reports of both the British Government and our own, for these data collected in the ordinary course of governmental routine and published annually by the Governments are free from all bias or ex parte influences, and should enable Congress to enact a tariff schedule that will be fair to all conflicting American interests.

INDIAN AGRICULTURE MORE PROFITABLE THAN AMERICAN

For the purpose of the first comparison I will use data supplied by the United States Department of Agriculture on the one hand and by the Secretary of State for India on the other. In order to avoid any unfairness I have selected the decade preceding the World War. During

that period the British pound sterling was not debased, nor was the American dollar abnormally inflated. Labor and trade conditions in both America and India were likewise normal, and it will thus be seen that we have a fair basis for comparison. My purpose is to show that the American farmer, with his higher standard of living, greater efficiency, and higher cost of production, is hopelessly outclassed by his East Indian rival, whose return per acre from jute is double that of the American cotton farmer. Last Friday, January 25, I received a letter from Mr. Nils A. Olsen, Chief of the Bureau of Agricultural Economics, in response to a request for data, in which he shows that the average value per acre returned by the American cotton farm during the decade 1904 to 1913, both inclusive, and based on the New Orleans price of cotton, was $21.69 for lint cotton. As against the average yield of $21.69 per acre on the American cotton farm I now propose to show that the Indian ryot enjoys an average return of $41.76 from an acre of jute. Those figures are obtained from the Indian Trade Inquiry-Reports on Jute and Silk, and published under the auspices of the Imperial Institute of London in 1921.

On page 3 of that report is a table showing the market value of produce per acre for rice, wheat, cotton, and jute in India. These figures are given for the 10-year period, 1904–1913, both inclusive, as in the case of the data furnished by our own Department of Agriculture. The results in the British document are published in both Indian and English measures, the Indian maunds being translated into English tons; and the wholesale price is given in Indian rupees and English pounds, shillings, and pence. In translating this English money into our own I have figured the English pound at $4.87, the shilling at 24 cents, and the pence at 2 cents, which was its value during the period in question.

By referring to this table it will be seen that the average return to the East Indian ryot from an acre of land during the period covered was as follows: Rice, $17.69; wheat, $10.16; cotton, $8.07; and jute, $41.76. In other words, the average return per acre to the American cotton farmer during the period under consideration for his lint cotton was $21.59 as compared with an acre return for jute in India of $41.76, or a difference in favor of the East Indian of approximately 93 per cent. Small wonder that the British in their official reports speak of their Indian jute industry as a world monopoly that should be fostered.

In making the above comparison it is fair to say to that the ryot and his family cultivate and harvest about 2½ acres of jute, which, at $41.76 per acre, gives an annual return of $104.40, whereas the upland cotton farmer with the aid of his family cultivates and harvests an average of about 12 acres of cotton, which at $21.89 gives an annual value for the crop of $262.68.

Wages in the cotton fields range from $1.25 to $2 for men, and 75 cents to $1 for women, per day. In addition thereto fairly comfortable houses with garden spots, water, fuel, etc., are furnished them free of cost. A pair of mules with a driver can be hired at from $2.50 to $3 per day. In India on the other hand in the jute fields the man is paid 16 cents per day, the woman is paid nothing, except that she is permitted to carry home for fuel the refuse bark and cores of the plants from which she strips the jute. A pair of bullocks and a man to drive them costs 48 cents per day. It thus appears that the wage of the agricultural male laborers in India is about one-seventh to one-tenth of that of the males of the cotton fields of America and it is impossible to make a comparison between the female cotton laborers in this country who receive a modest wage and the women of India who receive no money. A fair question is, How can the American cotton farmer, whose wages are eight times as great as those of the Indian jute farmer, compete with him, if his commodity is permitted to come into this country free of duty, and how can the American factory worker, whose wages are from nine to ten times as great as those of the jute factory worker in India compete with him if his commodities are permitted to enter America free of duty? The question suggests its own answer. It is impossible to compete under such circumstances, and the only way to save our American farmers and American factory laborers from this unfair pauper competition is to impose proper rates of duty on the raw material and the manufactured products.

SLEDDING COTTON CREATES NEW COMPETITION

So much for the rivalry which the American cotton farmer has been compelled to meet from British India. But that is by no means the only competition he must endure. Almost overnight, or, to be strictly accurate, since this committee drafted the existing tariff law six years ago, he has been confronted with a new and unexpected Frankenstein created within our own borders, which threatens his destruction unless an outlet is provided for the new product. I refer to the system of "sledding cotton" which has transformed millions of acres formerly devoted to grazing cattle in the far West into cotton fields, with a resulting supply, especially of low grades, which are produced at a price with which the farmers in the old Cotton Belt can not hope to compete.

I have stated that much of the sledded cotton is of low grade, but all of it is not of that character. A vast amount of it meets every requirement of the United States cotton standards act, and I for one believe the practice of sledding is not only here to stay, but that the greatest expansion of the American cotton crop in the future will be on those vast western plains which were formerly devoted to grazing cattle or sheep. That part of their cotton crop known as bollies and snaps, which does not meet the standard of spinnable cotton tenderable on contract, is a growing problem in the trade, and many of the best minds who have given thought to the subject are of the opinion that this material furnished a substitute for the enormous supplies of jute that are now brought in annually from British India. While sledding has greatly increased the annual output of American cotton, that growth has been inconsiderable when compared with the enormous expansion of the Indian jute crop. In discussing this phase of the question the Textile World, in its issue of February 2, 1926, page 1380, had this to say:

"To appreciate the growth of the (jute) trade, a glance at the statistics of the crop for the last 50 years will be interesting:

"In 1874 the crop (jute) yielded 1,500,000 bales; in 1884, 3,500,000 bales; in 1894, 5,500,000 bales; in 1904, 7,500,000 bales; and in 1914, 9,500,000 bales.

"In other words, the crop has increased about 2,000,000 bales every decade."

HOW AMERICAN AND INDIAN WAGES COMPARE

The inequalities in the cost of production are even more glaring on the manufacturing than on the agricultural side of the picture. This especially applies to the pittance paid in the jute mills of India as compared with the wages paid in our own mills for the same class of labor.

I have received from the United States Department of Labor a letter giving some statistics on this subject and have also compiled the latest available data from the official records of the Indian government, and I would like to call the attention of the committee to these comparative wages furnished by the United States Department of Labor for the same class of work performed in the Indian mills and our own. The Indian figures are taken from "Prices and Wages in India" (1923, p. 220), and the American figures are taken from the Monthly Labor Review, issued by the United States Department of Labor, and will be found at page 91 of the issue of October, 1928.

The only instance where it is impossible to give the comparative wages paid in the two countries is in the case of "shifters" or child employees, whose average wages, as will be seen by the table, amount to 63 cents per week.

Here is the table:

Occupation	India weekly rates	United States currency	United States Bureau of Labor Statistics, October, 1928
	Rupees		
Carding	2.9	$0.83	$17.42
Rovers	5.75	1.65	15.35
Spinners	5	1.43	31.75
Shifters (children)	2.2	.63	
Winders	6.3	1.69	15.10
Beamers	7.6	2.15	26.13
Weavers	9.2	2.64	21.07

These figures, in fine, tell the whole industrial story. They explain how the British may well boast of a monopoly of the jute industry; they make clear why American corporations have been dismantling manufacturing plants in this country and transferring their activities to the banks of the Ganges; and, finally, they put the finger on the sore spot of the American textile problem, for while our own mills have been idle and hunger and want have been stalking through the American textile centers, the Indian mills have been enjoying an era of almost unparalleled prosperity. To quote from the issue of the Textile World of February 20, 1926, already cited:

"The growth of the trade in India has been very rapid. There are now over 50,000 looms running in Calcutta, using between five and six million bales of jute annually. Nothing shows the growth so well as the comparison in shipments of the years 1892 and 1924 to this country and Canada: 1892, 40,000,000 yards; 1924, 1,250,000,000 yards; or over 3,100 per cent increase.

"The trade has been very profitable, remarkably so during the last 10 years, as the following figures show:

"Enormous dividends of Indian mills: Of 51 mills that publish their reports, 43 paid over 50 per cent on the average for the last 10 years. Of these, 22 averaged over 75 per cent; 9 over 100 per cent; 3 over 125 per cent; 1 over 175 per cent."

Mr. Leavelle McCampbell says on page 29 of his Rising Tide of Jute: "If every pound of jute bagging, burlap, and bags (I presume he means twine also) were translated into cotton, there would be consumed annually 1,573,000 bales. It should be remembered, however, that burlap substitutes for cotton cloth are substantially heavier in weight and that acquiring this entire market is not possible. A fair statement would be approximately a million bales. At the present rate of production this would mean 3,000,000 additional acres planted in cotton."

Any student of cotton economics will readily admit that the creation of a market for an additional million and a half bales will add at least 3 cents a pound to the value of that staple.

It is imperative to find additional uses for cotton instead of allowing it to be set aside by jute or anything else. Cotton must reach out for new and additional uses, otherwise the price will fall below the cost of production. There is strong reason to believe that the yield of cotton will increase rapidly as soon as mechanical devices for harvesting it are developed. Engineering talent of the finest quality is striving hard to overcome this difficulty and place the harvesting of cotton somewhat on the same basis as other products of the farm which are handled by machinery. Heretofore cotton has been gathered almost entirely by human fingers, but it is thought that mechanical devices have already been developed which will answer these purposes and greatly reduce the cost of production. If such prove true, many additional acres will be planted, with much increased yields of cotton, and the price of the commodity will be greatly reduced. Above all things we must stop the flow of American capital and American skill to India where the movement has already seriously started to use its jute and its pauper labor as a substitute for our cotton and our domestic labor. We fully recognize that jute is an important and valuable commodity, and is entitled to its place in the sun, but in securing that place it must not push into the shade the greatest textile in the world—cotton.

I have already cited some figures from our Department of Labor, but in order to show the different scales prevailing in New England and the South as compared with British India, I include another quotation from Mr. McCampbell, which will be found on page 13 of the booklet already quoted.

Average mill wages per week

Occupation	Indian, Bengal	American	
		Southern	New England
Carders	$0.94	$13.20	$18.10
Spinners	1.62	12.23	18.50
Weavers	2.98	18.81	22.08
Average	1.80	16.65	21.24

While fully appreciating that all tariff legislation must originate in the House, in order to focus the attention of the country on this subject I introduced in the Senate two years ago a bill to impose such rates on jute and its manufactures as to place them upon terms of parity with similar commodities in the United States. That bill was reintroduced at the opening of the present Congress; and in a somewhat modified form was again introduced on the 26th of last month. Suffice it to say that under my proposed measure, no jute either in the raw or manufactured state will be permitted to enter free of duty. I have attempted to work out such schedules as will enable the high-priced labor in the cotton fields of our country, who are obliged to live under totally different conditions from those prevalent in India and to maintain a much higher degree of civilization in every way and our skilled mill labor, to complete at least to some extent on terms of equality with the pauper labor of India. We must remember that American cotton is produced largely by the very best classes of our white farmers, descendants of the original stock which settled this country more than a hundred years ago. More than two-thirds of our cotton is cultivated and harvested by these white farmers who are the bone and sinew of our land, and the greater portion of the remaining one-third is produced by negroes, many of whom are first-class citizens, progressive and up to date in every way, who emulate their white neighbors in standards of living.

[Excerpts from questions by members of the Ways and Means Committee and answers thereto]

Mr. MARTIN. Senator, have you stated what duty you think should be imposed on this article?

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Senator RANSDELL. Yes; I have. I have stated it in my bill, which I will file as an appendix. I have said that the duty on raw jute should be 3 cents a pound and that the duty on burlaps, the manufactured commodities of jute, should be 10 cents per pound instead of the present low rate of about 1 cent, I believe it is now, with a small ad valorem.

Mr. MARTIN. Senator, do you think that cotton bagging is equal in value to jute bagging?

Senator RANSDELL. I am satisfied that cotton bagging is better than jute. We have a large mill in my State at Shreveport, which is manufacturing cotton bagging. I have examined it there. I examined it when we had it here. The Agriculture Department has tested it, and, gentlemen, there is no doubt that the strength of the cotton is greater than that of jute; there is no doubt that the durability of cotton is greater than that of jute. It answers every purpose better than jute, and with a reasonable duty on jute it would certainly compete favorably with jute.

Mr. COLLIER. Senator, you live right across the river from me and I know that you have been associated with the cotton business all your life. We are both trying to do all we can to help the farmers of this country. I was unfortunate in not getting here in time to hear your opening remarks, which I shall read in the record. What did you have to say in reference to the tariff on cotton bagging itself? Have you given a rate for cotton bagging?

Senator RANSDELL. About the same rate practically on cotton bagging that I put on raw jute.

Mr. COLLIER. Because of your great experience in the cotton country—I think that like most of us you are a cotton farmer yourself?

Senator RANSDELL. I am a cotton farmer.

Mr. COLLIER. I should like to ask a few questions to clear up some matters in my mind.

I have found from the Tariff Commission's report and other reports that for the last seven years there has been imported an average of 34,375,000 yards of cotton bagging, which weighs, I understand, 2 pounds a yard. That means about 68,000,000 pounds of cotton bagging, which, taking a 500-pound bale, which is our regular bale, would be about 137,500 bales of cotton, in round numbers. What is the weight per yard of cotton bagging?

Senator RANSDELL. It is in the neighborhood of 1 pound per yard.

Mr. COLLIER. A pound per yard. The jute bagging weighs 2 pounds, does it not?

Senator RANSDELL. One and three-quarters to two and a half pounds, but they rarely ever use 2-pound jute bagging now. I used to cover mine with 2½-pound bagging.

Mr. COLLIER. I have been informed by one of the largest sellers of bagging that the average price of this bagging is about 12½ cents a yard, which at 6 yards would cost the southern farmer about 75 cents to wrap a bale. There are 6 yards to the bale. That would be 12 pounds of bagging in that bale which goes into the weight of the bale of cotton. In other words, he would be paying 75 cents for his bagging, and at 20 cents a pound for his cotton he would get back $2.40 from his cotton, whereas if he used the cotton bagging, which weighed just half that much, and paid the same price for it, he would get back only $1.20. Have you investigated that?

Senator RANSDELL. I have investigated it very carefully, and I have a bill pending in the Senate to require the sale of cotton by the net weight. In an ordinary bale of cotton the tare of the steel ties and the cotton ranges about 23 to 24 pounds to the bale. Does any human being imagine, especially a man of your great intelligence, sir, that the mills of this country pay 20 cents a pound for that tare, those rusty ties, and that bagging? Of course, when they buy a bale of cotton weighing 500 pounds they take into consideration the fact that 23 or 24 pounds of it is useless bagging and useless iron ties, and they fix the price accordingly.

How do the European buyers act? They place upon it a tare of 6 per cent, and when that cotton leaves an American port, to go to Europe, 6 per cent on the weight is deducted, and a bale that weighs 500 pounds is paid for at the rate of 470 pounds. They deduct 30 pounds for tare, and our cotton shippers knowing that, in order not to lose the difference between the 24 pounds of bagging and ties, actually placed on the bale and the 30 pounds that the Englishman is going to deduct, add a patch that weighs 6 or 8 pounds.

So, when that bale of cotton reaches Europe, it weighs 30 pounds or more of actual tare. When the cotton comes from India or from Egypt or any of those countries, the custom of the trade abroad is that they sell by net weight and deduct the bagging and ties. That is a fallacy that has been fooling a number of our southern people for a good while and I am trying to correct it. When you buy a keg of nails you get 100 pounds of nails. They do not charge you for the 25 or 30 pounds that the keg weighs.

* * * * * * *

Mr. CRISP. Senator, in order for this plan to be effective to protect the cotton farmer and the textile manufacturers, the tariff would have to be sufficiently high to be practically an embargo on the importation of raw jute and burlap, would it not?

Senator RANSDEL. Pretty nearly that, sir.

Mr. CRISP. If that were true, about how many bales of American cotton do you estimate it would take to manufacture the wrappers for cotton bagging and for the grain industry, the wholesale houses, and others that now use bags, some of which are cotton and some burlap?

Senator RANSDELL. For all the purposes for which jute is used—and you omitted one very important item, in my judgment, to wit, twine—for containers of every kind and sort, for every imaginable kind of groceries, for fertilizers, for cement, and for bagging to wrap our cotton, from the best information I have, sir, it would be about 1,500,000 bales of cotton per annum. Of course, everything in the grocery line requires twine to tie things. That is a simple name for it. It takes an enormous quantity of that.

Mr. CRISP. I have heard it estimated at from 1,000,000 to 1,200,000 or 1,300,000 bales.

Senator RANSDELL. There is a difference of opinion. I was just going to add that even though there be some mistake on that, Mr. Crisp, if we could get a market for 1,000,000 bales of our cotton, that would

add 2 or 3 cents a pound to the price, and that would be a wonderfully beneficial thing to the cotton grower, and, I would like to add, would not hurt the ordinary consumer.

Mr. CRISP. That was the next question I was going to ask you. If cotton were spun in this country to meet that requirement, which would, of course, reduce the surplus or carry-over, how much would it increase the price of cotton to the farmer per pound?

Senator RANSDELL. In my judgment a minimum of 3 cents a pound, certainly on all the low grades, Mr. CRISP.

Mr. CRISP. I agree with your figures, that cotton is sold net weight, in effect. While some of the farmers have the opinion that they are making something on account of selling the bagging and ties, I do not agree with that.

Senator RANSDELL. They are just fooled?

Mr. CRISP. The price, of course, is fixed on the net weight. Then, you think that if Congress should pass such a law as you are advocating, the farmer would receive a large benefit by virtue of getting a higher price for his cotton?

Senator RANSDELL. Yes, sir.

Mr. CRISP. And that benefit would overcome any loss or additional burden that he might have to undergo by reason of paying a higher price for bags, wrappers, and so forth.

Senator RANSDELL. Absolutely, Judge CRISP; not only that, but the manufacturers of America who sell to the cotton growers would find a market for many more millions of dollars worth of their products. The great grocery business of the country does not thrive unless agriculture thrives. If agriculture in all that southern region, and in Arizona, New Mexico, and California, is in the slough of despond, do not the manufacturers of every kind of farm machinery suffer? Do not the grocery merchants throughout the land suffer? Does not everyone in America suffer? It makes better business, sir, all around if you can get a reasonable living price for that great product of the farm.

Not only that, sir, but it will give employment to a great many laborers who, if I am correctly informed, are now out of employment in the mill sections of America.

Mr. CRISP. One other question. How much additional cost do you estimate would follow, per bag used by the grain farmers, the users of fertilizer, and so forth, if the bags they used were manufactured out of cotton rather than jute?

Senator RANSDELL. It is so small that I could not pretend to tell you. It would be a very small fraction of the total cost of the bag. I can not tell you that. I have never found anybody else who could, but I know that a great many of the people who use these bags are extremely anxious to get a chance to use cotton bags.

Mr. GARNER. Following up Judge CRISP's question, it would be a fraction of a cent, less than half a cent?

Senator RANSDELL. I think so.

Mr. GARNER. It would be quite difficult to compute it?

Senator RANSDELL. I thank you for the suggestion.

Mr. GARNER. Senator, Mr. CRISP has asked you about an embargo. What you are asking for is the same consideration for the cotton farmer that other industries have under the protective-tariff theory?

Senator RANSDELL. Absolutely; no more and no less.

Mr. GARNER. That is what you are asking for?

Senator RANSDELL. Yes, sir.

Mr. GARNER. If they will give you the same consideration in the protection of the cotton farmer against jute competition that they give the steel industry, with reference to the production and the consumption in this country, where the importations are less than one-tenth of 1 per cent, you would be willing to take that protection, would you not?

Senator RANSDELL. Entirely so.

I want to call your attention to this one thing. Jute is made in India. They also make sugar over there, and rice and cotton over there.

Mr. GARNER. We are considering now the question of jute bagging.

Senator RANSDELL. I was going to say this: There is a protective duty on rice and sugar, and these things that come in competition. Why not give it to us on cotton?

Mr. GARNER. I can see no reason, speaking for myself, if you want me to answer the question.

Senator RANSDELL. I thank you.

Mr. GARNER. There are coming into this country something over $100,000,000 worth of products of jute.

Senator RANSDELL. Fully that much.

Mr. GARNER. $67,000,000, under the particular paragraph you are speaking of.

Senator RANSDELL. Of burlaps.

Mr. GARNER. If Congress should give you the suggested duty for which you ask, or a duty that will cut that down, say, to 1 per cent of the total consumption in this country—and, I repeat, the steel schedule has less than one-tenth of 1 per cent of foreign importations in competition with its schedule—we would be able to produce in this country from half a million to a million and a half bales of cotton to substitute for that article.

Senator RANSDELL. Beyond any question.

Mr. GARNER. That would undoubtedly increase the price received for cotton, and that is the theory you advocate, in order to protect the cotton grower in this country.

Senator RANSDELL. That is absolutely my theory.

Mr. CROWTHER. Senator, with respect to this fabric for which you are making a plea, I want to know how many mills there are making that, and how many people are employed at the present time, and what the yardage is.

Senator RANSDELL. I could not tell you. I do not think, with all due respect, that that matters very much, because the competition from India has been such that our people could not afford to make the cotton bagging and the cotton sacks in competition with the Indian mills, which make the jute sacks and the jute bagging. Let me state this fact: The jute business over there has grown at a rate of production of 2,000,000 bales per decade for the last 50 years, taking it by 10-year periods, beginning in 1874. The mills over there have actually been earning, according to official reports, a yearly earning of from 75 to 135 per cent on their investments. They have been growing rich and powerful and strong all the time. You know that our mills have not been making very much money.

Mr. CROWTHER. Then your plea here is for an infant industry—one that is not really born yet, in fact?

Senator RANSDELL. It is not born yet, as far as the cotton bagging is concerned, and scarcely born, so far as the cotton bags are concerned.

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Mr. DOUGHTON. Senator, in answer to Mr. Garner's statement, I understood you to state that by increasing the duty on jute you would thereby increase the production of cotton in this country to the extent of a million or a million and a half bales.

Senator RANSDELL. No. It would increase the possible uses of cotton that amount; not necessarily production. We have too much of it produced now. That is why we do not get enough for it. We have overproduction now.

Mr. DOUGHTON. That is what I was wondering. If you increased the production in proportion to the increased use——

Senator RANSDELL. I did not mean that, if I said that. I meant it would increase the uses for cotton and furnish a market for the additional amount, if we do make more than we are making now.

Mr. CRISP. Senator, is it not a fact that Ludlow & Co. are the greatest manufacturers of cotton bagging, and so forth, in this country, and they have one or two mills in India where they manufacture jute and bagging in India at Indian wages, and bring it into the United States in competition with the industry in this country?

Senator RANSDELL. They have a wonderful mill on the Hugli River, about 17 miles below the city of Calcutta. I have got pictures of it here. It is a perfectly beautiful place—100 buildings there—railroads, wharves, and docks; everything, sir; and they bring not only jute but they make enormous quantities of burlaps and bring them in in competition.

Mr. GARNER. Also Ludlow & Co. are in very close touch with all compresses and oil mills in this country, are they not?

Senator RANSDELL. I presume so.

Mr. GARNER. I know they are.

Mr. CROWTHER. I would like to ask you if you at any time have used any quantity of this new material on your own cotton? Have you tried it?

Senator RANSDELL. I have not done it, but my neighbors in the city of Shreveport, La., have. It is a wonderful commodity. They tell me it is better than jute. The Agricultural Department shows that it stands up better than the jute bagging. I can furnish you this report.

Mr. CROWTHER. Would you say as a whole that the cotton farmers are trying to develop this industry by patronizing these people?

Senator RANSDELL. Yes, sir; and they would be glad to do it if they had a chance.

Mr. CROWTHER. And they could get it at a price, do you think?

Senator RANSDELL. I think they would get it at a price slightly in advance of the present prices on jute, but they would be in a business which would help to sell their low-grade cotton; help make a market for the low-grade cotton that they sell at a loss now. While they might lose on the one hand they would make on the other.

The CHAIRMAN. We thank you very much for the information you have given the committee.

[Excerpts from the brief of Leaville McCampbell in behalf of domestic cotton manufacturers who are seeking increased duties on jute products]

I am a cotton manufacturer, and I am here representing other cotton manufacturers. These manufacturers are engaged principally in the production of the coarser grades of cotton cloth, such as ducks, osnaburgs, drillings, and sheetings.

The idea seems to be prevalent that cotton cloth is used for some purposes and jute cloth is used for other purposes and that there is little competition between them. This is not the case. There are a great variety of uses in which it is possible to employ either cotton or jute. Most of these uses have to do with packaging or wrap-

ping commodities. In a way cotton has quite an advantage. It is not only more sightly, softer, and easier to handle but to attain the same strength requirements jute substitutes for cotton must run approximately one-third heavier in weight.

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The use of jute burlap in the United States, historically, is a rather recent thing. During 1928 substantially over a billion yards came in. In this country the average increase in its use for the past 35 years has been about 25,000,000 yards a year. A reasonable proportion of this increase is proper and is coupled with the industrial expansion of America, but the major portion represents business that has been taken away from American cotton mills. An increase of 5,000,000 yards a year might roughly be said to be due to the former cause. The remainder, or about 20,000,000 yards a year, represents the inroad into our industry.

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As a specific instance of the havoc wrought among cotton mills by this incoming tide of jute products, I cite the production of seamless bags. If you ever lived in the country you will remember when you saw these bags on every hand. They were made in 11, 12, 14, and 16 ounce weights; 2, 2½, and 3 bushel sizes. There was not a dry-goods jobber in America who did not carry them in stock. There were dozens of mills making them, among others:

Amoskeag Manufacturing Co., Manchester, N. H.

Stark Mills, Manchester, N. H., now part of the Amoskeag Manufacturing Co.

Androscoggin Mills, Lewiston, Me.

Boott Mills, Lowell, Mass.

Harmony Mills, Cohoes, N. Y.

Royal River Mills, Yarmouth, Me.

Columbia Cotton Mills, Columbia, Tenn.

Grahamton Manufacturing Co., Grahamton, Ky.

Cherokee Falls Mill, Cherokee Falls, S. C., now part of the Henrietta Mills.

Lynchburg Cotton Mills, now part of the Consolidated Textile Corporation.

Mount Vernon Mills, Baltimore, now part of the Mount Vernon-Woodberry Mills.

A mill at Randelman, N. C., now known as the Deep River Mill.

Royal Mills, Charleston, S. C., now known as the Williamson Mills Co.

Sherman Bag Co., Sherman, Tex., now known as the Sherman Manufacturing Co.

Worth Manufacturing Co., Worthville, N. C., now known as the Leward Cotton Mills.

Androscoggin and Royal River still produce them in a small way, but one at a time the others have had to abandon this product. At least five of these mills had to pass through the process of financial reorganization before they got their machinery changed over and were able to go ahead on other products.

I have seen a comparatively small southern jobber lay down an order for 1,500 bales of part waste osnaburgs. I have seen one of my partners take out of St. Louis in a single day orders for 2,500 bales of cotton duck for use as cotton-pick sacks. This business has been cut to ribbons by the competition of jute burlap.

These are the reasons we are here to-day. These are the reasons that we ask you to give serious consideration to a reconstruction of the tariff schedule on the foreign product that has worked this hardship upon us.

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We understand that as manufacturers we are expected to confine our argument to the processes in which we are interested, but while this subject is under discussion, we would like to put on record our belief that the cotton farmers of America are just as much entitled to protection from jute, a fiber raised at wage levels far below their own by people accustomed to vastly lower standards of living as we and those who work in our mills are to be protected from the competition of foreign manufacturers of jute products.

We want to point out and emphasize that the manufacture of textiles has a definite and positive relation to farming, for the raw materials which feed our textile plants, whether they be cotton or jute, wool, or even silk, originate on the farm. These mills can not run at capacity, can not vie with each other in purchasing these materials, can not prosper without sharing their prosperity with the farmer.

This is more than just a pretty gesture, for in 1928 American cotton mills paid out to American farmers $700,000,000 in hard cash, and we now seek your permission to pay them a hundred million more.

While we are primarily manufacturers, we also lay claim to your attention as large purchasers of jute burlap. Mills which I personally control purchased, during 1928, 364,000 yards of this material. Our industry, as a whole, purchases annually approximately 40,000,000 yards, so if this commodity is protected as we advocate we will at least pick up a sizeable share of any burden created by increased prices so brought about.

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The last yardage figures given on the shipments of jute burlap from Calcutta to North America are for the year 1927. Since the booklet was written, the Daily Mill Stock Reporter, January 15, 1929, published unofficial figures giving 1928 shipments as 1,067,454,445 yards. Of this total 988,044,556 yards came to the United States and the remainder went to Canada. The same proportionate division of shipments is approximately applicable to the table and chart used in the booklet, but it should be borne in mind that these are shipments from Calcutta alone, do not include other Indian ports and do not include imports from Europe. The Daily Mill Stock Reporter gives shipments from Europe for 1927 as 50,909,870 yards, and for the first nine months of 1928 as 38,053,135 yards which nearly offset the shipments to Canada.

It is interesting to note that the total shipments from Calcutta to all parts of the world were 1,552,071,080 yards, so that the United States took over 63 per cent of the total.

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The greater part of all jute yarn is fabricated into some form of jute cloth and the fabrics so manufactured practically all fall into one of two groups. The first is the finer cloth commonly known to the jute trade as "Hessians," although in America the term "burlap" is in general use. The second group, which consists of the coarser and heavier cloth, is designated by the exclusive term "sackings." As it happens, the industry has so developed that Hessians are sold by the producer in cloth lengths, while sackings are usually made up by him into bags and sacks. The Hessian cloth is eventually purchased by bag manufacturers located in various parts of the world. In the United States, bag making from Hessian cloth is an important branch of the trade. The difference between Hessians and sackings is primarily one of fineness, the former being fabricated of medium-size yarns, the latter of the coarser and lower qualities.

Dundee, the original home of the industry, with its supremacy challenged by the low labor costs of the Orient and the tariff-protected fabricators of countries in an intermediate stage of development, has been driven more to the production of certain specialties in which technical skill and relatively highly paid labor can find adequate remuneration. Hessians are there manufactured, particularly those in which unusual quality is required, among which may be mentioned linoleum Hessians, which are much above the average width and particularly free from imperfection.

Calcutta is, for obvious reasons, the antithesis of Dundee. Its particular field is the large-scale production of the standard sizes of Hessions and sackings, and it supplies the major part of the world's requirements of these products, although, as the division of mills into groups for sales purposes shows, the quality of the output varies. In general, the mills of Bengal direct their energies to securing an economical output of common-grade cloth from their large but not too highly skilled labor forces.

The jute factories of the European Continent naturally tend to follow Dundee practice, though in many cases they have the advantage of lower costs than those of the Scotch city because of longer working hours and a lower standard of living among the operatives. To a large extent they produce for their home consumption only.

Finally we come to the United States of America. Handicapped by high wages and consequent high costs, the American jute industry is restricted almost entirely to the home market; and, on account of inadequate tariff protection on woven jute products, jute manufacture in the United States has largely centered in high-grade yarns for carpet manufacturing and in twines.

The United States is probably the largest consumer of jute products among the nations, but there are in the country no manufacturing centers comparable in size with those of India or Europe. Nevertheless, the industry is well established, and in the four years 1923–1926 jute and jute butts were imported at the rate of 71,300 long tons annually. Of this amount, 37.6 per cent on the average entered the port of Boston for the account of the Ludlow Manufacturing Associates and was shipped to Ludlow, a town in central Massachusetts, which is the home of this considerable portion of the American jute-manufacturing industry.

The varied nationality of the labor force at Ludlow is only partly indicated by the three languages—English, Polish, and Portuguese—found on all the signs put up for the instruction of the workers. These three indicate, however, the predominant races. We have already recorded the arrival of the French Canadians in 1868 and 1870, and of a band from the traditional centers of fiber manufacture, Dundee and Belfast, in the latter year also. In 1892 the first group of Poles arrived at Ludlow, and this nationality now has the largest representation. The last large group, the Portuguese, date their arrival from 1912. An analysis of the pay roll indicates the representation of a number of other countries, however, while, on the other hand, a proportion of those who originally came from Europe are now numbered as American citizens.

In 1919, however, the management decided upon the project that had been under consideration for some time—the extension of the business through the operation of a jute mill in India—and steps were taken to acquire a suitable manufacturing site. At the end of 1919, after exhaustive investigations by the company's representatives, a selection was made and a tract of land containing about 160 acres near the village of Chengail, 14 miles downstream from Calcutta and on the right bank of the Hooghly, became the property of the Ludlow Manufacturing Associates.

During this period the Ludlow Jute Co. (Ltd.) was formed to take over the Indian activities of the Ludlow Manufacturing Associates.

The cotton bagging made in No. 1 mill at Chengail is similar to that turned out at Ludlow, and the process of manufacture is identical. This heavy product was first made on any considerable scale in Calcutta by the Ludlow Jute Co. (Ltd.)

CONCLUSION

Cotton textiles is one of our major industries. In point of employment it stands third. If we count those engaged in raising the raw material, it stands first. Nearly half a million people work in our cotton mills and 2,000,000 more find a livelihood in raising the fiber. There is no measure before our Congress more important than the proper protection of this great industry. There is nothing which will so quickly bring order out of textile chaos.

We are living in a protected country. Protests against protection have died until only a faint echo is heard. American farming and textile interests are entitled to a fair share in such protection. If they must buy everything they use in a protected market, it is but simple justice that they should enjoy the same measure of protection when it comes their turn to sell.

Do this and on our cotton farms, in our cotton mills, better hours, better wages, and better working conditions will come of their own accord.

LEAVELLE MCCAMPBELL.

[Excerpts from the testimony of Congressmen from cotton-producing States]

FROM STATEMENT OF HON. E. E. COX, A REPRESENTATIVE FROM THE STATE OF GEORGIA

There is no class of textile people in the world that is so prosperous and that have for years and years been so prosperous as the workers of jute. The jute mills of India have been declaring high dividends, at the same time with carry-overs of undivided profits greater than any other class of manufacturers in the world, their dividends running all the way from 50 to 400 per cent per year. The jute manufacturers of this country are making a greater return upon their investment than any other class of our textile workers, and that is true, although the average yearly wages are greater than that paid in the cotton-textile industry.

If you will examine the census report you will find it discloses the fact that the jute industry of this country is prosperous, and immensely so. You will find in this hearing that it is the manufacturers of jute bagging and the manufacturers of jute bags that are most concerned as to what this committee will recommend, and as to what the Congress will do with reference to a modification of the law that now exists. Upon the question of wages going into their cost of production, and upon the question of the reasonableness of the tariff upon burlap, these interests are as silent as a tomb.

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I want to bring to the attention of this committee that it is not only the farmer growers of the cotton States of the Union that are interested in this problem. It is the cotton spinner of the country; not only those of the cotton States, but those, with equal degree, of the New England States, and wherever else there may be operations on the part of cotton-textile people.

And that is not all that is involved. Labor is involved; American labor is involved in this case. The gentleman who preceded me stated to the committee and expressed solicitation as to the welfare of American capital invested abroad, and in the statement he made said it should have the same consideration in matters of legislation that domestic capital invested at home should have. I want to say in that connection, and by way of supplementing the argument that was developed as the result of the question, that when domestic capital invests abroad, it takes the status, and identically so, of foreign capital. It is devoted to the building up of foreign enterprise; it is subjected to all of the burdens that government imposes upon property. It employs foreign labor in competition with domestic labor and performs every other function and plays every other rôle that foreign capital does.

Now, I submit that if the welfare of foreigners were to control in the matter of what this Congress should do or this committee should recommend, it would be a very easy matter for capital to paralyze the arm of the Government in the control of its economic problems, so far as the application of tariff is concerned, by simply investing abroad.

Now, that is not all. This law, when you study it in the light of present operation, you would think had been written by two classes of people, the makers of jute bags and the makers of cotton bagging. Now, the question has been asked as to the added cost as a result of the use of cotton for jute. Of course, there would be an added cost. It would be unfair to even stand before this committee and, inferentially or otherwise, contend to the contrary, but the cost would not be anything like in extent or amount what these advocates of do-nothing would have you believe.

These jute people, who built up immense fortunes and in their operations declared large dividends, who come here expressing great solicitude for the women and the children and the men who pour the images of their bodies and the anxiety of their souls into the soil, would have you believe it is in the interest of the welfare of this class, and they are here protesting to you to do nothing by way of rewriting the schedule as it is fixed by law as it now stands.

That is not true. What these people are interested in is profit. They are interested in continuing operations under such conditions as enable them to import here a product that represents an immense amount of labor, which is reflected in the energy expended in putting it into the finished product, cloth. They are here begging this committee to make no interference with that schedule because it will destroy their business.

I want to tell you, from my study of this problem, that there is no disposition in the world on my part to be other than perfectly frank and candid with you; from my study of this case, the farmer, the grower of the cotton, will receive the greatest benefit from the enactment of legislation as is recommended by the proponents of relief; next, labor will profit most, and then the cotton-textile industry of the country will come third; and I want to say to you that the cotton-textile people of the country have for many years been skating on thin ice.

Last year was the best year that they have had since the war. In many instances no dividends were declared, and never in any year in like proportion to the dividends that the jute workers declared.

You will have textile people who are working jute and working cotton here before you, pleading to you to let stand the illogical sort of product that is represented by Schedule 10. Why? They are able to skim along on their cotton operations, but as to their operations in the working of jute, there is an immense profit.

Now, gentlemen, we must come back to the proposition as to what, if anything, should be the rate on the raw product, and that involves the question of cost of production, and upon that question the advocates of "do nothing" have given you no light, so far as I have heard in the hearings on this matter.

We have no recent reliable information as to the cost of Indian labor in the production of the raw commodity, but we have reliable information as to the cost of the jute worker in the textile mills of Calcutta. We have here, taken from the International Yearbook, reliable data as to the wages of the Indian workers in the tea gardens. You will find in India that the workers in the mills receive a wage in excess of the workers on the farm, just as they do here in America.

In America the farm wage, taking the country as a whole, is forty-odd dollars. The wage of the mill worker, taken as a whole, is about $68.80, as I recall offhand. The wage of the mill worker in India, in the jute mills, varies as follows: Carders get 94 cents a week; rovers, $1.89. This is the last report upon the question. Winders get $2.04.

Gentlemen, here is a matter that should be taken into consideration, and it is one about which you have not, so far as I am concerned—certainly not in the hearing to-day—been advised. A month's work in the United States, on the basis of which the calculations are made, consists of 208 hours. A month's work in India, fixed by law, consists of 312 hours. When you reduce these wages to the per hour basis, you will find that the women in the tea gardens get something like seven-twelths of 1 cent per hour. The children get a wage of one-third of a cent per hour, and the men a little higher wage than the women, but in no instance does it run as high as 1 cent per hour. That is the labor that the Ludlow people are employing now. That is the labor that the whole jute industry is employing, with the exception of that which is engaged in the carrying on of operations in Dundee and other parts of the United Kingdom.

They have gone to India and set up operations there, falling into the scheme of things that has been fixed by the Jute Trust for years and years—almost half a century. They are employing Indian labor, running all the way from 90 cents a month to $1.80, and some higher than that, and throwing it in absolute and direct competition with the wage earners of this country.

FROM STATEMENT OF HON. MARVIN JONES, A REPRESENTATIVE FROM THE STATE OF TEXAS

Less than 10 per cent of the jute brought into this country is used for cotton bagging.

The other 90 per cent goes into various channels, into which cotton should go, and into which cotton is gradually forcing itself, but it always meets the price question, and that is shown by the fact that immediately following the 1926 abundant crop of cotton the importations of jute were reduced 20 per cent. In other words, the cotton does come into and replace jute when given a fair chance, and it is being used that way at the present time.

I want to say that the mills that are producing cotton in New England and other places, since 90 per cent of this jute comes into other channels into which cotton may go, are interested in this proposition as well as we are. Even on the question of cotton bagging, here is the report of the Department of Agriculture which studied that proposition,

and Table 4 sets out the difference in the cost of cotton bagging and jute bagging, and on the 12-ounce bagging which was shown to be sufficient on shipments of bales to Bremen, Germany, and return, the difference in cost is exactly 36 cents per bale, and it ranges from that to 68 cents per bale. There is the cost of the jute bagging and the cost of the cotton bagging set out in the table.

If the difference in the cost is taken at 68 cents a bale, here is a statement from the Department of Agriculture that shows that if 200,000 bales of cotton, which they estimate would be used if cotton bagging were made of cotton, it would increase the price $2.50 a bale. That is estimated by virtue of their experience in forecasting the prices, and the estimate of the production of cotton.

In other words, when 200,000 bales of cotton are taken off of the market, or if the estimate is reduced 200,000 bales, the price increases $2.50 per bale. So, if the cost of cotton bagging were increased 36 cents, the farmer, even on the cotton bagging, would make $2.14 per bale. If it were 68 cents, he would make nearly $2 per bale. * * * It is a strange thing that the cotton farmer is made to pay a tariff on the steel with which he binds his cotton, and yet he is forced into competition with the cheap labor of India on the cotton that displaces his cotton, and as 60 per cent of his cotton is shipped abroad, millions of bales of that cotton in going across in foreign markets, meets jute coming back here to take its place in the home markets.

According to the Department of Agriculture, there are 325,000,000 pounds of jute being used in the grocery trade, that they estimate could be displaced by cotton, and cotton is better than jute for the bags and for wrapping material. The only reason jute is being used is that it is a little cheaper in price.

Two years ago the Department of Agriculture shipped 24 bales of cotton to foreign markets. Twenty of those bales were covered with cotton bagging of varying weights, and four bales were covered with jute bagging. I arranged for them to be on display up in the majority room, and they remained there for a month. Even the lightweight cotton bagging was in better shape than the jute bagging. The jute became so torn they looked like a bundle of old rags, whereas the cotton bagging gave a neat appearance.

They are using the same cotton bagging now. Some 200,000 bales are being covered by cotton bagging. These exporters will take a great lot of patching material and patch it up and make the weight go nearly 30 pounds per bale, so that in the foreign markets they dock us 30 pounds per bale because of the wrapping that goes over there, and yet in many instances it is the best cotton. The habit has grown up of patching this stuff in going abroad, so that with a 30-pound dockage they do not use much of the cotton bagging.

If the price were put up to where jute would be approximately the same as cotton bagging, I think they would use cotton bagging altogether. But that is merely an incident in this problem, because of the tremendous quantity of jute that is being used for other purposes.

It is a peculiar thing that in the principal heavy cotton years of 1901, 1908, 1921, and 1926, when we had a lot of cotton, and cotton went down in price, the importations of jute were very much decreased. That proves conclusively to my mind that cotton can go into these channels if it is given a half a chance.

AMENDMENT INTENDED TO BE INTRODUCED BY SENATOR RANSDELL TO THE PROPOSED BILL PROVIDING FOR TARIFF READJUSTMENT

S. 5574, Seventieth Congress, second session

A bill to amend and reenact the provisions of the tariff act of 1922 relating to jute and its products

Be it enacted, etc., That the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," be amended and reenacted as follows:

In Title II the free list, Schedule 15, strike out all of paragraph 1516, reading "waste bagging and waste sugar-sack cloth."

In the same title and schedule, paragraph 1582, after the words "Istle or Tampico fiber," strike out the words "jute, jute butts."

In Title I, Schedule 10, Flax, hemp, and jute, and manufactures of, at the end of paragraph 1001, after the words "hackled hemp, 2 cents per pound," insert a semicolon in lieu of the period and add the following: "waste bagging and waste sugar-sack cloth, 3 cents per pound; jute and jute butts not dressed or manufactured in any manner, and not specially provided for, 3 cents per pound."

In the same title and schedule, paragraph 1003, strike out all after the words "Coarser in size than 20-pound" and insert in lieu thereof the following: "5½ cents per pound; 20-pound up to but not including 10-pound, 7 cents per pound; 10-pound up to but not including 5-pound, 8½ cents per pound; 5-pound and finer, 10 cents per pound, but not more than 65 per cent ad valorem; jute sliver, 4½ cents per pound; twist, twine, and cordage, composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is coarser than 20-pound, 6½ cents per pound; 20-pound up to but not including 10-pound, 8 cents per pound; 10-pound up to but not including 5-pound, 9½ cents per pound; 5-pound and finer, 11 cents per pound."

In the same title and schedule, paragraph 1008, wherever the words "1 cent" appear, strike out same and insert in lieu thereof "10 cents," so that the paragraph will read:

"PAR. 1008. Fabrics, composed wholly of jute, plain woven, twilled, and all other, not specially provided for, not bleached, printed, stenciled, painted, dyed, colored, nor rendered noninflammable, 10 cents per pound; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound and 10 per cent ad valorem."

In the same title and schedule, paragraph 1018 wherever the words "1 cent" appear, strike out same and insert in lieu thereof "10 cents," so that the paragraph will read:

"PAR. 1018. Bags or sacks made from plain woven fabrics of single jute yarns or from twilled or other fabrics composed wholly of jute, not bleached, printed, stenciled, painted, dyed, colored, nor rendered noninflammable, 10 cents per pound and 10 per cent ad valorem; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound and 15 per cent ad valorem."

In the same title and schedule, paragraph 1019, after the words "weighing not less than 15 ounces nor more than 32 ounces per square yard," strike out the words "six-tenths of 1 cent" and insert in lieu thereof the words "5 cents"; and in the same paragraph, after the words "weighing more than 32 ounces per square yard," strike out the words "three-tenths of 1 cent" and insert in lieu thereof "5 cents."

LAW AND MANNERS

Mr. COPELAND. Mr. President, I read in the Atlantic Monthly of July, 1924, a most interesting article entitled "Law and Manners," written by the Right Hon. Lord Moulton. This was called to my attention by a friend in Massachusetts. It is such a valuable article I wish every Senator might read it. I am taking the liberty of cutting out parts of it which perhaps are not pertinent to us, but I think the article should be read by all. I ask unanimous consent that it may be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAW AND MANNERS

By the Right Hon. Lord Moulton

(A word of explanation seems desirable in regard to the form and the authorship of this paper. It is the verbatim record, by an accurate reporter, of an impromptu speech made by Lord Moulton at the Authors' Club in London some years before his death. Because of its pertinent interest for present-day Americans, we count ourselves fortunate to be able to print it in the Atlantic at this time. John Fletcher Moulton, first Baron, Minister of Munitions for Great Britain at the outbreak of the war, a noted judge, a great parliamentarian, and administrator, may be fittingly introduced to Atlantic readers in the words of the Lord Chancellor before the House of Lords at the time of Lord Moulton's death in 1921: "I choose my words carefully when I say that I greatly doubt whether it would have been possible for the war to have been brought to a successful conclusion when it was but for the part Lord Moulton took in it. I hope the country will not soon forget the extraordinary work of this most remarkable man, whose memory his colleagues will long cherish.")

In order to explain this extraordinary title I must ask you to follow me in examining the three great domains of human action. First comes the domain of positive law, where our actions are prescribed by laws binding upon us which must be obeyed. Next comes the domain of free choice, which includes all those actions as to which we claim and enjoy complete freedom. But between these two there is a third large and important domain in which there rules neither positive law nor absolute freedom. In that domain there is no law which inexorably determines our course of action, and yet we feel that we are not free to choose as we would. The degree of this sense of a lack of complete freedom in this domain varies in every case. It grades from a consciousness of a duty nearly as strong as positive law, to a feeling that the matter is all but a question of personal choice. Some might wish to parcel out this domain into separate countries, calling one, for instance, the domain of duty, another the domain of public spirit, another the domain of good form; but I prefer to look at it as all one domain, for it has one and the same characteristic throughout—it is the domain of obedience to the unenforceable. The obedience is the obedience of a man to that which he can not be forced to obey. He is the enforcer of the law upon himself.

One of the reasons why I have chosen this as the subject on which to speak is that I have spent my life as a commissioner for delimiting the frontier line which divides this domain from the realm of positive law. I have had to decide so frequently whether law could say, "You must," or regretfully to say, "I must leave it to you." This is the land in which all those whom the law can not reach take refuge. It might be thought from such a description that I wished to annex that country and bring it under the rule of positive law. That is not the case. The infinite variety of circumstances surrounding the individual

and rightly influencing his action make it impossible to subject him in all things to rules rigidly prescribed and duly enforced. Thus there was wisely left the intermediate domain which, so far as positive law is concerned, is a land of freedom of action, but in which the individual should feel that he was not wholly free. This country which lies between law and free choice I always think of as the domain of manners. To me, manners in this broad sense signifies the doing that which you should do, although you are not obliged to do it. I do not wish to call it duty, for that is too narrow to describe it, nor would I call it morals for the same reason. It might include both, but it extends beyond them. It covers all cases of right doing where there is no one to make you do it but yourself.

All these three domains are essential to the properly organized life of the individual, and one must be on one's guard against thinking that any of them can safely be encroached upon. That law must exist needs no argument. But, on the other hand, the domain of free choice should be dear to all. This is where spontaneity, originality, and energy are born. The great movements which make the history of a country start there. It covers a precious land where the actions of men are not only such as they choose but have a right to claim freedom even from criticism. Men must keep safely guarded this right to follow the bent of their nature in proper cases and act as they would without anyone having the right to utter a word of dictation or command. This country forms the other frontier of the domain of manners and delimits it on the side farthest away from that of positive law.

The dangers that threaten the maintenance of this domain of manners arise from its situation between the region of absolute choice and the region of positive law. There are countless supporters of the movements to enlarge the sphere of positive law. In many countries—especially in the younger nations—there is a tendency to make laws to regulate everything. On the other hand, there is a growing tendency to treat matters that are not regulated by positive law as being matters of absolute choice. Both these movements are encroachments on the middle land, and to my mind the real greatness of a nation, its true civilization, is measured by the extent of this land of obedience to the unenforceable. It measures the extent to which the nation trusts its citizens, and its existence and area testify to the way they behave in response to that trust. Mere obedience to law does not measure the greatness of a nation. It can easily be obtained by a strong executive, and most easily of all from a timorous people. Nor is the license of behavior which so often accompanies the absence of law, and which is miscalled liberty, a proof of greatness. The true test is the extent to which the individuals composing the nation can be trusted to obey self-imposed law.

In the changes that are taking place in the world around us, one of those which is fraught with grave peril is the discredit into which this idea of the middle land is falling. I will give two examples. First, I will take freedom of debate in the houses of legislature such as our own House of Commons. For centuries the members had unrestricted freedom of debate, and no inconvenience was felt. But in recent times some members of this house have said to themselves: "We have unrestricted freedom of debate. We will use it so as to destroy debate. The absence of imposed restriction enables us to do it." This obstruction was developed, and it has destroyed freedom of debate, and, indeed, all useful debate in practically every legislature. The freedom due to absence of positive restriction has been treated by the individual members as leaving their use of debate a matter of absolute choice, fettered with no duty that they were bound to regard. They shut their eyes to the fact that the freedom was given to them in trust to help forward debate, and that it was incumbent on them so to use it. Clumsy and even mischievous regulations have necessarily been introduced which fetter debate but prevent its being absolutely stifled. The old freedom can not now be entrusted to the members, because when they possessed it they did not respond to it by the exercise of that moral sense which would have led them to treat it as a trust, and not as an absolute possession, unburdened by obligations which they should compel themselves to regard.

It is not only the conduct of individual members of the legislature that furnishes an illustration. The conduct of the legislatures themselves furnishes an equally striking one. It is the fundamental principle of democracies to bow to the decision of the majority. But in accepting this we do not surrender ourselves to the rule of the majority in all things, but only in those things which are of a kind fit to be regulated by government. We do not admit, for instance, the right of the majority to decide whom we should marry or what should be our religion. These are but types of a vast number of matters of great interest in life which we hold to be outside the decision of a majority, and which are for the individual alone to decide. But in form the power of a government has no restrictions. It has the power to do everything, and too often it forgets that this limitless power does not leave the scope of its legislation a matter of absolute choice on its part, but a choice fettered by a duty to act according to the trust reposed in it, and to abstain from legislating in matters where legislation is not truly within its province. And what is true as to the scope of legislation is also true to a great extent as to the nature of that legislation. But there is a widespread tendency to regard the fact that they can do a thing as meaning that they may do it. There can be no more fatal error than this. Between "can do" and "may do" ought to exist the whole realm which recognizes the sway of duty, fairness, sympathy, taste, and all the other things that make life beautiful and society possible. It is this confusion between "can do" and "may do" which makes me fear at times lest in the future the worst tyranny will be found in democracies. Interests which are not strongly represented in Parliament may be treated as though they had no rights by governments who think that the power and the will to legislate amount to a justification of that legislation. Such a principle would be death to liberty. No part of our life would be secure from interference from without. If I were asked to define tyranny, I would say it was yielding to the lust of governing. It is only when governments feel it an honorable duty not to step beyond that which was in reality, and not only in form, put into their hands that the world will know what true freedom is.

The tendency of modern legislation is to extend the area ruled by positive law, and to diminish the area of action which is determined by the decision of the individual himself. But there is one great example in the opposite direction. In one instance the people have deliberately chosen to carve a domain out of that previously covered by positive law and to throw it into the domain where the individual can determine for himself his course of action. Take the legislation relating to trade-unions and trade disputes. Limitations on the power of combination have been swept away, and to a great extent that which was previously marked out by law is now in the hands of the individuals themselves.

I am far from suggesting that this was a retrograde step, but to my mind the question whether it is dangerous, and whether it may and will become disastrous, depends on whether the masters of workmen who gained this freedom of action, not allowed them by the common law, look upon the change as justifying their treating the matters to which it relates as belonging to the realm of absolute choice, or whether as belonging to the realm where, though not restrained by positive law, they yet recognize the duty of obedience to the unenforceable. Do they recognize that the increase of their freedom of action brings with it not unfettered choice but the corresponding responsibility of using that freedom? That many have failed to realize that this is the true effect of the change has already been made too clear. * * *

I am not afraid to trust people—my fear is that people will not see that trust is being reposed in them. Hence I have no wish that positive law should annex this intermediate country. On the contrary, I dread it. Instead of the iron rule of law being thrown over it, I would rather see it well policed by the inhabitants. I am too well acquainted with the inadequacy of the formal language of statutes to prefer them to the living action of public and private sense of duty.

The great principle of obedience to the unenforceable is no mere ideal, but in some form or other it is strong in the hearts of all except the most depraved. If you wish to know how strong, remember the account of the *Titanic* disaster. The men were gentlemen to the edge of death. "Ladies first." Why was that? Law did not require it. Force could not have compelled it in the face of almost certain death. It was merely a piece of good manners in the sense in which I have used the phrase. The feeling of obedience to the unenforceable was so strong that at that terrible moment all behaved as, if they could look back, they would wish to have behaved. I have no fear of its strength, whatever be the class appealed to. Even if one takes the least educated—the so-called lower classes, of whom so many are afraid—one would find the same loyal obedience to unenforceable obligation in the relationships with which these classes are familiar. The danger lies in that by the growth of the democratic spirit they have newly come into much larger powers, and they have not yet learned that power has its duties as well as its rights. When they have become familiar with these powers, and when intercourse with those who have a wider outlook has taught them that the domain of obligation includes them in their use of them, I am satisfied that those who have been loyal to duty in the smaller lives that they have led will be loyal in the wider fields in which they are now able to exercise their power. It is this faith that makes me dread lest we should hurriedly let positive law come in and check the growth of self-reliance, check the growth of the sense of personal duty, and lead people to feel that, if they obey the law, they have done all their duty. It is wiser to exercise patience and let them alone till increase of experience in life teaches them to appreciate better their true position, and to feel that it is still needful for them to see for themselves that they behave as worthy men should do.

Now I can tell you why I chose the title "Law and Manners." It must be evident to you that manners must include all things which a man should impose upon himself, from duty to good taste. I have borne in mind the great motto of William of Wykeham—"Manners makyth man." It is in this sense—loyalty to the rule of obedience to

the unenforceable, throughout the whole realm of personal action—that we should use the word "manners" if we would truly say that "Manners makyth man."

ADDRESS BY HON. JAMES HAMILTON LEWIS ON LIFE AND ACHIEVEMENTS OF GEORGE WASHINGTON

Mr. HARRISON. Mr. President, on February 22, 1929, at Poli's Theater here in the city of Washington, Hon. James Hamilton Lewis, of Illinois, an ex-Member of this body, delivered a very eloquent speech on the life and achievements of George Washington. I ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, that order will be made.

The matter referred to is here printed, as follows:

THE UNION OF NATION AS THE PRINCIPAL POLICY OF WASHINGTON

[Address of ex-United States Senator James Hamilton Lewis, of Illinois, as the honorary guest selected by the District Commissioners of the District of Columbia and the societies of the city of Washington as orator of the day—delivering the George Washington address upon the occasion, February 22, 1929]

We say, with Pericles as he spoke to the Greek patriot, "A country without heroes is a land without history." Horace, the Roman philosopher-poet, declares that "it is sweet and noble to die for one's country." But America replies, "How sweeter and nobler it is to live for one's country."

In this hour when we glorify the deeds of the first American, of the patriots who lived for their countrymen, we ask, "What acts in the exalted career served to secure the most profitable inheritance to his Nation?"

While we salute with sublime praise the valor of the soldier, exalt the strategy of the commander, and bow to the shade of the Christian gentleman, we turn to this occasion to testify to America that on the strength and sovereignty of union, Washington built our house. We hear him declare, as did the great apostle, "On this rock I build my house and the gates of hell shall not prevail against it."

AS GUIDE OF THE CONSTITUTION

We see the soldier-statesman enter the tabernacle where is to be molded the tablet of the Constitution. He is silent and watchful; his soul is vowing to all the gods of fate that, though the monarchs of the world kingdoms had sentenced the first true republican form of democracy to failure and death, they shall see that the sun pictured on the chair, against which the president of the convention leaned, should be the emblem of a rising sun, not a setting one.

Let us know that Washington seeing the past moving in panorama of history, reflected how Greece was shattered by the dissension and disunion of its sections; how in this distraction and division it was overcome by Rome and trampled under iron shod to slavery; noting how Rome with unrestrained power turned upon herself the audacious spears of caste and class, split her cordon of strength until its shivered ranks ran to the hills where it was swallowed by the barbarian hordes swarming from the hidden north; and then how the divided angles were overcome by the Norman conquerers—turning Saxon England into a German-French conquest.

Aye, recalling the desolation put upon the American colonies by their conflicts of pride in the day when France led conquest against them, Washington still feeling the pain thrusting against his heart, where his country divided in purpose, conflicting in systems, with local contention of preference and power; starved the soldiers of the Revolution and froze them with neglect. He remembering how from Trenton to Yorktown, the young Nation from weakness risked surrender to its destroyers, and periled death through the contest of divisions, and that in all this there was not one unit of power anywhere to command—to compel and to save.

Let us feel that something in him spoke the words of the poet:

"I shrink to see a modern coast whose riper times have yet to be;
Where the new rivers claimed them free—from that long drip of human tears—
Which peoples old in tragedy have left upon the centuried years."

The question arose asking, after all that had been done, were national interests to be wrecked upon the rock of local jealousy? Were petty differences and provincial councils to prevail as against a union of desire, a union of hope, a union of purpose—the fulfillment of nation?

Truly through all that Washington endured, wrote Thoreau, as given us by Hampton Carson in his great address before the University of Pennsylvania, "Washington in his erectness and his persistency holds with dignified silence to simple deeds. He does not fluctuate or linger, nor stoop nor swerve. Amidst all he is nobly silent and assured."

WASHINGTON AS PRESIDENT

Stepping to the plane of his greater responsibilities, Washington confronted a public debt of $50,000,000. Eight million dollars of it was due France and Holland who had been our friends in a trying hour. Thousands of our patriotic sufferers at home were holding the dishonored bills of the Continental Congress.

Though Paul Jones had with our splintered Navy swept the seas and forced the corsairs of Algiers to hang their heads in contrition for their assaults upon our commerce, yet everything at home of needed value languished. A Congress had fled from Philadelphia to Princeton. Washington only seemed to arise to the needs. Neither Adams nor Franklin nor Hamilton had yet the birth of his vision.

"He dipt into the future far as human eye could see
Saw the vision of the world—and all the wonder that would be."

On March 4, 1783, he wrote to Hamilton, "My wish is to see the Union established upon permanent principles." In his circular letter to the governors of the States he urged the forgetfulness of local prejudices and policies. He besought concessions and sacrifices of individual advantages to the interests of the community.

To Benjamin Harrison, Governor of Virginia, he wrote, January 18, 1784, "If there is not a change in the system of unreasonable jealousy of localities, there will be our downfall as a Nation."

And to Henry Lee, in October, he cried forth, "Influence is not government. Let us have a government by which our lives, liberties, and properties will be secured or let us know the worst at once." By this creed, by this defiant declaration of liberty or death—"my country or my grave"—that Knox wrote to Washington, saying, "The judgment of the ages entitles you to the encomium of the Father of your Country."

In this struggle for the principle to preserve our Nation as one integral unit, his great object was to avoid divisions which would make us a prey to the assault of vengeful foreign foes. On this issue and purpose Washington suffered the attacks accusing him of ambition to be king—of assuming the schemes of a monarch, taking to himself tyrant force to perpetuate himself in power.

None of these accusations, false and painful as they were, moved him. He must have recalled with King Richard, as Shakespeare expressed his sentiment:

"No might nor greatness in mortality can censure 'scape;
Back wounding calumny the whitest virtue strikes—
There's no king so great can tie up the gall in the slanderous tongue."

In all of this we see the purpose and faith of this father. When arising in the great event he declared the duty of the day, saying: "Let us raise a standard to which the wise and honest can repair. The event is in the hands of God."

By this policy of union of nations and sovereignty of people, Washington as President commanded admiration. He made the minister of France treat us with deference, and forced England to salute us with respect.

Washington had anticipated his Farewell Address by writing to Sir Edward Newham, "I hope the United States will be able to keep disengaged from the labyrinth of European politics and wars; and that before long they will by the adoption of good national government have become so respectable in the eyes of the world that none may assume to treat us with insult or contempt."

It was in this spirit Washington in his farewell message proclaimed to the earth that the policy of America as a people must be friendship with all—but politically as a nation to keep to our homes. It was then he declared to Europe our warning—Stand back! Hands off America! This continent belongs to the American people!

To guarantee this possession he commanded "that in time of peace we prepare for war"—not that we prepare to war on any people—but to be prepared against war made on us. It is the Washington policy that against assault our duty is not flight but fight.

It was the success in the preservation of the Republic with courage to the world and honor to ourselves, that brought Fox and Pitt of England to certify Washington as "The heir of all the ages; in the foremost files of time."

AMERICA AND THE WORLD OF TO-DAY

May we not now in the growth and fullness of our national greatness view the vindication of the Washington policy of national union. Here we abide as against every opposition from without—an harmonious people. Compared to the nations of the earth, we stand superior in strength and power; for service to man, of any nation in the world. Rich in possession of that which gives content and happiness, we bestow blessings on mankind in every sphere of civilization, and rescue the oppressed with the hand of humanity and the angel of peace. We seek no power from our strong union with which to subjugate any people, nor oppress misfortune in any sphere of human endurance.

We summon the world to note that when in the late crisis that threatened the existence of the royal lands once our assailants, each turned to us crying, "Help me, Cassius, or I sink." We answered their call—gave them refuge, rescued them by our union of strength—as our Nation gave our children to die that the children of other nations might live.

Then we turned, as turn we this day to our late foe, to greet new Germany with hope; to aid with favor and bless her with a God's benediction. To-day this union of Washington is the inspiration of

every people struggling for liberty and the hope of every nation praying for justice.

HOOVER AND COOLIDGE TO FOLLOW WASHINGTON

On this natal day as we salute the advent of a new President, paying our due homage to the one retiring in honor, we find our security in the knowledge that as it was from Washington to Wilson—there will be continued from Coolidge and Hoover—to those yet to come to the glory of the power; the preserving policies that has so long guided us, proclaiming, "In matters of home divide as we may, but against attacks from abroad, united, whatever the day."

So in this hour of your tribute, let us know that as the sentry of passing days pacing the rounds on the watchtower of civilization—conning the ominous signs of the times—shall hear rung out to America the challenge, "Watchman, what of the night?" there will come from our united people the answer, saying, "America, firm in the faith and preserved in the teachings of George Washington, thank God—all is well."

NAVAL APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. BRATTON. Mr. President, I desire to ask the chairman of the conference committee a question, and I shall not delay the Senate beyond that.

The Senate inserted a twofold amendment in the bill. One was in the usual language, with reference to the second and each alternate ship, to the effect that the navy yards should be given preference in construction. The other was preserving the mandatory provisions of the authorization cruiser bill, so that the first and each alternate ship thereafter must be constructed in the navy yards. I understand now that the conference report preserves that amendment and it remains in the bill.

Mr. HALE. Exactly as the Senate passed it.

SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota.

Mr FRAZIER. At the close of the morning hour yesterday the Senate had before it Senate Resolutions 303 and 308, Orders of Business 1823 and 1824, authorizing the continuation of hearings by the Indian Affairs Committee under Senate Resolution 79, and providing funds to carry on the work.

At that time our able leader here, the Senator from Kansas [Mr. CURTIS], had told me that he expected the Senate to adjourn and have a morning hour this morning. Afterwards, it was agreed not to adjourn. I am interested in getting those measures up, but I have no thought of trying to delay the conference report on the naval bill. I am willing to ask for a unanimous-consent agreement right now, and if it is granted, all well and good. If not, I am prepared to talk for some time, at least.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. FRAZIER. I yield to the Senator from Arizona.

Mr. ASHURST. My colleague [Mr. HAYDEN] was called out of the Chamber on an important matter. I assure the Senator that he will have no objection to the consideration and adoption of the Senator's two resolutions just as soon as the Navy bill is out of the way; and I see no reason why, as soon as this conference report is agreed to, the Senate should not take up the resolutions to which the Senator adverts, and agree to them within a minute.

Mr. FRAZIER. A minute is no longer now than it will be afterwards. We have 20 minutes before 1 o'clock right now.

Mr. KING. Mr. President, does the Senator from Arizona speak for the senior Senator from Ohio [Mr. FESS]?

Mr. ASHURST. I do not mean to speak for my own colleague; but from the conversation I had with him I wish to assure the Senate that he has no intention of objecting, but he reserved the right and had the right to include in the RECORD——

The PRESIDING OFFICER. The Chair must remind the Senator from Arizona of the unanimous-consent agreement whereby, at the conclusion of the consideration of the conference report on the naval appropriation bill, the Senate has agreed to take up the calendar for the consideration of unobjected bills until 1 o'clock.

Mr. ASHURST. I thank the Chair. I would not have known that if the Chair had not told me; but I do say that the way to pass the Navy bill is to agree to the conference report now, and then, by unanimous consent, to take up and agree to the resolutions to which the Senator from North Dakota refers. I think that can be done, and we will be through in two minutes; so I will stop talking and let the Senate do that.

Mr. HALE. Vote!

Mr. FRAZIER. I am perfectly willing to do that if that will be agreed to, but I want a unanimous-consent agreement to that effect.

The PRESIDING OFFICER. Has the Senator from North Dakota submitted a unanimous-consent agreement?

Mr. FRAZIER. Mr. President, I ask unanimous consent that at the conclusion of the consideration of the conference report on the Navy bill Senate Resolutions 303 and 308 be taken up for consideration.

Mr. FESS. Mr. President——

Mr. BLEASE. Mr. President, the Senate has already entered into a unanimous-consent agreement as to what will be done at that time.

Mr. ROBINSON of Arkansas. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Arkansas will state the point of order.

Mr. ROBINSON of Arkansas. The business of the Senate has already been fixed by unanimous-consent order providing that the Senate shall proceed, immediately following the conclusion of this conference report, to the consideration of unobjected bills on the calendar, commencing where we left off yesterday.

The PRESIDING OFFICER. Objection is made.

Mr. FRAZIER. Mr. President, under Senate Resolution 79 the Senate Committee on Indian Affairs were authorized to conduct an investigation into the Indian situation.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. FRAZIER. I yield.

Mr. ASHURST. I ask unanimous consent that the Senate now, without further debate, vote upon the two resolutions in which the Senator is interested.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. Mr. President, I desire to make a statement of two or three minutes.

Mr. ASHURST. I suggest that the Senator do that after the resolutions are taken up.

Mr. SWANSON. Mr. President, I am not going to consent to anything until the Navy bill is disposed of. I am not going to be run over here.

The PRESIDING OFFICER. Objection is made.

Mr. FRAZIER. Mr. President, on January 17 and January 23 of this year resolutions were offered authorizing the continuation of the work of the investigating committee and providing further funds to carry on the investigation.

These resolutions were referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I personally asked the chairman of the committee to take up those measures as speedily as possible, in order that we might get action, so that we could make our preparations to go on with the investigations if we were to continue. I was promised from day to day that the resolutions would be taken up. It was not until February 16 that the resolutions were reported to the Senate.

Since that time I have conferred daily with our able leader, the Senator from Kansas [Mr. CURTIS], as to getting the resolutions up, and the Senator was very much interested, because he is interested in Indian questions, and I have taken his advice, but have been unable to get any action on the resolutions.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. FRAZIER. I yield.

Mr. BRATTON. As a member of the committee, and in harmony with what the chairman is saying, I ask unanimous consent that the conference report on the naval appropriation bill be temporarily laid aside and that the two resolutions to which the Senator is addressing himself be adopted without debate.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. I object. The Senate is proceeding under a unanimous-consent agreement.

The PRESIDING OFFICER. Objection is made.

Mr. FRAZIER. Mr. President, we have been unable to get any favorable action on these resolutions, and I have been subjected to a great deal of criticism because action has not been taken. As I said, I have been following the advice of the leader on this side of the Chamber, whose advice, I think, is usually very good.

Mr. NORRIS. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FRAZIER. While I am perfectly willing to admit that this conference report is of importance, and perhaps should be acted upon at once, nevertheless, there are other matters which are important, too.

We have in this country a lot of American Indians, people belonging to a race who were here before our ancestors came here, before the white men came to the American continent. The Indians from time to time have been driven back and corraled on certain reservations and they have been made the wards of the Government of the United States.

Complaints have come in vast numbers to the Committee on Indian Affairs since I have been chairman of it asking for investigations. Complaints have been made as to mistreatment and about a number of things. I think without doubt there is great need of investigation. A year ago, after Senate Resolution 79 was adopted, a subcommittee was appointed and the investigation was started. We employed a legal adviser or special investigator, with the consent of the committee, and certain other investigators were employed and sent out to various places to make preliminary investigations and to talk with the people who had made complaints.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. FRAZIER. I will be glad to yield.

Mr. ROBINSON of Arkansas. I am informed, and I believe, that when the Senate proceeds to the consideration of the calendar under the order agreed upon the Senator can have his resolution passed without objection. It is on the calendar and will be reached under the procedure the Senate has agreed upon.

Mr. WHEELER. It was passed over when reached yesterday.

Mr. ROBINSON of Arkansas. I understand it was passed over yesterday; but my information is that it will be passed now, if the Senator chooses to let the Senate proceed with the call of the calendar.

Mr. FRAZIER. I want to inquire when we are to proceed with the calendar.

Mr. ROBINSON of Arkansas. We were to have proceeded with the calendar immediately following the disposition of the conference report on the naval appropriation bill.

Mr. FRAZIER. Until 1 o'clock?

Mr. ROBINSON of Arkansas. Yes. Practically the entire time has been taken up with discussion of other subjects than the conference report, but now we are approaching the hour of 1 o'clock, when another order of business will supersede the conference report on the naval appropriation bill. I have not the slightest objection to the resolution which the Senator seeks to have passed, and my information is that it will be passed if it is reached in the orderly procedure.

Mr. FESS. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield to the Senator from Ohio.

Mr. FESS. I objected to the resolution yesterday. I told the Senator from North Dakota that I would not object to-day. I have no objection to it.

Mr. ROBINSON of Arkansas. I suggest that we dispose of the conference report, and then if the Senator wants to call his resolution up out of order, as far as I am concerned, I will not object.

Mr. FRAZIER. Mr. President——

Mr. ASHURST. Let us vote on the conference report on the naval appropriation bill, and then on the resolution of the Senator from North Dakota right away.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. FRAZIER. I am perfectly willing to relinquish the floor at this time, with the understanding that the vote will be taken.

Mr. ASHURST. Let the question be put on the conference report on the naval appropriation bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BLAINE, Mr. BROOKHART, and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. BLAINE. Mr. President, I think there is no necessity for undue haste. I for one am going to exercise the right, which is not a personal right but a representative right of the people. That right involves the duty of a legislative body to give full and fair consideration to every question that is before it.

We are in this situation: There is a possibility of the adoption of a conference report in the Senate which may be rejected in the House under rules quite different from the rules which prevail in this body. It would therefore seem to me, and does seem to me, that the orderly course to pursue is to await action by the other body.

Mr. HALE. Mr. President, the papers are in this body. This is an ordinary conference report and, as is always done with appropriation bills, whenever a matter comes over on which there must be a separate vote in the House, that vote is taken. Then it comes back to the Senate, and we simply agree to the action of the House, and that is all there is to it.

Mr. BLAINE. I understand, but that is the very situation——

Mr. HALE. It is merely pro forma. It happens in the case of every appropriation bill.

Mr. BLAINE. I understand, but that is the very situation which ordinarily drives the Senate conferees to consent to the dictates and demands of one or two men in the House of Representatives. The result has repeatedly been that amendments have been offered and accepted by the Senate with the understanding, the silent consciousness, of those who have had management of the bill, that those amendments would be stricken out when the bill went to conference. I have seen debates proceed in this body for many days when some of us at least assumed that when the Senate adopted an amendment, the conferees of the Senate would not readily recede, but too often the situation has been that there has been no purpose on the part of the conferees to insist upon the amendments adopted by the Senate.

I know that my colleagues around and about me are very seductive in their soft speech, and I say it as a compliment to my colleagues. I am almost persuaded; but, Mr. President, I think there is something more in this proposition than just the adoption or rejection of this conference report. The legislative power of the Senate is practically annulled under the procedure that has been followed in the past.

Mr. President, it seems to me that the constitutional duty and the constitutional prerogative of this body should be asserted. We are presumed to have in America a representative government, but when one or two men in either branch of Congress possess the power to defeat legislation, then we have in America not a representative democracy but a self-constituted dictatorship.

Mr. SHORTRIDGE. Mr. President, all unconsciously the Senator is exercising the same power which he is now denouncing.

Mr. BLAINE. Mr. President, I want to suggest to my very gracious friend from California that I am pursuing my duty on this occasion as he has pursued his duties in the past, and I do not believe that he intends to impute to me any such power.

Mr. SHORTRIDGE. I never insinuate; I state my views clearly if I can.

ORDER OF BUSINESS

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield to the Senator from Virginia?

Mr. BLAINE. Mr. President, I not only yield to the Senator from Virginia, but I desire to inform the Senator that I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. GLASS. For what purpose?

Mr. FRAZIER. In order that I may ask unanimous consent for a vote on Senate Resolutions 303 and 306.

Mr. GLASS. I will yield for that purpose alone if the Senator can assure me there will not be any extended discussion of the matter.

Mr. FRAZIER. I would appreciate it very much if the Senator will let me try it at least. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1823 and 1824, being Senate Resolution 303, increasing the limit of expenditure for a survey of Indian conditions in the United States, and Senate Resolution 308, continuing until the end of the first regular session of the Seventy-first Congress Senate Resolution No. 79, authorizing a general survey of Indian conditions.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. GEORGE. Mr. President, yesterday it was stated that after the disposition of the naval conference report this morning we would proceed to the consideration of unobjected bills on the calendar and continue thereon until 1 o'clock. It was also

stated that if we did not dispose of the conference report before 1 o'clock, then further provision would be made for consideration of the calendar. Unless that is to be done, I do not think we ought now to go back to measures on the calendar which have already been passed over when reached on the last call of the calendar.

The PRESIDING OFFICER. Does the Senator from Georgia object?

Mr. CURTIS. Mr. President, will the Senator from Virginia yield?

Mr. GLASS. Certainly.

Mr. CURTIS. I understand the Senator from Ohio [Mr. FESS], who objected, has withdrawn his objection. These are important resolutions. I hope the Senator will let them go through. We will try later on, after the conference report is disposed of, to fix a time for the consideration of unobjected bills on the calendar.

Mr. GEORGE. I wanted some assurance of that fact because it is nothing but fair. These resolutions were reached in their regular order on the calendar and were debated at considerable length, and thereby other matters further down on the calendar were postponed.

Mr. CURTIS. The Senator from Ohio withdrew his objection, and I think the resolutions will be adopted without any discussion or objection.

Mr. GEORGE. At any rate, I wanted some assurance that we would have another chance at the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. BRATTON. Yes, Mr. President; I object.

The PRESIDING OFFICER. Objection is made.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1766. An act for the relief of R. H. King;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4604. An act for the relief of James L. McCulloch;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5221. An act for the relief of Cary Dawson;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.;

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey;

S. 5776. An act for the relief of Wynona A. Dixon; and

S. J. Res. 58. Joint Resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases.

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1338. An act for the relief of James E. Jenkins; and

S. 4848. An act for the relief of T. L. Young and C. T. Cole.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2441. An act for the relief of William P. Brady;

H. R. 4611. An act for the relief of Marion M. Clark;

H. R. 4624. An act for the relief of Thomas Finley;

H. R. 5933. An act for the relief of Mabel L. Brown;

H. R. 5950. An act for the relief of Alice Sarrazin;

H. R. 6884. An act for the relief of Thomas F. Sutton;

H. R. 7560. An act for the relief of James P. Hamill;

H. R. 8519. An act for the relief of A. N. Worstell;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 10817. An act for the relief of the Merrill Engineering Co.;

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 11149. An act for the relief of Albert D. Castleberry;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12782. An act for the relief of C. L. Beardsley;

H. R. 13127. An act for the relief of Lowell G. Fuller;

H. R. 13288. An act to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 14583. An act for the relief of A. Brizard (Inc.);

H. R. 14767. An act for the relief of Howard C. Frink;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15029. An act for the relief of Edward A. Burkett;

H. R. 15190. An act granting six months' pay to Annie Bruce;

H. R. 15197. An act for the relief of Alma Rawson;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15424. An act for the relief of Dr. W. H. Parsons;

H. R. 15489. An act for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy;

H. R. 15914. An act for the relief of John T. Painter;

H. R. 15976. An act for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 16560. An act for the relief of Francis J. Moore;

H. R. 16893. An act for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy;

H. R. 16894. An act for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy;

H. R. 16895. An act for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy;

H. R. 16889. An act for the relief of Lieut. Francis D. Humphrey, Supply Corps, United States Navy;

H. R. 16896. An act for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired;

H. R. 16897. An act for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy;

H. R. 16899. An act for the relief of Lieut. Archy W Barnes, Supply Corps, United States Navy;

H. R. 16900. An act for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy;

H. R. 16902. An act for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy; and

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy.

RETIREMENT OF EMPLOYEES IN CLASSIFIED CIVIL SERVICE

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, as amended," which were, on page 2, to strike out line 21; and in line 22, to strike out the words "of retirement" and insert "any five consecutive years of allowable service at the option of the employee"; on page 3, after line 8, to insert:

SEC. 3. In the case of those who, before the effective date of this act, shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date."

On page 3, line 9, to strike out "3" and insert "4"; and on page 3, line 10, to strike out "1928" and insert "1929."

Mr. DALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Vermont?

Mr. GLASS. For what purpose?

Mr. DALE. I merely wish to move that the Senate concur in the amendments of the House.

Mr. GLASS. I yield to the Senator for that purpose with the distinct understanding that it involves no discussion.

Mr. KING. Mr. President, may I ask the Senator from Vermont what changes have been made?

Mr. DALE. There are no material changes. The date on which the bill takes effect is changed to July 1, 1929.

The PRESIDING OFFICER. The question is, Shall the Senate concur in the amendments of the House.

The amendments were concurred in.

BITUMINOUS COAL INDUSTRY—STATEMENT OF JOHN L. LEWIS

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD a statement of John L. Lewis, president of the United Mine Workers of America, which was made before the subcommittee of the Senate Committee on Interstate Commerce on Senate bill 4490, to regulate interstate and foreign commerce in bituminous coal; provide for consolidation, mergers, and cooperative marketing; regulate fuel supply of interstate carriers; require the licensing of corporations producing and shipping coal in interstate commerce; and to create a bituminous coal commission, and for other purposes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. LEWIS

Mr. LEWIS. Mr. Chairman and gentlemen of the subcommittee, the hearings before the full Senate Committee on Interstate Commerce during the last session of Congress developed conclusive proof that the bituminous-coal industry had drifted into such uneconomic and disorderly operation that nothing short of Government regulation could possibly be relied upon to adjust this basic industry to business and labor standards consistent with American enterprise.

Operators testifying before your committee admitted that the industry is selling the bulk of all coal produced below production costs. These same operators admitted that they were making no concerted effort to stop this wasteful dissipation of capital assets. Six months have passed since Congress recessed and during all this period not one single coal association, not one single leader in the industry has come forward with any proposal to correct the disorderly conduct of "King Coal."

If the operators know the present-day condition of the industry, then it must be admitted by coal management that the industry is by far worse off to-day than was the case when the hearings before this committee were recessed last May.

Since the adjournment of Congress, the United Mine Workers of America have accepted wage reductions ranging from 17 to 33 per cent in the unionized coal fields, not because the economic conditions and possibilities warranted such decreases, but due solely to the fact that the lack of leadership within the industry resulted in no effort being made to stop ruinous competition, external or internal.

The uneconomic wage now forced on the mine workers is but another result of the incompetence of the leadership which has prevailed in bituminous coal since the industry was first classified as an important industry, or more than 70 years.

Operators testifying before your committee endeavored to show that the earnings of the mine workers were comparable with those paid in other industries and that the charge by the union that low wages, distressful living conditions, and, in general, an un-American labor relationship prevailed, was ill-founded propaganda. I want to quote from a speech of Fred W. Shibley, vice president of the Bankers Trust Co., New York, who delivered the principal address before the National Coal Association Convention, November 15, 1928, at Cleveland, Ohio.

"Nobody is happy in the whole bituminous-coal industry," said Shibley. "The correlative facts are that a fair return is not being earned upon the capital actively employed in the coal industry, and that labor is not being permitted to earn wages commensurate with the cost of living in this country or comparable with the wages paid by successful industries.

"There is no industry in this country in a more deplorable condition at the present time than the coal industry. * * * The coal industry is one of the greatest national industries. The agricultural industry is the greatest of all industries. There can be no extended national prosperity until the farmer and the producer of coal each receives his fair share of the national dollar of income.

"Operators know in most cases when they are selling coal at less than cost of production, but their stockholders are not alive to the wasteful destructiveness of such action. Their only excuse is that everyone is doing it, a poor excuse in the extreme."

Here you have straight-shooting criticism of one of the country's leading bankers attributing the plight of coal direct to the men who manage bituminous-coal production. His statements are unqualified. Certainly the remarks of Mr. Shibley can not be characterized as "the wail of a union-labor leader speaking in behalf of barrack dwellers whom he seeks to hold in line that he might control a labor trust and perpetuate himself in political office." Yet there is little difference in the language used by mine union officials and that used by Mr. Shibley, financier of Wall Street. The conclusions of these two divergent forces are identical. And then Mr. Shibley goes on to ask some very pertinent questions of the bituminous-coal operators.

"Do coal operators know their true costs?

"Do coal operators realize that they are drifting toward a great cataract known as bankruptcy?

"Do consumers of coal realize what might happen to them if a large number of coal operators were obliged to discontinue operations for want of working capital?

"Do railroads appreciate their obligation to the coal industry?

"Do public-service corporations properly evaluate the service of coal producers and their indirect contribution to their success?

"Do manufacturers realize the importance of restoring from three hundred to five hundred million dollars represented by increased earnings and increased wages in the coal industry to consumer purchasing capacity?

"Do the great majority of the people know that by paying 50 cents a ton more for the coal they use they would receive indirect dividends greatly in excess of this modest increase in sales price?

"Finally, does labor know the truth about the coal situation? Do the miners realize that the people who are keeping them in a hand-to-mouth condition of existence are the operators who sell below cost and the consumer who purchases at less than cost? Do they know that they can never prosper as long as these two people trade on so uneconomic a basis?

To the last question of Mr. Shibley's address to labor the United Mine Workers give an emphatic "Yes." The leadership of the union has been fighting an uphill fight for 40 years to correct the very abuses which he has detailed in his questions, yet, despite all that has been done by the union, buttressed by investigations by States and the Federal Government, and despite all the warnings of economic agencies, the bituminous-coal operators have refused to adopt any intelligent plan to put the house of coal in order.

As an industrial code to correct the existing abuses in the production and distribution of bituminous coal, Mr. Shibley proposes corrective trade practices which are identical with those suggested by the United Mine Workers of America, the United States Coal Commission, and various economic agencies. Mr. Shibley states the program thus:

"No overproduction of coal.

"No sales of coal to the public carriers or to anyone else at prices less than the cost of production.

"No shipments of unsold consigned coal.

"No duplication of sales effort.

"No unfair and unethical sales practices.

"No expansive invasion of unnatural sales territory, and consequently no uneconomical haulage charge.

"Under such ideal conditions as have been outlined, capital would receive a fair return, labor would be satisfied. There would be no strikes for the same reasons that there are no strikes in the automobile industry. Methods of production and distribution would be standardized and economies effected that would result ultimately in very cheap prices to consumers of coal.

"Instead of purchasing necessitous coal at prices yielding a profit to no one, the public-service corporations and manufacturers generally would find that in paying an equitable price for coal they were stimulating consumer capacity for their own service and products, that the business of the Nation was being strengthened and the national prosperity increased. Miners, like other well-paid workmen, would contribute to the national purchasing power and the deposits in savings banks.

"And right here it should be stated that the predictions recently made of a broadening national prosperity by Charles M. Schwab and Henry Ford can never materialize as long as certain classes of capital and labor are pauperized through a persistence of uneconomic conditions.

"The time has come to show up the coal operator who, in ignorance of his costs, sells his product constantly below the cost of production.

"The time has come to educate the consumers of coal to pay a fair price for the product in their own interests. A great deal of education will be necessary along this line.

"But many large industries refuse to recognize the economics of the situation. They continue to play the necessities of one coal operator against the pitiable condition of another, beating down the price to a ruinous level while they rejoice at the efficiency of their purchasing departments.

"These people in many instances are manufacturers of the machinery and equipment used by the operators, or of the merchandise consumed

by the miners. They are killing the goose that lays the golden egg, but they do not know it, or cynically they disregard the fact.

"Certain large consumers know they are paying an unfair and uneconomic price for coal, but public opinion has not become so aroused that they are ashamed of browbeating coal salesmen."

The evils outlined by Mr. Shibley constitute the prevalent fundamental abuses in the coal industry. The remedial trade practices outlined by him would no doubt solve the major mine problem. But when and how are these trade practices to become effective is the vital question with which 500,000 miners and their families and the business men of the coal regions are concerned. Bituminous coal operators have demonstrated to the satisfaction of every agency that has investigated coal that the 5,000 separate units of the industry can not be brought together under a voluntary cooperative plan of organized production and distribution, embracing the reforms outlined by Mr. Shibley and thereby improving the status of the industry.

Millions have been spent by operators in freight-rate wars to obtain competitive advantages through revised freight-rate structures. Millions of capital assets are being wasted annually in futile competition, but nowhere does the record reveal that the operators have contributed money or applied constructive business thought and ability toward a solution of coal's vital, fundamental, economic problems.

To one informed of the underlying causes for the "disorderly conduct" of bituminous coal, it is utterly absurd even to entertain the thought that the time will ever come when the bituminous coal industry can establish sane business relations through corrective measures brought about of its own free application.

And here again I want to quote Mr. Shibley, to bear testimony to the extraordinary abilities of the operators to pull in opposite directions. All in all, Mr. Shibley's remarks constitute the most thorough raking over that the operators have received from an invited guest in many, many years. It certainly can be no boast of the industry that its leaders were compelled to sit and listen to a banker of the rank of Mr. Shibley tell them the fatally cumulative consequences of their own multitudinous stupidities.

"Much can be accomplished," said Mr. Shibley, "toward a betterment of conditions in the coal industry through the merger of properties lending themselves to economic groupings. The consolidation into one great corporation of the various Pocahontas coal properties which failed recently, would have demonstrated this fact in a convincing way.

"But it failed as many other attempts at consolidation have failed because the attempt was made before the Pocahontas operators, in part at least, were ready for it. The necessity for such a consolidation was felt by them, but they had not learned how to cooperate. The old fear of each other pervaded their thoughts. They dare not risk their properties under a management other than their own, because they had not been convinced that they would prosper more as a group than as individuals.

"The desire for cooperation and the thorough understanding of the fundamental principles of cooperation must be acquired before an economic consolidation of coal properties can be undertaken. It is only through cooperation and subsequent consolidation that the menace of overproduction can be minimized.

"Great corporations effectively managed can produce and market coal so much cheaper than scattered individual operators that there is reason to believe that they can maintain the industry on an economic basis even if the individual operators decide to continue the dying financially by that lingering, but apparently fascinating, disease called 'selling at less than cost.'

"I believe we are entering upon a period in which great producing and distributing corporations will exercise a dominating influence in business.

"The consuming public is intelligent and discriminating. It favors stabilization in prices and is not inclined to view with favor an industry in which prices fluctuate violently, and one which punishes them when the opportunity offers. The coal industry lends itself to consolidation. Mine operations can be readily controlled by a central organization and there can be no argument, of course, as to the possible economies in distribution.

"But how consolidate under present conditions? When the blind lead the blind both are liable to fall in the ditch."

Mr. S. A. Taylor, one of America's foremost mining engineers, was another speaker who analyzed the backwardness and inefficient management of the bituminous coal industry before the assembled delegates to the recent Cleveland convention of the National Coal Association.

"If we assume," said Taylor, "at the present time an excess capacity of 300,000,000 tons, the actual outlay of money to maintain it would be equal to $45,000,000 per year, and when to this is added the cost of capital at 6 per cent, it would make $60,000,000 per year, or for both items the sum of $105,000,000 yearly to carry this excess tonnage capacity."

According to the Standard Statistics Service, coal companies that made public reports to the degree that an intelligent summary could be made for the year of 1927 showed that the per cent of gross margin saved for net income resulted in a deficit of 3.7 per cent. This means that in the year 1927 the reporting coal companies showed a combined loss of around 7½ cents the ton on all coal sold based upon an average selling price of $2 per ton.

If this ratio of loss obtained for the entire industry, it means that an additional loss of $37,500,000 based upon 500,000,000 tons production must be added to the $105,000,000 loss detailed by Mr. Taylor. But the facts will disclose a much greater loss than this huge total of $142,000,000 which only partially tells the story. It is common knowledge that a large majority of operators have been reluctant to deal with depreciation and depletion, fearful that the staggering results would be too much for their credit rating and mental well being.

The most important losses are those resulting from spreading bankruptcies taking heavy toll in all the principal coal fields. As a matter of fact the financial structure of bituminous coal is so insecure and wabbly that no accurate annual loss can be estimated. Not only are the coal companies bankrupting themselves by selling coal below production costs, but in so doing the whole surplus capital of entire mining communities is becoming impaired, as witnessed by the closing recently of three banks within one week in Eastern Kentucky, resulting from frozen assets caused by excessive loans to coal companies.

It is perhaps unnecessary to point out that local depressions of this character do not remain local. In the recent report of the Secretary of Commerce on the state of business in the fiscal year ending June 30, 1928, the slump in industrial output and employment which characterized the later months of 1927 was attributed to the Mississippi floods, the temporary curtailment of activity by a leading motor manufacturer during a change of model, and similar factors.

If passing events such as these can make such a considerable difference in the volume of business and employment, what can be expected from the permanent economic wreckage of great areas of the country, areas which supply the fuel from which comes over two-thirds of the power employed in American industry, areas which supply the lucrative freight to the great rail carriers who serve all other industries more efficiently and cheaply because of the backlog of coal revenues?

In order that the committee might fully comprehend the extent to which selling piracy is being executed by coal companies the following comparisons will reveal the picture in part:

In 1923 Kentucky produced 44,777,000 tons of coal, for which Kentucky operators received $113,735,000. In 1926 Kentucky produced 66,330,000 tons of coal, for which Kentucky operators received $110,194,000. Production increased 21,553,000 tons, or 48 per cent, while sales realization decreased $3,541,000, or 3 per cent.

Virginia in 1923 produced 11,761,000 tons of coal, for which Virginia operators received $32,460,000. In 1926 Virginia produced 14,493,000 tons of coal, for which Virginia operators received $24,827,000. Production increased 2,731,000 tons, or 23 per cent, while sales realization decreased $7,633,000, or 24 per cent.

In 1923 West Virginia produced 107,899,000 tons of coal, for which West Virginia operators received $285,934,000. In 1926 West Virginia produced 147,209,000 tons of coal, for which West Virginia operators received $270,864,000. Production increased 39,310,000 tons, or 36 per cent, while sales realization decreased $15,070,000, or 5 per cent.

The trouble with coal operators is that they have been trying to expand markets by increasing the demand for coal over which they have no control while not concerning themselves about the price at which they sell coal over which the should maintain control.

If there is one man in the country who should intimately know the value of the abilities of individual coal operators, as well as the collective response as regards intelligent cooperation among operators, that man is Harry L. Gandy, secretary of the National Coal Association. It might be well to inquire as to Mr. Gandy's appraisal.

The prevalent practice of selling bituminous coal at the mines below cost of production was the chief topic of discussion at the May, 1925, convention of the American Mining Congress. Mr. Gandy made this contribution:

"Whenever operators acquire sufficient courage and self-control to resolve that no coal shall go out of their mines at an unremunerative price, some of the difficulties of the industry will be over."

The spine of the coal industry, recognized by its executive head as excessively weak in 1925, has evidently completely buckled, for it is a known fact that competition has reached far greater destructive levels in this year 1928.

Mr. Gandy's conclusion is but additional proof that the United Mine Workers have accurately gauged the ability of the industry when we say that no hope of progress can be expected based upon the voluntary cooperation of operators within the industry.

Following the recess of coal hearings last May, Mr. G. J. Anderson, president of the Consolidation Coal Co., evidently concluded that he would assume the lead in launching a movement to restrict production and improve price realization. Mr. Anderson closed down five mines and then began an advertising campaign to enlist other operators to join in the movement to curtail output. The following is the advertisement which appeared in Fairmont, W. Va., newspapers:

"TO OUR FELLOW COAL PRODUCERS WHO BELIEVE WITH US THAT * * * EFFICIENT MEN SHOULD BE RETAINED IN THE INDUSTRY AND INEFFICIENT MINES SHOULD BE ELIMINATED FROM PRODUCTION

"The Consolidation Coal Co. believes that the present plight of the bituminous-coal industry will not be remedied by forcing unwanted coal upon an unwilling market. It sees no relief, either to the industry or to any producing company, by cutting prices below a level that permits a mine to remain in production with its natural overhead unabsorbed in its average realization.

"The Consolidation Coal Co. believes that no present useful purpose nor any contribution to future stability is to be gained by further cutting wages below a sound economic level. Whatever may be the temporary relation of labor costs to selling prices, it holds that the primary object of both mine labor and mine management must be the most regular work-time possible under a proper wage base.

"Holding, as it does, these beliefs, the company is attempting to bring both its marketing and operating policies into line with what it conceives to be a constructive economic basis. To that end it is closing for an indefinite period some of the least efficient mines, and consequently must dispense with the services of a considerable number of valued and loyal employees.

"The company is confident that the elimination of these mines will not only be to the advantage of the industry at this time, but that the greater concentration thus enforced will yield benefits to the labor remaining and to the company as a whole.

"On the other hand, it is recognized equally that there would be a loss to the industry if many of the experienced employees, thus displaced through no fault of their own or by any dissatisfaction with their services, were unable to continue in bituminous coal.

"The company has, therefore, taken this opportunity to give to its fellow producers a frank statement of the policy thus adopted. Further, in behalf of any former employees seeking affiliation elsewhere in the industry, it wishes earnestly to bespeak all proper consideration and courtesy for their applications arising out of this action.

"If the industry is to progress rapidly toward its rightful economic recovery, the Consolidation Coal Co. believes each and every producing unit must make some sacrifice to that end. We speak only for ourselves and only in the spirit of friendly cooperation. The retention of the most economic mines, and the present elimination of the least efficient, adopted voluntarily as a general program, seems to offer the speediest and most effective relief for all.

"THE CONSOLIDATION COAL CO. (INC.),
"G. J. ANDERSON, *President*.

"15 BROAD STREET, *New York, N. Y.*"

It is a sad commentary upon the business sagacity of the industry that there exists no closer relationship between operators in a producing field that produces around 35,000,000 tons annually than that afforded by the insertion of a paid advertisement in a local newspaper. The whole aspect is far more distressing when you take into account the fact that Mr. Anderson is president of the largest American bituminous-coal company, in which John D. Rockefeller, jr., owns controlling interest.

Like all other feeble efforts to get at the control of uneconomic production and distribution at the source, the lamentation of Mr. Anderson failed to win any favorable response from the operators, notwithstanding the trade journals and business newspapers commended the proposal as a fundamental step in the right direction.

As further proof that operators will not heed sound business procedure, such as Mr. Anderson suggested in his advertisement, and have drifted to further depths of helpfulness in the ruinous buyers' market, the following admonition from a bulletin issued by the National Coal Association November 24, 1928, lays bare the cancerous nature of the practice of producing coal without markets:

"Sixteen thousand four hundred and sixty-one cars of bituminous coal were shown to have been unbilled at the mines or in railroad classification yards on October 1, according to the United States Bureau of Mines' stock report, recently issued as of that date. At 50 tons per car the aggregate unsold tonnage on tracks October 1 was considerably over 800,000 tons.

"That coal had a demoralizing effect on the market will be admitted by all. The questions of unbilled coal and coal on open consignment have been and are of vital concern to the entire bituminous industry. Local associations should renew discussion of these questions. They should ascertain what proportion of that unsold coal on October 1 was in their respective districts and collect figures currently. Perhaps there is no one step that would immediately have such a beneficial effect on the coal market as following the admonition: 'Produce no coal until orders are in hand therefor!'

"If every bituminous operator would firmly resolve to mine no coal until sold, that action would at once cure a situation of disastrous effect on the entire industry. The operator who produces coal before it is sold does not deceive anybody, for purchasing agents know currently how much coal is unbilled at the mines and have information as to coal consignment. Now, all together, every bituminous operator, for the elimination of the production of unsold coal."

Exhorters have been many in the coal industry over a long period of years, and if the response to admonitions be the criterion by which the industry is to be judged, then it can be truly said that the industry displays no sign of conscience. Officials of the National Coal Association know better than to expect cooperation from operators in the matter of restricting output to meet current market requirements. It is just another one of the bulletins that are sent out, received, and wastebasketed.

FUTURE OUTLOOK

The immediate future holds no promise of increased bituminous-coal consumption. Improved combustion methods and the competition of oil, gas, and electricity will take care of new uses for coal such as would have existed in the buried past, for a long period to come. Coal consumption does not depend on the price of coal to any great extent. Sales campaigns and price reductions do not and can not boost coal consumption as in other industries. Considered as a whole coal is a very minor item in the total cost of manufactured products.

Coal operators have not learned the value of the product they produce. Consequently their marketing endeavors are harum-scarum. To fill the needs of a consumer with a particular coal suited to his requirements is not the sales thought of the operator, but, on the other hand, the big idea is to slip his coal in at a reduced price with the hope that he can thereby establish a connection which will afford him a sales opportunity if and whenever there might exist a sellers' market.

In the absence of any organization among the operators a continuation of uneconomic selling methods, costly to the operators and annoying and unsatisfactory to the consumers, is certain. That competition within the coal industry will constantly grow worse and more antisocial, decreasing present price realizations, is the verdict of all who have investigated.

The future offers absolutely no hope for coal prosperity, according to advice sent out by the Standard Statistics Service to brokers and investors.

What is Standard Statistics Service? It can not be classified as political or philanthropic, but quite the contrary is recognized as the high court of financial judgment. Located within a stone's throw of the New York Stock Exchange this organization is rated the best available service on industrial analysis. Here is this organization's appraisal of coal:

"Concentrated efforts toward effecting a basic improvement in the soft-coal industry this year have so far been successful only to a limited degree. Fundamental difficulties remain uncorrected, and there is little hope for early marked improvement in earnings. In fact, larger producers will in almost every case probably report even less satisfactory operating results this year than in 1927 * * *. Reflecting complete failure of the labor union to enforce its wage demands, mining operations are now upon an open-shop basis over a wide area, while in those districts still operating under union conditions wage agreements have recently been negotiated involving rates sharply under those stipulated in the union schedules previously operative. In the aggregate, labor costs throughout the central competitive territory are roughly 20 per cent under those of a year ago * * *. Aside from the peaceful labor situation and the reduction in mining costs, there is little basis for an early optimism.

"Coal prices reflecting increased competition have averaged 10 per cent below last year's levels and currently stand at approximately the lowest point in the past 12 years.

"Furthermore, in view of the industry's fundamental overcapacity it is extremely improbable that any early sustained advance in prices can be effected. Profit margins are generally inadequate under present conditions.

And then as advice to investors this service says:

"Reflecting the unfavorable earnings' prospect interest in coal company securities has been lacking this year. In the absence of any indicated favorable developments in the near term we do not advise purchases of common stocks in this group, even at present deflated levels."

Such is the market verdict of the high court of money in America on coal under date of October 11, 1928. This judgment was rendered at a time when business forecasters everywhere were predicting record breaking earnings for industry as a whole, which in turn resulted in the greatest "bull market" of all time.

In this judgment of the court of money, rendered upon standards which are based upon and expressed in dollars and cents, we find the same conclusion as to the incompetence of the management of the coal industry which has already been placed in the records of the tribunals which have tried coal by ethical and humanitarian standards and found it socially delinquent.

The courts of engineering have found it guilty of technical incompetence. Tried by the standards of conservation of natural resources, the promotion of national self-sufficiency and of potential national defense, the industry has been convicted of imbecile waste.

That American railroads have been profiting for several years past at the expense of the demoralized coal industry by the purchase of a coal supply amounting to more than 25 per cent of the total produc-

tion, at and below production costs, has already been established by the testimony given this committee.

The gas and electric utilities are buying their coal below production costs and using such coal to manufacture gas and electricity to compete with coal in supplying the increased demand for heat and power. Utilities are prosperous. Earnings are constantly increasing. The financial tipsters are advising investors to buy gas and electric utility stocks. Utilities experience no difficulty in securing ample funds to finance consolidations and improvements.

Utility rates are fixed by public-service commissions upon a basis that yields a fair return upon invested capital and the service rendered. These allowances are most generous. For the most part the structure of utility rates in the United States are predicated on coal costs from 30 to 50 per cent higher than the prevailing coal sales prices. Thus behind the unprecedented prosperity of the American public utilities lies a direct loot of the coal industry and of the natural resources upon which the future living standards of our children depend. It does not matter whether it is brought about by a conspiracy on the part of purchasing agents or by the incompetence of coal management, the result is the same. And the result is that the American coal miner is to-day the innocent victim of an un-American and uneconomic wage for his daily drudgery, and along with him the dollar of the owner of coal securities is being diminished at a perilous rate.

The fact that organized utilities are profiting at the expense of the coal industry needs no better proof than to state that utility-owned mines are closed down because utilities find it more profitable to buy coal on the open market than to produce their own requirements.

The continued expansion of gas and electric utility holding companies means a greater concentrated purchasing power and a diminished number of sales outlets for coal. The result will be that the 5,000 separate unorganized units in the coal industry will further reduce prices in an attempt to secure business.

The whole sales policy of the bituminous-coal industry revolves on an uneconomic axis. The organic sales policy embraces the sale of from 30 to 40 per cent of the total production known as screenings at from 30 to 50 cents the ton less than cost of production.

This sales condition prevails when the industry reckons itself on an earning basis. The selling of screenings below the cost of production is an ancient practice born in the industry's infancy when combustion methods demanded the coarse sizes. Hence the lower prices originally prevailed as an inducement to buyers to use screenings. Present-day combustion equipment of utilities and most manufacturing establishments demands screenings. In fact, screenings give almost equal, while powdered coal gives greater, efficiency when used under modern combustion methods than the coarse sizes. The unorganized industry, clinging to the custom of its cradle days of daddyism, has made no organized attempt to meet this changed efficiency in combustion methods which makes screenings and powdered coal a preferred product.

John Morrow, president of the Pittsburg Coal Co., addressing the Illinois Manufacturers' Association, in August, 1928, directed the attention of that group to the disproportionate cheapness of screenings, with a warning that such a condition must be corrected. Imagine, if you will, what a big laugh for an organized group of manufacturers who spend a good part of their daily lives chasing price-cutting coal salesmen from the reception rooms. Not as a feasible plan to correct the evil, but merely as the testimony of the president of one of the largest producing units showing the uneconomic results of selling screenings below cost, Mr. Morrow's address in part follows:

"In my humble opinion, you [manufacturers, industrials] have been buying your coal too cheaply, and you can not expect to keep on doing it. The reason I say that is this: American manufacturing business very largely is built upon the consumption of screenings, the undersizes of coal, and screenings comprise from one hundred to a hundred and fifty million tons of the total production of coal, bituminous, in the United States. Screenings are traditionally sold for 50 cents to a dollar a ton below the cost of producing.

"Now, I say traditionally. That has been the case for many, many years, and you gentlemen have been accustomed to buying your coal on that basis of prices. Now, I say to you that it is only reasonable for you, as business men, to expect us, as business men, to endeavor to get a better price for that one-third of our product which we have been selling to you below our production cost.

"We expect to get it not merely by asking for it, but possibly by taking the screenings away from you, doing something else with them, finding other ways of disposing of that coal, so that there won't be such a quantity of screenings to sell. And, then, if we could just persuade a few coal men that they ought not to crush their mine-run coal so that they can sell it to you at a loss, and thus insure themselves a loss on all of their product, maybe we will get somewhere after a while.

"At any rate, I repeat, that for you, as business men looking 10 years ahead, it would be well for you to take into your account the possible readjustment values on your fine sizes of coal."

What are the effects of this futile antisocial competition?

Wholesome competition is the kind of competition that is referred to as being the "life of trade." Competition that reduces prices where such reduction results in increased consumption of useful goods and services is desirable competition.

Without increased consumption lower prices do not benefit the social order. The measure of the social utility is whether it increases consumption or not. If consumption is not increased by the buyer, any financial benefit he might get and services that might result are counterbalanced by the decreased buying power and living standards of the seller.

Constructive competition has been demonstrated by countless business leaders in automobile and varied manufacturing lines. Increased output from improved manufacturing facilities operated on increased wage rates have enabled far-visioned industrialists to develop efficient methods by which the finished product has been reduced in price to such a degree that consumption increased by leaps and bounds. This plainly is socially useful competition in keeping with American thought and progress.

Destructive competition, such as the coal industry has been pursuing for many years, is distinctly antisocial. Destructive competition reduces wages, sells labor and capital assets, without increasing the consumption of the product. This benefits no one, because it destroys and impoverishes the purchasing power of such great numbers of the social order dependent upon coal for earnings, and also leads to wasteful exploitation of national assets.

The futile competition in coal has not reduced transportation or utility rates. Coal is such an infinitesimal part of manufacturing costs that no possible benefit to the consumer could accrue if the price were cut in half. No increased burden would result if the prices were doubled.

Many coal operators who have testified before this committee have attempted to excuse destructive competition by charging their conduct to the alleged inevitable operation of the law of supply and demand.

Coal operators refer to the law of supply and demand as though some supernatural force controlled a lever by which all production and sales were finally adjusted.

As a matter of fact, the law of supply and demand operates only as a regulator of production under conditions of scarcity. It performs no function, can not possibly serve to remedy or regulate the ills resulting from overproduction and free-for-all selling attempts of its own economic force, unaided and undirected.

Every agency which has investigated coal has been able to penetrate the mindless chaos and to disclose the existing evils in poignant detail.

But few have ventured to suggest a remedy. A bugaboo is met at the close of every analysis. Taboo, slogan, and shibboleth smother reason under ancient metaphysical dogmas which pass current as economic laws among the half informed.

There is an element in American business among whom the fear of governmental invastion of the sacred precincts of industrial management amounts to an obsession. Paradoxically enough the more backward an industry may be, the more it relies upon governmental intervention, such as tariff or carrier regulation in its internal relations, the more it is inclined to disregard all the canons of individualism and political liberty in labor relations, the more fanatically it clings to outworn conceptions as to the public relations and responsibilities of business management. No matter how unprogressive an industry may be, no matter how much the public welfare may depend upon its product, no matter how much poverty and oppression may prevail among its working forces, the mere hint of socially intelligent action to give more progressive management and investment capital a chance to improve things stirs up a frenzy of protest. There is something ludicrous in these fierce assertions of individual rights by the leaders of industries which have the least right to demand a doctrinaire independence of action, unless we are prepared to admit that independence is a corollary of incompetence.

We hear no such language from the leaders of industries which have proved their ability to give service. Some of the successful industries have never been regulated because they discharge their public duties so well that no demand for it ever arose. Others, like the utilities, have been regulated, and now parade their "chains" as inducements to the investor.

In such controversies as this, one hears a good deal about the rights of private property. I think that the old common-law judges in their rulings against perpetuities and spendthrift trusts have crystallized into our law as it is crystallized into common sense the fact that the right of private property is safeguarded by society, because the right to own is the right to manage, and experience has usually been that those competent to acquire property are on the average the best qualified to manage business. But when management is incompetent and appeals to historic rights, it becomes the enemy of those historic rights because it has betrayed the reason for their existence.

Irrational appeals of this sort are a potential menace to the property rights of all other classes of owners. By discrediting one species of ownership, public respect for all ownership may be weakened.

All investigators seem to be satisfied that as the industry stands the thousands of separate coal company units can not hope to reach a voluntary agreement restricting production, consequently most con-

clusions of investigators end in an epilogue of "why it can not be done."

I sometimes ponder the reasoning ability of coal operators, expressing themselves as opposed to Government regulation, when the facts are that fully 35 per cent of bituminous coal is consumed by regulated railroads and utilities. What would happen to transportation if we had a return to rebates and cut-rate wars? Where would our transportation system secure the capital to keep development abreast of the times if it were being operated on a basis of selling its capital assets? It is indeed a curious circumstance, a bewildering stupidity to the casual observer that the average coal leader persistently refuses to do anything of his own accord, through the promotion of consolidation, pool-selling agencies, or acceptance of any of the basic fundamentals of sound business; yet at the mere mention of Government action being invoked to promote betterments and stabilize the industry, he responds to the Babbit clarion call and proclaims his independence, his right of self determination in opposition to Government direction and possible rescue. Just now this type of business underling is busy issuing verbal and written denunciations against further Government investigations of the coal industry.

It is claimed by operators that investigations contribute nothing toward a solution of coal's problems. Furthermore, they point out that coal has been investigated 16 times since 1913, and that nothing has resulted to correct the chaotic conditions.

That nothing has been accomplished from investigations, I will agree, but the responsibility for the lack of progress rests squarely upon the operators who have refused to accept individual and collective responsibility for the improvements which the investigations have shown to be imperative.

The operators are apparently blind to developed facts. They do not seem to comprehend that the future holds nothing more than present profitless operation, unless Government regulation can be invoked under which a code of producing and selling practices can be established and through the instrumentality of Federal license operators can be educated to the advantages of being good, by observing the sane fundamentals of sound business intelligence.

There is no magic by which the industry can be made pliable to American standards. Since failure on its own resources is firmly established, then there is but one recourse left, and that is Government regulation. That such economic reasoning is shared by others, I will quote from A Way of Order for Bituminous Coal, by Hamilton and Wright, published by the Institute of Economics:

"An industry does not automatically organize itself; there is no natural, immutable, indefeasible scheme of order. No industrial structure comes into existence as a result of the 'automatic working' of 'economic forces.' The prevailing system of free enterprise seems natural only to those who look at all industrial organization through the glass of a very simplified picture of its institutions. It is composed of usages and habits, conventions, and practices, taboos upon action and ways of doing things. Its whole make-up consists of understandings and arrangements of a kind with the legal freedom of an individual to enter a trade, the exchange of goods by 'free contract,' the system of profits as a way of getting things done, and the prohibition of 'restraint of trade' by the Government. Each of these bears the confused reality for a long and checkered history.

"No self-maintaining, self-regulating scheme of order has ever existed. A Simon-pure competitive system, in which the interests of all are served by each acting for himself, does not operate unaided. Its maintenance requires a code of rules to determine who is to have and to hold the instruments of production, an elaborate procedure for giving effect to contracts, a nice adjustment between the incentives to action of the parties, and a mechanism of checks and balances to hold personal activities within social bounds. The effort to prevent restraint of trade and to preserve free competition by a resort to coercion is the best evidence of its mundane quality; for the order of nature does not have to appeal to the parliament of man of survival. The confusion in the courts over where competition ends and restraint begins bears testimony to the impossibility of separating the operation of economic laws from the behavior of the human actors in industry.

"A compromised competitive system belongs to a Simian domain far removed from the uniformities of an order of nature. Its tangled scheme under which some matters are left to the market and the rivalry of business concerns, others are regarded as within the province of government, and custom and collusion are not absent from the whole, bears evidence of its prolonged traffic with men. It is not characteristic of the free enterprise that operates in coal to settle the larger affairs of industry for the persons concerned through the beneficent action of economic laws. Instead, the mark of its prevalence is the absence of an authority in large matters, which become mere incidents to the endless making of little decisions, and must get settled as best they may. The whole matter of fitting a scheme of control to the unique requirements of an industry belongs, not to the realm of the inevitables, but well within the domain of conscious choice * * *.

"The task of one who would set coal to rights, beset as it is with countless hazards and numerous choices, at least involves no sacrilege; for there is no way of passing the problem along to nature. There can be no choice between a natural and an artificial organization—between a control by the rules of men and the operation of economic laws. The only large choices are the retention of a very human competitive system which was never planned and works only as well as it works, its deliberate modification, or its conscious replacement by some other scheme of more conscious design but no less human origin.

"An application of the art of organization to bituminous mining involves a critical and constructive inquiry into the arrangements which make up its scheme of control. It means doing for the industry as a whole what the resourceful and farseeing executive is forever doing for his establishment; it means doing with the organization of the industry what the technicians are constantly doing with its technology."

The oil industry has been in similar throes of demoralization due to overproduction and futile price cutting. The industry organized a petroleum institute to advertise new uses and stimulate demand, as well as establish trade practices. States wherein great producing fields are located imposed restrictive production measures. Voluntary agreements covering production were reached. Great improvement has resulted, as attested by increased earnings during 1928, to which oil securities have responded by reaching higher levels. What has been accomplished by the oil industry is merely a beginning toward the attainment of a permanent, sound, economic basis. Oil men have at least expressed a willingness to cooperate, but the large number of units makes it imperative that some superstructure of control be established. This is recognized by oil leaders. Mr. W. S. Farish, president of the Humble Oil Co., writing in the Chicago Journal of Commerce, has this to say on the need for greater control:

"The American Petroleum Institute during its life has accomplished much for the good of the industry, and these accomplishments have also been for the good of the public, as they have resulted mainly in better coordination and lessening of costs. * * * The institute has failed to furnish the leadership necessary for a solution of our problems."

To the open-minded observer it is plainly evident that the future of the oil industry is headed straight for the folds of Government control.

The greater intelligence in oil as compared to coal is working to this end. Writing on the trend of the oil industry toward utility standing, Royal F. Munger, financial editor of the Chicago Daily News, points out:

"Stabilization must mean combination of one sort or another, for otherwise there is no cure for the unrestricted competition that caused low prices. Combination without regulation seldom has been found desirable in the long run. The obvious outcome is that the great oil companies will enter, probably voluntarily, some form of public-utility regulation. After all, they are public utilities, at least at the distributing end of the business. They come too closely into the life of the community to have either their control or their well-being left to chance."

That coal is a public utility is an accepted fact in many channels of public thought. By resort to Federal injunctions coal operators have established the coal business as a public utility engaged in interstate commerce. The United Mine Workers are, therefore, asking your committee to view the bituminous-coal industry as a utility engaged in producing a basic necessity and operating as an interstate commerce unit. In supporting this contention I want to show that the president of the largest bituminous-coal company takes the same view of the utility status of coal.

In 1922 John D. Rockefeller became convinced that the management of the bituminous coal industry was lacking in cooperation and efficiency, and holding large investments in the industry, particularly in the Consolidation Coal Co., he directed his personal counsel to make an investigation.

Mr. G. J. Anderson, now president of the Consolidation Coal Co., who was then associated with Curtis, Fosdick & Belknap as industrial relations counsel, made a survey of the industry. The following, in part, from Mr. Anderson's report plainly shows that back as far as 1922 Mr. Anderson regarded coal as a public utility:

"THE PUBLIC INTEREST

"Most official utterances, the majority of editorial comment, and all proposed legislation for control of the industry stress the truth that coal is not only a basic commodity but endowed with a public interest. The United States Supreme Court, adopting the language of a State supreme court, has also so defined it 'an indispensible necessity of life.' Efforts to refute or minimize this fact, within the industry, would seem ill-advised. Above all other industries, save transportation, coal needs understanding and support from public opinion. Especially does it need them in the field of labor policy.

"In considering the likelihood of this public interest taking active form through the medium of Federal legislation, one fact stands out. For nearly five years now the coal industry has actually been under some form of Government supervision, first through the Fuel Administration, second, under its present scale contract which issued from the Bituminous Coal Commission. This recent chapter, new as it is, nevertheless forms an important piece of background in the present situation. Precedent has already been established.

"Coal, moreover, in addition to being itself a public utility, is closely allied to other public utilities. Two of its three most important customers are the railroads and the public utility companies. These enterprises are already subject to a high degree of public regulation. This, too, forms a precedent. It further provides an uncommon form of industrial pressure on the industry itself. For it is only natural that bodies which are subject to strict scrutiny of expenditures and rates will have a very vital concern in the cost of fuel.

"In connection with labor policy, this implies two important considerations for the coal industry: (1) It maintains even in times of rising prices and justifiable wage advance a form of consumer pressure which may obstruct right industrial relations; (2) resulting from this combination of public interest and consumer pressure a situation is created where mutual agreement between the parties in the coal industry is subject to criticism and suspicion, unless accompanied by some form, voluntary, at least, of public participation."

Mr. Anderson spoke very plainly—no one need mistake what he intended to convey.

1. That bituminous coal is a public utility.

2. That railroads and utilities operating under the protection of fixed revenues, and consuming the bulk of all coal produced, could easily use their purchasing power to batter down prices and thereby increase their own earnings.

3. That the labor relations in the coal industry could not be stabilized beyond the point permitted by consumer pressure of railroads and utilities.

Going into the matter of labor relations more fully, Mr. Anderson verified the oft-repeated statement made by representatives of the United Mine Workers that the maintenance of competitive wages by the union had constituted the only stabilizing force the industry had ever known.

The further analysis on labor relations by Mr. Anderson follows:

"A COMPETITIVE INDUSTRY

"Over and above all other elements, important as some of them are, from the viewpoint of the operator the dominating factor in determining labor policy must be the nature of the industry itself. When the facts are faced—viz, the existence of over 10,000 mines under more than half as many individual managements and industry at all times with a surplus of at least 40 per cent in equipment, labor, and investment—the range of possible labor policy is at once restricted.

"What is economically possible in an industry of a comparatively few enterprises dominated by an overshadowing entity, such as steel, or in an industry where the cooperation of a small group can exert a high degree of stability, such as meat packing; or in industries where the labor item is relatively low in ratio to total cost of production, such as automobiles, it is not at all feasible in a highly irregular, seasonal, and overequipped industry composed of small units. Certainly it is not possible without a far higher degree of voluntary organization and discipline than the coal industry displays at the present time.

"The fluctuation of this industry, in response not merely to seasonal demand but to economic cycles of depression and prosperity, makes a policy of cooperation indispensable. The high degree of competition makes it well-nigh impossible to leave labor, policy, and particularly wage rates, to be determined by the most reckless element. Nor can employers of union labor who intend to operate under any condition of equity, expect to compete with the fluctuation of nonunion policy, either in the rise or in the fall of wages. On the contrary, with the opportunity to fix settlements of the largest single factor in operating costs, both over a wide area in the industry and for a definite period, the purely business value of scale contracts becomes a consideration of prime importance.

"For a highly competitive and otherwise seriously unstable industry, collective labor agreements can form the most important source of industry-wide standards."

That public-utility consumers of coal protected by Government and State regulation actually utilize the consumer pressure described by Mr. Anderson against the unprotected public utility of coal in depressing coal prices, looting the holders of coal securities and victimizing mine workers by destroying American wages through demoralization of labor relations, is admitted in the testimony of Samuel Brady, who has already testified before this committee.

Mr. Brady's testimony in part follows:

"The contract between the company and the miners' union expired by limitation on the 1st day of April, 1924, and the company had been advised by W. H. Warner & Co., its sales agent, through Whitney Warner, that it could secure a contract from the Jersey Central Railroad of 700 tons of coal per day at $1.60 per net ton f. o. b. mine, if it could begin shipping coal on the contract by the middle of May. W. H. Warner & Co. became a stockholder of the Brady-Warner Coal Corporation at the time of the execution of the mortgage in the amount of one-fourth of its capital stock, and the company's executive committee met for the purpose of reaching a decision upon two propositions, (1) whether it would refuse to renew its agreement with the miners' union after the 1st of April, and (2) whether it could afford to take the Jersey Central contract and such other contracts as it might be able to obtain at the very low price of $1.60 per ton and attempt to operate its mines—open shop—on a lower scale of wages.

"At this meeting, after a thorough discussion of the company's affairs, the committee decided that it would not renew its agreement with the miners' union, and since it was the only business in sight and the condition of the market did not justify the presumption of a higher price, the company decided to accept the Jersey Central contract and attempt to operate its mines and to put into effect the 1917 scale of wages.

"At this meeting we were advised by Mr. Charles A. Goodwin, of counsel for the company, that if we did not agree to renew our agreement with the union the courts would protect us in the operation of our mines on the open-shop basis and that under our contracts of lease with our employees under which they occupied our houses, we would give them the notice required by the lease and, if they refused to vacate within a reasonable time, we had the right to evict them, and that this had been decided by the Supreme Court of West Virginia, and that if they attempted to interfere with our rights to operate our mines, with employees who would be willing to work for us, by such acts as intimidation or force, that we could restrain them by an injunction.

"With this advice and driven by the necessities of our situation, we decided, as I have said, to adopt this policy, and the meeting adjourned with that understanding."

That such a business procedure as outlined by Mr. Brady was unusual and unsound in the opinion of some members of your committee is borne out by Senator WHEELER'S questioning of Mr. Brady, which follows:

"Senator WHEELER. Could you make money selling at that price?

"Mr. BRADY. No, sir. But we figured we would break even and maintain our plant and pay our sinking fund and interest.

"Senator WHEELER. The reason I asked you is that I have a telegram here from one of the coal operators, and perhaps you know him, sent from Charleston, W. Va., as follows:

"CHARLESTON, W. VA., *April 19, 1928.*

"Senator BURTON K. WHEELER,

"Senate Building, Washington, D. C.:

"New York, Ontario & Western and Delaware & Hudson purchasing agents are offering to close their contracts through jobbers, Morgantown district, mine run coal, one thirty at mines, while both these roads enjoy high freight rates, being more or less associated with anthracite production, getting $8 or $10 per ton at the mine for domestic and household coal. Would like to see purchasing agents of these two railroads as well as Lehigh Valley subpœnaed and made be good by following some reasonable price not to exceed one fifty at mines, which is barely cost and much less than the Pennsylvania, Baltimore & Ohio, and New York Central are now paying. No reply necessary, but please stick to the job until we all get some benefit from your untiring efforts.

"J. A. PAISLEY."

In the testimony of Mr. Brady and the telegram of Mr. Paisley you have a clear case of what Mr. Anderson meant when he reported the menacing evil of consumer pressure to Mr. Rockefeller.

COAL POSSIBILITIES

From time to time the public reads of the wonderful things that can be accomplished from the proper and thorough utilization of coal. By-products by the hundreds are listed as obtainable from the coal supply. An endless fertile field is pictured ahead for the coal chemist and technician, but you never read about any American coal operator seizing the myriad opportunities offered. To illustrate the backwardness of the American coal operator, I quote a statement in part by President Baker, of the Carnegie Institute of Technology, during the recent Second International Fuel Conference held in Pittsburgh.

"The coal-mine owner in Europe is coking his coal at the mouth of the mine and piping the gas to more or less distant cities. He is shipping his tar to a great central refinery, where it is distilled and made into a hundred different articles, ranging from explosives to perfumes and medicaments. He is creating a great new artificial fertilizer industry, which is changing the agricultural system in Europe and which may some day help to solve our perplexing farm problems. He is building plants for the manufacture of methanol or methyl alcohol from what we regard as waste products of the mine. He is just beginning to make use of scientific brains and scientific data in his business. The American coal man will do well to emulate him."

Apparently President Baker is talking over the heads of the American coal operators, for despite the gloom that pervades the industry and the future dark outlook, the National Coal Association at its recent convention, although the Baker statement was available, voted to oppose Government regulation, and adopted a resolution contending for freedom, a kind of freedom in the enjoyment of which it has already "sinned away its day of grace." The resolution follows:

"The National Coal Association reaffirms its attitude toward proposed Federal legislation affecting the bituminous-coal industry by saying that it opposes legislation which would seek to single out this industry for regulatory action. This particularly applies to such bills

as S. 4490. At the same time it is recognized that there are other lines of legislation in which the industry may be interested: Therefore, be it

"*Resolved*, That it is recommended that the officers and directors of the National Coal Association keep in close touch with the national legislative situation and cooperate with representatives of other industries for such modification of existing laws and such new legislation as may be in the interest of industry generally and the welfare of the public."

While I accept the resolution as being the official action of the National Coal Association, I am frank to state that the resolution does not express the hopes and aspirations of a very large number of operators who are tired of aimless drifting down the bottomless pit of a disorganized industry. Operators of standing have frankly stated that they can see no correction of the prevailing destructive forces, except through the medium of Government regulations.

Some operators will come before this committee and advocate amendments to the Sherman law, to permit the organization of selling pools, free to operate as the operators may decide, without any form of Government regulation. But I am quite sure that the American public is not ready to permit the incompetence and piracy, such as the coal industry has manifested in the past to exercise a free rein over such vast and basically necessary resources as our coal reserves without maintaining Government regulation.

At the present time we are consuming millions of tons of special-purpose coal annually for steam and domestic uses that should be held in reserve. For let it be known that our high-grade coals can not be linked with the aggregate coal deposits about which America is so proud to boast. These deposits are exhaustible, and at the present rapid rate of misuse, added to the criminal waste in recovery under our present mining methods, we will reach that state of depletion before many years that will cause our Government conservationists to wonder how the unconcern of an enlightened people could have suffered the execution of such an extravagant onslaught of a natural resource so valuable as our special-purpose coals.

The United Mine Workers hold that the public welfare demands Government regulation of the bituminous-coal industry.

It is our opinion that the necessity for Government control was clearly proved by the testimony before this committee during the last session of this Congress.

The mere existence of some court decision that might becloud the right of the Government to assume regulatory powers is no indicator of the practicability and desirability of Government control. Laws can be enacted that will enable the Government to assume regulation whereby uneconomic mines will be eliminated, healthy competition promoted, an American type of labor regulations established, conservation of special-purpose coals assured and the public guaranteed a continuity of a fair-priced coal supply. Industrial America can not afford the price that the cancerous condition of coal will eventually levy as a result of its maladjustment of American enterprise. The interdependence of our separate industrial units, and the necessity for evenly distributed progress is recognized by President-elect Hoover, when he said:

"Behind every job is a vast, intricate, and delicately adjusted system of interlocked industries dependent upon skilled leadership. The forces of credit, communications, transportation, power, foreign relations, and what not, must all be kept in tune. Break this chain of relationship at any point and the whole machine is thrown out of order."

Certainly no one will claim for coal the smooth functioning that President-elect Hoover deems essential on the part of each industrial unit to the accumulative success of all American industry.

The testimony before your full committee failed to develop any plan, save Government regulation, as a means of eliminating the primitive management and the substitution of intelligent direction. Some few operators assented to Government control, but many, fearful of what the other fellow would think of their surrender to Government, dissented. It remained for a large consumer who had to deal with a subsidiary-produced coal, as well as to make purchases from hundreds of operators in various States, to admit frankly that Government regulation was the solution.

William C. Bower, purchasing agent of the New York Central Railroad, by reason of the benefits he knew resulted from Government regulation of railroads, testified as follows:

"Senator WAGNER. Have you thought about a possible remedy, something to bring about a situation where the operators would get a fair return on their investment and the miners get a wage which we call a living wage, so they would be free from exploitation? Have you thought of a remedy to solve that problem?

"Mr. BOWER. Senator, I have been here since the beginning of the hearing, and I think the best solution would be to form a coal commission, something like the Interstate Commerce Commission; and give that commission the right to permit consolidation of coal companies, and their operation under their supervision."

Gentlemen, are we not really indulging in conversation about ancient history when we discuss the need for governmental regulation of coal as if it were any longer a matter of choice? The decision has already been made. Coal is already regulated in one sense, regulated toward waste, anarchy, and chaos by the creation of an unbalanced relationship between a producing industry under economic laissez-faire and consuming industries regulated by government and buttressed by governmental safeguards and implied public support and authority.

To continue such a relationship is to put the lion and the frightened, witless lambs in the same cage.

The Federal Government has brought into existence a quasi public railroad industry and the State governments have created public-utility industries which are virtually arms and branches of government, with the arms and branches sometimes running the show.

These two quasi public industries are buyers of 35 per cent of all soft coal mined. In most price situations the marginal 5 per cent or less determines the price level. It is proposed to control the level of agricultural prices by control of the exportable surpluses of certain crops, the exports being but a small percentage of total production as to some of them. That is evidence enough of the complete control of coal which has already been set up—a control with no safeguards for that industry or the public. It is a dictatorship by the organized and regulated buyer which determines the prices of coal for all consumers, a dictatorship which has demonstrated the power of life and death over many of the units of the industry, a large majority in fact.

Recognizing the failure of the coal industry to adjust its own affairs, the two major political parties incorporated platform planks pledging correction and helpful legislation. To refresh our memories on these party declarations, let us reproduce here the platform planks:

The Republican Party platform declared:

"The party is anxious, hopeful, and willing to assist in any feasible plan for the stabilization of the coal-mining industry which will work with justice to the miners, consumers, and producers."

The Democratic Party platform declared:

"Bituminous coal is not only the common base of manufacture, but it is a vital agency in our interstate transportation. The demoralization of this industry, its labor conflicts and distress, its waste of a natural resource, and disordered public service demand constructive legislation that will allow capital and labor a fair share of prosperity with adequate protection to the consuming public."

Direct examination of the ills of the coal industry has enabled the United Mine Workers to present the plight of coal to this committee intrusted with the decision of protecting the public welfare in matters affecting interstate commerce.

Despite the baseless demand for "less government in business," the United Mine Workers insist that it is a governmental duty to accept in law as well as in theory the universally accepted fact that coal is a public utility and enact the necessary legislation providing sound government regulation. I believe the Watson bill now being considered meets the first requirements.

I do not believe that this bill seeks to bestow any new powers upon the Government, as it merely provides for a wider and more intelligent use of the present powers of government over public utilities by promoting and protecting the public interest in coal to the same degree that has been reflected in transportation through the regulatory powers vested in the Interstate Commerce Commission.

I can find nothing new or revolutionary in the bill now up for consideration. The bill simply embodies the expressed belief of many witnesses who have already testified before your committee that Government participation should be in the form of a coal commission, a somewhat similar structure to that of the Interstate Commerce Commission. The basic powers of the commission would be—

1. License and regulate coal corporations, partnerships, and firms engaged in interstate commerce.

2. Mergers and consolidations are permitted—in fact, encouraged—but are in no wise compulsory; likewise, selling pools and marketing agencies, all to be under regulation of the Federal coal commission.

3. The bill in no manner seeks to destroy property rights or impair contract obligations.

ETTA PEARCE FULPER

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper, which was, on page 1, line 9, after the word "issued," to insert:

Provided, That no part of the amount appropriated in this act in excess of $10 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds $10 of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. EDGE. I move that the Senate concur in the amendment made by the House.

The motion was agreed to.

THE UNITED STATES A PARTY DEFENDANT

Mr. NORRIS. Mr. President, will the Senator from Virginia yield to me to have a conference report laid before the Senate?

Mr. GLASS. I yield for that purpose if it requires no discussion.

Mr. NORRIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agrees to the same with an amendment as follows:

Strike out section 4 of the matter proposed to be inserted by said amendment, and renumber sections; and the House agree to the same.

G. W. NORRIS,
T. J. WALSH,
C. W. WATERMAN,
Managers on the part of the Senate.
G. W. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

Mr. BLEASE. Mr. President, I would like to hear an explanation of the report.

Mr. KING. Mr. President, may I ask the Senator from Nebraska if this is the bill we considered which provides an agreement for extinguishing any inchoate title the Government might have in the property?

Mr. NORRIS. It is the same bill.

Mr. KING. I can assure the Senator from South Carolina that the bill has been fully considered by the committee and is a very proper bill.

Mr. BLEASE. Nevertheless, I object.

The PRESIDING OFFICER. Objection is made.

BRIDGE ACROSS AGATE PASS, WASH.

Mr. JONES. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15850) authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington, and I submit a report (No. 2003) thereon. I ask for its immediate consideration. It will not lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALL OF THE ROLL

Mr. BLEASE. Mr. President, if we are going to have all kinds of business transacted by the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Smith
Barkley	Fess	McMaster	Smoot
Bayard	Fletcher	McNary	Steck
Bingham	Frazier	Mayfield	Steiwer
Black	George	Metcalf	Stephens
Blaine	Gerry	Moses	Swanson
Blease	Glass	Neely	Thomas, Idaho
Borah	Glenn	Norbeck	Thomas, Okla.
Bratton	Goff	Norris	Trammell
Brookhart	Gould	Nye	Tydings
Broussard	Greene	Oddie	Tyson
Bruce	Hale	Overman	Vandenberg
Burton	Harris	Pine	Wagner
Capper	Harrison	Ransdell	Walsh, Mass.
Caraway	Hawes	Reed, Pa.	Walsh, Mont.
Copeland	Hayden	Robinson, Ark.	Warren
Couzens	Heflin	Robinson, Ind.	Waterman
Curtis	Johnson	Sackett	Watson
Dale	Jones	Schall	Wheeler
Deneen	Kendrick	Sheppard	
Dill	Keyes	Shortridge	
Edge	King	Simmons	

Mr. SCHALL. I desire to announce that my colleague the senior Senator from Minnesota [Mr. SHIPSTEAD] is very ill at home, and is detained from the Senate for that reason.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present. The Senator from Virginia has the floor.

REPORT FOR EXECUTIVE CALENDAR

Mr. BORAH. From the Committee on Foreign Relations I submit a report for the Executive Calendar.

The PRESIDING OFFICER. Without objection the report will be received and go to the Executive Calendar.

COURTS IN CALIFORNIA

Mr. BORAH. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 12351) amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division, and I submit a report (No. 1985) thereon. I call the attention of the Senator from California [Mr. SHORTRIDGE] to the report.

Mr. SHORTRIDGE. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Idaho, which changes the divisions of the southern district of California and terms of court for each division. It will provoke no discussion.

Mr. HALE. If it will not lead to any discussion, I shall not object.

Mr. SHORTRIDGE. I have just stated I am quite sure there will be no debate upon it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN, ALDERSON, W. VA.

Mr. GOFF. Mr. President, will the Senator from Virginia yield to me?

Mr. GLASS. I will yield provided the matter which the Senator desires to call up does not lead to any debate.

Mr. GOFF. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 5493) relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va., and I submit a report (No. 1897) thereon. The chapel is to cost the Government nothing whatsoever except the services of the Government architect. The bill provides in substance, as will be disclosed by a reading thereof, that the chapel is to be erected by donations to be made to the Attorney General of the United States.

I ask unanimous consent that the bill may now be considered and passed in order that it may go to the House for prompt consideration there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator pardon me? I did not understand clearly the purpose of the bill.

Mr. GOFF. It is to provide funds to be donated to the Attorney General for the erection of a chapel at the Federal prison for women at Alderson, W. Va. It will cost the Government nothing.

Mr. ROBINSON of Arkansas. I have no objection to its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 4, after the name "United States," to strike out "with thanks to the honors"; in line 6, after the word "subscription," to strike out "by any or all of the following-named organizations"; and in line 9, after the name "West Virginia," to strike out "American Association of University Women, American Home Economics Association, Association of Women in Public Health, Catholic Daughters of West Virginia, Council of Women for Home Missions, Department of Christian Social Service of the Protestant Episcopal Church, General Federation of Women's Clubs, Maryland Federation of Women's Clubs, Medical Women's National Association, the National Association of Colored Women (Inc.), National Board, Young Women's Christian Association, National Council of Jewish Women, National Council of Women of the United States of America (Inc.), National Federation of Temple Sisterhoods, The National Florence Crittenton Mission, National Housewives Alliance (Inc.), National Woman's Christian Temperance Union, National Women's Trade Union League of America, The Needlework Guild of America (Inc.), and Women's Homeopathic Medical Fraternity, and such other organizations as may desire to cooperate in this project," so as to make the bill read:

Be it enacted, etc., That the Attorney General is hereby authorized to accept for and on behalf of the United States funds raised or to be raised by popular subscription for the construction of a suitable chapel upon the premises occupied and used by and for the Federal Industrial

Institution for Women at Alderson, W. Va. The funds so donated shall be expended under the direction of the Attorney General for the construction of such chapel, and after construction the chapel shall be maintained at the expense of the United States: *Provided,* That the Attorney General is authorized to procure by contract preliminary sketches for the chapel, and after approval thereof by the Attorney General to procure by contract working drawings, full-size details, specifications, etc., for the construction of the chapel and supervision of the construction: *Provided further,* That the Secretary of the Treasury is hereby authorized, if requested of the Attorney General, to cause the plans, drawings, specifications, and estimates for the construction of the chapel to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of constructing said chapel to be supervised by the field force of said office, if practicable: *And provided further,* That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed from said donated funds for the cost of preparing such plans, drawings, specifications, and estimates for the aforesaid work and the supervision of the construction of said chapel.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 25, 1929:

S. 1530. An act for the relief of the Gilpin Construction Co.; and

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

On February 26, 1929:

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.;

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.;

S. 5465. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.;

S. 5543. An act to establish the Grand Teton National Park, in the State of Wyoming, and for other purposes; and

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

On February 27, 1929:

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia; and

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes.

NATIONAL ORIGINS (S. DOC. NO. 259)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Immigration:

To the Congress of the United States:

I transmit herewith for the information of the Congress a joint report by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor relating to immigration quotas on the basis of national origin.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 27, 1929.*

Mr. REED of Pennsylvania. I ask unanimous consent that the message from the President of the United States, with its accompanying papers, just read may be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS IN PROHIBITION FIELD SERVICE

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the junior Senator from New York?

Mr. GLASS. For what purpose?

Mr. WAGNER. I want to call up a resolution, to which I am sure there is no objection. It simply asks for information from the Prohibition Enforcement Bureau of the Treasury Department. The resolution went over the other day.

Mr. GLASS. I yield, with the distinct understanding that the resolution shall not require any discussion.

Mr. SMOOT. Mr. President, I should like to have the resolution read.

The PRESIDING OFFICER. At the request of the Senator from Utah the resolution will be read by the clerk.

The Chief Clerk read the resolution (S. Res. 332) submitted by Mr. WAGNER on February 15 (calendar day of February 20), 1929, as follows:

Resolved, That the Secretary of the Treasury and the Civil Service Commission be requested to inform the Senate on or before March 4, 1929, concerning the following matters:

(1) The reasons for the failure to publish lists of eligibles for appointment to the field service of the Bureau of Prohibition;

(2) The names of all persons employed in the field service of the Bureau of Prohibition who have not been appointed pursuant to the provisions of the civil service laws, as contemplated by the act of March 3, 1927, entitled "An act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury."

(3) The names of all persons employed in the field service of the Bureau of Prohibition who have been appointed pursuant to the provisions of the civil service laws.

(4) The sums expended for examinations held for appointment to the field service of the Bureau of Prohibition.

(5) The total amount of salaries paid to employees of the field service of the Bureau of Prohibition, not appointed or retained pursuant to the act of March 3, 1927, entitled "An act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. WAGNER. The resolution merely seeks information.

Mr. SMOOT. I am aware of that from having heard the resolution read, but I should like to ask the Senator from New York if he expects an answer to the resolution before the 4th of March?

Mr. WAGNER. I do not think there will be any difficulty in getting the information. It is a matter of record in the Treasury Department. I have heard no objection to the resolution at all.

Mr. SMOOT. I am not going to object to the resolution, but I wanted to know whether the Senator expected all the information asked for by the resolution to be furnished before March 4.

Mr. WAGNER. I should like to get the information before the 4th of March if possible.

Mr. SMOOT. I think that will be an impossibility.

Mr. WAGNER. Then the resolution can be amended.

Mr. ROBINSON of Arkansas. Does the resolution require the report to be submitted before the 4th of March?

Mr. WAGNER. Yes; the resolution so requires.

Mr. SMOOT. I do not think it will be possible for the Senator to receive the information by the time indicated, but I will offer no objection.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution was considered and agreed to.

BOUNDARIES OF YELLOWSTONE NATIONAL PARK

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3001) to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes, which was, on page 4, to strike out all after "Wyoming," in line 3, down to and including the word "land," in line 8, and insert:

Provided, That whereas it is the purpose and intent of Congress to retain the areas hereby added to the park in its original wilderness character, therefore no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands.

Mr. NORBECK. I move that the Senate concur in the House amendment.

The motion was agreed to.

SUPPLY OF NEWSPRINT PAPER

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. GLASS. For what purpose?

Mr. HEFLIN. I want to ask——

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. GLASS. I have asked for what purpose does the Senator from Alabama desire me to yield?

Mr. HEFLIN. I want to ask what became of the resolution of the Senator from Minnesota [Mr. SCHALL]? We had an agreement that the resolution should be adopted this morning.

Mr. SCHALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. GLASS. I am unwilling to yield for any discussion.

Mr. SCHALL. I should like to have the Senate adopt Senate Resolution 337, which was called up yesterday, when suggestions were made that it should be amended. It has since been modified to meet the objection then made.

Mr. HEFLIN. Let the resolution be read as proposed to be modified.

The PRESIDING OFFICER. The resolution as modified will be read.

The Chief Clerk read the resolution (S. Res. 337) as modified, as follows:

Resolved, That the Federal Trade Commission is requested to make an investigation and hold hearings upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws, and to report to the Senate as soon as practicable the results of such investigation and the evidence taken at such hearings, together with its recommendations, if any, for necessary legislation.

Mr. REED of Pennsylvania. Mr. President, does the Senator oppose my amendment to the resolution?

Mr. SCHALL. I want to comply with the suggestions which were made on yesterday.

Mr. REED of Pennsylvania. I made some suggestions to the Senator on yesterday, and I am wondering if he has embodied them in the resolution as modified.

Mr. SCHALL. I think they are embodied in the resolution.

Mr. REED of Pennsylvania. The Senator has not adopted all the suggestions that I made to him.

Mr. SCHALL. If the Senator will incorporate them in the resolution I shall have no objection.

Mr. REED of Pennsylvania. If the Senator will indulge me for a moment, I will do that. [A pause.]

Mr. President, I have looked over Senate Resolution 337 and have written a couple of amendments in it which the Senator from Minnesota tells me he is willing to accept. With those amendments, so far as I am concerned, I have no further objection to the adoption of the resolution.

Mr. HEFLIN. How will it then read?

The PRESIDING OFFICER. The amendment as further modified will be read.

The Chief Clerk read as follows:

Resolved, That the Federal Trade Commission is requested to make an investigation upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws and to report to the Senate as soon as practicable the results of such investigation, together with its recommendations, if any, for necessary legislation.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Minnesota if the Senator from Vermont [Mr. DALE] is satisfied with the resolution as it has been modified?

Mr. SCHALL. I did not catch the Senator's question.

Mr. SMOOT. The Senator from Vermont [Mr. DALE] was opposed to the resolution as originally presented by the Senator from Minnesota. I want to know whether the Senator from Vermont is still opposed to it or is in favor of it with the amendments which have been suggested?

Mr. SCHALL. I have never heard that the Senator from Vermont made any objection.

Mr. SMOOT. I am quite sure the Senator from Vermont did object to the resolution. I myself have no objection to it, but I should dislike to have the resolution adopted if it is not satisfactory to the Senator from Vermont, he being at the present time absent from the Senate. If the Senator will allow the resolution to be laid aside for a while, I will endeavor to get in touch with the Senator from Vermont.

Mr. HEFLIN. No, Mr. President——

Mr. SMOOT. Then, I shall object to its consideration.

Mr. HEFLIN. Very well; the Senator may object, but I will occupy four or five hours of the time of the Senate.

Mr. SMOOT. That is all right.

Mr. HEFLIN. The Senator from Minnesota is not going to be treated in any such fashion.

Mr. SMOOT. Oh, well, Mr. President——

Mr. HEFLIN. The resolution ought to be adopted.

The PRESIDING OFFICER. The Senator from Virginia is entitled to the floor. Does he yield; and if so, to whom?

Mr. SMOOT. I have myself no objection whatever——

Mr. GLASS. I do not yield further.

The PRESIDING OFFICER. The Senator from Virginia declines to yield?

Mr. HEFLIN. The Senator from Minnesota was told last night that the resolution would be allowed to pass to-day if he would let it go over then. That is the reason I objected.

The PRESIDING OFFICER. The Senator from Alabama is out of order. The Senator from Virginia has the floor.

Mr. SMOOT subsequently said: Mr. President, a little while ago Senate Resolution 337, which had been submitted by the Senator from Minnesota [Mr. SCHALL], was considered and amended. I asked that it go over until I could confer with the Senator from Vermont [Mr. DALE]. I have seen that Senator, and he informs me that he has no objection, so I now ask that the resolution may be adopted.

The PRESIDING OFFICER. Is there objection?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Trade Commission is requested to make an investigation upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws, and to report to the Senate as soon as practicable the results of such investigation, together with its recommendations, if any, for necessary legislation.

T. L. YOUNG AND C. T. COLE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole, which was, on page 2, line 4, after the word "General," to insert "*Provided further*, That the defendants, T. L. Young and C. T. Cole, pay the costs in case No. 2613."

Mr. CAPPER. I move that the Senate disagree to the amendment of the House of Representatives, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. CAPPER, Mr. NYE, and Mr. STEPHENS were appointed conferees on the part of the Senate.

TIMBER STANDS IN YOSEMITE NATIONAL PARK

Mr. JOHNSON. Mr. President, first making my apologies to the Senator from Virginia, I ask the Senator if he will permit me to have considered a bill which has been reported to-day from the Committee on Public Lands and Surveys? It is a bill which the Yosemite Park Commission, in conjunction with the Interior Department and the Federal park commissioner, desire to have passed immediately if possible.

Mr. GLASS. I yield to the Senator for that purpose if it does not require any extended discussion.

Mr. JOHNSON. I ask unanimous consent for the immediate consideration of the bill (S. 5880) to provide for the preservation and consolidation of certain timber stands along the western boundary of Yosemite National Park, and for other purposes.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That for the purpose of preserving and consolidating certain timber stands along the western boundary of the Yosemite National Park, the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands: Sections 19, 20, 29, 30, 31, and 32, township 1 south, range 20 east, Mount Diablo meridian; east half section 1; east half section 12; southeast quarter section 24, township 2 south, range 19 east, Mount Diablo meridian; sections 4, 5, and 6; north half section 7; sections 8 and 9, and 19 and 20, township 2 south, range 20 east, Mount Diablo meridian, approximately 9,000 acres.

Mr. ROBINSON of Arkansas. Mr. President, I will inquire of the Senator from California if the report on the bill is unanimous?

Mr. JOHNSON. It is.

Mr. ROBINSON of Arkansas. It is a conservation measure, as I understand?

Mr. JOHNSON. Yes, sir; and it has the approval of the Interior Department and of Doctor Albright, and is for the

purpose of enabling the President to make the consolidations requested in the Yosemite National Park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LETTER FROM FEDERAL RESERVE BOARD CONCERNING SPECULATIVE LOANS

Mr. HEFLIN. Mr. President, the Federal Reserve Board has responded to questions sent to it in a resolution which I introduced regarding the statement that it issued some time ago concerning speculation. The letter is not very long, and I ask that it may be printed in the RECORD.

The PRESIDENT pro tempore. The Chair has already ordered it printed as a document.

Mr. HEFLIN. I think it would be a good idea, Mr. President, to have it printed also in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. It will be printed in the RECORD unless objection is made. The Chair hears no objection.

The matter referred to is here printed, as follows:

FEDERAL RESERVE BOARD,
Washington, February 26, 1929.

SIR: The Federal Reserve Board is in receipt of Senate Resolution 323, reading as follows:

"Whereas in press dispatches recently the Federal Reserve Board has complained that money is being drawn from the channels of business and used for speculative purposes, and that some of said speculation is illegitimate and harmful: Therefore be it

"*Resolved*, That the Federal Reserve Board is hereby requested to give to the Senate any information and suggestions that it feels would be helpful in securing legislation necessary to correct the evil complained of and prevent illegitimate and harmful speculation."

Inasmuch as this resolution was occasioned by the statement issued by the Federal Reserve Board on February 6, wherein the attitude and viewpoint of the Federal Reserve Board with respect to the growing volume of credit in speculative security loans was indicated, the statement is repeated here in order that there may be no misapprehension of the board's position with reference either to the matter discussed in its statement or to that which is the subject of the Senate's resolution:

"The United States has during the last six years experienced a most remarkable run of economic activity and productivity. The production, distribution, and consumption of goods have been in unprecedented volume. The economic system of the country has functioned efficiently and smoothly. Among the factors which have contributed to this result an important place must be assigned to the operation of our credit system and notably to the steadying influence and moderating policies of the Federal reserve system.

"During the last year or more, however, the functioning of the Federal reserve system has encountered interference by reason of the excessive amount of the country's credit absorbed in speculative security loans. The credit situation since the opening of the new year indicates that some of the factors which occasioned untoward developments during the year 1928 are still at work. The volume of speculative credit is still growing.

"Coming at a time when the country has lost some $500,000,000 of gold, the effect of the great and growing volume of speculative credit has already produced some strain, which has reflected itself in advances of from 1 to 1½ per cent in the cost of credit for commercial uses. The matter is one that concerns every section of the country and every business interest, as an aggravation of these conditions may be expected to have detrimental effects on business and may impair its future.

"The Federal Reserve Board neither assumes the right nor has it any disposition to set itself up as an arbiter of security speculation or values. It is, however, its business to see to it that the Federal reserve banks function as effectively as conditions will permit. When it finds that conditions are arising which obstruct Federal reserve banks in the effective discharge of their function of so managing the credit facilities of the Federal reserve system as to accommodate commerce and business, it is its duty to inquire into them and to take such measures as may be deemed suitable and effective in the circumstances to correct them, which, in the immediate situation, means to restrain the use, either directly or indirectly, of Federal reserve credit facilities in aid of the growth of speculative credit. In this connection, the Federal Reserve Board, under date of February 2, addressed a letter to the Federal reserve banks, which contains a fuller statement of its position:

"'The firming tendencies of the money market which have been in evidence since the beginning of the year—contrary to the usual trend at this season—make it incumbent upon the Federal reserve banks to give constant and close attention to the situation in order that no influence adverse to the trade and industry of the country shall be exercised by the trend of money conditions, beyond what may develop as inevitable.

"'The extraordinary absorption of funds in speculative security loans which has characterized the credit movement during the past year or more, in the judgment of the Federal Reserve Board, deserves particular attention lest it become a decisive factor working toward a still further firming of money rates to the prejudice of the country's commercial interests.

"'The resources of the Federal reserve system are ample for meeting the growth of the country's commercial needs for credit, provided they are competently administered and protected against seepage into uses not contemplated by the Federal reserve act.

"'The Federal reserve act does not, in the opinion of the Federal Reserve Board, contemplate the use of the resources of the Federal reserve banks for the creation or extension of speculative credit. A member bank is not within its reasonable claims for rediscount facilities at its Federal reserve bank when it borrows either for the purpose of making speculative loans or for the purpose of maintaining speculative loans.

"'The board has no disposition to assume authority to interfere with the loan practices of member banks so long as they do not involve the Federal reserve banks. It has, however, a grave responsibility whenever there is evidence that member banks are maintaining speculative security loans with the aid of Federal reserve credit. When such is the case the Federal reserve bank becomes either a contributing or a sustaining factor in the current volume of speculative security credit. This is not in harmony with the intent of the Federal reserve act nor is it conducive to the wholesome operation of the banking and credit system of the country.'"

The board begs leave to call the attention of the Senate to the fact that the purport and language of its statement do not agree with those in the preamble of the Senate resolution. The board's statement concerned itself wtih credit conditions. It disclaimed both the authority and the desire "to set itself up as an arbiter of security speculation or values." That still is the board's position.

At the time of the issue of its statement, it was the belief of the board that it could count upon the cooperation not only of the Federal reserve banks but of leading member banks everywhere in the country in making successful an effort to bring about an orderly readjustment of the credit situation; and the board has been confirmed in this belief by what has taken place since.

This also is the view of the Federal advisory council, as will be seen from the following minute of its proceedings which was presented to the board February 15 on the occasion of its recent quarterly meeting:

"The Federal advisory council approves the action of the Federal Reserve Board in instructing the Federal reserve banks to prevent, as far as possible, the diversion of Federal reserve funds for the purpose of carrying loans based on securities. The Federal advisory council suggests that all the member banks in each district be asked directly by the Federal reserve bank of the district to cooperate in order to attain the end desired. The council believes beneficial results can be attained in this manner."

This whole matter is engaging the earnest attention and efforts of the Federal Reserve Board. If it should develop that the board, through exercise of the powers granted under the provisions of the Federal reserve act or through cooperation with the Federal reserve and member banks, should be unable to bring about a solution of the problem which has awakened the concern alike of the Senate, the Federal Reserve Board, and the general body of public opinion, it will be glad to give consideration to the possibilities of remedy by way of legislation.

By direction of the Federal Reserve Board.

Respectfully,

WALTER L. EDDY, *Secretary.*

THE PRESIDENT OF THE SENATE,
Washington, D. C.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. GLASS. Mr. President, so far as I am concerned, I am perfectly willing to vote on the proposed amendment to the pending farmers' market bill and on the bill itself without further discussion. I imagine, however, that that may not be done, because I note the absence from the Chamber of the two Senators from Maryland, who are chiefly interested in the bill.

I wish to say as a preliminary to my discussion of the bill itself that it is very much to be deplored if there has been any exhibition of temper during the discussion heretofore, and I want to disavow for myself any purpose whatsoever to be discourteous to any of the Senators who have addressed themselves to this problem. I particularly have no desire to engage in any disagreeable controversy with the distinguished senior Senator from Maryland [Mr. BRUCE], and if I have said anything to ruffle his accustomed composure I regret having done so.

I shall now proceed, Mr. President, in an orderly way, and primarily for the RECORD and not with the expectation of enlightening anybody or of changing any votes, to discuss the history and meaning of this now quite famous market bill.

Mr. President, at the outset it would be well for us to understand the nomenclature of the very title of this market bill. It is a farmers' produce market. The emphasis should be on the "produce" and not on the "farmers'," because all produce marketed in this establishment and kindred establishments is the produce of farmers; and, above all, it must not be considered by the Senate that the term "farmers" should be confined to the comparatively few truckers located in the States of Maryland and Virginia who furnish an inconsequential percentage of the produce consumed in the District of Columbia. The word should, as it was intended, comprehend all farmers who send their produce to this market for consumption and not a few truckers operating in immediate proximity to the District; and when we consider the meaning of the bill with the definition I have given I would have the Senate understand that 98 per cent of the produce consumed in the District of Columbia comes from other States than the two which have figured conspicuously in this discussion.

Now as to the term "wholesale market": The pending measure does not change in any respect whatsoever the nature or the activities of the existing market. While in its original charter it was defined as a wholesale market, it has been accessible for use by any trucker who might want to sell his produce at retail; and, as a matter of fact, it appears from the hearings that at least 8 per cent of the business done at this market is retail business, and 92 per cent wholesale business. So that the nature of the market is not affected by the pending amendment, except that it may be asserted that if the southwest location is accepted, as has been so persistently recommended, the facilities for retail sheds will be nearly doubled.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Virginia yield to the Senator from Michigan?

Mr. GLASS. I do.

Mr. VANDENBERG. Then would it be fair to say that the new market is as much of a retail market as the old market was at any time?

Mr. GLASS. Absolutely, it would be accurate to say that, and to add that the facilities afforded by the proposed new site are infinitely better for retail purposes than those afforded by the existing site.

Now, briefly, the history of the bill:

This problem has been under discussion now for nearly three years. There is not an available site in the District of Columbia that has not been considered in detail. There is not a fact in connection with the problem that has not already been ascertained and that does not appear in the record as made up. So the proposition longer to defer it upon the supposition that some other commission or authority may obtain information not now in the possession of or available to the Congress is, I submit, merely a strategic movement for further delay.

This bill was elaborately considered by the Committee on the District of Columbia of the House. It had extended hearings on the subject, and its favorable report to the House was almost a unanimous report. The bill was almost unanimously agreed to by the House, and every proposed alteration of it in the House was defeated by a vote of 3 to 1. The bill, as I have stated, was overwhelmingly passed by the other House and sent over here. Committed to the District of Columbia Committee of this body it was given thorough consideration after extensive hearings. It was proposed in the committee to authorize the Commissioners of the District to proceed to acquire a market site for not exceeding $600,000, and to close the matter without coming back to Congress.

On my motion in the committee the Commissioners of the District were authorized to make the investigation and to recommend a site, subject to the approval of the District committee of this body and of the House. In pursuance of this resolution the Commissioners of the District extensively advertised a public hearing on this question. The hearing was had. It was of a searching nature. Everybody interested was given full opportunity to present his case, and thereupon the District Commissioners made their recommendation.

The Senate committee had a second series of hearings, based upon the recommendation of the commissioners, which are available to Senators, extending over a period, as I recall, of a week or more. The subcommittee holding these hearings reported to the full committee in favor of the passage of the so-called Stalker bill; and the full committee by a vote as I recall of 8 to 3 or 8 to 2, favorably reported this bill after ample discussion of its provisions.

That, in brief, is the legislative history of the bill.

It has been said in the course of the discussion that the bill comes here without recommendation from any official sources. I call the attention of the Senate to an extract from the report of the Board of Commissioners. The commissioners said:

> In the opinion of the commissioners the first choice for a permanent farmers' market, if the decision must be made at this time under the present conditions and as dictated by the evidence before them, would be southwest site No. 1. The advantages of this site outweigh the advantages of the Eckington sites Nos. 1, 2, and 4. Southwest site No. 1—

And the Senate will understand that that is the site we are providing in this bill—

> has the preponderance of advantage in that greater railroad facilities exist and that water transportation is present. Cold-storage facilities are already available, as well as a railroad produce terminal on an adjacent square. The municipal fish market is already established one block away from the proposed site.

Right here I pause to tell the Senate that the taxpayers of the District of Columbia provided this fish market at a cost of $350,000.

So that when Senators talk about not providing wholesale markets for the sale of farmers' produce, I direct attention to the fact that the taxpayers of the District of Columbia, at a cost to them of $350,000, provided a fish market in the vicinity of this proposed southwest site, and I draw attention to the further significant fact that the evidence presented shows that this fish market alone does a gross amount of business comparable to that done in the produce market.

> This would be a convenient location for the Virginia farmers as well as all Maryland farmers except those coming directly from the north.

And they are very few. Note further:

> The commissioners do not consider the objection of increased traffic through the Mall as sufficient to prevent the selection of this location, since whatever may be the ultimate development of the Mall, a certain number of north and south bound traffic arteries must be provided for commercial and business use connecting with the southwest section of the city.

The Senator from Utah [Mr. SMOOT] knows that that is a fact.

> The cost of acquiring land in this [southwest] location is substantially less than the various Eckington sites. The development of this location as a general market area would be entirely south of the railroad tracks and would therefore not interfere with the proper Mall development, nor would it encroach upon the harbor front, since a commercial street would separate it from the latter.

I submit to the Senate that that is the official verdict of the Commissioners of the District, charged by the Senate committee with the duty of making a thorough investigation into this problem, a report made after such an investigation had been had, not one sentence of which has been withdrawn, although persistent and importunate attempts have been made to get the Board of District Commissioners to reverse itself. It stands as the only official verdict of the commissioners which we have in the record.

It has been said that the National Park and Planning Commission is against this site. That would not be conclusive were it a fact, but it is not a fact, notwithstanding it has repeatedly been asserted here. One has only to examine the report of the commission to note that it is not a fact. So far from being the truth of the case, the National Park and Planning Commission makes this site a site of priority second only to one other site, the acquisition of which is totally out of the question. On account of its cost, on account of the congested territory, on account of its lack of parking facilities, it was eliminated completely from consideration by the commissioners. That is the verdict of the National Park and Planning Commission as indicated by its report, which I hold in my hand.

The confusion on this point arose out of the fact that Senators have mistaken a report made to the commission by an engineer on a committee who undertook to combat the availability of the southwest site, an engineer who, his superior officer said at our hearings, was without adequate economic information. The report was submitted to the National Park and Planning Commission, and, notwithstanding his argument, that commission is here on record as giving this southwest site priority over any other site considered except one, which I have indicated was eliminated entirely by the District Commissioners because its acquisition would require a very large expenditure of money, and for the other reasons I have here recited. So that clears up that confusion, as I think.

I note the senior Senator from Maryland [Mr. BRUCE] in his seat. He was not present in the Chamber when I took occasion to express very great regret if I have said anything in the course of the discussion that was in any sense disagreeable to him, or that might be construed to be in any wise discourteous. I have very great affection for the Senator and very great respect for his abilities, and very great tolerance for his infirmities, which are akin to my own.

Mr. President, it has been repeatedly asserted here that the Bureau of Efficiency has declared against this southwest site for specified reasons, and that I took occasion to deny when the matter was up for discussion at the last session. With me it would not make one particle of difference were that true. The Bureau of Efficiency has never been charged by either branch of Congress with the duty of determining the question of a market site. It has never been asked by either branch of Congress or any committee of either branch of Congress to report on the subject.

What happened, as the record shows, was this: That after extensive hearings, and after the House committee had reported the Stalker bill, and just prior to favorable action by the House on the bill, an attaché of the Bureau of Efficiency made an investigation. It was not an investigation by the bureau. There is not one particle of evidence to indicate that he was directed by the bureau to make any investigation. It might very pertinently be asked who got him to make an investigation, and whether or not he was compensated to make an investigation, in the midst of a bitter controversy between opposing factions here in the District. At all events, he did make an investigation, and he pointed out what he regarded as certain delinquencies of the southwest section, matters of traffic, matters of street-car facilities, matters of grading, excavation, and so on.

His report, thus unofficially and irregularly made, was seized upon by the very small minority of the House committee and stressed in the discussion of the question on the floor of the House. Notwithstanding that report, thus irregularly made, of an individual who had proved himself to be a zealot for another particular site, backed by an organized syndicate of real-estate speculators, the House overwhelmingly passed what we know as the Stalker bill. So that question should be eliminated.

That gentleman to whom I have referred gave his own interpretation of his report, as late as March 21, when he appeared before the Senate subcommittee. The chairman of the committee asked him this question:

> Did you express any preference as to sites?
> Mr. HAVENNER. No, sir; we expressed no preference.

That was his interpretation of his individual report, and it never was pretended to be an official report from the Bureau of Efficiency. It is printed in the RECORD, signed by Mr. Havenner as investigator, and there is not a sentence in the report that would ascribe it to the Bureau of Efficiency as an official document. It was never claimed to be a report of the Bureau of Efficiency until it had been twice stated on the floor of the Senate that the Bureau of Efficiency was opposed to the southwest site.

I sent for Mr. Brown, and he came to my office; and I very definitely and explicitly stated to him, so that there could be no possibility of misunderstanding, that it had been twice stated on the floor of the Senate that the Bureau of Efficiency was opposed to the southwest market site; and he said, just as explicitly and unmistakably, that that was not true, that they had not reported against the site.

With that unmistakable declaration I came upon the floor of the Senate and controverted the statement repeated by one of the Maryland Senators, saying, as I had a right to say in the circumstances and as the record shows, that the Bureau of Efficiency had not declared against the site. Then somebody went after Mr. Brown and got a letter from him, from which it appears that because of the assaults made upon the Havenner individual, irregular and unofficial report as to its accuracy, and obviously for the purpose of saving the face of the statistician who had no business precipitating himself into this affair, Mr. Brown assumed responsibility for a report that he evidently had not read up to that time until somebody called upon him.

Whereupon I wrote Mr. Brown a letter. I do not want to put it in the RECORD, although the junior Senator from Maryland [Mr. TYDINGS] put Mr. Brown's letter in the RECORD. I do not want to be needlessly disagreeable in the discussion of this matter, though I must confess it has gotten considerably on my nerves. I am not going to put the letter into the RECORD, but will content myself with the brief statement that I wrote Mr. Brown that he had flatly contradicted himself and had been guilty of an evasion of such a nature as that I would not confer further with him upon this or any other proposition. If anyone wants the letter to go into the RECORD, all right.

Now, I submit that I have not departed one iota from the record and have not been guilty of a single inaccuracy of statement in this controversy.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Virginia yield to the Senator from Iowa?

Mr. GLASS. I yield for a question.

Mr. BROOKHART. The Senator presented the proposition that only 8 per cent of the old market was retail and 92 per cent wholesale. Is not that an indication that there is something wrong with the old market?

Mr. GLASS. Oh, no. The Senator will understand that this is not the only market in Washington. There are a dozen retail markets in Washington, four of them owned by the District itself, the others by private parties, and there is now proposed to be erected in another section of the city still another retail market to cost $3,000,000, privately owned. I do not think it ever will be erected. I think it was suggested to complicate this matter, but I accept the suggestion, and if it is erected, it will to that extent increase the retail facilities.

Mr. BROOKHART. It seems to me that Congress is interested in the retail or direct distribution from producer to consumer rather in having a wholesale market for the middleman.

Mr. GLASS. Yes; and the Congress is interested in the produce that is sent here by the farmers of the whole country and to an infinitely greater extent than it should be interested in a few curbstone farmers from my State and from the State of Maryland.

Mr. SMOOT. Mr. President, if the Senator will permit me——

Mr. GLASS. Certainly.

Mr. SMOOT. The retailer would not be able to get the produce at all unless it came through the wholesale houses. That is the only way the retailer can get hold of the produce.

Mr. BROOKHART. The farmer wants to be his own retailer and does not want the intervening man. He wants a chance to retail it himself.

Mr. GLASS. Ninety-eight per cent of the food consumed in the District of Columbia comes here from other States than Maryland and Virginia, in carload lots.

Mr. SMOOT. Or by water.

Mr. GLASS. Water shipments equivalent to carload lots.

Mr. BROOKHART. Conceding that, I can not see that it would affect the rights of the local farmers to their local retail markets.

Mr. GLASS. The local farmers have access to a dozen retail markets and there is not a sentence in the bill that would propose to change the nature of the market which is to be torn down and transferred to the southwest site. On the contrary, as I said when the Senator was not in the Chamber, it increases the retail facilities and will make possible the construction of sheds which are very much more ample than those which have been torn down.

Mr. SMOOT and Mr. BROOKHART addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield; and if so, to whom?

Mr. GLASS. I would prefer to go on in an orderly way.

Mr. BROOKHART. I shall not interrupt the Senator further.

Mr. GLASS. But as pertinent to this very question let me indicate to the Senate some things that relate themselves to the market situation, and I think my facts——

Mr. SIMMONS. Mr. President, I wish the Senator would yield to me just for one question.

Mr. GLASS. Very well.

Mr. SIMMONS. I must confess that I have myself in somewhat of a state of confusion about the whole matter. Is it proposed to establish in the southwest a local market where consumers will go for the purpose of purchasing?

Mr. GLASS. No.

Mr. SIMMONS. Or where the farmers who bring their products into the city of Washington in their carts or wagons or trucks will carry their produce?

Mr. GLASS. They may carry their produce there just as they may carry it to the existing wholesale market for which we want to substitute the proposed market.

Mr. SIMMONS. The proposed market does not and will not in any way interfere with the consumers' market that may be located elsewhere?

Mr. GLASS. On the contrary, it increases its facilities. It nearly doubles its facilities. To be exact, it increases them 86 per cent.

Mr. SIMMONS. This, then, is only for the purpose of establishing a warehouse there for produce that comes to the city in carload lots?

Mr. GLASS. Oh, it is not only for that purpose. It is for the purpose of selling at retail just as has been done in the existing market. The Senator will understand that this is not a new enterprise. The existing wholesale market is to be torn down by the Government, and this is to transfer it to another site a little more than five blocks removed.

Mr. SIMMONS. But it does not interfere with the establishment of retail markets in different parts of the city?

Mr. GLASS. Not the least in the world. I have said to the Senator that it increases the facilities for retail trade.

Now I would like to proceed to show the Senator something in which he and other Senators ought to be vitally interested. I have said that when we talk about a farmers' market it is pertinent to inquire what farmers and how many farmers. The term does not simply comprehend a few truckers in the neighborhood of the District of Columbia. The Senator's own State of North Carolina sends more carloads of potatoes to this market than the produce of the Maryland and Virginia truckers in the immediate vicinity amounts to. The little State of Maine, up yonder on the Canadian border, sends twice as many carloads of potatoes to be consumed here in the District of Columbia as the produce of those local truckers in Virginia and Maryland combined amounts to.

Mr. SMITH. What about the State of Florida?

Mr. GLASS. The State of Florida sent, for the last fiscal year available statistically, 1,040 carloads of farmers' produce to this market, and the State of Maryland sent 66 carloads. It has been stated, to my confusion, in the course of the discussion that Maryland sends a greater amount of farmers' produce for consumption in the District of Columbia than does Virginia.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. GLASS. I yield.

Mr. TYDINGS. I have not the figures exactly accurate——

Mr. GLASS. May I say pleasantly to the Senator that it would be surprising to me if he had them accurately.

Mr. TYDINGS. It would be very surprising to me, if I may say so to the Senator from Virginia, if I should find that he has made any accurate statement on this situation.

But Mr. Roberts, superintendent of markets of the District of Columbia, who is in favor of my amendment and who is the man who has spent 20 years in the market service in the District, told us in his report, which is in the Senator's hands, that 20 per cent of all the produce shipped into Washington comes here in trucks, and that most of that 20 per cent is sold directly to the consumer by the producer; whereas the carloads that come from the States go to the commission merchants who in turn sell them to the consumer, thereby injecting into the equation the middleman.

Mr. GLASS. Mr. President, as a matter of fact, I do not find in the record—and I have read his testimony over to-day—that the superintendent of the market particularly favors any one of the sites he examined. He may favor the proposition of the Senator from Maryland further to delay matters, but that is not going to be done. If the Senator understood him to say that 20 per cent of the produce consumed in the District comes in trucks he is merely mistaken. As a matter of fact, the farmers produce shipped into the District of Columbia from other States amounts to 98 per cent of the total, and only 2 per cent of it is carried by trucks.

Now, let us examine some of the other figures. I believe I was saying that, with an attempt to confuse me, it has been asserted here that Virginia furnished an inconsequential amount of the produce consumed in the District of Columbia, and about one-tenth of the amount sent in by Maryland. I am taking the Senator's own figures; he supplied them for the RECORD, and what do they show? They show that for the last available fiscal year Virginia shipped into the District of Columbia farmers' produce amounting in the aggregate to 717 carloads and Maryland shipped in but 66 carloads.

Mr. TYDINGS. Will the Senator from Virginia yield to me?

Mr. GLASS. I should not like to yield every time I state an uncomfortable fact, because I would be constantly yielding to the Senator.

Mr. TYDINGS. It is very comfortable, I will say to the Senator, to find that he can actually quote my own figures without criticizing them when they apply to his side of the case, but I regret that he can not quote them with so much equanimity when they are against him.

Mr. GLASS. I do not find those figures against me in any particular.

Mr. TYDINGS. I am glad to hear that.

Mr. GLASS. I think the Senator from Maryland will regret having put them into the RECORD.

The far-off State of California, away off yonder on the Pacific Ocean, sent in 1,032 carloads of farm products, while Maryland sent in but 66 carloads. So I might go through the whole list of States to impress the Senate with the fact that this is not a curbstone brokers' market for a few farmers living south of the Capital on the Virginia side of the Potomac River or in the State of Maryland on the northern border, but it is a farmers' produce market for farmers all over the country, designed to take the place of a farmers' wholesale produce market, the very charter designation of which was a wholesale market, but which incidentally has a retail trade of 8 per cent, according to the testimony.

Mr. TYDINGS. Whose testimony, may I ask the Senator?

Mr. GLASS. Oh, yes; if the Senator from Maryland doubts it, I can give it to him from a competent witness. [A pause.] I will put it in the RECORD when I can find it, but I assert of my own knowledge that it was so testified before the subcommittee, and I will put it in the RECORD.

Mr. TYDINGS. While the Senator from Virginia is looking up the testimony, I hope he will allow me to point out——

Mr. GLASS. No; I will not.

Mr. TYDINGS. I thank the Senator for his unfailing courtesy.

Mr. GLASS. Oh, I did not intend any discourtesy to the Senator, but I do not want to be interrupted in my orderly presentation.

Mr. TYDINGS. When I held the floor I tried to yield to the Senator each time he asked me to yield.

Mr. GLASS. I will yield to the Senator presently.

Mr. TYDINGS. I have something that will correct an erroneous statement.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. GLASS. I decline to be interrupted now, Mr. President.

Mr. TYDINGS. I again thank the Senator for his unfailing courtesy.

Mr. GLASS. Well, I am obliged to the Senator for thanking me. However, I yield to the Senator while I am looking for the particular extract.

Mr. TYDINGS. I have in my hand a report from the Department of Agriculture which was given to me this morning. I will read a paragraph from that report.

On busy days over 500 trucks occupy space at the market.

How do the trucks compare with carloads, when 500 trucks in one day come into the market as against 50 carloads of produce?

Mr. GLASS. If they shall need it, we are proposing to provide space for 1,000 trucks at the southwest site, which is twice as many as use the present market.

Mr. TYDINGS. But the point I was trying to make was that when the Senator was referring to the carloads shipped in from various States he did not count the number of truck loads that came in from various States; and I was attempting to show him that the truck loads were more than the carloads.

Mr. GLASS. In the aggregate?

Mr. TYDINGS. Yes; there are 500 a day.

Mr. GLASS. But there were 786 carloads.

Mr. TYDINGS. On what day?

Mr. GLASS. What day? Oh, on no particular day.

Mr. TYDINGS. That is a large number of cars.

Mr. GLASS. Mr. President, I find in the hearings a statement that verifies what I said a while ago on the percentage matter. It is as follows:

Maryland

Farmers reporting	130
Miles traveled to market (average)	14
Size farm, acres (average)	118
Acres for market (average)	26
Total value of sales of Maryland and District of Columbia for year	$357,675
Value of sales (average) for year	$300,946
Per cent retail	6
Per cent wholesale	86.5
Per cent commission	7.5

That is, of the farmers who use this so-called farmers' market, their stuff was disposed of 6 per cent at retail, 86½ per cent at wholesale, and 7½ per cent sold to commission men.

Senator COPELAND. Now, Major, when you speak about wholesale, does that mean that was produce that had been contracted for in advance?

Major BROWN. No, sir. Probably very little of it was contracted for in advance, but sold to hucksters and grocers who come down and buy from the farmers and carry their stuff on their wagons or trucks

either on their routes over the city or take it to their retail establishments.

Senator COPELAND. And sold at a lower price because larger quantities were taken? That is the reason for the wholesale selling?

Major BROWN. Yes; and it simplifies the process of disposing of it.

I might interject there, Senator, this fact. There are a great many farmers who come into town who sell partly at retail. Some of those stand around the Center Market, which is in this same general locality, but do not occupy the stalls in this farmers' market, with which we are concerned to-day. A great many others go to the other outlying markets in the city, around K Street and P Street and the others that have been mentioned, and, backing up in the street there, or in some other place where facilities are provided, sell their stuff at retail, but under those sheds in the farmers' market, as we apply the term strictly, the business of these Maryland farmers was 85½ per cent wholesale.

Virginia

Farmers reporting	27
Miles traveled to market (average)	16
Size farm, acres (average)	92
Acres for market (average)	18
Total value of sales by Virginia farmers for year	$28,250
Average value of sales (only 21 reported) for year	$1,345
Per cent retail	12
Per cent wholesale	81
Per cent commission	7

That statement contains the figures which I mentioned from memory a while ago as presented before the committee.

It has been stated here that all of the Virginia farmers together with the Maryland farmers came up in solid phalanx, to use a classical expression, in favor of putting this market north of Pennsylvania Avenue. As a matter of fact, that is not true. As a matter of fact, every public meeting duly advertised among the Virginia farmers has overwhelmingly declared, as they naturally would, for the southwest site. Boards of trade in Arlington County and in Fairfax County, chambers of commerce immediately across the line, have done likewise. Effort after effort has been made to have them reverse themselves, but they have not done it as yet. Let me quote some testimony from Virginia farmers which is in the record.

I quote from the testimony of Mr. Martin T. Webb, of Fairfax. He says:

I am a farmer and I am in favor of the southwest site. I am a member of a farmers' organization and of our county chamber of commerce and another organization which is composed of five or six hundred actually producing farmers. This matter has been before our organizations for many months. It has been discussed a number of times, and every organization has gone on record unanimously favoring the southwest site.

Here is the testimony—and this is testimony. I am not making any Exhibit A of people who want to sit in the Senate gallery and enjoy themselves listening to people talk. I am giving testimony upon which we based the report and which induced the action of the Senate committee.

Here is a statement from George F. Harrison, a Virginia farmer. He says:

I am a standing committee for six granges of Fairfax County, Va. I am representing the board of supervisors of Fairfax and Arlington Counties, and the Chamber of Commerce of Fairfax County. I have been before the chamber of commerce here and I was before the commissioners and we filed briefs with the House committee setting forth all the facts in the interest of Washington as well as Virginia. We are not a selfish people over there, and I want to say this to you, that if you put the market down here where you almost decided to put it, in the southwest, you will be getting near a mighty good neighbor, and if these farmers of Maryland boycott you because you do it we will furnish you all the produce you want.

You need not worry about their boycotting you. They are going where they can sell their produce, and do not worry about your commission men. They are going where the market is placed.

* * * * * * *

We will promise you faithfully if you will locate the market in the southwest where you have about decided to do it, that the housewives of the city of Washington will save 5 per cent on every article which she has to buy for her house consumption.

Right on that point of saving money, the junior Senator from Maryland [Mr. TYDINGS] yesterday said something about the cat being let out of the bag. Now, I want to exhibit a real cat, and see how it jumped out of the bag inadvertently and unexpectedly.

We had before the House committee a Maryland farmer by the name of Perry F. Skinner, and he gave this interesting testimony:

We might just as well tell the truth. A lot of our farmers do not want to go down there—

That is, to the southwest site on the water front—

because of the competition from the South and the Norfolk boats. That I am pretty sure from people who have told me straight out that that is their reason. I can bring them to you if I need to; and lots of it I get second hand. They do not want to go down there on account of the competition, and anybody who has gone through this game, you can not blame them. We do not want any more competition, but we can not have a market without competition.

So there is the cat out of the bag.

Mr. TYDINGS. It looks like a mouse to me.

Mr. GLASS. Oh, no. If your Maryland farmers can sell their produce to the consumers in Washington at 5 per cent more than they could get in competition on the water front, of course, some of them would like not to locate in the southwest.

"Solid phalanx from Maryland!" I hold in my hand a petition signed by 118 Maryland farmers:

We, the undersigned, dirt farmers and producers of the tidewater counties of Maryland and Virginia, raising produce for sale at the farmers' market in Washington, D. C., petition the United States Senate to pass as quickly as possible the pending bill for the relocation of the farmers' market in southwest Washington adjacent to the municipal fish market and wharves.

I shall put this petition in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION

We, the undersigned, dirt farmers and producers of the tidewater counties of Maryland and Virginia, raising produce for sale at the farmers' market in Washington, D. C., petition the United States Senate to pass as quickly as possible the pending bill for the relocation of the farmers' market in southwest Washington adjacent to the municipal fish market and wharves, this being the most suitable site in the city of Washington for the location of our market:

M. R. Bailey, W. N. Ellis, Ned Russell, Harry Ellis, J. W. Ellis, A. F. Cheseldine, jr., River Springs, Md. (seventh district); John Long, Abell, Md. (seventh district); R. P. Bailey, Bushwood, Md. (seventh district); S. M. Bailey, Milestown, Md. (seventh district); Matthew Wise, Walter Jefferson, John D. Young, River Springs, Md. (seventh district); T. G. Reeves, Wm. Blair, Milestown, Md. (seventh district); Cleve Bailey, Mrs. Cleve Bailey, Thos. Bailey, Avenue, Md. (seventh district); E. J. Plowden, Bushwood, Md. (seventh district); Samuel F. Brown, Palmers, Md. (seventh district); J. C. Bailey, Stephen Downs, River Springs, Md. (seventh district); James A. Latham, Gurry, Md. (fourth district); Everett Omens, Bryon Bowles, Jos. E. Cheseldine, Geo. B. Knott, Austin Cheseldine, Palmers, Md. (seventh district); Norman Goodwin, George W. Owens, James Dingee, John G. Jones, Fred Dorsey, Garner Gibson, Bushwood, Md. (seventh district); Rayner Blair, Gladys Blair, River Springs, Md. (seventh district); W. T. Gibson, A. F. Cheseldine, Avenue, Md. (seventh district); J. Allan Coad, Jos. A. Saunders, John R. Drury, James F. Mattingly, Albert B. Grooves, Leonardtown, Md.; J. Franklin Adams, Mechanicsville, Md.; Jos. M. Mattingly, Wm. G. Fenwick, Geo. F. Wathen, county agent, Leonardtown, Md.; Ignatius T. Wathen, Morgan, Md.; Elton Hayden, Theo. Bostwick, John H. Beanson, O. B. Butell, T. S. Hayden, G. H. Gass, James Dorsey, Bansey Jones, Ernest Ellis, Marion G. Gibson, Francis J. Gibson, Garnett Arnold, John Irving Norris, Thos. D. Ellis, J. D. Raley, A. B. Laurence, Frank J. Laurence, Abell, Md. (seventh district); C. D. Gass, George A. Dickerson, Howard Hayden, George D. C. Dickerson, Dan Mattingly, Leged Moddox, J. E. Norris, J. W. Owens, A. C. Beitzell, Abell, Md. (seventh district); W. H. Mattingly, Abell, Md.; Marion Hill, Avenue, Md.; J. Spencer Hammett, J. Bernard Bohanan, River Springs, Md.; Bernard Curtis, Mechanicsville, Md.; Howard Raley, Clements, Md.; Bernard A. Ferguson, Seneca Cheseldin, W. M. Bryant, Wilmer Palmer, Robt. F. Glass, Julia H. Knott, Sadie A. Morris, Emory N. Ellis (seventh district); Joseph F. Bailey, River Springs, Md.; George H. Culkin, Palmers, Md.; Frank Owens, Spillman Banagan, River Springs, Md.; Joseph Renshke, Palmers, Md.; Joseph Bailey, River Springs, Md.; Kinney Jones, Johnnie L. Jones, Palmers, Md.; Charlie Banagan, Elmer Norris, River Springs, Md.; Fred. Amann, Palmers, Md. Philip Gatton, River Springs, Md.; Geo. Gibson, Avenue, Md.; Stephen Mack, Palmers, Md.; James H. Bailey, J. B. Woodburn, John E. Ellis, James A. Young, Abell, Md.; Geo. Young, River Springs, Md.; John E. Jones, James H. Bond, Palmers, Md.; James J. Jefferson, River Springs, Md.; Hart L. Young, Avenue, Md.; Henry M. Thomas, Palmers, Md.; James A. Carter, Avenue, Md.; Leonard Jefferson, River Springs, Md.; John T. Hill, Walter Hall, Avenue, Md.; P. D. Gatton, sr., John B. Gibson, Adam T. Wible, Mrs. Adam T. Wible, Miss W. G. Wible, Abell, Md.

Mr. GLASS. I have here a letter written on the letterhead of the Maryland Senate, signed by J. Allan Coad:

MY DEAR SENATOR GLASS—

This is dated last month, January 15, 1929—

I hope you will pardon this intrusion by one who has no claim upon your services but who has great confidence—

And so forth.

We of southern Maryland are deeply interested in having the so-called southwest market bill pass the Senate at the very earliest opportunity, and I have been requested by several of the farmers' clubs of this section to solicit your assistance—

And so forth, and so forth. I will put that letter in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

SENATE OF MARYLAND,
Leonardtown, St. Marys County, Md., January 15, 1929.

Senator CARTER GLASS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR GLASS: I hope you will pardon this intrusion by one who has no claim upon your services, but who has great confidence in your ability.

We of southern Maryland are deeply interested in having the so-called southwest market bill pass the Senate at the very earliest opportunity, and I have been requested by several of the farmers' clubs of this section to solicit your assistance. I have, of course, written to Senators BRUCE and TYDINGS.

I shall be glad to convey any reply you may care to make to the representatives of the aforesaid farmers' organizations of this locality.

Trusting that you can aid us in this matter really of vital concern to this section of Maryland, and with my highest regards, I beg to remain,

Very truly yours,

J. ALLAN COAD.

Mr. GLASS. So that the phalanx is not so solid as we were assured.

The Senator from Maryland a while ago wanted to know what evidence I had in substantiation of the statement that the record showed that the retail business of this established market was about 8 per cent. The statement was made by Colonel Jungersfeld at the public hearing of the Commissioners of the District of Columbia which is contained in Exhibit 5 on page 69, and it states:

The retail business of the market I find is only about 8 per cent.

Mr. TYDINGS. What is his title?

Mr. GLASS. It appears in the record as "colonel."

Mr. TYDINGS. I mean, has he any connection with the market?

Mr. GLASS. There is nothing here to indicate his connection with the market.

Mr. TYDINGS. I was sure there would not be anything to indicate that he knew anything about the market.

Mr. GLASS. Oh, well, if the Senator wants to inject such irrelevant witticisms into my speech——

Mr. TYDINGS. It could not be more irrelevant than what the Senator says.

Mr. GLASS. All right.

Then here is another report presented before the District Commissioners, called the Hudson report, Exhibit No. 1, and that report furnishes these figures:

Of the total amount of produce sent in from Maryland, only 6 per cent of it is retail, 86.5 per cent of it is wholesale, and 7.5 per cent of it is handled by commission merchants. Of the truck sent in from Virginia, 12 per cent of it—

Just double the amount of Maryland—

is retail, 81 per cent of it is wholesale, 7 per cent of it is handled by commission merchants.

I ask permission to insert in the RECORD an extract from the report of the committee giving further figures in this connection.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Dr. T. B. Symons, of Maryland University, states:

"In our opinion, as representing the farm producers, we grant that 80 per cent of the business is wholesale and that about 20 per cent is retail, so it is both wholesale and retail." (Commissioners' public hearing, Exhibit No. 5, p. 167.)

The Hudson report (Exhibit No. 1, p. 7) gives the following:

"If he sells at wholesale, he brings his produce to the farmers' market. If he sells at retail, he takes a stand on the curb at one of the public markets. He has from 6 in the morning to 2 o'clock in the afternoon, and later on certain days, to dispose of his truck load. His principal customers are the retail stores, the hucksters, the hotels, restaurants, and commission men, and the wholesale dealers; thus it is that the commission man and wholesale dealer are both customer and competitor of the produce farmer.

"The following data obtained and compiled by Mr. T. B. Symons, director of extension service, University of Maryland, were the result of a questionnaire answered by 157 farmers in Virginia and Maryland.

* * * * * * *

	Maryland	
	Per cent	*Per cent*
Retail	6	12
Wholesale	86.5	81
Commission men	7.5	7

Mr. GLASS. I have given these facts and figures to the Senate in order that it may be seen, comparatively speaking, how inconsequential is the retail business of this market as now established and as it has been conducted for years, and, further, to convince the Senate that the transfer of the market from its present site to a point five and a half blocks south will have no appreciable effect in the matter of diminishing its retail business, which is not now of large consequence. On the contrary, as I have asserted and now repeat, the facilities that will be afforded by the southwest site will be 86 per cent greater in available space than has been afforded by the existing market; and there is no reason on earth why the truckers of my State and of Maryland may not find ample and better accommodations at this new site than they have been finding at the site which soon is to be destroyed by the Government here in the District.

Mr. BLACK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. GLASS. I yield to the Senator.

Mr. BLACK. A statement was made about the destruction of a site. There has been some misapprehension about that which I should like to have the Senator clear up. The belief has been spread around on the part of some that the Government took, without compensation, the old site which was paid for by the city of Washington.

Mr. GLASS. Oh, I can say to the Senator that that is not the fact. The title has always remained in the District. It never has been parted with. I should not undertake here on the floor of the Senate to speak definitely and accurately, although I have examined the matter. No hardship has been inflicted at all.

Yesterday the impression was made—I am sure unintentionally, but the impression nevertheless was made—that this market site in the southwest was owned by the Pennsylvania Railroad and that was the cat that leaped out of the bag. As a matter of fact, it is not owned by the Pennsylvania Railroad; it is owned by private persons, and a good deal of it will have to be condemned for this market site. The Pennsylvania Railroad, at the solicitation of these very commission merchants who subsequently formed a little real-estate speculative syndicate, at their request by written letter, bought a large tract of land down there from the Southern Railway for the purpose of curing the discomfort with which these commission merchants were threatened as a site for commission houses in the vicinity of the proposed southwestern market site.

The land was taken over, on option, at least, from the Pennsylvania Railroad Co., at the exact cost to the company. Not one thrip of profit was involved in the transaction. Those who took over that tract of land are now offering it to these commission merchants who are threatened with ouster at their present places of business without one farthing of profit on the transaction.

It has been asserted—it was asserted here yesterday—that 85 per cent of the commission houses of Washington are opposed to the southwest site. Here is their letter of protest. It is signed by 22 commission merchants. Let me show the Senate how fair these gentlemen are. These are the gentlemen who, by letter, besought the Pennsylvania Railroad to buy this tract of land over there for their commission houses, and never changed front until, for the pitiful sum of $5,000, they obtained an option on the Patterson tract, worth a million dollars, for speculative purposes, and at most 22 of them; and here is how they piece out their numerical strength:

W. H. Harrison & Co. That is the concern. Then the man who owns the concern signs also, "W. H. Harrison." That is two.

W. Charles Hietmuller Co., commission merchants. Then it is signed again by W. Charles Heitmuller.

Thomas A. Cannon Co., a concern, and it is signed again by two individual members of the concern.

N. J. Ward Co., commission merchants, and signed individually by three members of the firm.

That is the way they piece out the 22 signatures to a protest against the southwest site.

Mr. BLACK. Mr. President, will the Senator pardon me for another interruption in connection with his statement?

Mr. GLASS. I yield to the Senator.

Mr. BLACK. I have before me the hearings in this matter, and the statement is made by Mr. Harrison that they have put up $40,000. Was that on the Patterson tract or some other tract?

Mr. GLASS. This is what they did with reference to the Patterson tract: They got the Patterson tract on option for $5,000, and this illustrates the sincerity of the purpose of these gentlemen. That is a tract of land worth a million dollars, and they got an option on it for $5,000. Then they formed their little speculative syndicate for the purpose of building streets, improving the tract, selling off corner lots, and making a profit. The members of the syndicate, in addition to the option of $5,000, have impounded $40,000 worth of checks to certify their faith in the prosecution of the speculative enterprise. That is the amount of it.

We were told yesterday that 85 per cent of the commission merchants of Washington protested this site. I have shown that just about 15 of them about faced after committing themselves in favor of this other tract and for purely selfish purposes signed that protest.

I have here, on the other hand, and shall put in the RECORD along with the paper I have just read, an answer to that paper signed by 40 of the commission merchants of Washington in favor of the southwest site.

Mr. TYDINGS. Will the Senator yield?

Mr. GLASS. Now the Senator is going to bring that old fraudulent stuff here.

Mr. TYDINGS. I did not think the Senator wanted to hear it.

Mr. GLASS. Oh, yes; the Senator can exhibit it to the galleries if he likes, but I shall accompany the exhibition with this statement of facts. The Senator has a newspaper advertisement there that would have led anybody to believe that all the farmers of Virginia and Maryland combined were going to rush to a retail site up here in the center of the city; and the next day, as appeared in a publication in the Star of this city, the market master made the public declaration that only six of those gentlemen came there. It was just an imposition perpetrated.

The statement has been made here that this 85 per cent of the commission merchants of Washington handle 85 per cent of the produce consumed in the District of Columbia. I have not made any individual investigation of the statistics. The fact of the matter is that I have not crossed the threshold of my office to commune with these antagonistic factions. After the overwhelming sentiment of Virginia farmers came to me I did receive a delegation of five farmers from over there who had been induced to change their minds, and I would have received any other delegation that had come to my office, but that is the only one that ever got there. The opposition sent over there and scoured the two or three adjacent counties and got quite a few people to sign petitions, upon misrepresentations, as some of them told me afterwards, and to what did the petitions amount? Even the one said to have been signed by 118 Maryland farmers, which I put in the RECORD to-day, amounted to what? I could get up a petition before sundown on this brief winter's day to hang the junior Senator from Maryland, and he could, I am sure, to hang me, if it circulated among a particular class of people. [Laughter.]

Mr. TYDINGS. I would not hang the Senator. I am too fond of him.

Mr. GLASS. Here is a letter signed by Mr. William O. Shreve, who, up to November last, was president of the National League of Commission Merchants, represented by this remarkable protest here, where four or five members of a firm signed one petition. Shreve was president of the association up to last November, and while I do not much believe in putting the Government to expense by loading up the RECORD with everything, great and small, I am going to put this in the RECORD. This is what he said:

> It has been represented to you by the Patterson tract promoters that they handle "85 per cent of the perishable food products shipped to Washington." As a matter of fact, as you will find upon investigation, these promoters do not actually handle as much as 10 per cent of the perishable food shipped into this city of 500,000 inhabitants.

There is the testimony of the man who was president of this national organization up to last November, and he has not signed his name four or five times to any petition of protest.

It has been said with a great deal of plausibility that all of the hotels of Washington are situated north of Pennsylvania Avenue, and that is the truest thing that has been said by my friends who are assailing the southwest site. That is true. Yet at a hearing I asked witnesses if they could name a single hotel in Washington that had not advocated and that did not advocate this southwest site, and they could not do it, and they can not do it. The hotels are among the greatest patrons of this market.

As a matter of fact, the retail grocers of the town, 200 in number, in their organization have advocated the southwest site. Men who get their supplies from this market have advocated the southwest site. There is not a wholesale merchant in the town who does not advocate the southwest site.

Not only is the municipal fish market, at a cost of $350,000 to the taxpayers of Washington, located in this vicinity, but nearly all of the meat packers are located there.

The poultry interests in the produce problem are located there. The large establishments for the sale at wholesale of butter and eggs and dairy products are already located there. The cold-storage plants are located there. The great warehouses that handle these products with facility are located there. The location of commission houses over there is not a mere bluff, as in the case with the Patterson tract. Contracts for the construction of 30 of those houses have already been let and construction begun. There is no real-estate speculation on the southwest site by a close corporation of commission merchants. They have begun the construction of 30 commission houses, and there has not been a brick laid on the Patterson tract and there never will be a brick laid there.

A wholesale market can not be conducted without transportation facilities. The Patterson tract is devoid of all transportation facilities. I am told that under the contractual relations with the terminal company it will be impossible ever to supply it with transportation facilities. There is not a drop of water on the Patterson tract. There are no transportation facilities by water there. Pretty soon, I say to the Senate, the major part of the trucks which will be brought to Washington will largely come up from those counties in Maryland and Virginia which front on the Potomac River and Chesapeake Bay. It was in evidence before the Senate subcommittee that the tracts of land now being used for trucking purposes in Maryland and adjacent to the District are being so rapidly acquired for construction purposes and for sites for homes that there will not be any truck farmers over there, and they will have to move farther back or come over to Virginia.

Then the question of competition comes into consideration, as that keen old Maryland farmer Skinner pointed out, much to the confusion of his colleagues, and showed that by going down on the water front the people of Washington could get the produce in competition and much cheaper.

We were treated to a delightful argument yesterday to the effect that the parking space at the southwest site is not sufficient. Why, it is fourfold greater than at any one of the other proposed market sites. Everybody knows, who is familiar with Washington at all, that automobile traffic of the town is nearly all north of Pennsylvania Avenue. That is where the cars run in unbroken streams along all the streets. Anyone who wants to go to an uptown theater had better go about an hour before the theater opens, because he will have to drive round and round and round the streets before he can get a parking space, whereas the southwest site fronts on a long water street that is now almost as wide as Pennsylvania Avenue and which the Board of Commissioners says is to be made that wide. The Senator from Utah [Mr. SMOOT] knows that in the planning of the Mall, streets will be built that will make this market accessible readily to anybody who wants to go to it.

The junior Senator from Maryland [Mr. TYDINGS] appeared before our committee and brought tears of sympathy from the eyes of his own exhibit there. He said a poor, crippled person living away out in Mount Pleasant would have to cross the entire city of Washington, including Pennsylvania Avenue, to buy a chicken. "Would you be so cruel," he asked, "as to impede a poor cripple in that way?" A cripple like that ought to be sent to a lunatic asylum and not to the market house. All he would have to do would be to hobble around to the corner grocery, perhaps next door to his establishment, or not far removed, and buy all the chickens he wanted to buy. If he insisted on going even to the market now established, which is only 5½ blocks away from the proposed tract, the street-car fare involved would cost him more than the difference in the

price of a chicken which he could purchase at the Piggly Wiggly and the price of a chicken which he would get at the market.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. GLASS. I do.

Mr. HEFLIN. Is there anything in the Senator's bill that prevents the having of a branch market or submarket at some point out in the neighborhood where the other market is proposed?

Mr. GLASS. I may say to the Senator that there are now 12 retail markets in the city of Washington.

Mr. HEFLIN. There is nothing in the Senator's bill that would prevent that?

Mr. GLASS. Not a sentence. It is not my bill. It is a bill which came over from the House. There is not a sentence in it that would prevent that being done. As a matter of fact, as I have said over and over again, there are 12 retail markets in the District, 4 of them owned by the District government and the others owned by private persons. I will say to the Senator from Alabama, as indicative of the fact that there are already ample retail facilities, that it has appeared in evidence that 40 per cent of the retail stalls in Convention Hall, near by the so-called proposed mid-city site, were at that time vacant. There is a proposition now before the Senate Committee on the District of Columbia to construct new sheds at several of the markets now owned by the District government, which would increase the retail facilities of those markets.

The fact of the business is that there are really but two sites involved in the market question after years of hearings and taking of testimony, and one of those is actually precluded by the excessive cost involved. The proposed southwest site will cost less than $300,000. The other available site would cost $659,000.

It is stated here that many of the civic organizations of the city have protested against the southwest site, but I say that is utterly inaccurate and misleading. Conceding that they bespoke the membership, which they did not do, of all the organizations, what was the action? It was not against the southwest site any more than if as much as against the Patterson site which the opposition has in mind. It was not against the southwest site, but it was in favor of an impossible mid-city site.

Mr. HEFLIN. Then, as I understand the proposition of the measure which the Senator is supporting, it would save the Government about $300,000.

Mr. GLASS. Yes; on the site alone. Then the Senators from Maryland talk about the grade of the site. Somebody went down there and saw a great bank of earth at one end of the lot. The junior Senator from Maryland actually thought that the market was to be built up to that grade of earth and 40 steps cut down instead of the bank of earth being removed altogether, as, of course, it will be. The difference in the price of the proposed No. 1 site of the southwest market and any one of the other sites is sufficient two or three times over to clear the southwest site of every obstruction on it, to tear down and move away every building on the site.

Mr. President, I have no personal interest in the matter. I never go to market. I let some hotel in Washington do my marketing for me, and have done so for 28 years—long enough to have spent sufficient money there to have built a hotel of my own. I have no interest in the matter personally, and I am no more concerned in fairness for Virginia truckers than I am for Maryland truckers.

There may be many points I have overlooked, but there is one in particular to which I wish to call attention. Senators talk about traffic congestion and the peril of crossing Pennsylvania Avenue and all that sort of thing, but they omit to tell the Senate that every director of traffic in the District of Columbia for three years has approved the southwest site and has gone officially on record as saying that traffic conditions ought not to interfere with its selection.

One of the most eminent engineers in the United States at the time, the engineer commissioner of the District, reported that traffic conditions in no sense or degree precluded the selection of the southwest site.

Mr. President, I have occupied just about twice as much time as I intended to occupy, and just about ten times as much as was required to be occupied, except that I wanted some orderly and consecutive statement of the case for the RECORD after the bill shall have been passed. Now I am ready for a vote.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. TYDINGS. Mr. President, I am not going to prolong the polemics of this matter except for probably two minutes to make a statement and then to ask that a document be read.

The Senator from Virginia has quoted some individual who wrote a letter, but has not quoted the authority of the United States Government, which is charged with looking after the interests of the people. I put letters into the RECORD yesterday to substantiate everything I had said.

Mr. GLASS. The misfortune of the Senator, however, was that they did not substantiate anything.

Mr. TYDINGS. I did not quote from a man named Jungersfeld, or whatever his name was, who had no official title, and as to whom no one knew where he lived or whence he came or whom he represented or what his connection was with the proposition. Nor did I read a letter from some man living 100 miles from here who sold in the market, as the Senator from Virginia was glad to do.

Now, again to substantiate the position which I have taken in this matter, I ask that there may be read by the clerk a survey conducted by the United States Department of Agriculture which is absolutely in conflict with 90 per cent of the statements the Senator from Virginia has made. As this report is based upon the findings of actual inspectors who went to the market and obtained statistics in the course of preparing this report, I think it may be taken as substantially authentic. I send the communication to the desk and ask the clerk to read it.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

MARKET SITUATION

According to a survey just being completed, there were approximately 750 farmers selling on the farmers' produce market in the year 1927, just before the site was taken over for the building program. In the spring and summer there were more than 500 in attendance each Saturday. Their total sales for the year on the market were more than $2,800,000.

At the curb of Center Market there are more than 150 farmers selling at retail. On Saturdays in the spring and summer more than 125 of these attend regularly. Their sales are more than $700,000 per year. Center Market site is to be taken over for the building program within two or three years.

The total number of farmers attending at these two markets is more than 900, and on the busiest days there are more than 625 in actual attendance. Their total annual sales are more than $3,500,000, an average of approximately $4,000 per farmer attending. At this time no provision has been made for them.

Of the sales on the Farmers' Produce Market, recently abandoned, 31 per cent of the total sales in the last year of its operation were directly to family consumers, according to the best estimates the sellers can make. An additional 10 per cent were to hotels, restaurants, schools, hospitals, and similar institutions.

Mr. TYDINGS. Mr. President, I ask the clerk, with the permission of the Senate, to reread the paragraph which he has just read.

The PRESIDING OFFICER. In the absence of objection, the clerk will read as requested.

The Chief Clerk reread the paragraph and concluded the reading of the communication, as follows:

Of the sales on the farmers' produce market, recently abandoned, 31 per cent of the total sales in the last year of its operation were directly to family consumers, according to the best estimates the sellers can make. An additional 10 per cent were to hotels, restaurants, schools, hospitals, and similar institutions.

Including the farmers' line at the curb of Center Market, the sales directly to family consumers of the two markets were more than $1,500,000 per year, approximately 42 per cent of the total sales on the two markets. An additional 9 per cent were to hotels, restaurants, schools, and similar institutions. The total of these sales were more than $300,000 per year.

These farmers' markets have been crowded with family purchasers every Saturday in the summer, and almost equally well attended in the winter. There is no way of determining accurately the number of families patronizing them. However, the Saturday sales in the summer are approximately $50,000 each Saturday. Of this amount, $20,000 is directly to family consumers. It seems perfectly certain that upward of 12,000 families are represented in these Saturday purchases. It is no less certain that upward of 20,000 families make their purchases from these markets regularly or from time to time during the year. This means that of the total population of the District of Columbia, 100,000 are represented in these direct purchases from these two farmers' markets.

There are other farmers' markets in the city of Washington, at which approximately 500 farmers attend. Of these, 300 attend each Saturday in the spring and summer.

The 2,000 grocers (including 600 chain stores) of the District of Columbia buy all their near-by farm produce through the Farmers' Produce Market. This constitutes about one half of their purchases of

fruits and vegetables. The other half comes in by rail. Substantially none comes in by boat.

With the development of the automobile truck the distances traveled by farmers to this market have greatly increased. Many of the farmers travel 20 or 30 miles; some come from as far as Frederick and Westminster, Md.; Charlestown, W. Va.; and Fredericksburg and Culpeper, Va., distances of 40 to 50 miles; some even as far as Hagerstown, Winchester, and Richmond, distances of 70 to 100 miles.

	Miles
Frederick, Md	44
Westminster, Md	52
Leonardtown, Md	56
Warrenton, Va	49
Fredericksburg, Va	56
Charlestown, W. Va	60
Hagerstown, Md	70
Winchester, Va	76
Richmond, Va	116

Even in the direction of Baltimore farmers come from a distance of more than 25 miles, within 12 or 15 miles of the city of Baltimore. These farmers are attracted to the Washington market by the opportunity of selling directly to consumers as well as to dealers. Such an opportunity does not exist in the larger farmers' market of Baltimore.

For the many thousands of farmers living within a radius of 15 or 20 miles of Washington this market constitutes the one outlet for their fruits and green vegetables. Thousands of these who do not actually attend at the market themselves send their produce by those who do attend. Many of those in attendance represent 3 or 4 of their neighbors, and a few hucksters bring in produce from 30 or 40 producers each.

Mr. TYDINGS. Mr. President, inasmuch as that report, which was given to me by Mr. Marshall, of the United States Department of Agriculture, at the direction of the Secretary of Agriculture, who caused the inspectors to visit the market place and to obtain the information that the report contains, I respectfully submit to the fairness of the Senate that it must be, in effect, substantially correct, and is by every rule of logic entitled to more weight than is any statement of any testimony offered by one who has perhaps little or no official rank or connection with the proposition and who only bases his figures on speculation and not upon facts which have been actually ascertained.

Mr. GLASS. Mr. President——

Mr. TYDINGS. The Senator from Virginia, with his characteristic ability to minimize the points that are made against him and to accentuate those which are in his favor, referred to a report dealing with the number of carloads of produce which annually came into the District; and he quoted figures to show that only 66 carloads came in from Maryland, while 1,000 carloads came in from some other State, the State shipping the largest number. Of course, the Senator would like the farmer who only lives 5 miles from the city of Washington to haul his produce down to the box car, put it in there, then ship it by rail into Washington, and take it out of the box car to the market. It is perfectly plain, perfectly logical, and perfectly apparent that the obvious thing for the farmer living in the vicinity of Washington is to take his produce to town by truck.

The statement which has just been read shows the large number of trucks that come into the city each day. I think the statement is that on an average 500 truck loads come in daily and 31 per cent of the total amount of produce brought into Washington was sold directly to the consumer—the housewife—and that in the course of a month 100,000 families bought directly from the farmers who raised the products which were offered for sale.

No one can deny the fact that this market, if located on the southwest site, will be on the extreme southern rim of the city of Washington. The whole town is growing north, west, and east. This site is located away from the center of population and is bound to be farther and farther removed from the center of population, from the people who will want to deal at the market as time goes on. It will require every one who wishes to visit the market to traverse Pennsylvania Avenue; and on Saturday afternoon, when the market will be most in use, when the office buildings have turned loose all their thousands of employees, when people are about the streets shopping, when the theaters and moving pictures are open, and the crowds are very dense, the women who are going to do the shopping for the Sunday meals will be forced to penetrate that enormous bulk of traffic to go to one extreme side of the town to purchase their provisions for Sunday's meals.

The PRESIDING OFFICER. The hour of 3.30 having arrived, under the unanimous-consent agreement no Senator may speak more than once nor longer than 10 minutes upon the bill or any amendment thereto.

Mr. TYDINGS. I am speaking now on the bill, Mr. President. I have an amendment pending.

We can not escape the fact that we shall contribute to the traffic congestion of this city to an enormous extent by forcing the number of people who now deal at this market to go through all that traffic on Saturday, and back through it again, in order to purchase the food for Sunday's meals.

If 10,000 housewives per week now deal at this market, it means that on Fridays and Saturdays 10,000 housewives will have to penetrate all that traffic and bring their purchases back again, to say nothing of the enormous distance they will be forced to go to make their purchases here.

What could be fairer than the amendment I have offered? I do not ask that any particular site be selected. I say that no site shall be finally selected until a commission appointed by the President of the United States shall have passed on this matter, taking into consideration the whole picture, and that whatever site they may select shall be the site upon which the market shall be constructed.

Is there any bias in that amendment? That is the amendment upon which the Senate will shortly vote. I have tried to present it without a bit of attachment for any site. I have tried to show my good faith, my interest in this matter not alone for Maryland or for Virginia but for the people who live in Washington, who have been taxed and who will furnish the money to construct this market.

If the commissioners appointed by the President select the southwest site, even though I do not agree with their choice, I shall not raise my voice in protest; but I do submit that this is not the place for us to select the site, and that competent people who will appraise and weigh all the factors that enter into this problem are the ones who should say what site the market should occupy.

The amendment simply provides that the southwest site shall be adopted provided a commission consisting of three persons selected by the President of the United States shall say it is the proper and right place for the erection of this market.

I hope that the interests of the voteless people of this town who have come here and protested over and over again, and 55 citizens' associations that are on record in opposition to it, will receive some kindly consideration at the hands of this body. No harm can be done to the proposition sponsored by the Senator from Virginia. If he has the correct site, the best site, as he says he believes he has—and he may be right; no one has a premium on righteousness—what harm can there be in letting three impartial persons, selected by the President of the United States, say whether or not he is right? But suppose he is wrong: We can not undo the wrong. We will have taken $300,000 of the money belonging to the people of Washington and the people of the United States and placed it in a building which will not serve to the best advantage the end sought to be served.

I can not conceive how any fairer proposition could possibly be offered to the Senate than to have this entire matter weighed, examined, and investigated by three competent persons, and that the site which they believe to be for the best interest of all the people interested in the proposition should be the site which the Senate should finally support. To do other than that is to gamble with the right and the wrong of the whole matter. It is perhaps to waste money; it is perhaps to make a mistake; and what justification can there be, in the last analysis, assuming that the Senator from Virginia is correct, for taking the public money of the people of the United States and using it for the sole benefit of a group of the citizens of this town, and not for all the people who comprise its population?

The only justification at all which we can make for this expenditure would be because of its retail feature, where all the population would have a chance to receive some benefit from dealing with the producer without the intermediary. If we eliminate that feature of it, and the Senator says it is a wholesale market—that is the purpose of it, he says—what justification is there for taking the money of the people of the United States and the taxpayers of Washington and using it to further the ends of a small group of people whose interests are apt to be more selfish than patriotic?

Mr. KING. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. KING. Heretofore I have expressed the opinion in a tentative way that as I viewed the situation we ought not to appropriate a dollar either for one site or for the other. Is there any reason why the Government of the United States or the District should make an appropriation for one part of town or for another part of town for a wholesale or a retail market?

Mr. TYDINGS. I will say to the Senator that from a legal standpoint the whole thing is somewhat questionable. I do know that retail markets exist in every city, supported in whole or in part by cities; but I do not know of any purely

wholesale market anywhere which has been constructed with the funds of the people, unless it was constructed with the proceeds of a bond issue submitted to the people of the Commonwealth or municipality, and in that way ratified and made the law.

Mr. GLASS. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. TYDINGS. I have only three minutes. I should love to yield to the Senator; but I hope he will not ask me to yield, because by the time he finishes my three minutes will be gone.

Mr. GLASS. That would be cruel, I admit. [Laughter.]

Mr. TYDINGS. The Senator is so cruel in his mental processes that he naturally sees himself reflected in everyone at whom he looks.

Mr. President, we can not undo this thing next year, after this money is wasted. This is the last stand for the people of this town. There is not a man who supported the Senator from Virginia who can rightfully say that any harm will be done to the proposition now pending if three men selected by the President of the United States are authorized to pass upon it before it goes into being. If they do not pass on it—if the people come here at the next session and ask for additional money to construct a farmers' market—we will have wasted $300,000 in the building of the southwest market if it proves to be unsatisfactory. The composition of the proposed commission I do not know. I shall not ask the President to appoint anyone. I shall take no part in the selection of the umpires, and I shall be content to abide by their decision; but I do submit that before we make this tremendous expenditure, about which there is so much controversy, the matter should be passed upon by people competent to delve into all the facts and ascertain the proper and best solution.

I therefore hope my amendment will prevail.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The point of no quorum having been raised, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Smith
Barkley	Fess	McMaster	Smoot
Bayard	Fletcher	McNary	Steck
Bingham	Frazier	Mayfield	Steiwer
Black	George	Metcalf	Stephens
Blaine	Gerry	Moses	Swanson
Blease	Glass	Neely	Thomas, Idaho
Borah	Glenn	Norbeck	Thomas, Okla.
Bratton	Goff	Norris	Trammell
Brookhart	Gould	Nye	Tydings
Broussard	Greene	Oddie	Tyson
Bruce	Hale	Overman	Vandenberg
Burton	Harris	Pine	Wagner
Capper	Harrison	Ransdell	Walsh, Mass.
Caraway	Hawes	Reed, Pa.	Walsh, Mont.
Copeland	Hayden	Robinson, Ark.	Warren
Couzens	Heflin	Robinson, Ind.	Waterman
Curtis	Johnson	Sackett	Watson
Dale	Jones	Schall	Wheeler
Deneen	Kendrick	Sheppard	
Dill	Keyes	Shortridge	
Edge	King	Simmons	

The PRESIDENT pro tempore. Eighty-five Senators have answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi; and

S. 4276. An act granting a pension to Edith Bolling Wilson.

The message also announced that the House had passed the bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1934. An act for the relief of Rebecca E. Olmsted;
H. R. 2424. An act for the relief of James Moffitt;
H. R. 2436. An act for the relief of Harvey H. Goyer;
H. R. 3280. An act for the relief of James Earl Briggman;
H. R. 3675. An act for the relief of Paul Wallerstein;
H. R. 3738. An act for the relief of Mary Murnane;
H. R. 4699. An act for the relief of William H. Fleming;
H. R. 4813. An act for the relief of Clara Thurnes;
H. R. 4824. An act for the relief of Arthur W. Taylor;
H. R. 6698. An act for the relief of William C. Schmitt;
H. R. 6705. An act for the relief of Clotilda Freund;
H. R. 6757. An act for the relief of W. C. Moye and Nannie Moye;
H. R. 6939. An act for the relief of Thomas T. Grimsley;
H. R. 7051. An act for the relief of George W. Gilmore;
H. R. 7174. An act granting compensation to William T. Ring;
H. R. 7887. An act for the relief of Adrian Van Leeuwen;
H. R. 8401. An act for the relief of Jack Mattson;
H. R. 8175. An act for the relief of William J. McKenna;
H. R. 8691. An act for the relief of Helen Gray;
H. R. 9119. An act for the relief of the estate of James Glover, deceased;
H. R. 9175. An act for the relief of George W. McPherson;
H. R. 9238. An act for the relief of the widow of Ephraim E. Page;
H. R. 9515. An act for the relief of Homer N. Horine;
H. R. 9699. An act for the relief of Benjamin Hagerty;
H. R. 10200. An act for the relief of Carrie McIntyre;
H. R. 10321. An act for the relief of B. P. Stricklin;
H. R. 10516. An act for the relief of the estate of Martin Preston, deceased;
H. R. 10611. An act for the relief of Homer Elmer Cox;
H. R. 10824. An act for the relief of Edward H. Cotcher;
H. R. 11001. An act for the relief of Maj. O. S. McCleary, United States Army, retired;
H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;
H. R. 11383. An act for the relief of Angenora Hines;
H. R. 11659. An act for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.;
H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;
H. R. 12333. An act for the relief of Charles Davis;
H. R. 12463. An act for the relief of Adam A. Schultz;
H. R. 12498. An act for the relief of Chancy L. McIntyre;
H. R. 12593. An act for the relief of Edward McOmber;
H. R. 12674. An act authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker;
H. R. 12960. An act for the relief of Thomas Barrett;
H. R. 13052. An act for the relief of Malcolm Allen;
H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;
H. R. 13430. An act for the relief of Arthur E. Rump;
H. R. 13465. An act for the relief of Thomas T. Gessler;
H. R. 13801. An act for the relief of John Bowie;
H. R. 13866. An act for the relief of Adelaide (Ada) J. Walker Robbins;
H. R. 13872. An act for the relief of James J. Gianaros;
H. R. 13959. An act for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy;
H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;
H. R. 14137. An act for the relief of Patrick P. Riley;
H. R. 14172. An act for the relief of B. Frank Shetter;
H. R. 14579. An act for the relief of Walter Malone;
H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;
H. R. 14723. An act to provide hospitalization for Leroy Wilbur Abbott;
H. R. 14738. An act for the relief of the Marshall State Bank;
H. R. 14765. An act for the relief of Samuel Hooper Lane, alias Samuel Foot;
H. R. 14850. An act for the relief of Leo Byrne;
H. R. 14863. An act for the relief of Harry Hamlin;
H. R. 14873. An act for the relief of Chesley P. Key;
H. R. 14923. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;
H. R. 14952. An act to reimburse the estate of Mary Agnes Roden;
H. R. 15021. An act for the relief of William S. McWilliams;
H. R. 15220. An act for the relief of Francis X. Callahan;
H. R. 15288. An act for the relief of Angelo Cerri;
H. R. 15405. An act for the relief of James Luther Hammon;
H. R. 15421. An act for the relief of D. B. Heiner;
H. R. 15440. An act for the relief of Frank Yarlott;
H. R. 15449. An act for the relief of Joel Townsend;
H. R. 15478. An act for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps;
H. R. 15562. An act for the relief of Anna E. Stratton;
H. R. 15590. An act for the relief of Henry I. Power;
H. R. 15635. An act for the relief of George A. Hormel & Co.;
H. R. 15641. An act for the relief of Vernon S. Ross;
H. R. 15686. An act for the relief of E. O. McGillis;

H. R. 15703. An act for the relief of Louis Vauthier and Francis Dohs;

H. R. 15900. An act for the relief of Charles H. Young;

H. R. 15975. An act for the relief of Nelson King;

H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16258. An act for the relief of Homer D. Neimeister;

H. R. 16291. An act for the relief of Stephen Cole, alias Steven Cole;

H. R. 16342. An act for the relief of Clyde H. Tavenner;

H. R. 16364. An act for the relief of Marmaduke H. Floyd;

H. R. 16466. An Act for the relief of Thomas A. McGurk;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16685. An act for the relief of Robert J. Smith;

H. R. 16691. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*;

H. R. 16732. An act for the relief of Thomas W. Bath;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16887. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 16888. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;

H. R. 16890. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy;

H. R. 16891. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy;

H. R. 16892. An act for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force;

H. R. 16898. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 16901. An act for the relief of Capt. John H. Merriam, Supply Corps, United States Navy;

H. R. 16903. An act for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy;

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from death, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

H. R. 17034. An act for the relief of James Albert Couch, alias Albert Couch;

H. R. 17095. An act to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army;

H. J. Res. 339. Joint resolution conferring the rank, pay, and allowances of a major of Infantry, to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;

H. J. Res. 362. Joint resolution for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 373. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama.

HOUSE BILL REFERRED

The bill (H. R. 14850) for the relief of Leo Byrne was read twice by its title and referred to the Committee on Claims.

FEDERAL RESERVE BOARD FUND (S. DOC. NO. 260)

The PRESIDENT pro tempore laid before the Senate a communication from the Federal Reserve Board in response to Senate Resolution 323 (submitted by Mr. HEFLIN and agreed to February 9, 1929), requesting the Federal Reserve Board to give its reason for increasing the rediscount rate and to furnish information relative to harmful speculation, which was referred to the Committee on Banking and Currency and ordered to be printed.

PUBLIC-BUILDING PROJECTS (H. DOC. NO. 613)

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury and the Postmaster General, transmitting, pursuant to law, a report of the interdepartmental committee appointed in connection with public-building projects and the $248,000,000 authorization therefor, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

JAMES E. JENKINS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1338) for the relief of James E. Jenkins, which was, on page 1, line 6, after the word "appropriated," to insert "and in full settlement."

Mr. ODDIE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NOTICE OF MOTION TO SUSPEND RULES

Mr. BROOKHART. I desire to give notice of a suspension of the rule to offer an amendment to House bill 17223, the second deficiency bill.

The notice was read, as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of rule 16, for the purpose of proposing to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and so forth, the following amendment; viz, at the proper place insert the following:

"*Provided*, That section 13 of the classification act of 1923 as amended by the act of May 28, 1928, is hereby amended by providing effective on the first day of the month succeeding the enactment of this act one additional salary rate as a maximum rate, which will add 1 increment or step up in each of the professional and scientific grades from 1 to 5, inclusive; all grades of subprofessional service; clerical, administrative, and fiscal services from 1 to 12, inclusive; and the custodial service, grades 2 and 4 to 10, inclusive: *Provided further*, That in the clerical-mechanical service, the rate of compensation for classes of positions in grade 1 shall be 55 to 60 cents an hour; grade 2, 65 to 70 cents an hour; and grade 3, 75 to 80 cents an hour: *Provided further*, That the heads of the executive departments and independent establishments pursuant to authority to adjust the pay of certain employees in the departmental and field service shall, effective the first day of the month succeeding the passage of this act, readjust the compensation of the grades of the departmental services herein named and the corresponding field service positions, so that employees whose positions were affected by the act of May 28, 1928, and who did not receive an increase in salary the equivalent of two steps, or salary rates in their respective grades shall be given such additional step or steps or salary rate or rates within the grade as may be necessary to equal such increase: *And provided further*, That there is hereby appropriated out of the Treasury from any moneys not otherwise appropriated sufficient sums to readjust the salaries as herein directed during the remainder of the fiscal year 1929 and during the fiscal year 1930."

DEGREE-CONFERRING INSTITUTIONS

Mr. BLAINE. Mr. President, will the Senator from Virginia yield to me?

Mr. GLASS. I yield to the Senator from Wisconsin, provided his matter will lead to no extended debate.

Mr. BLAINE. I desire to submit a conference report and ask for its immediate consideration. I will state to the Senator from Virginia that if it involves debate I shall withdraw the request.

Mr. GLASS. Mr. President, I yield to the Senator from Wisconsin to submit his conference report with the understanding that it will not require extended debate.

Mr. BLAINE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered (1) and agree to the same with an amendment as follows:

In lieu of the language inserted by the House, insert the following:

"2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence, or extramural study, such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued

conferring a degree in medicine or any healing art, or in dentistry, for study pursued or work done by correspondence."

And the House agree to the same.

JOHN J. BLAINE,
D. O. HASTINGS,
ROYAL S. COPELAND,
Managers on the part of the Senate.
FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
THOMAS L. BLANTON,
Managers on the part of the House.

Mr. BLAINE. I ask unanimous consent for the consideration of the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. SMOOT. Mr. President, may I ask the Senator what conference report it is?

Mr. BLAINE. It refers to the so-called diploma bill.

Mr. SWANSON. I object. There is another matter pending.

The PRESIDENT pro tempore. Objection is made.

LETTER FROM DAUGHTER OF THE LATE SENATOR JOHN T. MORGAN

Mr. BLACK. Mr. President, I desire to ask unanimous consent to have inserted in the RECORD a letter from Miss Cornelia I. Morgan, daughter of the late John T. Morgan, formerly a Senator from Alabama. This letter was sent to the senior Senator from New Jersey [Mr. EDGE] in connection with his activities in bringing about a survey for a canal across Nicaragua. I request that the letter be read by the clerk at the desk. It is very short. I feel sure that there are a number of Senators, who knew Senator Morgan, who would be interested in hearing this letter.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will read as requested.

The Chief Clerk read as follows:

THE MENDOTA,
Washington, D. C.

Senator WALTER E. EDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There is probably no one in the United States who will rejoice with you more than I over the passage of your resolution providing for a survey of the Nicaraguan canal. I am taking the liberty of sending you my congratulations and thanks, not only as a citizen of our country but because my father, John T. Morgan, of Alabama, gave years of his life to bringing about the building of an interoceanic canal, preferably the Nicaraguan route. For 25 years he toiled and worked, studying every detail, sparing no pains to prove what he believed to be the best and most advantageous location for a great waterway.

Of the manifold tasks and duties which engaged his attention in the 31 years of his service in the Senate, I think none were more absorbing or interesting to him than this project. When the Panama Canal bill passed he gave his earnest attention to furthering its completion, always feeling, indeed saying, there would be some day a canal at Nicaragua as well. So I am naturally intensely interested in your resolution.

May there be no delay in the House to keep us from having our Nicaraguan canal survey at an early day!

With sincere good wishes and high esteem, I am yours,

(Miss) CORNELIA I. MORGAN.

FEBRUARY 26, 1929.

SENATOR FROM WEST VIRGINIA

Mr. GOFF presented the credentials of HENRY D. HATFIELD chosen a Senator from the State of West Virginia for the term commencing March 4, 1929, which were read and ordered to be placed on file.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following memorial of the State Senate of Arizona, which was referred to the Committee on Mines and Mining:

Senate memorial, introduced by Committee on Mines and Mining

NINTH LEGISLATURE, REGULAR SESSION
STATE SENATE.

To the Senate and House of Representatives of the Congress of the United States:

Your memorialist, the Senate of the Ninth Legislature of the State of Arizona, in regular session assembled, respectfully represents that—

Whereas mining is a major industry of the State of Arizona, and the development of mineral resources is essential to its prosperity and advancement; and

Whereas such development is in a large measure dependent upon the legitimate regulated sale of mining stocks and securities through the medium of stock exchanges and curb exchanges throughout the country; and

Whereas it has come to the notice of your memorialist that certain curb exchanges, acting through their authorized committees, have adopted policies relative to the listing of and dealing in stocks and securities of American owned mine development companies, prejudicial thereto, and at variance with and less favorable than their policy and requirements as to the listing of and dealing in stocks and securities of similar foreign-owned companies, and companies other than mining companies, which policy, if effectuated, would greatly retard the development of the mining industry of this State.

Now, therefore, your memorialist prays that Congress do take all necessary steps and proceedings to cause investigation to be made of the methods and regulations of curb exchanges throughout the United States relative to the listing of and dealing in stocks and securities of American-owned mine development companies, as compared with methods and regulations made use of in connection with the listing of and dealing in stocks and securities of similar foreign-owned companies and companies other than mining companies.

That if favoritism or discrimination adverse to the Amercian mining industry, or any other lawful industry, be found to exist, the Congress provide, by appropriate legislation, for the proper regulation and control of the listing of and dealing in of stocks and securities, by and through curb exchanges, and for the penalizing of favoritism or discrimination in such listing or dealing; and be it further

Resolved, That the secretary of the senate transmit copies of this memorial to Arizona's Representatives in Congress, and to the proper officers of the Senate and House of Representatives of the United States.

Unanimously adopted February 21, 1929.

H. W. HILL,
President of the Senate.
W. J. GRAHAM,
Secretary of the Senate.

Mr. WHEELER presented a joint memorial of the Legislature of the State of Montana, praying for the passage of legislation providing increased tariff duties on plumbago, graphite, and graphite ores, which was referred to the Committee on Finance.

(See joint memorial printed in full on the 25th instant when presented by the Vice President, page 4201 of the RECORD.)

Mr. WHEELER also presented a joint memorial of the Legislature of the State of Montana, praying for the establishment and promulgation of grades and standards of wheat which will take into account its protein content, which was referred to the Committee on Agriculture and Forestry.

(See joint memorial printed in full when presented on the 26th instant by Mr. WALSH of Montana, page 4332 of the RECORD.)

Mr. WHEELER also presented a joint memorial of the Legislature of the State of Montana, praying for the passage of a resolution submitted by Senator CAPPER directing the Senate Interstate Commerce Committee to take immediate action relative to special export rates on grain, which was referred to the Committee on Interstate Commerce.

(See joint memorial printed in full when laid down by the Vice President on the 26th instant, page 4332 of the RECORD.)

Mr. BINGHAM presented a petition of sundry citizens of New London, Waterford, and Groton, all in the State of Connecticut, praying for the repeal of the national origins clause of the immigration act of 1924, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 16641) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo. (Rept. No. 1982);

A bill (H. R. 16824) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans. (Rept. No. 2023);

A bill (S. 5830) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C. (Rept. No. 1996);

A bill (S. 5831) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C. (Rept. No. 1997);

A bill (S. 5836) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo. (Rept. No. 1998);

A bill (S. 5837) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo. (Rept. No. 1999);

A bill (S. 5845) granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors, and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio (Rept. No. 2000);

A bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md. (Rept. No. 2010);

A bill (H. R. 16432) granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry (Rept. No. 2009);

A bill (H. R. 16719) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn. (Rept. No. 2008); and

A bill (H. R. 17023) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt. (Rept. No. 2007).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark. (Rept. No. 1990);

A bill (S. 5829) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Alma, Wis. (Rept. No. 1991);

A bill (S. 5844) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa (Rept. No. 1992); and

A bill (S. 5865) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887 (Rept. No. 2005).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 5832) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr. (Rept. No. 1983);

A bill (S. 5833) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr. (Rept. No. 1984);

A bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois (Rept. No. 1993);

A bill (S. 5834) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo. (Rept. No. 1994);

A bill (S. 5835) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo. (Rept. No. 1995); and

A bill (S. 5858) authorizing the New Harmony Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind. (Rept. No. 2004).

Mr. DALE also, from the Committee on Civil Service, to which was referred the bill (H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes, reported it without amendment and submitted a report (No. 2006) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 1112) for the relief of Chesley P. Key, reported it with an amendment and submitted a report (No. 1989) thereon.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 3044) for the relief of Leon Freidman (Rept. No. 2001);

A bill (H. R. 3047) for the relief of J. Edward Burke (Rept. No. 2002); and

A bill (H. R. 14850) for the relief of Leo Byrne (Rept. No. 2012).

Mr. STEIWER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy, reported it with an amendment and submitted a report (No. 2022) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5880) to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes, reported it without amendment and submitted a report (No. 1986) thereon.

He also, from the same committee, to which was referred the bill (S. 5730) amending act of March 4, 1915, providing relief for desert-land entrymen, reported it with amendments and submitted a report (No. 2011) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 13869) for the relief of John Wesley Clark, reported it without amendment and submitted a report (No. 2013) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps, reported it without amendment and submitted a report (No. 2014) thereon.

Mr. NcNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5716) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co., reported it without amendment.

Mr. NORBECK, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office, reported it without amendment and submitted a report (No. 2015) thereon.

He also, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, reported it with an amendment and submitted a report (No. 2016) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5799) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools (Rept. No. 2018);

A bill (H. R. 17079) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools (Rept. No. 2019);

A bill (H. R. 16659) to authorize an appropriation to pay half the cost of a bridge across Cherry Creek on the Cheyenne River Indian Reservation, S. Dak. (Rept. No. 2020); and

A bill (H. R. 16660) to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota (Rept. No. 2021).

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (H. R. 12189) for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti, reported it without amendment and submitted a report (No. 2017) thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps";

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.;

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania;

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928;

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; and

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park.

INVESTIGATION OF THE SINKING OF THE SUBMARINE "S-4"

Mr. ODDIE, from the Committee on Naval Affairs, submitted a report (No. 1988) of the investigation of the sinking of the submarine *S-4*, which was ordered printed with illustrations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. REED of Pennsylvania:

A bill (S. 5891) to amend section 201, subdivision (1) of the World War veterans' act, as amended (with an accompanying paper); to the Committee on Finance.

By Mr. HAYDEN:

A bill (S. 5892) authorizing the issuing of certificates of arrival to persons born in the United States who are now aliens; to the Committee on Immigration.

By Mr. WALSH of Montana:

A bill (S. 5893) for the relief of L. M. Winzenburg; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 5894) for the relief of Thomas H. Duggan; and

A bill (S. 5895) for the relief of Walter E. Price; to the Committee on Military Affairs.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, which was ordered to lie on the table and to be printed.

CHANGES OF REFERENCE

On motion of Mr. SACKETT, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes, and it was referred to the Committee on Civil Service.

On motion of Mr. McNARY, the Committee on Foreign Relations was discharged from the further consideration of the joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress, to be held in England in 1930, and it was referred to the Committee on Agriculture and Forestry.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes; and

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

Mr. BLAINE obtained the floor.

Mr. TYDINGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I yield.

Mr. TYDINGS. I would like to offer the amendment now lying on the clerk's desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 6, strike out the period, insert a colon, and the following:

Provided, however, That the acquirement of such site or any other site in lieu thereof shall be subject to the prior approval of a commission composed of three persons appointed by the President of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. BLAINE. Mr. President, as a member of the Committee on the District of Columbia, who opposed the proposed location of the market in the District of Columbia, I want to state that my reason for opposing the location in the southwest section does not involve the question of the desirability of any other location. I have not concerned myself with respect to any particular location. I have endeavored to concern myself with respect to that which is bound to occur if Congress locates the market in the southwest region.

While this bill was pending before the Committee on the District of Columbia, I went to the police department and there obtained the services of an expert on traffic conditions of this district, and made a very close personal inspection of the proposed site, in company with a traffic officer, with a view of ascertaining whether or not it was desirable, from the traffic standpoint, to locate the market in the southwest.

I found from that inspection that there are but four uninterrupted streets that run through the main portion of the city. Those streets are Sixth Street, Seventh Street, Twelfth Street, and Fourteenth Street. Each one of them leads across the Mall.

When we establish the community center for the city of Washington, which I am sure will soon be done, the west boundary of that community center will be Sixth Street, and the south boundary Pennsylvania Avenue. Therefore, the present plans as contemplated, if this market is located in the southwest, will require all of the patrons of this market to traverse the most congested area of the city of Washington. The result will be that 99 per cent of the traffic of the city of Washington to market, I would say, would be led into the bottle neck at the very location proposed in the southwest.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. BLAINE. Let me state to the Senator that I have only 10 minutes on the bill and 10 minutes on the amendment.

Let me go into this location a little further. Maryland Avenue is contiguous to the proposed site for the market. That avenue would accommodate a very limited number of people on the east and south of the Capitol Grounds. As I have said, the great bulk of the people of Washington live in the section of Washington north and northwest of the proposed site, as indicated by the lines drawn by the pointer on this map.

Moreover, Fourteenth Street is the main artery leading from the city of Washington to the gateway of the South, to the land of Dixie. It leads to the highway which goes through to Richmond, and, in fact, down through North Carolina, South Carolina, Georgia, and Florida. It is the most congested highway in the United States during the summer-vacation time. From the time of the cherry blossoms, in the early spring, until the tourist season closes, there is a veritable caravan of automobiles traveling north and south on that highway.

The result, therefore, will be that those who do the marketing for 500,000 or more people of Washington will be required to intersect what I know to be and what the Senator from Virginia will confess to be the most congested road in this whole country, outside, perhaps, of the large urban sections.

Mr. TYDINGS. Mr. President, may we have order? The Senator is making a very important speech.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BLAINE. There are, therefore, two leading streets—Maryland Avenue and Fourteenth Street. Sixth Street, Twelfth Street and Seventh Street are contiguous to the market, but I

want to repeat that upon the completion of the plans for the Mall, and upon the completion of the plans for the community center, those who do the marketing for half a million people will be required to intersect the congested highways and streets.

I have observed for a period of at least 10 days when it was utterly impossible to cross Maryland Avenue at Fourteenth Street, contiguous to the proposed market site, as the people went to view the cherry blossoms in Potomac Park. The establishment of the market in the southwest section would result in menacing those people who find it desirable to patronize this market, and, bringing further congestion, it would menace the tourists on their way to the Southland.

Moreover, it will do more than that—it will establish a market in the southwest which means the perpetuation of one of the most unsightly sections in Washington. I am speaking now of the Potomac or Washington Channel.

The PRESIDENT pro tempore. The time of the Senator from Wisconsin on the amendment has expired. He still has 10 minutes on the bill.

Mr. BLAINE. The Potomac River has all been improved down to and beyond the Lincoln Memorial, except this very small section from the War College to the Bureau of Printing and Engraving. That section contains coal yards, lumber yards, ramshackle buildings, and is ugly in appearance. It would appear to me that those who have some pride in the National Capital would desire to clean up that eyesore in the next few years. If we establish permanent buildings, if private parties invest large sums of money, as they will, when the Government finds it desirable to improve the balance of the Washington Channel water front, we will find that the District of Columbia and the Government of the United States will be taxed an unnecessary amount and will be taxed also by the unearned increment that comes to the real-estate speculators in that section. Therefore it is undesirable from the standpoint of the beauty of Washington to erect there permanent and substantial and expensive buildings which will delay the improvement of the last section of the Potomac River and Washington Channel, which now joins the Mall near the Capitol Square and the approach to the city of Washington.

Mr. GLASS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. BLAINE. The Senator from Virginia will have an opportunity of 20 minutes in which to answer my contention.

From the two standpoints I have in view the national interest. I care not where the market may be located, so far as the market itself is concerned. I am concerned about the national interest. I think we ought to protect the beauty of the Capital. We ought to protect the approaches to the Capital, and one of the main approaches to the Capital of our Nation is the gateway to the South.

So, Mr. President, I hope that the Senate will adopt the amendment proposed by the junior Senator from Maryland providing for a commission to be appointed by the President for the purpose of working out a proper location for the market and also for the proper protection of the beauty and as well the utility of the Capital of our Nation and also to consult and advise carefully respecting the undesirable traffic conditions which are bound to be created by bringing those who market for 500,000 people into this bottle neck, thereby menacing the lives of visitors to our Capital as well as of the men and women who may find it desirable or necessary to patronize the market.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. BLAINE. The Senator from New York will have 20 minutes in which to respond.

While I am not concerned about the interest the Pennsylvania Railroad Co. may have in this matter, I have no doubt that the Pennsylvania Railroad is deeply interested. I have no doubt that it has been most obnoxious in its attitude toward Members of the Senate. I have no doubt that to-day and at this very moment a representative of the Pennsylvania Railroad stands just outside the Senate door inviting Senators to come from the Chamber so that he may urge upon them the passage of the bill.

Mr. GLASS. Mr. President, does the Senator mean to suggest that any agent of the Pennsylvania Railroad has ever approached me on the subject?

Mr. BLAINE. I think that the Senator from Virginia is earnest and enthusiastic for this project, not because of any interest he has in the Pennsylvania Railroad. I do not believe he has any such interest. He has the interest, it is true, of making a market convenient and contiguous to the State of Virginia. His interest is a State interest. His motive is a proper motive. I am not questioning the motive of the Senator from Virginia.

Mr. GLASS. But the Senator has suggested that an agent of the Pennsylvania Railroad is at one of the doors of the Senate Chamber sending for Senators. I ask the Senator if he means to apply that suggestion to me?

Mr. BLAINE. I did not say that he called the Senator from Virginia out of the Chamber, and I do not even intimate any such thing.

Mr. GLASS. The implication is against every Senator here.

Mr. BLAINE. I say now that I do not believe the Senator from Virginia has any interest in this project from the standpoint of the Pennsylvania Railroad.

Mr. GLASS. And I will say to the Senator that no agent of the Pennsylvania will ever send for me on the subject, either.

Mr. BLAINE. I have no doubt about it.

So, Mr. President, the interest I have taken in the matter has been an interest from the standpoint of the welfare of our National Capital. We can not afford to create in this section of the city a bottle neck into which are going to be poured those who market for 500,000 people in Washington and the tourists who visit Washington. It is unfair to both of those great groups of people.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. BRUCE. Mr. President, it does seem to me that the pending amendment ought to reconcile not a few Senators to the opposition of my colleague and myself to the pending bill. The proposal of the amendment is that the President of the United States shall appoint three persons to consider and pass upon the relative value of the different sites mentioned in the testimony bearing upon the bill, and to select the site which they believe to be most eligible for the purposes of a farmers' market from the point of view of the public welfare.

I am sure that Senators have been impressed with the fact that the testimony relating to the respective value of the different sites under consideration by us is to say the least, decidedly conflicting, and that is so because much of that testimony is more or less tinged by selfish considerations. So why not let the President select a commission to choose a site for the farmers' market? We have every reason to believe that such a commission would be an able one. We have every reason to believe that such a commission would be disinterested. Why, therefore, should not even Senators who have favored the bill heretofore give assent to the pending amendment?

So much for that. Something has been said about our being approached by representatives of the railroad companies. I have been approached by none, but I take this occasion to say that I do not think that there is anything with respect to which there is so much "can't" spoken as this thing that is called lobbying. So far as I am concerned I am glad at any time to be approached by any lobbyist provided he is not some irredeemably disreputable scamp in whose statements no one could under any circumstances repose any confidence. As I said some time ago, my cry with regard to knowledge upon any subject that I am required to deal with as a Senator is that of Goethe upon his death bed, "Light, more light!" I care not from what quarter that light comes, whether it comes from a railroad like the Pennsylvania Railroad or from some private individual. I think that I can always trust myself to make the proper allowance for the workings of self-interest in the breast of any lobbyist whatsoever.

In conclusion, in a perfectly good-natured manner, I wish to add that the subject which we are discussing is at least an illustration of the utter untrustworthiness of promises made by Senators with reference to the amount of time that they intend to take up in the discussion of a question. The Senate will recollect that I began by declaring that I did not have a word to say with respect to the pending bill. Then the Senator from Virginia [Mr. GLASS] promptly followed suit and said that he did not have a word to utter with respect to it. And yet it so happens that I have made three speeches on the bill and if my computation is not incorrect the Senator from Virginia [Mr. GLASS] has made four. Just exactly how many speeches the junior Senator from Maryland [Mr. TYDINGS] has made I forget at the moment.

If the Senator from Virginia will accept it as a mere pleasantry, I am bound to say that the number of speeches that he has made reminds me of something that was once said about the famous writer, Thomas Carlyle. Carlyle had a way of constantly dilating upon the shallowness of speech and the profound significance of silence, and, of course, I need not tell the Senate that he was one of the most voluminous of writers of his time. Finally, some one was unkind enough

to say that Carlyle had preached the doctrine of silence in 30 volumes. So I shall, perhaps, be pardoned for calling attention to the fact that after assuring us that he was not going to speak at all, the Senator from Virginia [Mr. GLASS] poured out speech after speech, and very zealous and able speeches they were, I am bound to confess.

Mr. GLASS. The only trouble about that illustration is that the Senator is mistaken in saying that I ever assured anybody I was not going to speak on the bill.

Mr. BRUCE. The Senator certainly stated two or three times that he did not have a word to say on the subject, and then afterwards that he was afraid that he might be driven to talk against time, something that he had never done in his life before, and, so far as I am concerned, I am compelled to admit that I did say that I did not propose to utter a word with respect to the pending bill, and yet a few minutes later was threatening to talk for at least an hour or an hour and a half if the return of my colleague to the Senate was not awaited by the Senate. All of which, of course, is but another proof of the lamentable facility with which a Senator can build up an imposing superstructure of words on any foundation however contracted.

Mr. COPELAND. Mr. President, I was very much interested in what the Senator from Wisconsin [Mr. BLAINE] said about the location of the market, about it being a bottle neck, about the traffc on Pennsylvania Avenue, and the difficulty of getting to and from the market, and the congestion of the street. The busiest place in the world is the corner where the Bank of England is located in London. The greatest congestion in the world is there. I have been at the Bank of England corner on Sunday morning when there was not a vehicle or an individual in sight. The next busiest place in the world is Columbus Circle, in New York City. Anyone can go there early in the morning and not see anyone there at all.

The Senator from Wisconsin utterly fails to appreciate the fact that this market is not intended to be a retail market. It is a wholesale market and has been such from its very beginning. The purpose of the market is that the farmers, as well as those who ship their produce by rail and by water, may take their produce to the market early in the morning and dispose of it to the retail dealers, the wholesale dealers, the boarding-house keepers, and those who buy in wholesale lots.

At the time when the market is used there are practically no vehicles or individuals on the streets. So, Mr. President, it is utterly unfair, I think—and I do not say this with any thought of criticizing the Senator, for I know his earnestness and studiousness—to attempt to convey the impression that the southwest site is in a location where in the middle of the day it would be difficult of access.

I was a member of the subcommittee that studied this question. On two or three different occasions our committee went into the matter, not alone in this Congress but in a previous, and it was brought out by the testimony of the police department which had made a study of the question that the traffic on the part of produce dealers coming in by motor car or by wagon would not be an objection particularly in view of the fact that the market is principally used early in the morning.

I hope the Senate will bear in mind that this is not a retail market. If I were seeking to locate a retail market I would put it in the vicinity of the baseball park, in the center of the city, where it could be easily reached from every section of the city. That would be the natural place for a retail market; but the market we are talking about and have been discussing for several days is not a retail market, where it is intended that an individual may go and buy a single article such as a pound of butter; that is not the intention. This market is a place where the farmers and produce dealers may bring their goods and sell them in quantities to commission merchants and to large users of such commodities. That is the purpose of the market that we are discussing. The natural place for it to be located is where there are available all possible means of transportation, not alone motor trucks, not alone wagons drawn by horses, but also where railroad facilities are present and where there are the steamboat facilities.

In the very nature of the case, as we develop our interior waterways, there will be more and more traffic from the South which will be brought up to the North. The place where that traffic will be handled will be in the southwest section of the city. Therefore, as I view it, the natural and proper location for this market is that provided for in the pending bill.

Mr. KING. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. Yes.

Mr. KING. I should like to ask the Senator to explain why there is any obligation on the part of the public, the people of his State, and the people of other States, and the people of the District of Columbia to make a contribution to buy a market place for the wholesale dealers of whom the Senator speaks and for the benefit of the railroads that ship produce to Washington? Why should they not pay for their own market?

Mr. COPELAND. I will say, in reply to the Senator from Utah [Mr. KING] that he has asked a very proper question. I think there is no Senator in this body who is more attentive to his duties or more watchful of the Public Treasury than is the Senator from Utah, and I love him for his personal qualities as well as for his other qualities, but he must bear in mind that the Congress of the United States is not only the Congress in the ordinary sense of enacting legislation but it is also the board of aldermen for the city of Washington. We have resting upon us as a Congress exactly the same obligation to deal with the local problems of the city of Washington as has the board of aldermen, or in my State the board of estimate, in dealing with local problems in other cities. Every city, including Salt Lake City, I have not doubt—though I am not informed as to that, but it is a progressive city and I therefore think that it has these progressive ideas in operation—provides a place where fresh food may be bought and distributed to the citizens of the community.

It is most important for the Senator from Utah, in order that he may provide his fine family with good food, that this wholesale market shall be available, in order that the retail merchant who has his establishment in the neighborhood of the Senator's home may get fresh supplies and sell them to the Senator's family. We are under the same obligation to provide such a market here as the board of estimate or the board of aldermen is to establish it in any other city.

The PRESIDENT pro tempore. The time of the Senator from New York on the amendment has expired. He still has 10 minutes left on the bill.

ANNIVERSARY OF BIRTH OF HENRY W. LONGFELLOW

Mr. COPELAND. Mr. President, if I may be permitted to depart from the particular matter in hand, I should like to make reference to another subject.

To-day is the birthday of America's poet, Henry Wadsworth Longfellow, and I think we ought not to pass the day by without recalling that fact. Longfellow is one of the world's best-loved poets. We have in existence the Longfellow Association, and I observe that their latest endeavor is to establish the Longfellow international highway, to extend from the land of Evangeline to the Queen of the Antilles, connecting the northland with Cuba.

Mr. President, in commemoration of the day, and of this great poet, whose memory we all love, I ask permission that there be printed in connection with my remarks the short poem by Longfellow, which is entitled "The Builders," the first verse of which reads:

> All are architects of fate,
> Working in these walls of time;
> Some with massive deeds and great,
> Some with ornaments of rhyme.

Without further reading, I ask that the poem be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NEELY. Mr. President, the poem—a stanza of which the Senator from New York has just read—is so much more interesting and instructive than anything else that we have heard in the Senate to-day that I insist upon its being read in full. [Laughter.]

The PRESIDENT pro tempore. Does the Senator desire it read in his time?

Mr. NEELY. Let it be read by the Clerk in my time.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized, and, in his time, the Clerk will read the verses which the Senator from New York started to read.

Mr. NEELY. Mr. President, before the Clerk reads the poem, may I observe that time does not seem to have any value in the Senate during the last hours of a rapidly and fitfully expiring Congress. For four days we have debated the question "where shall the people of the District of Columbia buy a basket of eggs, a peck of potatoes, or a spring chicken?" The Senate is a greater spendthrift of time than the man who drove his hogs 20 miles to mast. A neighbor said to the hog driver "You evidently waste a great deal of time in making these long trips to the mountains where the acorns grow." The swine herder replied, "What's time to a hog?" [Laughter.]

So, Mr. President, what is time to the Senate when statesmen—

With their thumb-worn creeds,
Their loud professions and their little deeds,
Mingle in selfish strife
While freedom weeps,
Wrong rules the land,
And waiting justice sleeps?

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Alabama?

Mr. NEELY. I yield with pleasure.

Mr. HEFLIN. Does not the Senator have any pity at all on the Senator from Maryland, who said of one of his patriotic constituents that he would have to make a long pilgrimage across the city to purchase a pullet? [Laughter.]

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. NEELY. Not until I reply to the Senator from Alabama.

The PRESIDENT pro tempore. The Senator from West Virginia declines to yield.

Mr. BRUCE. I merely want to ask the Senator a civil question.

Mr. NEELY. I shall require more information as to the kind of "pullet" the Senator from Alabama has in mind before I commit myself on the question of pity. For example, a woman sent her husband to town to purchase a common household article. The husband, as usual, forgot the name of the thing that his wife wanted him to buy. In his embarrassment he said to a merchant, "My wife told me to buy either a camisole or a casserole, but which I am unable to remember." The merchant replied, "My friend, if it is for a live chicken, it is a camisole; if it is for a dead one, it is a casserole." Therefore let me inquire whether the Senator from Alabama means a camisole pullet or a casserole chicken. [Laughter.]

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. NEELY. I shall be glad to yield, but if the Senator from Alabama referred to the senior Senator from Maryland who now seeks recognition, I know that it is a casserole. [Laughter.]

Mr. BRUCE. I merely wish to remind the Senator of the old saying that there is reason even in roasting an egg.

Mr. NEELY. Particularly a bad one.

Mr. SWANSON. Mr. President, I hope the clerk will now be allowed to read. Unanimous consent, as I understand, has been given.

The PRESIDENT pro tempore. The clerk will read, as requested.

The Chief Clerk read as follows:

THE BUILDERS

All are architects of fate,
Working in these walls of time;
Some with massive deeds and great,
Some with ornaments of rhyme.

Nothing useless is, or low;
Each thing in its place is best;
And what seems but idle show
Strengthens and supports the rest.

For the structure that we raise,
Time is with materials filled;
Our to-days and yesterdays
Are the blocks with which we build.

Truly shape and fashion these;
Leave no yawning gaps between;
Think not, because no man sees,
Such things will remain unseen.

In the elder days of art,
Builders wrought with greatest care
Each minute and unseen part;
For the gods see everywhere.

Let us do our work as well,
Both the unseen and the seen;
Make the house, where gods may dwell,
Beautiful, entire, and clean.

Else our lives are incomplete,
Standing in these walls of time,
Broken stairways, where the feet
Stumble as they seek to climb.

Build to-day, then, strong and sure,
With a firm and ample base;
And ascending and secure
Shall to-morrow find its place.

Thus alone can we attain
To those turrets, where the eye
Sees the world as one vast plain,
And one boundless reach of sky.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. BROOKHART. Mr. President, the bill under consideration is entitled:

An act authorizing acquisition of a site for the farmers' produce market, and for other purposes.

I have proceeded on the theory with reference to this bill all the time that it was in the interest of the farmers. I have proceeded on the theory that it would furnish a marketing site where the farmers might sell their produce at retail to the people of the city and the community. Now I find that it is not such a market at all. It is merely a wholesalers' market, says the Senator from New York. Being a scientific man, he ought to know. So we are asked to appropriate $300,000 in the name of the farmers for the benefit of the middlemen!

I am not for any bill of that character. If it were in good faith for the farmers of the community, I certainly should support it; but I can see but little farmers' benefit in the provisions of this bill.

Three hundred thousand dollars! Of course, that is not as much as the $300,000,000 that we are appropriating for cruisers; but this is only for one town, for one community. If the wholesalers of this city are entitled to a market, constructed at the expense of the Government, costing $300,000, I think the wholesalers of Des Moines, Iowa, are entitled to some such appropriation. The Senator from California [Mr. JOHNSON] says I ought to wait until next week to get that. It is too long to wait. If this is to be the principle, that we are to furnish a wholesale market, I can see no restrictions to the principle.

That may prove to be a good thing in the end. If we can establish these markets all over the United States with Government money and then tax the right fellows to pay the money, that might work out better. But, Mr. President, this is not a farmers' market.

That is quite evident; and I understand now why so many of the farmers, not only of Maryland but of Virginia—that is, the real dirt farmers—have written me and interviewed me in every other way against this bill. They are opposed to it, and have been consistently opposed to it all along.

We have held up a lot of important business here for this little transaction. I do not care so much about that, because I think a good deal of that business ought to have been defeated anyhow; but I protest against this being called a farmers' market, and the name "farmers" ought to be stricken out of the bill entirely before it is passed, if it is going to be passed. Let us call it by its right name.

I maintain that the producer and the consumer have a common interest in the marketing of everything in the United States, and, in fact, of everything in the world. I am a believer in the system of establishing markets on that theory of direct trading between the producer and the consumer. That theory is worked out under cooperative development. There is no other way to do it. That would mean that the producers or the farmers would be in cooperative control of their marketing.

In this instance the Government of the United States will be in control, and it will be in control for the profiteers between the producer and the consumer. Will it benefit a farmer to have a chance to ship a carload of eggs down to this market and then take whatever price they choose to give him? The farmers will not patronize it upon that theory. And so as to all the other products that come in there for sale, far removed from the farmer, it is a convenience for the middlemen who profiteer upon the farmer and who then in turn profiteer upon the consumers, a large portion of whom in this case will be the employees of the Government of the United States.

I believe it would be a good thing to build a Government city here for the Government employees, including the Congress itself, and to establish a buying and selling market in that city; but I should want the whole thing conducted on the cooperative plan and upon cooperative principles. I do not under-

stand that the Senator from Virginia, the author of this bill, is opposed to cooperation and the cooperative idea.

Mr. GLASS. Mr. President——

Mr. BROOKHART. I yield to the Senator.

Mr. GLASS. I did not exactly understand what the Senator from Iowa said about the Senator from Virginia.

Mr. BROOKHART. I said I did not understand that the Senator from Virginia was opposed to the cooperative idea and the cooperative development. My understanding is that he favors that idea, although I never yet could get him to join me in a cooperative banking system that I want to start some of these times. But, Mr. President, if we establish this precedent of the Government going into business in this direct way for business men, and if this offensive system that we hear so much about of getting the Government into business is approved by the President of the United States, a Republican administration, and all these things, then I shall claim the right to use this as a precedent and a reason for the Congress, at the expense of the Government, building a Government city here, where our Government employees can buy their cooperative apartments from the Government, and where they will be sold back to the Government when they no longer need them, and where we can have a great cooperative market that will buy for these employees and sell to them, in order that they may avoid paying the profits which they will have to pay in this other profiteering market that the Government of the United States is now establishing.

It is my theory that those who do not believe in all this profiteering between producer and consumer have as good a right to the protection and help of the Government of the United States as those who do.

The PRESIDENT pro tempore. The time of the Senator from Iowa on the amendment has expired. He still has 10 minutes on the bill.

Mr. BROOKHART. I shall not use all of it. I am about ready to quit.

It will not be a square deal to go into the Treasury of the United States to help the profiteers, and then deny the aid of the Treasury of the United States to the producers and the consumers of the District of Columbia.

Mr. HEFLIN. Mr. President, I have no desire to delay the vote upon this question, but I expect to cast my vote in favor of this southwest market place. I have been convinced by the speeches that have been made that 85 per cent of the produce that comes into Washington comes over the railroads and up the Potomac River. This market ought to be located somewhere near the railroad and somewhere near the Potomac River.

It has been said that this is a wholesale market. I asked the Senator from Virginia if there was anything in the bill to prevent the establishment of local markets or branch markets about in the city, and he said there was not. So there is nothing in the bill to prevent the people in other portions of the city from having local retail markets to suit their convenience.

Mr. GLASS. Nor, may I say to the Senator, is there anything in the bill to prevent a continuance of the retail part of this market.

Mr. HEFLIN. Already in existence?

Mr. GLASS. Already in existence.

Mr. HEFLIN. So none of these things are to be disturbed unless the people of the city who operate them want to abandon them.

The Senator has spoken here about the people coming in and out of moving-picture places bumping into people who are going to and coming from market with baskets. That is a horrible thing to contemplate. [Laughter.]

Just think of the danger to which they will be subjected of butting into somebody with a basket of cabbage heads, or potatoes, or eggs, or chickens, or whatever they might have! No doubt many a one of these little fellows coming out of these moving-picture shows would like to get a good glimpse of a real fat chicken all dressed and ready to be fried or broiled and served. And, Mr. President, speaking about putting the market down close to where the boats run and where the railroad trains run reminds me of a story that I heard on former Senator Joe Bailey, of Texas.

He was traveling out in west Texas. He went into a town where he had not been before. He got there about 8 o'clock at night, and a drizzling rain was falling. He stepped out of the train, and there were several negro boys around there with old-fashioned hacks, and they were hollering, "Hackman! Hackman! Hackman!" One of them stepped up to the Senator from Texas and said, "Do you want a hackman?" He said, "Yes. Put my grips in your hack and take me to the hotel."

The hackman got him and his grips in the hack and whirled away from the station, which was brilliantly lighted, and in a little while he was out on the road in the dark, and the hack was jogging along. Bailey knocked on the door and said to the hackman, "Where are you taking me?" He said, "I am taking you up to the hotel." Bailey said, "Where is the hotel?" The hackman said, "It is uptown." "How far is it?" "It is about three-quarters of a mile." Bailey said, "Well, what in the world did they build the station away down here for?" The hackman said, "I don't know, sir; but I always had the idea that they done it because the railroad track was down here." [Laughter.]

Mr. KING. Mr. President, I have listened with no little interest to the discussion of the present bill. The Senator from Virginia [Mr. GLASS] has presented in a logical and convincing manner, his reasons for supporting the measure. I am, however, unable to follow him and shall cast my vote against the bill.

I have visited the place designated in the bill for the market site, and am convinced that it is not a suitable place, nor is it for the best interests of the people of the District. If the Government and the District are to furnish a site, and perhaps buildings, for those engaged as wholesalers in food products, then the site selected should be in an entirely different part of Washington if the convenience and interests of the people are to be considered. As I view the situation the place provided in the bill is largely in the interest of the Pennsylvania Railroad Co. and the convenience of the people are subordinated to its interests. The inhabitants of the District reside north of the point selected, and only a very small fraction of the population reside near the proposed site. It is not suitable for retail purposes, and will, in my opinion, be little availed of by the inhabitants of Washington as a retail market.

It has been stated that there are a number of retail markets in various parts of the city. What is the necessity of providing another retail market? I think the answer must be that it is not designated by this bill to provide retail facilities for the people of Washington to purchase food products. What then may be the real purpose of the bill? It is for the commission houses and wholesale dealers, engaged in handling food products within the District.

What obligation is there upon the part of the Federal Government and the District to spend hundreds of thousands of dollars for the benefit of the wholesale dealers? They have their own buildings and warehouses or if not are able to procure them. Why should the Government undertake to furnish them building sites, and perhaps buildings, in which to conduct their business. If the wholesale dealers perceive that it is advantageous to them to have their warehouses and places of business near the Pennsylvania Railroad station and near the Potomac River, then they will pursue the course they regard as of the greatest material advantage to themselves.

If the taxpayers of the District and of the United States are to spend hundreds of thousands of dollars for the wholesalers and commission dealers, why should they not spend at least an equal amount for the benefit of the retailers? And if the taxes of the people are to be devoted to purposes of this character, why should the line be drawn in favor of the commission merchants and wholesale dealers in food products? Of course, food is important, but so are clothing, and gas, and electricity, and coal, and various other commodities. The Government does not furnish building sites or buildings for brokers and commission merchants, or wholesale dealers in the multitudinous commodities entering into the lives of the people. I repeat, if we are to furnish building sites and buildings for commission merchants and those engaged in the wholesaling of food products, I see no reason why the Government should not be as generous to corporations and persons dealing in a wholesale manner in other commodities imperatively required by the people.

It is well known that the wholesale dealers and the commission merchants handling food products throughout the United States are not an impoverished class. Indeed, they have greatly profited in the business in which they are engaged. In my opinion, considering as a class, commission merchants and wholesale dealers in all forms of food products, their profits upon the capital invested will be found to be as great, if not greater, than the profits resulting from most of the business enterprises in our country. The wholesale dealers in shoes and clothing and other necessities of life are not demanding special legislation for themselves; they are not asking that building sites be furnished them or that huge buildings be erected in which they may conduct their business activities.

The Senator from New York [Mr. COPELAND] stated a few moments ago, in answer to a question which I propounded, that in most cities of the United States markets were furnished for commission merchants and wholesale dealers in food products. I have no doubt that there are a considerable number of cities which do provide market facilities for not only those engaged

in dealing in food products as wholesalers but those who fall within the category of retailers.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. COPELAND. In my city the municipality expended a very large sum of money to build a market of this sort, and the next time the Senator goes through the city of Newark he can see from the railroad a market which has been established there for the same purpose, in order that the outsiders who come in—truck raisers and others—may have a decent place to stay and display their wares until sales can be made, and in that way the community is benefited.

Mr. KING. Mr. President, the hearings, as I remember the record, show that a very small percentage of the food products consumed in this city is obtained at or near the site where this market is to be erected. This site, as I have indicated, will be of great advantage to the Pennsylvania Railroad Co.; and if commission merchants and wholesalers can have the Government furnish them a market site adjoining the railroad station, it will be of great benefit to them.

The great mass of the consumers within the District do not live near the proposed site. The hotels and the retail dealers will be required to cross the city, encountering all of the obstacles and difficulties incident thereto, in order to purchase from the wholesale dealers whose business houses will be upon the site which is to be purchased under the provisions of the bill before us.

As I have stated, the railroad will be greatly benefited. As I am advised, its representatives are now in the corridors of the Capitol urging the passage of this bill. Perhaps the railroad company is not to be blamed for urging this measure. Doubtless, if it was proposed to establish a market place convenient to the Baltimore & Ohio Railroad Co., representatives of that corporation would earnestly favor a similar measure.

Mr. President, I regard this bill as unjust and unwise. I think it is unfair to the people of the District, as well as to the taxpayers of the United States, who will be called upon to make no small contribution to the acquisition of the grounds referred to in the bill before us. In my opinion, the overwhelming majority of the people in the District are not in favor of the bill. As a member of the District Committee, hundreds of people have called upon me to register their opposition to this measure. I am unwilling to take the money out of the Treasury of the United States for the purpose of benefiting the Pennsylvania Railroad Co. and the commission merchants and wholesale dealers who are greatly profiting in their business activities within the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll, and Mr. BARKLEY answered to his name.

Mr. TYDINGS. Mr. President——

The PRESIDENT pro tempore. No business can be transacted, inasmuch as the roll call has commenced and a Senator has answered to his name.

Mr. BROOKHART. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BROOKHART. What is the question we are voting on?

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the junior Senator from Maryland [Mr. TYDINGS].

The Chief Clerk continued to call the roll.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I transfer that pair to the senior Senator from Massachusetts [Mr. GILLETT], and will vote "nay."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). I wish to announce that my colleague [Mr. SHIPSTEAD] is ill, and confined to his home.

Mr. SIMMONS (when his name was called). I wish to inquire whether the junior Senator from Ohio [Mr. BURTON] has voted.

The VICE PRESIDENT. He has not voted.

Mr. SIMMONS. I have a pair with that Senator, and in his absence I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. In his absence I withhold my vote. If he were present and voting, he would vote "nay," and if I were permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. NYE. Upon this subject I have a pair with the junior Senator from Delaware [Mr. HASTINGS]. Were he present, I understand that he would vote nay. If I were permitted to vote, I would vote yea.

The result was announced—yeas 24, nays 49, as follows:

YEAS—24

Ashurst	Capper	Hayden	Ransdell
Blaine	Dale	Johnson	Steck
Bratton	Dill	King	Thomas, Okla.
Brookhart	Frazier	McMaster	Tydings
Broussard	Gerry	McNary	Walsh, Mass.
Bruce	Hawes	Norbeck	Wheeler

NAYS—49

Barkley	Fletcher	Mayfield	Steiwer
Bingham	George	Metcalf	Stephens
Black	Glass	Moses	Swanson
Blease	Glenn	Oddie	Trammell
Borah	Goff	Overman	Vandenberg
Caraway	Hale	Reed, Pa.	Wagner
Copeland	Harris	Robinson, Ark.	Walsh, Mont.
Couzens	Harrison	Robinson, Ind.	Warren
Curtis	Heflin	Sackett	Waterman
Deneen	Jones	Schall	Watson
Edge	Kendrick	Sheppard	
Edwards	Keyes	Smith	
Fess	McKellar	Smoot	

NOT VOTING—22

Bayard	Howell	Nye	Shortridge
Burton	La Follette	Phipps	Simmons
Gillett	Larrazolo	Pine	Thomas, Idaho
Gould	McLean	Pittman	Tyson
Greene	Neely	Reed, Mo.	
Hastings	Norris	Shipstead	

So Mr. TYDINGS's amendment was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to amendment. If there is no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. TYDINGS. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when Mr. BURTON'S name was called). I desire to announce that my colleague, the junior Senator from Ohio [Mr. BURTON], is unavoidably detained from the Senate. He is paired with the senior Senator from North Carolina [Mr. SIMMONS].

Mr. NYE (when his name was called). On this subject I have a pair with the junior Senator from Delaware [Mr. HASTINGS]. Were he present I understand he would vote "yea." Were I permitted to vote I would vote "nay."

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT], and vote "yea."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague, the senior Senator from Minnesota [Mr. SHIPSTEAD], is ill and confined to his home.

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Nevada [Mr. PITTMAN] and the Senator from Tennessee [Mr. TYSON] are detained from the Senate on official business.

Mr. OVERMAN. I desire to announce the absence of my colleague the senior Senator from North Carolina [Mr. SIMMONS] on official business. He is paired with the junior Senator from Ohio [Mr. BURTON].

Mr. JONES. I desire to announce the absence of the senior Senator from Colorado [Mr. PHIPPS] on account of illness. If present, he would vote "yea."

The result was announced—yeas 52, nays 24, as follows:

YEAS—52

Barkley	Fletcher	McNary	Smith
Bingham	George	Mayfield	Smoot
Black	Glass	Metcalf	Steiwer
Blease	Glenn	Moses	Stephens
Borah	Goff	Norbeck	Swanson
Caraway	Hale	Oddie	Thomas, Idaho
Copeland	Harris	Overman	Trammell
Couzens	Harrison	Reed, Pa.	Vandenberg
Curtis	Heflin	Robinson, Ark.	Wagner
Deneen	Jones	Robinson, Ind.	Walsh, Mont.
Edge	Kendrick	Sackett	Warren
Edwards	Keyes	Schall	Waterman
Fess	McKellar	Sheppard	Watson

NAYS—24

Ashurst	Capper	Hayden	Ransdell
Blaine	Dale	Johnson	Steck
Bratton	Dill	King	Thomas, Okla.
Brookhart	Frazier	McMaster	Tydings
Broussard	Gerry	Neely	Walsh, Mass.
Bruce	Hawes	Pine	Wheeler

NOT VOTING—19

Bayard	Hastings	Norris	Shipstead
Burton	Howell	Nye	Shortridge
Gillett	La Follette	Phipps	Simmons
Gould	Larrazolo	Pittman	Tyson
Greene	McLean	Reed, Mo.	

So the bill was passed.

NAVAL APPROPRIATIONS CONFERENCE REPORT

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of the conference report on the naval appropriation bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. VANDENBERG. Mr. President, under the recommendations of the committee on order of business I fully appreciate——

Mr. MOSES. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. MOSES. The motion made by the Senator from Maine is not debatable.

The VICE PRESIDENT. The Senator is correct. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. VANDENBERG. Mr. President, it was quite unnecessary to make the point of order in order to protect the Senator from Maine. I rose for the purpose of saying that I fully appreciated the fact that under the regulations and purposes of the committee on order of business appropriation bills have the right of way over other general recommended legislation, and for that reason I am not opposing and have not opposed the proposal to take up the conference report. But I now have very great respect for the committee on order of business, particularly since listening to my friend, the distinguished Democratic leader [Mr. ROBINSON], insist that it should be acknowledged in all its authority.

I will state now that I shall oppose the intervention of any other general legislation except appropriation bills, and will undertake to protect the place of the reapportionment measure which is now next upon the general order of business program.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Michigan in his remarks just now made an allusion to me that I did not hear. I would like to be informed what it was.

Mr. VANDENBERG. It was a very generous allusion because my distinguished friend from Arkansas, so far as I am concerned, has a twinkle in his eye that is the lighthouse of the Senate and I would not do anything at any time to put out the light. I said merely that I had taken so much to heart the Senator's recommendation as to the authority of the steering committee that I was now yielding to the steering committee with great enthusiasm.

Mr. ROBINSON of Arkansas. I do not know what the Senator from Michigan has in mind. I have made no reference to the steering committee or to the right of the steering committee to control the action of the Senate. The Senate at last is the judge of what measures it shall proceed to consider. The steering committee's action is merely suggestive or advisory.

Mr. VANDENBERG. The Senator was very enthusiastic the other day when I was trying, with freshman enthusiasm, to upset the committee, and I was moved by his words of wisdom, which I then took to heart as he uttered them.

Mr. ROBINSON of Arkansas. I still do not know what the Senator from Michigan is talking about. I presume it is my own obtuseness.

Mr. FRAZIER. Mr. President, I ask unanimous consent for the immediate consideration of calendar numbers 1823 and 1824, Senate Resolutions 303 and 308.

Mr. HALE. Mr. President, may I ask what the resolutions are?

The VICE PRESIDENT. The resolutions will be stated for the information of the Senate.

The CHIEF CLERK. The resolution (S. Res. 303) increasing the limit of expenditure for a survey of Indian conditions in the United States, and the resolution (S. Res. 308) continuing until the end of the first regular session of the Seventy-first Congress Senate Resolution 79, authorizing a general survey of Indian conditions.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. SWANSON. I object.

The VICE PRESIDENT. Objection is made.

Mr. SWANSON. Mr. President, I now ask unanimous consent that the conference report on the naval bill be immediately passed.

Mr. WHEELER. I shall have to object to that.

Mr. SWANSON. Very well.

SURVEY OF INDIAN CONDITIONS

Mr. WHEELER. Mr. President, it is quite apparent, from statements made by the Senator from Virginia [Mr. SWANSON] and from other objections which have been made, that we are not going to be able to have the investigation into Indian affairs continued. At the last session of Congress the Senate of the United States unanimously voted to cause an inquiry into the Bureau of Indian Affairs. That investigation was started during the vacation and has been carried on since.

Just a few days ago when unanimous consent was asked to take up this resolution the Senator from Arizona [Mr. HAYDEN] directed some statements against the committee and made some criticisms which were entirely unfair, intimating very strongly that the committee had not entirely been doing its duty. In order that the Senate of the United States may understand and know what has been going on and the necessity for an investigation, I propose to read to the Senate some of the reports that have been furnished to the Committee on Indian Affairs with reference to the various reservations in the State of Montana. I now read from the report of Walter W. Liggett on the Tongue River Reservation in Montana:

REPORT OF WALTER W. LIGGETT ON TONGUE RIVER INDIAN RESERVATION

Tongue River Indian Reservation is situated in southeastern Montana close to the Wyoming State line and immediately adjacent to the Crow Indian Reservation. It is 32 miles long and 18 miles wide, containing approximately 464,000 acres. Tongue River runs along the eastern boundary of the reservation and the Rosebud River traverses the western half. The central portion is cut up by Muddy and Lame Deer Creeks. The only land suitable for agriculture lies along the creek bottoms and on the surrounding plateaus. There are approximately 80,000 acres which could be farmed. The remainder of the reservation consists of heavily timbered mountains and extremely rough foothills, suitable only for grazing. As yet the Tongue River Reservation is unallotted. Indians are living on tracts selected by them in years gone by and it is presumed that when allotments are made each Indian will be given the tract which he has been occupying.

Tongue River Reservation was set aside in 1884 to afford a home for several bands of Northern Cheyenne Indians who then were prisoners of war in Oklahoma. In 1892 some 333 Northern Cheyenne Indians from the Pine Ridge Reservation in South Dakota were brought to Tongue River. In 1901 the Tongue River Reservation was enlarged to its present proportions. At the present time there are 1,449 Northern Cheyenne Indians on Tongue River. There are no white settlers on the reservation and the only town is the little hamlet of Lame Deer, where the agency is situated, and Busby, where the boarding school is located.

The Northern Cheyenne Indians probably are the most primitive among the tribes in the northern part of the United States. With the Sioux, their allies, they were the last Indians to become "pacified" after the Custer battle in 1876. The reservation is isolated and the fact that it has not been allotted has kept whites away. Consequently, these Indians are probably more backward and closer to savagery than any other Montana Indians. They are not well organized and have not importuned Congressmen or Senators for special favors. As a result they seem to have been neglected by the Indian Bureau, and the sanitary and economic conditions existing on the Tongue River Reservation are a damning indictment of bureaucratic indifference. This reservation is literally a plague spot and the entire Northern Cheyenne Tribe is rotten with disease. The actual conditions repeatedly have been called to the attention of responsible Indian Bureau officials at Washington, D. C. No attempt whatever has been made to ameliorate the perfectly appalling health situation. In fact, the Indian Bureau refused to finance a Red Cross unit which was established on the reservation, and discontinued the services of a single field matron who was doing splendid work. The inevitable result is that the health situation on the Tongue River Reservation is steadily growing worse and now has reached a stage so unbelievably bad that it constitutes a black blot on the American flag. We have established sanitary zones in the Philippines and the Caribbean, but the Cheyenne Indians are allowed to slowly perish amid almost indescribable dirt, disease, and general degradation. It is almost incredible that responsible officials of any civilized government should permit such disgraceful conditions in this day and age. That such conditions do exist on the Tongue River Reservation reveals the characteristic callousness of the Indian Bureau—or else its total lack of imagination—

in dealing with the human factors of health and happiness of its helpless wards. It is very difficult to discuss the situation on Tongue River Reservation in moderate language, but the following facts seem to justify any superlatives that may be called forth by honest indignation:

DEATHS STEADILY EXCEED BIRTH RATE

Since 1916 the death rate on the Tongue River Reservation has exceeded the birth rate by a wide margin. The accompanying table speaks eloquently of official neglect:

Year	Births	Deaths
1916	38	26
1917	73	61
1918	39	[1]112
1919	15	38
1920	21	40
1921	63	64
1922	43	47
1923	48	42
1924	20	22
1925	39	36
1926	27	33
1927	44	62
1928	49	58
Total	519	641

[1] The sudden increase in deaths in 1918 was due to the influenza epidemic. But even after the deaths due to influenza are deducted, the death rate for the past 13 years—that is, the normal reservation death rate—exceeds the births.

Estimates of the tuberculosis rate among the Northern Cheyenne Indians vary from 30 to 60 per cent. Dr. C. A. Kerner, agency physician, informed me that 30 per cent of the Indians had some form of tuberculosis. Espy G. Cate, teacher at the Birney day school, said that at least 35 per cent of the Indians were tubercular. Miss Margaret Moran, formerly field matron at Tongue River Reservation, now stationed on the Crow Reservation, stated that 60 per cent of the Tongue River Indians were infected with tuberculosis. Doctor Krulish, traveling physician for the Indian Bureau, on several occasions has called attention of his superiors to the abnormally high tuberculosis rate among the Tongue River Indians.

No health survey has been made on Tongue River Reservation, but in 1927 there were 35 Indians examined for tuberculosis and positive symptoms were found in 30 cases. This, of course, proves nothing except that the resident physician was not very active in examining Indians.

There are no facilities on the reservation for treating tubercular cases, and no attempt is made to isolate those suffering from the disease in its most virulent stages. Tubercular patients are not admitted to the hospital. Consequently they stay at home and infect other members of the family.

I personally visited homes where men and women, evidently far advanced in tuberculosis—they were coughing and spitting profusely—were crowded in dirty, stinking, poorly lit, 1-room cabins with adults, small children, and babes in arms. During the severe winter weather there is no ventilation whatever in most of these cabins—except what wind blows through chinks in the walls—and in some cases 10 or more persons live in 1-room cabins not to exceed 15 by 20 feet in dimensions. Under these conditions tubercular infection is bound to be widespread. Personally, I believe that a thorough health survey by a competent expert would reveal that more than 75 per cent of these Indians are suffering from some form of tuberculosis. The tragedy is that virtually nothing whatever is being done by the Indian Bureau to combat the fearful ravages of this dreaded disease.

AT LEAST 50 PER CENT OF INDIANS HAVE TRACHOMA

Trachoma is far more prevalent on the Tongue River Reservation than on any other reservation in Montana. Doctor Kerner, agency physician, told me that more than 50 per cent of the Indians are afflicted with this eye disease. Miss Margaret Moran, former field matron, estimated the trachoma at 55 per cent. Espy G. Cate, of the Birney day school, said practically every one had trachoma. He pointed out that when the 56 pupils of his school were examined, trachoma was found in every child. Dr. Paul Mossman, of Raleigh, Mo., chief of the United States Government trachoma hospital, who visited Tongue River Reservation in June, 1928, stated that between 50 and 60 per cent of the Indians have trachoma. Doctor Krulish, traveling medical inspector for the Indian Bureau, stated in 1926 that it was an exception to find a normal eyelid among school children, and that practically all the adults were infected.

A hospital was established at Lame Deer in the fall of 1926, and since then an effort has been made to combat trachoma. The agency physician has endeavored to induce Indians to submit to operations, but so far only about 50 cases have been operated on. Doctor Kerner undoubtedly has done all in his power to check this eye disease, but he has not been given proper cooperation by other agency employees.

So late as August 29, 1928, Doctor Kerner wrote to Superintendent Lohmiller, including a list of more than 100 school children who were infected with trachoma. These children had been examined by Doctor Mossman, who declared they "should be excluded from school this fall or segregated from the other children." Doctor Kerner suggested to Superintendent Lohmiller that all these children be enrolled at some separate school, and that special efforts be made to induce them to submit to operations. This request entailed no great difficulties, and certainly should have been acted on favorably. Superintendent Lohmiller, however, according to Doctor Kerner, contemptuously threw the letter back to him and refused to take the desired action. Doctor Kerner also has made efforts to have a trachoma clinic held on the Tongue River Reservation.

INFANT MORTALITY ABNORMALLY HIGH

Infant mortality also is abnormally high among the Tongue River Indians. In the year 1927, of the 58 deaths, 25 were of infants under 3 years of age. This is more than 200 for every 1,000 live births, or more than three times the rate prevailing among the white children of Montana. Any vital statistician knows the full significance of these figures.

Even more significant is the statement made by Doctor Kerner in a letter to Superintendent Lohmiller, dated September 15, 1928—copy of which is attached—which shows that of the 58 deaths occurring during the year ending June 30, 1928, only 6 of the Indians dying received any medical care whatsoever.

Doctor Kerner wrote as follows:

"Out of the 58 deaths occurring on this reservation, I signed 15 death certificates. Six of these really were under my care, the other 9 were just death-bed calls, practically the balance of the 43 were dead and buried before we received report of the same."

No resident physician should be too severely censored for conditions existing on Tongue River Reservation. The fault rests squarely at the door of the Indian Bureau. There are nearly 600 square miles of territory in the reservation. The country is rough, and the roads are almost impassable for weeks at a time during certain seasons. Moreover, there is, on the average, one physician for every 600 persons in settled parts of the United States. Doctor Kerner has 1,450 persons to look after, scattered over 600 square miles, and everyone of these Indians is a potential patient. It is wholly impossible for any one physician to accomplish much under these conditions.

Mr. SWANSON. Mr. President, will the Senator from Montana yield to me for a moment?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Montana yield to the Senator from Virginia?

Mr. WHEELER. I yield.

Mr. SWANSON. I wish to submit for the consideration of the Senate the following proposal for a unanimous-consent agreement:

That the Senate proceed at once to vote on the conference report on the naval appropriation bill, and immediately after that to vote on Senate Resolution 303 and Senate Resolution 308.

Mr. WHEELER. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent preferred by the Senator from Virginia? The Chair hears none.

NAVAL APPROPRIATION BILL

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) "making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes."

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SURVEY OF INDIAN CONDITIONS

The Senate resumed the consideration of the resolution (S. Res. 303), as follows:

Resolved, That the limit of expenditures to be made under authority of Senate Resolution 79, Seventieth Congress, agreed to February 1, 1928, providing for a general survey of the condition of Indians in the United States, is hereby increased from $30,000 to $45,000.

Mr. HAYDEN. Has the committee amendment been agreed to?

The PRESIDING OFFICER. The Chair is informed that the amendment has heretofore been agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The Senate resumed the consideration of the resolution (S. Res. 308).

Mr. HAYDEN. Mr. President, I have offered an amendment to that resolution.

The PRESIDING OFFICER. The Chair is informed that the Senator's amendment has been agreed to.

The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That Senate Resolution No. 79, agreed to on February 1, 1928, authorizing the Committee on Indian Affairs to make a general survey of Indian conditions, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress: *Provided*, That any officer or employee of the Bureau of Indian Affairs whose official conduct may be under investigation by said committee shall have the right to appear before the committee in person or by counsel and cross-examine any witness appearing before the committee.

THE UNITED STATES AS PARTY DEFENDANT

Mr. NORRIS. I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases.

The PRESIDING OFFICER. Is there objection?

Mr. VANDENBERG. Will it lead to debate?

Mr. NORRIS. I do not think so.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

DEFICIENCY APPROPRIATIONS

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered.

Mr. HARRISON. I object to the request.

The PRESIDING OFFICER. Objection is made. The clerk will proceed to read the bill.

The Chief Clerk proceeded to read the bill.

SURVEY OF INDIAN CONDITIONS

Mr. HAYDEN. Mr. President, under the circumstances, I did not object a few moments ago to the consideration of the two Senate resolutions continuing the investigation of Indian Affairs which were adopted by the Senate as amended. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement of the expenditures heretofore made by the subcommittee of the Committee on Indian Affairs and a more detailed statement of the expenditures of a certain investigator, together with three reports upon Indian schools in Arizona made by citizens of that State.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The matter referred to will be found at the conclusion of Mr. HAYDEN'S speech.)

Mr. HAYDEN. I desire to direct the particular attention of the Committee to Audit and Control the Contingent Expenses of the Senate to one of the statements which I am filing, which shows that an investigator employed by the subcommittee, Mr. George B. Schwabe, drew not only his salary of $400 a month but that he also received $5 a day as a per diem in lieu of subsistence while he remained at home, which would ordinarily be a violation of law. I do not believe that the Committee to Audit and Control the Contingent Expenses of the Senate would knowingly approve a charge of that kind, but I direct attention to the fact that this investigator did receive such additional compensation. Any employee of the United States Indian Service, when away from home on official business, may draw a per diem in lieu of subsistence, but if he is at home he is not legally entitled to draw such per diem. However, for the entire four months in which Mr. Schwabe was employed, he drew $5 per diem in lieu of subsistence, although he was not away from his home but a part of the time.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. HAYDEN. I yield.

Mr. WALSH of Massachusetts. I should like to say to the Senator that the members of the Committee to Audit and Control the Contingent Expenses of the Senate had the figures presented to them, and were surprised at some of the items disclosed, but they felt—and I say this for the information of the Senator—that the Committee to Audit and Control the Contingent Expenses of the Senate have no right to control the detailed expenses of any committee conducting an investigation; that our duties begin and end with determining the amount of money that may be expended from the contingent fund, and that we can not examine into, find fault, criticize, or prevent the payment of any individual items that the committee may ask for any service whatever.

Mr. HAYDEN. I will say to the Senator from Massachusetts that a claim like that could not get by the Comptroller General for a moment in the case of an ordinary Government employee.

Mr. WHEELER. Mr. President, I will say to the Senator that if it had been called to my attention, and if the facts are as stated by the Senator from Arizona, it would never have gotten by me. Of course, I have not paid any attention to the expenditure of money by the clerk because that information has not been filed, but I can not conceive that has been done. I want to say to the Senator if he were really interested in the Indian investigation, instead of calling it to the attention of the Senate he would certainly have called it to the attention of the Indian Committee.

I appreciate that the Senator from Arizona has not been for this investigation, and is not now for it, and probably would like to see it stop; and the only result that his statement can have now is to try to do exactly what Mr. Burke, the Commissioner of Indian Affairs, has done, namely, to attempt to discredit the committee in every possible way.

I am getting pretty tired of having Mr. Burke come here and try to discredit the members of the committee. He tried to discredit the Senator from Oklahoma [Mr. PINE]. That is the usual procedure that is inaugurated every time any of these investigations are started. I am surprised that the Senator from Arizona would do a thing of this kind.

Mr. HAYDEN. Mr. President, I will frankly say that I am not in favor of the kind of an investigation that has been conducted by the subcommittee of the Senate Committee on Indian Affairs up to this time. They have conducted a kangaroo court in a manner which is a disgrace to the United States Senate. I hope that from now on that subcommittee will conduct itself with due order and propriety, and with proper respect for the rights of officials and employees of the Bureau of Indian Affairs whose official conduct is to be investigated.

Since this matter has been brought up in detail, I direct the Senator's attention to the report of the payments to this hired investigator, Mr. George B. Schwabe, during the month of June, 1928. He was paid, for services rendered the Committee on Indian Affairs under Senate Resolution 79, a salary of $400; per diem in lieu of subsistence, 31 days at $5 a day, $155; automobile expenses, Tulsa to Muskogee and return, $13.50. Evidently he was home every day in that month except one day, when he went to Tulsa. He charged the Government of the United States $13.50 for automobile expense in traveling about 60 miles between two Oklahoma cities where a bus line operates every day. A Member of Congress informs me that the bus fare is about $2 each way. Mr. Schwabe charged in his expense account $13.50 for transportation service that by riding a bus he could have obtained for $4. I commend these figures to the Committee to Audit and Control the Contingent Expenses of the Senate, and I hope that in the future it will not be necessary for that committee to audit claims of this kind.

Mr. WALSH of Massachusetts. Mr. President, let me say to the Senator, as a member of that committee, that it is becoming apparent that some serious abuses such as the Senator points out are developing in the expenditures by committees of the Senate; and if that continues, it is going to result in some limitations and restrictions being placed upon these committees.

I hope the members of committees will try to exercise the power and right to pass upon these bills without censorship by any committee, with due regard to the Public Treasury. I do not mean to intimate that anything improper has been done in this case, but again and again our attention is being called to what appears to be growing leniency or extravagance in expenditures by committees that are conducting investigations.

Mr. WHEELER. Mr. President——

Mr. HAYDEN. I yield to the Senator from Montana.

Mr. WHEELER. I want to correct the statement that has been made by the Senator from Arizona. He has made the statement that this committee carried on a "kangaroo court." There could not be a statement that was more wholly untrue than that statement made by the Senator from Arizona.

Mr. HAYDEN. That is my impression of it.

Mr. WHEELER. Oh, yes; I know; and that is the same statement that was made when we started in the Daugherty investigation. It is the same statement that was made when they started in the Fall investigation. It is the same kind of statement and the same kind of propaganda that has always been made.

Mr. HAYDEN. Let me ask the Senator from Montana a question.

Mr. WHEELER. Let me say this to the Senator——

Mr. HAYDEN. May I first ask the Senator a question?

Mr. WHEELER. Certainly.

Mr. HAYDEN. In the Daugherty investigation and in the Fall investigation the Senator from Montana conducted his own investigation. He, as a member of the committee, examined the witnesses. He did not hire an attorney or send an investigator out to gather up witnesses and bring them before the committee, and then permit an attorney or an investigator to ask nine-tenths of the questions of the witnesses, did he?

Mr. WHEELER. Now, wait a minute.

Mr. HAYDEN. Did the Senator permit that?

Mr. WHEELER. The Senator has asked a dozen questions in one. I am going to answer them, and say this:

In the Daugherty investigation we did hire special counsel to help; we did hire special investigators to get evidence; and we did permit them to ask questions, in some instances, before the committee.

Mr. HAYDEN. But the record will not show that the great majority of the questions asked in the Daugherty investigation were asked by attorneys or investigators, and not by the Senators present.

Mr. WHEELER. Neither will this investigation. The trouble is that the Senator is not informed. Ever since this committee has been holding its hearings here in Washington——

Mr. HAYDEN. I am referring solely to the investigation in the field, conducted by a subcommittee of the Senate Committee on Indian Affairs.

Mr. WHEELER. Oh, well, I am not able to speak about the investigation in the field, because I did not participate in the investigation in the field, and do not know what went on there.

Mr. HAYDEN. The record made in the printed hearings shows for itself that my statement is correct.

Mr. WHEELER. But when the Senator says that it was a "kangaroo court," there is not any truth in that statement, and it is not fair for the Senator to get up and make it.

I am not the chairman of this committee. I perhaps would not have conducted the hearings as the chairman has. I do not know anything about these expenditures that have been made; but it is inconceivable to me that they should have been permitted to go on if what the Senator has stated is correct. If they have been paying out money under such circumstances that it should not have been paid out, and if an investigator of the Indian Affairs Committee has been defrauding the Government, I want to say to the Senator from Arizona that I shall be the first one to ask that anybody who has been misappropriating Government funds, whether he is working as an employee of the Indian Affairs Committee or of any other committee, shall be prosecuted criminally for his actions. But if the Senator was so much interested in the thing, why did he not come, as a member of the Indian Affairs Committee, himself——

Mr. HAYDEN. I am not a member of that committee.

Mr. WHEELER (continuing). And present it to the Senator from North Dakota [Mr. FRAZIER], the chairman of the committee?

I have confidence and faith in the Senator from North Dakota, the chairman of the committee, and I know that he would not permit anything to go on that was not proper; but I am informed by the Senator from North Dakota that as a matter of fact these charges that have been referred to by the Senator were not made while this man was at home, but while he was away from home.

Mr. HAYDEN. The report does not show it.

Mr. WHEELER. But of course the trouble with the Senator is that apparently he is taking just the kind of thing that the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs have been circulating around ever since this committee started. They have been trying to stop the investigation from its very inception.

Mr. HAYDEN. Will the Senator yield to me in my own time?

Mr. WHEELER. Yes.

Mr. HAYDEN. I will say that the investigation has not been stopped. The continuing resolution has been passed by the Senate. Fifteen thousand dollars has been allowed from the contingent fund to continue this work. I have directed the attention of the Senate to these matters in the sincere hope that from now on the Committee on Indian Affairs will be fair and just to those who are under investigation, and will not waste the public funds in the employment of investigators. My object has been accomplished, because I am sure that the Senator from Montana or the chairman of the Committee on Indian Affairs, once their attention has been directed to such matters, will not permit any irregularities in the future.

Mr. WHEELER. I assure the Senator that from now on this investigation into the Bureau of Indian Affairs will be properly carried on, and that there will not be any money spent unless it is spent in accordance with the provisions of law. As I say, I am not the chairman of the committee, and I had nothing at all to do with the expenditures. I have entire confidence in the Senator from North Dakota [Mr. FRAZIER], the chairman of the committee, and of course, as in all matters of that kind, the chairman handles them. I regret, however, that the Senator from Arizona has seen fit to do this, because, as I say, there has been a studied effort on the part of the Indian commissioner to try to discredit this committee, just exactly as there was a studied effort to discredit the Fall committee, and just exactly as there was a studied effort to discredit the Daugherty committee, of which the Senator's colleague [Mr. ASHURST] was a member. They went around and tried to dig up everything they possibly could upon every member of the committee. They went out and prosecuted pretty nearly every witness who came before the committee. They went out and tried to besmirch his character; and what did they do in this case?

Commissioner Burke came before the committee and made a charge, if you please, which, if true, would have subjected the Senator from Oklahoma [Mr. PINE] to a criminal prosecution. We immediately stopped the investigation to investigate that charge, and found that there was not one scintilla of truth in it. I do not think the Senator from Arizona wants to be a party to going to the extent of trying to discredit this commitee just because of the fact——

Mr. HAYDEN. Upon the contrary, Mr. President, I have every confidence in the world in members of the Senate Committee on Indian Affairs, just as I have great confidence in the author of the resolution, authorizing the investigation, the Senator from Utah [Mr. KING]. All of these Senators, if they attend to the business themselves, will bring proper and correct results to the Senate. When Senators delegate their authority to others, and allow them to expend the public funds in making junkets to out-of-the-way corners of the United States without any direct supervision, the result is not a fair investigation. Whatever the Senators look at themselves will be properly evaluated and whatever report they may make to the Senate will undoubtedly be fair and just. But I do object to the way the investigation in the field has been conducted in the past, and I am sure, after what I have said, that from now on the investigation will be properly conducted. My entire object will, therefore, be accomplished.

Mr. WHEELER. The Senator from Arizona says "in the past." I object to that, because, as far as I know anything about it, the investigation has been conducted fairly and honestly ever since it has been going on in the city of Washington. What took place when they were out in the West I do not know, because I was not there.

Mr. HAYDEN. If the Senator from Montana will permit me, I have made no criticism of the conduct of the investigation by the Senate Committee on Indian Affairs here in the committee room in Washington. My whole objection has been directed to the field investigations as conducted in various parts of the United States. For that reason I have inserted in the RECORD, as has my colleague, the senior Senator from Arizona [Mr. ASHURST], statements by some of the very best and most responsible people in Arizona who have made personal inspections of a number of Indian schools as a result of these charges, and who have answered the charges by a calm statement of the facts. The men and women who have signed these reports are just as jealous of their integrity and their good names as any Senator here to-day. They have looked into the Indian schools and reservations to answer the outrageous charges that have been made by the investigators of the subcommittee in the field. Let me repeat that it is to the field investigation that my complaint is directed.

Mr. WHEELER. Let me ask what investigator has made outrageous charges against any Indian school down there. Let me get that. I have not heard of it. No investigator has told me anything about any school down in Arizona. As I say, I was not a member of the committee. I think the Senator perhaps is confusing what somebody outside of the committee is doing with what is going on in the committee.

Mr. HAYDEN. There has been broadcast a mass of misinformation that I am certain was entirely inspired from some such source.

Mr. WHEELER. Oh, well, the Senator is entirely wrong about it. The Senator reads an article, possibly, in some magazine, and immediately thinks that is inspired by the Committee on Indian Affairs. That is not so. Articles have been

written by people not connected with the Indian Affairs Committee in any way, shape, or form, and for which the Indian Affairs Committee is in no wise responsible. So far as I am concerned, I have refused to issue any statement in connection with what has been going on, or to give out any statement making any comment upon the evidence in the case, because I wanted first to hear the evidence myself; and the only reason why I wanted to have this investigation go on was so that we could check up and ascertain the truth or the falsity of the statements that have been made by some of these people who are constantly coming before the Indian Affairs Committee and saying that there is corruption and graft, and children are being starved, and everything of that kind. If I were in the place of the Commissioner of Indian Affairs, I should most assuredly want the investigation to go on.

Mr. WARREN. Mr. President, may I ask the speaker at least to look this way once in a while?

Mr. WHEELER. If the Senator can not hear me without my looking at him, I will talk louder.

Mr. WARREN. I should like the Senator to look me in the face once in a while.

Mr. WHEELER. All right; I yield the floor.

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed at this point certain papers relating to the matters to which I have referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

COMMITTEE ON INDIAN AFFAIRS,
February 21, 1929.

Surveying Indian conditions under authority of Senate resolution of February 1, 1928.

Amount authorized to be expended	$30,000.00
Amount expended to date	28,324.16
Balance	1,675.84

Expenditures as follows:

	Salary	Expenses	Total
Mary H. Proctor, clerk	$1,498.33		$1,498.33
R. T. Bonnin, investigator	1,125.00	$1,363.63	2,488.63
Louis R. Glavis, investigator	5,791.67	3,194.30	8,985.97
Walter W. Liggett, investigator	1,875.00	1,235.74	3,110.74
Geo. B. Schwabe, investigator	1,600.00	869.80	2,469.80
J. A. Tatro, investigator	780.00	642.26	1,422.26
Witnesses, $2,139.66; clerical and stenographic expenses, $4,504.30			6,643.96
Traveling expenses of committee			1,704.47
Total	12,670.00	7,305.73	28,324.16

PAYMENTS TO GEORGE B. SCHWABE

George B. Schwabe, 1928:	
June 1 to 30, for services rendered the Committee on Indian Affairs surveying Indian conditions, under resolution of Feb. 1, 1928, as investigator	$400.00
Per diem in lieu of subsistence, 30 days at $5 per day	150.00
Railroad fare, Pullman charges, porterage from Tulsa to Oklahoma City, Okla., and return and from Tulsa, Okla., to Duluth, Minn., and return	108.70
Taxicab fare	2.45
Telegrams and telephone calls	3.90
Automobile expenses during above-mentioned period from Columbia to Kansas City, Mo., and return and from Tulsa to Okmulgee, Okla., and return	37.00
Total	702.05
George B. Schwabe, 1928:	
July 1 to 31, for services rendered the Committee on Indian Affairs surveying Indian condition under resolution of Feb. 1, 1928, as investigator	400.00
Per diem in lieu of subsistence, 31 days at $5 per day	155.00
Automobile expenses Tulsa to Muskogee and return	13.50
Total	568.50
George B. Schwabe, 1928:	
Aug. 1 to 31, for services rendered the Committee on Indian Affairs surveying Indian conditions, under resolution of Feb. 1, 1928, as investigator	400.00
Per diem in lieu of subsistence, 31 days at $5 per day	155.00
Auto expenses Tulsa to Miami and return, Tulsa to Pawhuska and return, and Tulsa to Okmulgee, Okla., and return	43.00
Telephone calls	2.50
Total	600.50
George B. Schwabe, 1928:	
Sept. 1 to 30, for services rendered the Committee on Indian Affairs surveying Indian conditions, under resolution of Feb. 1, 1928, as investigator	400.00
Per diem in lieu of subsistence, 30 days at $5 per day	150.00
Traveling expenses:	
Tulsa to Muskogee and return	13.00
Tulsa to Henryetta and return	12.50
Tulsa to Miami and return	20.00
Telephone calls	3.25
Total	598.75

REPORT OF INVESTIGATION OF THE UNITED STATES INDIAN SCHOOL AT PHOENIX, ARIZ.

After a personal inspection and investigation we find the following:

GENERAL CONDITIONS AND OBSERVATIONS

After careful investigation of the various departments of the school and talking with pupils, teachers, employees, and officers, we found that the general conditions relating to the sanitation and general cleanliness, food, health, and discipline of the pupils to be of the highest order. The large group of children, numbering nearly 1,000 boys and girls ranging in age from 7 to 20 years, are apparently well clothed and present an appearance which seemed to us to indicate extreme good health and happiness. We saw nearly every pupil of the school either indoors, engaged in work, interested in their organized play and athletic practice, or in military formation, or as they marched into the dining room for their meals. Throughout the school the children seemed to be happy and content.

By consulting records in the administration building of the school we found that entry of the children in the school is not compulsory. A file maintained for each child registered contained a complete record of the child's time spent in school; among other things each file contained an application blank which had been filled out and signed by the parents, guardian, or next of kin in the presence of witnesses. This blank states, "I do hereby voluntarily consent and agree to enrollment in said school for a period of (not less than three) years, and also obligate myself to abide by the rules and regulations for Indian schools."

The parents and other relations are permitted to visit the children in the Phoenix school at any time they may desire. Many Indians come each week to this school to visit their children; particularly on Saturday and Sunday many families of Indians are to be found camping on the school grounds and visiting with their children.

In talking with the old father of one of the boys who had come to the school at the time of our visit, we learned that both he and the boy's mother were very glad to have their child in school, and that they felt he was much better off in the Phoenix school than at home or elsewhere. This particular boy had run away from school and gone home, saying he was lonesome. The father had solicited the aid of an Indian policeman, brought the boy back, and reentered him in the school.

The Phoenix Indian School is located in a fairly thickly populated district, with stores, dwellings, service stations, etc., immediately adjoining it. Inquiry at a near-by drug store and a service station regarding any knowledge of complaints by the students at the school or rumor of ill-treatment of children brought only expressions of surprise that such a thing could ever have been thought of. Those talked to had never heard any such complaints.

While we were able to secure much valuable information from pupils and employees of the school, also from the citizens who have resided in the vicinity of the school for many years, we give credence to the unbiased statement made to us in an interview with Mr. C. L. Phillips, manager of the Mission Ranch Dairy, the largest modern dairy in the State of Arizona. Mr. Phillips was connected with the Phoenix Indian School as a teacher of agriculture and manager of the gardens, dairy, and other agricultural departments of the school for eight years. He left the employ of the Indian school on January 1, 1928. Mr. Phillips stated that in all of his experience he had not seen or heard of any complaint as to the mistreatment of any pupil of the school; no severe physical punishment had been administered to any pupil, and none of the pupils had ever complained to him of food conditions, either as to lack of sufficient food being served or as to the manner of preparation of the meals. All of the milk and vegetables, eggs, and other products of the farm are used exclusively in preparing meals for the children of the school, according to Mr. Phillips, and he further added that during the time of his employment by the school none of these products were either sold to or used by any employee or officer of the school.

Our own observation covering the period of years is that both the boys and girls of the school are much interested in their bands and athletic teams and that the children are enthusiastically happy in their life at the school.

We do not believe that the pupils of the school could be better fed and cared for with the present available funds which are allotted for each pupil during the fiscal year.

REGARDING HEALTH

We found every possible precaution taken for the prevention of disease and for the care of the sick. Two physicians and several graduate nurses are in constant attendance at the Phoenix school and the tuberculosis sanatorium, which is conducted in connection with the school. The physicians and nurses not only take care of the children who may be sent to the hospital, but keep in close touch with all of the children in the school through contact with the teachers in the classrooms, matrons in the dormitories, and the heads of various departments of the school. In order to keep close watch on the health of the children, they are encouraged to consult freely with the doctors and nurses. The records of the hospital show that an average of from two to three hundred calls have been made each week during the present school year, either for consultation or medical services in addition to the actual number of cases which were cared for by the hospital.

The hospital was found to be spotlessly clean, the bed linen and floors throughout being in the best of condition on our visit. The operating room, pharmacist laboratory, dental-room office, and all departments of the hospital were very satisfactory.

In interviewing Dr. Fred Loe, who has been in charge of the school hospital for the past three years, and in looking over the records of the hospital departments, we find that each child attending the school is given a thorough physical examination upon entering the school and also at the beginning of the second semester. We find that, owing to the prevalence of influenza in the school (as a part of the general epidemic throughout Arizona and the western United States) and the illness of Doctor Loe, the examinations for the second semester have not been made this year. These physical examinations were made on all the pupils in the school at the beginning of the fall term, however, and are kept as a part of the hospital records, so as to be immediately available for reference should the pupil thereafter be sent to the hospital for any ailment. The examinations include records of the conditions found in the eyes, ears, teeth, throat, skin, lungs, heart, the weight and general condition of the pupil. Any abnormalities which will interfere with the general health or be dangerous to other pupils, such as decayed teeth, trachoma, skin diseases, etc., are corrected before the pupil enters school. Thereafter the pupils are weighed at monthly intervals and given inspection by teachers. Should the pupil lose weight or fail to gain weight in normal manner, or should any illness develop, the pupil is referred promptly to the hospital department for investigation. The scope of this work may be judged from the fact that during the week prior to our inspection 385 pupils were so referred for ailments or examination, not including those ill enough to be regularly entered as hospital patients.

The hospital records are not the records of a class A standardized hospital, because the personnel allowed the hospital can not keep such records. However, the records contain all the essential information, were neat and accurate, filed where they could be readily accessible, and will compare favorably with the records of the majority of civilian hospitals of the same size.

While the personnel of the hospital department is not sufficient for the work required of them, we find that the work is being done in a very creditable manner. One physician and two nurses are not sufficient for the 40-bed hospital, caring for all kinds of medical and surgical cases, attending from 200 to 400 patients a week in the outpatient department, making physical examinations on a thousand pupils twice a year, and exercising sanitary supervision over kitchen and dairy. The hospital does not have a night nurse, although one of the day nurses sleeps where she is on call during the night for any emergency. In performing surgical work Doctor Loe is assisted by Dr. A. J. Wheeler, of the East Farm Sanatorium, located a mile and a half east of the school. Doctor Loe also assists Doctor Wheeler in such surgical work as is done at the sanatorium. An average of more than one surgical operation a day is thus performed. During one 5-month period we found 180 general anæsthetics had been administered for surgical operations.

According to Doctor Loe, and the records of the hospital department, pupils do not contract tuberculosis at the school, but contract it on the reservations, and it is detected when they enter the school and have physical examination. Sometimes pupils with an arrested tuberculosis case enter the school, and during the school term the disease becomes active again. Whenever they are found to have active tuberculosis, either at the time of the entrance examination or at any time during the school year, they are transferred immediately to the sanatorium .The number of cases discovered in pupils just entering the school or returning to the school in the fall after a summer on the reservation are many times more numerous than those breaking down during the school term.

A fact likely to be overlooked is that a return of activity in an arrested tuberculosis case is very likely to occur at the age of life when these pupils are in school, 12 to 20 years, regardless of conditions of life. Our observation would lead us to believe that the likelihood of a breakdown is much less under the conditions of life at the school than on the reservation. However, at the Phoenix school no pupil with active tuberculosis is kept in school, but is transferred to the sanatorium, where conditions are the best possible and where the child will have every chance to recover.

During the school year of 1927-28, according to the records of the hospital, there were 87 cases of pneumonia, from which no deaths resulted. These pneumonia patients were cared for in the school hospital, where each pupil was kept for two weeks convalescing after the crisis. According to Doctor Loe, after release from the school hospital, each of these pneumonia patients was sent to the sanatorium for rest and observation for a short time. Eighty-five cases of trachoma are now being treated in the school, but no new cases have developed during the present school year. Acute cases of trachoma are assigned to the hospital and segregated. All of the pupils who are now being treated for trachoma have separate towels, and are kept under close observation.

On account of his own ill health during the last two months, Doctor Loe has not been devoting his full time to the work in the school and Dr. A. J. Wheeler was personally in charge of the medical work at the school during this period. In interviewing Doctor Wheeler and verifying his statement by the hospital records, we found that during the recent epidemic of influenza, 452 children were given treatment and were kept in bed until fully recovered. At one time during the epidemic approximately 200 pupils were in bed, the others being sick at different periods during December and January. This number of influenza cases was cared for among the approximate 960 pupils of the school. In addition to this number, 45 in the tuberculosis sanatorium were also cared for with attacks of influenza.

Out of the total of 497 cases of influenza only one pupil developed pneumonia; that pupil is now in the sanatorium convalescing. There were no deaths as a result of the epidemic.

At the present time we found approximately 15 cases of influenza with which pupils are confined to their beds in the hospital. Ten or twelve of the smaller girls were also being cared for by doctors and nurses who have confined them to their beds in the girls' dormitory on account of all the beds in the hospital being occupied.

Food for the children in the hospital is prepared in a special hospital kitchen which we found to be thoroughly sanitary and well equipped. The meals for the hospital patients are prepared and served strictly under the direction of the doctors and nurses.

In interviewing Miss Helen McLemore and Miss Darline Loe, two graduate nurses at the hospital, we were advised that all of the food served patients confined to beds in the dormitories, as well as the hospital, is prepared and served under their jurisdiction.

FOOD

In talking with children and Indian employees of the school we did not hear a single complaint as to meals, kind of food supplied, or the manner in which it was prepared. The boys and girls apparently have plenty of food to eat, and we were advised that each child is given all he wants to eat of the plain foods.

We found that both the boys and girls march to their meals in military formation, and that each company occupies a group of tables, eight children seated at a table. Company officers are placed in charge of each group of children, with the corporal at each table. New waiters are appointed each week from the company by its captain. Before the children march into the dining room food is served family style on each table, and after being seated at the table an officer serves each pupil and then asks that an additional supply of bread, potatoes, meat, and whatever else may be desired be brought from the kitchen. If any pupil asks his officer for more food, it is brought immediately.

Doctor Loe exercises general supervision over the quality of food served in the general dining room, as well as over that served at the hospital. He makes it a practice to eat a meal at least once a month in the general dining room in order to judge from personal observation the quality of the meal. A copy of the menu for the week during which this inspection was made is attached, and we are assured that this is a fair sample of the food served at this school. One of us visited the dining room and kitchen after the meal was over, while the tables were being cleared and dishes washed. Numerous uneaten portions of bread and other food could be seen as evidence that there was no lack of quantity. Dishes were washed in an automatic washer with live steam, coming out clean and undoubtedly sterilized. Tables were being scrubbed with stiff brushes and cleansing powder; tables are covered with linoleum cemented upon wood.

We inspected the kitchen, bakery, warehouses, and cold-storage plant. We found them to be absolutely clean. Fruits and vegetables, all of very good quality, were stored in the large cold-storage warehouses; fresh meat, stamped as being inspected and certified under Government supervision, was hung in a large separate compartment of the cold-storage plant.

In interviewing Mrs. Jennie Howard, who has been in the employ of the school for 14 years, spending the last 5 years in charge of the kitchen, we were advised that she orders from 400 to 500 pounds of fresh meat daily, and that this is delivered each day by the Arizona Packing Co. She personally inspects all of the meat delivered, and during the last few years has never had occasion to reject any meat, although she stated that she was authorized to reject anything which was not strictly first class. She said that five years ago, when she first took charge of the kitchen, she had on a few occasions rejected meat.

Mrs. Howard stated that she had never used, and had never been required to use, any food, flour, corn meal, meats, vegetables, or anything else which had been spoiled or which might be considered unfit for consumption.

Mrs. Ada Dessau, who is in charge of the warehouses containing foodstuffs, both cold storage and dry storage, stated that they had received consignments of food which was unfit for use on a few occasions during the term of her employment. She stated that during the present school year a shipment of corn meal had arrived containing weevils, and that the entire lot had been delivered to the Agricultural Department for use as chicken feed. Mrs. Dessau advised that the feeding of the corn meal to the chickens did not deprive the children of food, as there is a large quantity of vegetables provided from the school's garden, as well as milk from the dairy, eggs from the poultry department, all of which are used in feeding the pupils.

We found potatoes, raisins, prunes, grapefruit, bacon, flour, oatmeal, sirup, and many other foodstuffs in the warehouses, all being in good condition and all of good eatable quality.

Visiting the dairy, we found that the school is milking 56 head of very good Holstein cows, many of which are registered purebred stock. At the present time 170 gallons of milk is being produced daily, and we were advised by employees and pupils that all of the milk is used in the hospital and dining room as food for the children. According to records for the year 1928, 48 cows in the herd produced an average of 9,250 pounds of milk per cow.

The sanitary conditions at the dairy will compare favorably with those of any dairy supplying Grade A milk to the city of Phoenix. The Indian school claims to have the most sanitary dairy in the valley, and we are not prepared to dispute this.

The dairy is not screened, and this is the only fault to be found with it. The cows are milked upon a slightly raised cement floor, after being brushed and cleansed in the runways which approach the milking stalls. Just behind the cement platforms is a gutter into which urine and feces falls. This is washed out with hose after each milking. Cows are milked with milking machines; they were inspected during afternoon milking period and teats and udders were found clean. Stripping is done by hand by Indian students. They are dressed in white cotton trousers and jackets while milking.

Boiler furnishes hot water and steam at 50 pounds pressure twice daily. Milk is aerated and cooled immediately by modern apparatus. The milk cans are washed with cold water, then hot water, finally with live steam; then placed behind wire screens so that the sun will shine into them. Dairy is superintended by Mr. Hendrix, who gives every evidence of knowing his business and in taking pride in accomplishing his work in the most modern and sanitary manner. We could make no suggestions for improving the sanitary surroundings or handling of the milk, although Mr. Hendrix seemed anxious to have these, if we had any to make.

This dairy herd is tuberculin tested and certified to be free from tuberculosis. (There is some abortus infection in the herd, as there is in every dairy herd in the Salt River Valley, but so far there is no evidence that this has resulted in any human infection in the school.)

The pupils are fed whole milk and butter is not served.

In our visit to the agricultural department we found a large quantity of vegetables are produced each year, and we were advised that all of these vegetables, as well as grapes, watermelons, and eggs and milk produced are used in the dining room which takes care of the pupils of the school.

DISCIPLINE

We found the children throughout the school very well behaved and heard no complaints from any pupil or from any other source as to cruelty or mistreatment. In the classrooms each teacher has charge of discipline as well as instruction of the pupils; in the dormitories a matron is constantly in touch with the children. We found everything in the dormitories, as well as in the classrooms and the entire grounds surrounding the school, to be in orderly condition. In the various shops and departments, including the laundry, dairy, printing office, etc., the employees in charge of such shop or department are in control of the discipline of the pupils who may be assigned to them.

According to regulations, any unruly child is first sent to the principal or head of the department in which the child is engaged. In turn the principal is to refer the child to the chief disciplinarian, if such action should become necessary.

In conferring with Jacob Duran, a full-blood Indian of the Pueblo Tribe, who is the chief disciplinarian of the school, we learned quite frankly the troubles of both boys and girls in school, as well as the manner of settlement of the children's difficulties by the school.

Mr. Duran advised us that he had attended the Indian schools at Santa Fe, Albuquerque, and Haskell as a boy, and that he has been working at the Phoenix Indian School for the last 10 years. He advised that the principal difficulty experienced with the pupils of the school when they become unruly would be the trait of stubbornness, which is to a greater or less degree in most Indians. His treatment, through persuasion and kindness, has consistently proven a success in influencing the children to do right, according to Duran's statement to us. Not one child has been sent to the chief disciplinarian by either teacher, principal, or head of departments during the present school year. Duran advised that he had heard of ill treatment of Indians since he was born, but that he had never seen or known of any severe punishment being given the boys and girls in any Indian school in all of his experience, and that he has personally given no physical punishment to the children of the school during the present school year in Phoenix.

Mr. Duran stated that the principal matters which had required his attention during the present school year have been violations of rules and regulations. He stated that the principal rule which is violated is boys going to town, leaving the school grounds and going to athletic games without first obtaining permission. His method of punishment for this violation is to deprive the pupil of certain privileges, such as refusing permission to attend football games, etc., for a certain period. Such action in disciplining the pupils apparently accomplishes the desired results, according to the testimony of many pupils and employees of the school.

Mr. Duran advised that the parents who visit the school, as well as the children attending the Phoenix school, are very happy and contented. He stated that he has seen only one fight between Indian boys in the last 10 years, and then the two participants were so ashamed that they ran away from school instead of facing their fellow pupils.

Keeping the children busy through their work in classrooms, in the industries and farms of the school, and their athletic activities is the chief thing which keeps the children satisfied, in the opinion of Mr. Duran.

Lewis, who is in charge of the printing office of the school, a full-blood Indian of the Pima Tribe, has spent 20 years in the school as a pupil and more recently as an employee. He advises us that the children of the Poenix Indian School are well satisfied with their food, clothing, and their treatment in all departments of the school.

We hereby certify that the above findings are a statement of the true conditions which now exist in the United States Indian school at Phoenix.

Respectfully submitted.

DEAN STANLEY,
Secretary-Treasurer Phoenix Evening Gazette.
CHAS. A. STAUFFER,
Secretary and General Manager The Arizona Republican.
W. WARNER WATKINS, M. D.,
Secretary Medical and Surgical Association of the Southwest.

PHOENIX, ARIZ., *February 8, 1929.*

CITIZEN COMMITTEE OF SURVEY OF INDIAN BOARDING SCHOOLS

KINGMAN, ARIZ., *February 13, 1929.*

Re Circular No. 2546, E. B. Meritt, assistant commissioner.

To Senate Indian Committee, House Indian Committee, Congressional Delegation, Office of Indian Affairs, Washington, D. C.

HONORED SIRS: Acting under and in accordance with instructions in the above captioned, under date of February 2, 1929, Supt. F. T. Mann, of the Truxton Canyon Indian School at Valentine, Ariz., requested Mr. Allen E. Ware, manager of Tarr, McComb & Ware Commercial Co., Kingman, Ariz., to select a suitable committee of which he would be chairman, to examine into the affairs of said school, and to report thereon. Mr. Ware appointed the following:

Mrs. Nelle E. Clack, former county superintendent of schools; Miss Letetia B. Mould, Red Cross nurse in charge of schools in Mohave County; H. L. Horner, assistant manager, the Arizona Central Bank, Kingman, Ariz.; who beg to submit the following:

This committee left Kingman by automobile at 10.10 a. m., and arrived at Valentine at 11.10 a. m. on the above date, the distance being approximately 35 miles.

First, believing that your office would appreciate having (though not asked for in above-mentioned circular) complete information as to the various buildings and equipment, and condition of same, in addition to treatment of the inmates or attendants. This, therefore, is embodied in the report.

There are at this time approximately 220 children in daily attendance—a greater number of boys than girls. Ages running from about 6 to 19 years. There is one Albino boy in the school, in age about 18 years, decided blond, light hair, and blue eyes. We believe Albinos are rare among the Indians. He looks robust and strong, and of average intelligence. All children appear to be healthy, and in a general way compare very favorably with white children in attendance at public schools. There are only four cases of sickness at the present time, three girls and one boy, all of which are in the hospital and receiving good treatment. One boy and one girl afflicted with tuberculosis, the other cases minor ailments, not serious.

All children appear contented and happy and there is no appearance of ill-treatment or abuse. Playgrounds nd equipment apparently ample and in good condition, and in use daily, giving sufficient exercise.

We attended mess at noon in the general dining room, and while the food served was of the so-called "coarse" or "heavy" variety, it was good in quality, wholesome, well cooked and well served, and ample in quantity. Children marched into dining room in an orderly manner, stood at their respective places, and in unison asked blessing before being seated. This being so well done shows it to be the custom. All children were clothed properly and well, and though clothing was simple and inexpensive in texture, was clean and warm. Also each child has the regulation change of clothing, ample for needs, and kept in good repair.

In the dormitory the sexes are separated, each occupying a wing of the building and both upper and lower floors. With one or two exceptions in the case of very small children each child has a separate bed, linens clean and coverings ample. Rooms are large, well ventilated, and with good sunlight. We were informed by the employee in charge that fire drill was held frequently at unexpected intervals, and, while the building is not by any means fireproof, it can be emptied quickly, if necessary, by means of the exits and metal-covered chutes or slides from the upper floor to the ground.

The hospital, a frame, 1-story, substantial structure, with a registered nurse in charge of rooms, is in charge of Doctor Leeds, the school physician, whom we believe to be thoroughly capable and efficient. There are 16 beds, and in addition to the regular and necessary equipment of a hospital of the kind and size, has a small dining room and kitchen, both of which are clean and well kept and ample in size. However, if we may be permitted to make a recommendation, it would be that a separate and distinct building be erected for the care of tubercular patients. As noted previously herein, there are two cases of tuberculosis in the same building and room with other patients at this time. This condition we believe should not be permitted to continue any longer than it would take to make a transfer or allotment of the necessary funds to remedy the existing condition.

For your further information, if your present records at hand do not show it, the following tribes are represented by children in attendance: Wallapai, Supai, Hopi, Navaho, Apache, Pima, and Papago, Wallapai, we believe, predominating.

Summing up, we consider conditions at this school to be very good; children not mistreated in any way, generally healthy and happy, well provided for as to food, clothing, housing, schooling, medical attention, and amusement.

PHYSICAL STRUCTURE OF SCHOOL

Houses for both superintendent and employees are of brick and wood construction, and though small are probably ample and appear to be in good condition both inside and out.

School: Brick construction, with, in addition to classrooms, a good-sized and well-constructed auditorium, with stage, etc. The classrooms, however, seem to be crowded to capacity, but in fairly good shape as to lighting and ventilation. There are two new wings or additions just about finished, containing wash rooms, sanitary toilets, baths, lockers, etc., strictly modern and up to date in every way; one for the boys and one for girls. These additions will be ready for occupancy in a short time.

Laundry: Brick building; old, but clean. Capacity, one washer only. This we beleive too small and incomplete for present requirements.

Hospital: Frame, 1-story structure; apparently quite new. Capacity, 16 beds. Well equipped as to other necessaries. Immaculate and probably ample, with the exception, as previously noted herein, that patients with contagious diseases are placed in the same rooms with the noncontagious. This condition should not be.

Warehouse: Brick building, in good condition, both as to building and contents. Apparently inadequate, however, as some stock is carried in basement or storeroom of another building. As this extra stock consists principally of foodstuffs and is located closer to kitchen, this may be done for convenience. Stock is in good condition.

Mess hall and kitchen: Equipment plain and substantial and in good condition, but just to its full capacity. Kitchen not fully equipped—refrigeration inadequate for protection and preservation of foods. Additional equipment badly needed for wholesome and efficient handling.

Domestic science: Immaculately clean and apparently ample for present needs.

Manual training: Seventy-six pupils now in daily attendance; each class receives 1½ hours instruction per day. This department only started about three months ago and doing wonderful work with the present equipment. Pupils seem very apt and take delight in this class of work and instruction. With more equipment, they can turn out some really fine products.

Sewing room: Ample in size, but in bad location for this class of work, being too dark and not well ventilated; very hard on the eyes.

Dormitory: Just about to capacity. Good ventilation and plenty of sunlight. Individual beds; very clean and sufficient bedding. Rooms in need of minor repairs, however; principally plastering. Metal ceilings should be substituted for plaster.

Water: Pumped from wells to tank of 30,000 gallons capacity located on hillside above property. Tank not covered or protected. Quality of water apparently good, however.

Pumping plant: Not good either as to building or equipment. We are informed, however, that a small appropriation will soon be available with which to increase this to greater capacity and, in addition, to make of it a central power and heating plant. This badly needed.

Dairy: Nine cows, seven of which are now milking and producing about 21 gallons of milk daily. In addition 5 gallons per day purchased from an adjacent ranch. This supply, however, we do not believe to be sufficient for needs and should be increased. In addition to the cows, there are two 2-year-old and five 1-year-old heifers, four calves, and one bull, Holstein stock. Milking is done in the barn which is an old structure, unsightly and unsanitary, and needs remedying badly. There are also about 25 or more hogs and young pigs. Too many to supply from the tables, and as feed is quite expensive, believe some should be sold.

Poultry: Approximately 300 white leghorns—excellent-looking stock. Producing an average of about 10 dozen eggs per day.

Farm: About 7 or 8 acres under cultivation. Corn, squash, tomatoes, carrots, spinach, etc. Last year produced about 20,000 pounds of tomatoes. With proper equipment and irrigation could be made more productive.

Office: Office in good order, books and records appear to be well kept. Room apparently too small for requirements, however, and there should be a vault for storing records. As a preventive against loss by fire, a vault of concrete could be added at small cost. Records for last fiscal year show a total cost (exclusive of superintendent's salary, repairs, and transportation) of $49,343.88, and during that time an average daily attendance of just about 200, making the cost per capita a little under $250, which, considering location, equipment, and facilities, we consider quite low, and bespeaks efficient management.

Employees: Superintendent Mann we believe to be thoroughly capable and efficient, honest and fair both with employees and attendants, firm but just. The type who probably could and would use harsh measures if made necessary, but one with whom those measures never become necessary. All employees appear capable, efficient, and happy in their work and surroundings, and well satisfied.

Not having been asked to make recommendations, we trust we have not overstepped the bounds. However, could they be complied with, we believe it would mean increased efficiency and lowered costs.

Hoping the information supplied herewith will be of service, and assuring you it has been our pleasure to serve you, we are,

Very sincerely,

ALLEN E. WARE,
LETITIA B. MOULD, R. N.,
NELLIE E. CLACK,
H. L. HORNER,
Committee.

REPORT OF INSPECTION, FORT MOHAVE INDIAN SCHOOL, BY ALLEN E. WARE, C. J. WALTERS, MRS. G. H. CLACK, AND LEROY ROOT, FEBRUARY 16, 1929

In conformity with circular No. 2546, issued by the Office of Indian Affairs, Department of the Interior, dated February 2, 1929, and at the invitation of Supt. W. E. Thackery, of the Fort Mohave Indian School, the undersigned citizens of Kingman, Mohave County, Ariz., visited the said school and investigated existing conditions there.

We found that all Indian school children were properly fed. The food was of good quality and sufficient. The daily menus indicated a considerable variety. More eggs and milk would be desirable.

We found that all children were adequately and comfortably clothed and housed. The dormitories are in need of repairs.

We found that the children received all needed medical attention. The hospital building should be larger.

We learned of no cruel punishments of children. The discipline appeared excellent and the children contented, happy, and interested in their work. Some of the school work showed marked ability.

The preceding four paragraphs answer in particular the questions asked in the circular letter. We feel justified, however, in making further comment relative to conditions.

In the school there are approximately 275 pupils, representing 15 different Indian tribes, i. e., Mohave, Navajo, Papago, Chimejuevis, Paiute, Hava-supai, Pueblo, Sioux, Mission, Apache, Pima, Shoshone, Cherokee, Maricopa, and Mono (Digger). This intermingling is undoubtedly having a most desirable effect.

The main school building and assembly hall is in good condition, but inadequate in room. Two rooms in dormitory buildings are used for school purposes. This is inconvenient and undoubtedly detracts from the school efficiency.

The warehouse contains a reasonable stock of food supplies of good quality, as well as a quantity of necessary clothing. The building, however, is an old "adobe" with crumbling walls. Its roof is leaky and daylight can be seen through it in many places. It is, therefore, impossible to keep the food and clothing free from dust.

The kitchen and dining room are very good and are exceptionally clean and sanitary. A new refrigeration plant and a bakery are now building, being removed from the basement of the kitchen and dining hall.

The laundry is modern, both building and equipment.

The power plant is well housed, in excellent condition, and apparently adequate for present needs.

The employees' quarters are generally comfortable, although many of them are in old "adobe" buildings and have a rather unsightly exterior appearance. The interiors are much more inviting.

One of the two elevated water-storage tanks giving pressure to the mains, although roofed, is open entirely around underneath the eaves. A new tank is needed. The other tank appears in good condition.

The bathing conditions are inadequate, but we are told an appropriation has been made to adjust this situation.

A dairy herd of 25 cows belongs to the school, 12 of which are being milked, furnishing about 25 gallons per day. At least 10 more milch cows should be added to the herd to bring the daily menu to a proper balance.

No chickens except a very few, whose eggs are used at the hospital, are on the farm. Sufficient chickens should be added to the farm stock. Eggs are needed for their food value.

The farm is in rather poor condition at this time due to the channel of the Colorado River changing and the pumps being unable to deliver

water to the land at a time when it was most vitally needed during the past season. This is the first time that there has been a shortage of water from this cause. The situation is easily remedied. Instead of taking water directly from the stream flow wells should be sunk. Wells driven or bored to a considerable depth below the level of the river will furnish an adequate supply of water. Such wells have been frequently tested, with satisfactory results. We are informed that the school now has a well 365 feet deep, 12 inches in diameter, which has been severely tested, with gratifying results. With an assured supply of water for irrigation needs, chickens and more cows could be kept and eggs and milk furnished at an economical cost. The gardens would furnish an adequate supply of vegetables at low cost over an extraordinary long season, due to the temperate climate. A large variety should also be grown. The hogs were in excellent condition.

In the matter of housing, we found the dormitories greatly in need of repairs. The roofs are in bad condition and there is a great need of paint and a general overhauling to put them in real serviceable condition. They are kept clean and sanitary, however, so far as their existing condition will permit. The buildings generally are far below the standard buildings at other Indian schools of which we have acquaintance. Because of this condition the school has rather a run-down appearance. We do not believe this condition is due to the school superintendency or the school employees. They appear to be making the best of what they have to do with. There is apparent ability on the part of all employees. The forlorn appearance is due, as we see it, to inadequate appropriations by the Government to construct and maintain the buildings up to the usual governmental standards. An appropriation is needed to place the buildings in repair and to construct new ones necessary to meet the demands of the schools. If this were done, the Fort Mohave Indian school under an intelligent and able superintendency, as it now has, with a corps of loyal employees, such as it now possesses, would be one of the most economically conducted schools in the country. It is very evident that the Government is not as adequately supporting this school as it is many others. An appropriation of $50,000 over a period of two years would ultimately make this school compare favorably with other schools.

We make these comments, not in a spirit of criticism but in a sincere effort to correct a condition which detracts from the school standard, provokes criticism of the Indian Department, and handicaps the school employees.

Very respectfully submitted.

ALLEN E. WARE.
C. J. WALTERS.
Mrs. G. H. CLACK.
LEROY ROOT.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. HAMMER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills of the Senate:

S. 675. An act to establish the Ouachita National Park in the State of Arkansas; and

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11722) to establish a national military park at the battle field of Monocacy, Md.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12793) for the relief of Alonzo Durward Allen.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 37) to print 3,000 additional copies of the hearings during the Sixty-ninth Congress on the bill (H. R. 7895) relating to the stabilization of the price level of commodities.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Vice President:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion*, who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4276. An act granting a pension to Edith Bolling Wilson;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4604. An act for the relief of James L. McCulloch;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.);

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows;

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Ry.

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 5952. An act for the relief of Robert Michael White;
H. R. 9009. An act for the relief of Francis Leo Shea;
H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;
H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;
H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;
H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;
H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;
H. R. 12390. An act for the relief of Frank C. Messenger;
H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;
H. R. 12638. An act for the relief of David A. Wright;
H. R. 12666. An act for the relief of William S. Shacklette;
H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;
H. R. 13632. An act for the relief of Ruth B. Lincoln;
H. R. 13658. An act for the relief of Hugh Anthony McGuigan;
H. R. 13721. An act for the relief of Edwin I. Chatcuff;
H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;
H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;
H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";
H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co., under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L., 356);
H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at the city of Vicksburg, Miss.;
H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;
H. R. 15330. An act authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;
H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;
H. R. 15651. An act for the relief of Leonidas L. Cochran;
H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;
H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;
H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;
H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;
H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;
H. R. 16612. An act granting the consent of Congress for the construction of a dam or dams in Neches River, Tex.;
H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928;
H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928;
H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.; and
H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:
H. R. 2441. An act for the relief of William P. Brady;
H. R. 4611. An act for the relief of Marion M. Clark;
H. R. 4624. An act for the relief of Thomas Finley;
H. R. 5933. An act for the relief of Mabel L. Brown;
H. R. 5950. An act for the relief of Alice Sarrazin;
H. R. 6884. An act for the relief of Thomas F. Sutton;
H. R. 1934. An act for the relief of Rebecca E. Olmsted;
H. R. 2424. An act for the relief of James Moffitt;
H. R. 2436. An act for the relief of Harvey H. Goyer;
H. R. 3280. An act for the relief of James Earl Briggman;
H. R. 3675. An act for the relief of Paul Wallerstein;
H. R. 10817. An act for the relief of the Merrill Engineering Co.;
H. R. 11149. An act for the relief of Albert D. Castleberry;
H. R. 13127. An act for the relief of Lowell G. Fuller;
H. R. 14767. An act for the relief of Howard C. Frink;
H. R. 15029. An act for the relief of Edward A. Burkett;
H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;
H. R. 16560. An act for the relief of Francis J. Moore;
H. R. 4699. An act for the relief of William H. Fleming;
H. R. 4824. An act for the relief of Arthur W. Taylor;
H. R. 7051. An act for the relief of George W. Gilmore;
H. R. 7887. An act for the relief of Adrian Van Leeuwen;
H. R. 8175. An act for the relief of William J. McKenna;
H. R. 9238. An act for the relief of the widow of Ephraim E. Page;
H. R. 9515. An act for the relief of Homer N. Horine;
H. R. 9699. An act for the relief of Benjamin Hagerty;
H. R. 10200. An act for the relief of Carrie McIntyre;
H. R. 10824. An act for the relief of Edward H. Cotcher;
H. R. 11383. An act for the relief of Angenora Hines;
H. R. 12333. An act for the relief of Charles Davis;
H. R. 12463. An act for the relief of Adam A. Schultz;
H. R. 12498. An act for the relief of Chancy L. McIntyre;
H. R. 12593. An act for the relief of Edward McOmber;
H. R. 12674. An act authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker;
H. R. 12960. An act for the relief of Thomas Barrett;
H. R. 13052. An act for the relief of Malcolm Allen;
H. R. 13465. An act for the relief of Thomas T. Gessler;
H. R. 13866. An act for the relief of Adelaide (Ada) J. Walker Robbins;
H. R. 13872. An act for the relief of James J. Gianaros;
H. R. 14137. An act for the relief of Patrick P. Riley;
H. R. 14579. An act for the relief of Walter Malone;
H. R. 14723. An act to provide hospitalization for Leroy Wilbur Abbott;
H. R. 14765. An act for the relief of Samuel Hooper Lane, alias Samuel Foot;
H. R. 14863. An act for the relief of Harry Hamlin;
H. R. 15021. An act for the relief of William S. McWilliams;
H. R. 15405. An act for the relief of James Luther Hammon;
H. R. 15449. An act for the relief of Joel Townsend;
H. R. 15562. An act for the relief of Anna E. Stratton;
H. R. 15590. An act for the relief of Henry I. Power;
H. R. 15641. An act for the relief of Vernon S. Ross;
H. R. 15686. An act for the relief of E. O. McGillis;
H. R. 15703. An act for the relief of Louis Vauthier and Francis Dohs;
H. R. 15975. An act for the relief of Nelson King;
H. R. 16258. An act for the relief of Homer D. Neimeister;
H. R. 16291. An act for the relief of Stephen Cole, alias Steven Cole;
H. R. 16364. An act for the relief of Marmaduke H. Floyd;
H. R. 16466. An act for the relief of Thomas A. McGurk;
H. R. 16685. An act for the relief of Robert J. Smith;
H. R. 16732. An act for the relief of Thomas W. Bath;
H. R. 17034. An act for the relief of James Albert Couch, alias Albert Couch;
H. R. 17095. An act to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army;
H. J. Res. 339. Joint resolution conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928,

upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;

H. J. Res. 362. Joint resolution for the appointment of one member of the board of managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 373. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama; to the Committee on Military Affairs.

H. R. 7560. An act for the relief of James P. Hamill;

H. R. 8519. An act for the relief of A. N. Worstell;

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12782. An act for the relief of C. L. Beardsley;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 14583. An act for the relief of A. Brizard (Inc.);

H. R. 15197. An act for the relief of Alma Rawson;

H. R. 15424. An act for the relief of Dr. W. H. Parsons;

H. R. 15489. An act for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy;

H. R. 15914. An act for the relief of John T. Painter;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 3738. An act for the relief of Mary Murnane;

H. R. 4813. An act for the relief of Clara Thurnes;

H. R. 6698. An act for the relief of William C. Schmitt;

H. R. 6705. An act for the relief of Clotilda Freund;

H. R. 6757. An act for the relief of W. C. Moye and Nannie Moye;

H. R. 6939. An act for the relief of Thomas T. Grimsley;

H. R. 7174. An act granting compensation to William T. Ring;

H. R. 8401. An act for the relief of Jack Mattson;

H. R. 8691. An act for the relief of Helen Gray;

H. R. 9119. An act for the relief of the estate of James Glover, deceased;

H. R. 9175. An act for the relief of George W. McPherson;

H. R. 10321. An act for the relief of B. P. Stricklin;

H. R. 10516. An act for the relief of the estate of Martin Preston, deceased;

H. R. 10611. An act for the relief of Homer Elmer Cox;

H. R. 11001. An act for the relief of Maj. O. S. McCleary, United States Army, retired;

H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;

H. R. 11659. An act for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.;

H. R. 13801. An act for the relief of John Bowie;

H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;

H. R. 14172. An act for the relief of B. Frank Shetter;

H. R. 14738. An act for the relief of the Marshall State Bank;

H. R. 14952. An act to reimburse the estate of Mary Agnes Roden;

H. R. 15288. An act for the relief of Angelo Cerri;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15478. An act for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps;

H. R. 15635. An act for the relief of George A. Hormel & Co.;

H. R. 15900. An act for the relief of Charles H. Young;

H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16342. An act for the relief of Clyde H. Tavenner;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16691. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*;

H. R. 13288. An act to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material;

H. R. 15190. An act granting six months' pay to Annie Bruce;

H. R. 15976. An act for the relief of Lieut. (junior grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy;

H. R. 16893. An act for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy;

H. R. 16894. An act for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy;

H. R. 16895. An act for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy;

H. R. 16889. An act for the relief of Lieut. Francis D. Humphrey, Supply Corps, United States Navy;

H. R. 16896. An act for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired;

H. R. 16897. An act for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy;

H. R. 16899. An act for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy;

H. R. 16900. An act for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy;

H. R. 16902. An act for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 13959. An act for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy;

H. R. 14923. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 16887. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 16888. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;

H. R. 16890. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy;

H. R. 16891. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy;

H. R. 16892. An act for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force;

H. R. 16898. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 16901. An act for the relief of Capt. John H. Merriam, Supply Corps, United States Navy;

H. R. 16903. An act for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy;

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 15440. An act for the relief of Frank Yarlott;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15218. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; and

H. R. 15220. An act for the relief of Francis X. Callahan.

EXECUTIVE BUSINESS REFERRED

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair, as in executive session, transmits certain nominations and treaties for proper reference.

Mr. GOFF, from the Committee on the Judiciary, reported executive nominations, which were placed on the Executive Calendar.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The clerk will state the first amendment of the committee.

The CHIEF CLERK. On page 2, after line 2, insert a subhead "Senate"——

Mr. COUZENS. Mr. President, a parliamentary inquiry. Was unanimous consent given to dispense with the reading of the bill?

The PRESIDING OFFICER. It was not. The clerk is reading the first amendment.

The CHIEF CLERK. Insert a subhead "Senate" and the following:

To pay William A. Folger for extra and expert services rendered the Committee on Pensions during the second session of the Seventieth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, fiscal year 1929, $1,200——

Mr. BLACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Smith
Barkley	Edwards	Keyes	Smoot
Bayard	Fess	King	Steck
Bingham	Fletcher	McKellar	Steiwer
Black	Frazier	McMaster	Stephens
Blaine	George	Mayfield	Swanson
Blease	Gerry	Metcalf	Thomas, Idaho
Bratton	Glass	Moses	Thomas, Okla.
Brookhart	Glenn	Neely	Trammell
Broussard	Goff	Norbeck	Tydings
Bruce	Gould	Norris	Vandenberg
Capper	Hale	Overman	Walsh, Mass.
Caraway	Harris	Pine	Walsh, Mont.
Copeland	Harrison	Reed, Pa.	Warren
Couzens	Hawes	Robinson, Ark.	Waterman
Curtis	Hayden	Sackett	Watson
Dale	Heflin	Sheppard	Wheeler
Deneen	Johnson	Shortridge	
Dill	Jones	Simmons	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, there is a quorum present.

Mr. ROBINSON of Arkansas. Mr. President, a situation has arisen which endangers the passage of both the deficiency appropriation bills. A number of amendments were inserted in the Senate to the bill, H. R. 15848, and, conference agreement having been reached touching the provisions of those amendments in the body at the other end of the Capitol, many provisions in the deficiency bill referred to were incorporated in the pending bill, the effect of which was to defeat final disposition of the deficiency bill, H. R. 15848.

The following appears on page 175:

Title III—Items transferred from H. R. 15848, Seventieth Congress (first deficiency act, fiscal year 1929).

Then follow on down substantially to the end of the bill, on page 213, those provisions which were in the bill to which I have referred, the first deficiency bill.

This constitutes a precedent which all Senators with whom I have talked feel should not be established. It is the universal conviction of the Senators with whom I have discussed the matter that the provisions which were incorporated in the bill H. R. 15848 should be considered and disposed of in the conference under that bill. To take out of that bill such items as some of the members of the conference favor and incorporate them in another bill is a most extraordinary procedure, and one which I think neither branch of the Congress would want to establish or approve.

I am therefore going to submit an amendment, to which I desire to call the attention of the Senator from Wyoming [Mr. WARREN], designed to strike out of the bill now before the Senate all of Title III, which was embraced in the former deficiency bill, and such provisions in the pending bill as have direct relationship to the amendment of the Senator from Georgia [Mr. HARRIS], to the amendment of the Senator from Virginia [Mr. GLASS], and to the amendment of the Senator from Tennessee [Mr. MCKELLAR]. I think, however, that as to the latter amendment, there is nothing in this bill.

Mr. MCKELLAR. Not in the pending bill.

Mr. ROBINSON of Arkansas. The effect of the adoption of this amendment would be to preserve the rights of the conference under the first bill, and I think it is of paramount and primary importance that that course be pursued.

Mr. President, with this explanation, I desire to submit the following amendment. Permit me to say that if the amendment is agreed to, it will enable the conferees to work out all amendments that have been presented to both bills. It will give the conferees a free hand in reaching an arrangement, and it will probably result in the passage of both bills, whereas I fear, from statements made to me by other Senators, that if some such action be not taken, both bills will fail during this session.

I now offer the amendment.

Mr. WARREN. Mr. President, may it be read?

The PRESIDING OFFICER. The clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. Strike out all of Title III.

Strike out the following: Commencing with line 4 on page 7 and extending down to and including line 7 on page 8.

Strike out all language on page 57, lines 1 to 6, inclusive.

On page 71 strike out all language commencing with line 23 extending down to and including line 9, page 72.

On page 55 strike out all language commencing with line 22 down to the end of line 3, on page 56.

On page 73, commencing with line 12, strike out all down to the end of line 17.

Mr. WARREN. Mr. President, as I understand this, the Senator from Arkansas is aiming to bring about very nearly if not exactly that which is attempted in the two bills as they would probably finally come out of conference. As I understand, the Senator from Arkansas wishes to have us strike out the provision in the pending bill in reference to Title III and to go back to the original bill and act upon that.

Mr. ROBINSON of Arkansas. That would be the legal effect of it and the moral effect of it, and that is the purpose of it.

Mr. WARREN. The purpose of the Senator from Arkansas is very nearly the same as mine; and although I can speak only as chairman of the committee, not having had an opportunity to confer with the other members of the committee, nevertheless, so far as I may speak for the committee, I am willing to accept the amendment offered by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I ask unanimous consent that the amendment be considered now.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

Mr. HARRISON. Mr. President, I dislike to make any objection, but I think the bill ought to be read first before the amendment is offered.

SEVERAL SENATORS. Oh, no!

Mr. HARRISON. May I say that the next bill on the program, which the Senator from Michigan [Mr. VANDENBERG] has said must be taken up, and that statement seems to be in accord with the view of a good many Senators, is the apportionment bill. I had been hopeful that some arrangement could be made, since the sentiment here is clearly in opposition to the apportionment bill, or at least there will be a great deal of discussion about it, that the measure might be referred to a committee or that the Senator from Michigan would, in the public interest of having other legislation enacted, agree not to press that particular bill. We have had no such assurance from the Senator from Michigan. Therefore, in view of that fact, the deficiency bill now before the Senate will be considered at length. I have no objection in the world to the amendment of the Senator from Arkansas, but I think the bill ought to be read after his amendment is voted on.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the consideration of my amendment out of order. Of course, I realize that any Senator can object to it.

Mr. HARRISON. I shall not object.

Mr. BRUCE. Mr. President, I should like to know specifically what is the object of the amendment.

Mr. ROBINSON of Arkansas. I tried to state it.

Mr. BRUCE. The Senator explained the difficulties and all that.

Mr. ROBINSON of Arkansas. Very well, I will explain it again.

Mr. BRUCE. I suppose the Senator thinks it will take two explanations to explain anything to the Senator from Maryland.

Mr. ROBINSON of Arkansas. No; not that at all. My own obscurity of expression in all probability did not make clear the purpose of the amendment.

Mr. BRUCE. Never mind; I will waive the explanation.

Mr. ROBINSON of Arkansas. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Arkansas.

The amendment was agreed to.

Mr. WARREN. Mr. President, may we now proceed with the consideration of the bill?

The PRESIDING OFFICER. The clerk will proceed with the bill.

The CHIEF CLERK. The first amendment of the Committee on Appropriations was, on page 2, lines 3 to 10, inclusive, under Title I, legislative, to insert the following:

SENATE

To pay William A. Folger for extra and expert services rendered the Committee on Pensions during the second session of the Seventieth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, fiscal year 1929, $1,200.

For payment to Guy E. Ives for services rendered the Senate and committees thereof, fiscal year 1929, $600.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was on page 3, after line 4 to insert:

For payment to Everett Kent for expenses incurred in presenting the case against the right of JAMES M. BECK to a seat in the House of Representatives, as audited and recommended by the Committee on Elections No. 2, $422.33.

The amendment was agreed to.

Mr. HARRISON. Mr. President, this is the first reading of the bill, as I understand it, and we are not accepting these amendments yet. They are still open to amendment, I believe.

The PRESIDING OFFICER. The amendments are to be acted upon as they are reached in the reading of the bill.

Mr. HARRISON. Is it the ruling of the Chair that as the amendments are read they are to be acted upon?

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Mississippi to the fact that the bill was read twice under the rule by title, and this is the third reading of the bill. If the Senator insists, the bill will be read at length, but when amendments are reached the Senate will act upon them.

Mr. HARRISON. Mr. President, I ask unanimous consent that we reconsider the vote by which the first amendment, on page 2, lines 3 to 10, inclusive, was agreed to.

Mr. MOSES. I object for the moment.

Mr. HARRISON. Then I move that the vote by which the first amendment was adopted be reconsidered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

Mr. HARRISON. First I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Glass	McNary	Smoot
Bingham	Glenn	Mayfield	Steiwer
Black	Goff	Moses	Swanson
Blaine	Hale	Norbeck	Thomas, Idaho
Bratton	Harris	Norris	Thomas, Okla.
Bruce	Harrison	Oddie	Trammell
Capper	Hayden	Overman	Vandenberg
Copeland	Heflin	Reed, Pa.	Wagner
Couzens	Johnson	Robinson, Ark.	Walsh, Mont.
Curtis	Jones	Robinson, Ind.	Warren
Dale	Kendrick	Sackett	Waterman
Edge	Keyes	Sheppard	Watson
Edwards	King	Shortridge	Wheeler
Fess	McKellar	Simmons	
Fletcher	McMaster	Smith	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present.

Mr. BLACK. Mr. President, I move that the Senate take a recess until to-morrow at 11 o'clock a. m., and on that motion I ask for the years and nays.

The PRESIDING OFFICER. Is the demand sufficiently seconded? Apparently it is, and the clerk will call the roll.

Mr. SHORTRIDGE. Mr. President, a point of order—or, rather, I ask for information first, and then I shall make a point of order. Does the Chair rule that there was a sufficient demand for a roll call?

The PRESIDING OFFICER. The Chair so ruled.

Mr. SHORTRIDGE. I am not disposed to appeal from the ruling of the Chair, and so I shall let it go.

The PRESIDNG OFFCER. The question is on the motion of the Senator from Alabama [Mr. BLACK] to take a recess until 11 o'clock to-morrow morning, on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], but he authorized me to vote without regard to the pair, and I vote "nay."

The roll call was concluded.

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is ill and confined to his home.

Mr. OVERMAN. I desire to state that my colleague [Mr. SIMMONS] is detained from the Senate on official business. He has a general pair with the junior Senator from Ohio [Mr. BURTON].

The result was announced—yeas 16, nays 49, as follows:

YEAS—16

Black	Caraway	Harrison	Thomas, Okla.
Blaine	Dale	Heflin	Walsh, Mont.
Brookhart	George	Mayfield	Waterman
Bruce	Harris	Nye	Wheeler

NAYS—49

Barkley	Gerry	Moses	Smoot
Bingham	Glass	Norbeck	Steiwer
Blease	Glenn	Norris	Swanson
Bratton	Goff	Oddie	Thomas, Idaho
Broussard	Hale	Overman	Trammell
Capper	Hawes	Pine	Vandenberg
Couzens	Hayden	Reed, Pa.	Wagner
Curtis	Johnson	Robinson, Ind.	Walsh, Mass.
Edge	Jones	Sackett	Warren
Edwards	Keyes	Schall	Watson
Fess	King	Sheppard	
Fletcher	McKellar	Shortridge	
Frazier	McMaster	Smith	

NOT VOTING—30

Ashurst	Gould	McNary	Shipstead
Bayard	Greene	Metcalf	Simmons
Borah	Hastings	Neely	Steck
Burton	Howell	Phipps	Stephens
Copeland	Kendrick	Pittman	Tydings
Deneen	LaFollette	Ransdell	Tyson
Dill	Larrazolo	Reed, Mo.	
Gillett	McLean	Robinson, Ark.	

So the Senate refused to take a recess.

PENSIONS AND INCREASE OF PENSIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBINSON of Indiana. Mr. President, I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

Mr. BLACK. I do not know what the bill is. I should like to ascertain.

Mr. ROBINSON of Arkansas. It is House bill 16878, a pension bill.

Mr. BLACK. I should like to have the bill read or to know something about it before we are called upon to act.

The PRESIDING OFFICER. The bill can not be read. The question before the Senate is on the motion of the Senator from Indiana that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BINGHAM. I inquire what is the question upon which we are about to vote?

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana that the Senate insist upon its amendments to House bill 16878, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). I should like to repeat the announcement of the unavoidable absence of my colleague [Mr. SHIPSTEAD] on account of illness.

The roll call was concluded.

Mr. SMITH. I have been requested to announce that the Senator from North Carolina [Mr. SIMMONS] is unavoidably absent.

The result was announced—yeas 63, nays none, as follows:

YEAS—63

Barkley	Edwards	McKellar	Sheppard
Bingham	Fess	McMaster	Shortridge
Black	Fletcher	McNary	Smith
Blaine	Frazier	Mayfield	Smoot
Blease	George	Moses	Swanson
Bratton	Gerry	Norbeck	Thomas, Idaho
Brookhart	Glass	Norris	Thomas, Okla.
Broussard	Glenn	Nye	Trammell
Bruce	Goff	Oddie	Vandenberg
Capper	Hale	Overman	Wagner
Caraway	Harrison	Pine	Walsh, Mont.
Copeland	Heflin	Reed, Pa.	Warren
Couzens	Johnson	Robinson, Ark.	Waterman
Curtis	Jones	Robinson, Ind.	Watson
Dale	Keyes	Sackett	Wheeler
Edge	King	Schall	

NOT VOTING—32

Ashurst	Deneen	Greene	Hayden
Bayard	Dill	Harris	Howell
Borah	Gillett	Hastings	Kendrick
Burton	Gould	Hawes	LaFollette

Larrazolo	Phipps	Shipstead	Stephens
McLean	Pittman	Simmons	Tydings
Metcalf	Ransdell	Steck	Tyson
Neely	Reed, Mo.	Steiwer	Walsh, Mass.

So the motion of Mr. ROBINSON of Indiana was agreed to.

The PRESIDING OFFICER. The Chair appoints as conferees on the part of the Senate the Senator from Indiana [Mr. ROBINSON], the Senator from South Dakota [Mr. NORBECK] and the Senator from Iowa [Mr. STECK].

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Mississippi [Mr. HARRISON] to reconsider the vote whereby the first committee amendment was agreed to.

Mr. HARRISON. To save the time of the Senate, I ask unanimous consent that the vote be reconsidered.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. BLAINE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. HARRISON. I yield to the Senator.

Mr. BLAINE. I ask unanimous consent for the immediate consideration of a conference report submitted this morning on Senate bill 2366.

The PRESIDING OFFICER. Is there objection?

Mr. VANDENBERG. If it leads to any debate, I shall have to object. I suspect it might.

The PRESIDING OFFICER. The Secretary will read the report.

The legislative clerk proceeded to read the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The PRESIDING OFFICER. Is there objection?

Mr. VANDENBERG. I object.

Mr. HEFLIN. I suggest that the Senator move to take it up.

Mr. BLAINE. I move that the Senate now proceed to the consideration of the conference report on Senate bill 2366.

Mr. BLACK. On that I call for the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded? [A pause.] Not a sufficient number have seconded the demand.

Mr. HARRISON. I ask for the other side.

The PRESIDING OFFICER. Those opposed to the yeas and nays will raise their hands. [A pause.] The Chair will state that the rules require only one-fifth of the Members present to second the demand for a roll call. That is not necessarily to be determined by a show of the other side. However, the Chair is going to order that the roll be called this time. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. There seems to be some confusion about what the vote is on. It is on the motion of the Senator from Wisconsin [Mr. BLAINE] to take up the conference report on Senate bill 2366. The Secretary will proceed with the roll call.

The legislative clerk resumed the calling of the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). I wish to announce that my colleague [Mr. SHIPSTEAD] is ill, and confined to his home. I ask that this announcement may stand for the day.

The roll call was concluded.

Mr. REED of Pennsylvania. I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT] and will vote. I vote "nay."

Mr. GEORGE. I am paired with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Missouri [Mr. REED], and will vote. I vote "yea."

Mr. OVERMAN. I desire to announce that the Senator from North Carolina [Mr. SIMMONS] has a general pair with the Senator from Ohio [Mr. BURTON].

The result was announced—yeas 21, nays 37, as follows:

YEAS—21

Black	Dale	Hawes	Thomas, Okla.
Blaine	Frazier	Heflin	Wagner
Blease	George	McMaster	Waterman
Brookhart	Glass	Mayfield	
Copeland	Harris	Nye	
Couzens	Harrison	Swanson	

NAYS—37

Bingham	Glenn	Norbeck	Shortridge
Bratton	Goff	Oddie	Smith
Broussard	Hale	Overman	Smoot
Bruce	Johnson	Pine	Thomas, Idaho
Capper	Jones	Reed, Pa.	Vandenberg
Caraway	Keyes	Robinson, Ark.	Warren
Curtis	King	Robinson, Ind.	Watson
Edge	McKellar	Sackett	
Fess	McNary	Schall	
Fletcher	Moses	Sheppard	

NOT VOTING—37

Ashurst	Gould	Neely	Stephens
Barkley	Greene	Norris	Trammell
Bayard	Hastings	Phipps	Tydings
Borah	Hayden	Pittman	Tyson
Burton	Howell	Ransdell	Walsh, Mass.
Deneen	Kendrick	Reed, Mo.	Walsh, Mont.
Dill	La Follette	Shipstead	Wheeler
Edwards	Larrazolo	Simmons	
Gerry	McLean	Steck	
Gillett	Metcalf	Steiwer	

So Mr. BLAINE's motion was rejected.

Mr. HARRISON. Mr. President, I wish to inquire of the chairman of the committee about the first item in the bill. I have sought information in the hearings, but I do not think the Senate committee had any hearings. Am I right about that?

Mr. WARREN. What is the Senator's question?

Mr. HARRISON. The first item on page 2, Title I—"Legislative, Senate"—where we seek to pay William A. Folger for extra and expert services rendered the Committee on Pensions during the second session of the Seventieth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, fiscal year 1929, $1,200. I do not think the committee had any hearings.

Mr. WARREN. So far as that is concerned, as the Senator very well knows, for many years we have had a man come from the Pension Office each year to assist the Pensions Committee of the Senate.

Mr. HARRISON. What does this man, Folger, do? I am trying to get a general idea of the services he performs.

Mr. WARREN. I invite the Senator to attend some of the meetings of the committee, and be really industrious for a time, to acquaint himself with these matters.

Mr. HARRISON. I want to ask the Senator from Utah about this proposition.

Mr. SMOOT. I know what the Senator from Mississippi is undertaking to do. I know that he knows just about as much about this amendment as I do.

Mr. HARRISON. I do not know anything about it.

Mr. SMOOT. Oh, yes; the Senator does. I will say to the Senator, however, that this item has been in every appropriation bill for the last 20 years—not for this particular man, but for this particular service. He has furnished the Committee on Pensions with a report upon every pension bill that was referred to it, as found in the Pension Office. He has to collate information on every bill amending the pension laws, stating what it will cost, and why it will cost the amount that he estimates. That is his particular work, and he is an experienced man along that line. The Senator, however, knew all that.

Mr. HARRISON. Why was not this item carried in the House bill?

Mr. SMOOT. Because this is a Senate item. This man has nothing whatever to do with the House.

Mr. HARRISON. How long has he been in the service of the Government?

Mr. SMOOT. I think about 30 years.

Mr. HARRISON. Does the Senator recall whether he came from Utah or from Mississippi? [A pause.] I think the Senate is entitled to all the information it can get with reference to these various items. This is an important proposition. We shall have to vote on it. Of course, it may appear to some Senators that $1,200 is not much, but $1,200 is a lot of money.

Mr. HEFLIN. Mr. President, I hate to accuse the Senator from Utah of anything that smacks of wrongdoing, but it looks to me like he is trying to withhold from this body information that he ought to be required to furnish to it.

Mr. BLACK. Mr. President——

Mr. HARRISON. I have heard it suggested that this gentleman has another job. Has he another job?

Mr. BLACK. Will the Senator yield?

Mr. HARRISON. I yield.

Mr. BLACK. I suggest the absence of a quorum.

Mr. WARREN. What business have we transacted since the last call?

The PRESIDING OFFICER. No business has been transacted.

Mr. COUZENS. Mr. President, we declined to take up a conference report. Business has been transacted.

Mr. HARRISON. I ask for the yeas and nays on the adoption of this amendment.

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Shortridge
Barkley	Frazier	Mayfield	Smith
Bingham	George	Moses	Smoot
Black	Glass	Norbeck	Steiwer
Blaine	Glenn	Norris	Swanson
Blease	Goff	Nye	Thomas, Idaho
Bratton	Hale	Oddie	Thomas, Okla.
Broussard	Harrison	Overman	Trammell
Capper	Hawes	Pine	Vandenberg
Copeland	Hayden	Reed, Pa.	Wagner
Couzens	Heflin	Robinson, Ark.	Warren
Curtis	Johnson	Robinson, Ind.	Waterman
Dale	Jones	Sackett	Watson
Edge	Keyes	Schall	Wheeler
Fess	King	Sheppard	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

The question is on agreeing to the first amendment of the committee.

The amendment was agreed to.

Mr. HARRISON. Mr. President, that was the first amendment. The next amendment is:

For payment to Guy E. Ives for services rendered the Senate and committees thereof, fiscal year 1929, $600.

The PRESIDING OFFICER. The Chair will state that that amendment has been agreed to.

Mr. HARRISON. I ask unanimous consent that the vote by which the amendment was agreed to be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. HARRISON. I know Mr. Ives; I know he is a competent man, as was Mr. Folger, but I am just wondering why Mr. Folger is paid $1,200 and Mr. Ives $600. I want the Senator from Utah, a member of the committee, to explain this discrepancy, if he can, if the committee got any information about it.

Mr. SMOOT. Mr. Ives does not give one-half the time Mr. Folger does.

Mr. HARRISON. They both get the same salary per month?

Mr. SMOOT. The services of one are more than those of the other.

Mr. HARRISON. The Senator stated that, but I think if he will look he will see that he is wrong in that assertion.

Mr. SMOOT. I do not want to help the Senator look. He looked at this long enough without my helping him.

Mr. HARRISON. The Senator certainly would not make a statement to the Senate that they both got the same salary if they did not. Is the Senator sure they both get the same salary?

Mr. SMOOT (from his seat). I did not say that.

Mr. HARRISON. I do not know where we are to get this information.

Mr. COUZENS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. COUZENS. Is not the Senator supposed to rise when he is speaking in the Senate?

The PRESIDING OFFICER. The point is well taken.

Mr. HARRISON. When a point of order such as that is made, and it is held to be well taken, is it not then the duty of the Senator to rise?

The PRESIDING OFFICER. When he addresses the Senate.

Mr. HARRISON. Now, I will ask the Senator from Utah if the salaries of Mr. Folger and Mr. Ives are the same; that is, if the hearings before the Senate committee disclosed that fact.

Mr. SMOOT. They did not.

Mr. HARRISON. I did not understand the Senator.

Mr. VANDENBERG. Does the Senator want to have the salaries reapportioned?

Mr. HARRISON. No; I am very well satisfied with the salaries. I did not understand the Senator from Utah in answer to the question.

Mr. President, I am sorry that the distinguished Senator from Kansas [Mr. CURTIS] is not in the Chamber; but the Senator from Michigan Mr. [VANDENBERG] is here. We see what we are up against with reference to this legislation. I am hopeful that the steering committee, which has put on the program the reapportionment bill to be taken up as the next order of business, can see the situation we are up against. I dislike to try to find out so much about these many paragraphs, but I state that I am going to find out about them if I possibly can. I dislike to ask the questions of the Senator from Wyoming [Mr. WARREN], who is always so glad to answer every question, out of consideration for him. I know the Senator from Utah [Mr. SMOOT] is always glad to answer questions, and consequently I do not have much sympathy for him. But I say that, so far as it is within my power—and I think there are other Senators here who take the same position—in view of the fact that the Committee on Commerce of the Senate did not give the consideration to the reapportionment bill that it deserved, and the time that necessarily should be taken in the discussion of such a question as that, it can not possibly pass during the remaining days of this session.

APPORTIONMENT OF REPRESENTATIVES

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. HARRISON. Yes.

Mr. SMOOT. Does the Senator really believe that there are Senators enough here to prevent the passage of the reapportionment bill?

Mr. HARRISON. If the Senator from Utah, who has been here since a time whereof the memory of man runneth not to the contrary, really believes that the reapportionment bill, in view of the situation here, has any possible chance of passing at this session, then he has not the judgment I think he has. I ask the Senator if he thinks it possible to pass that bill.

Mr. SMOOT. I asked the Senator if he thought it was impossible to pass it.

Mr. HARRISON. I know it is impossible to pass it.

Mr. SMOOT. If the Senator knows that, of course there is no need of my expressing an opinion. I was in hopes it could pass, but if the Senator has even 10 or 12 Senators who feel as he feels, who have made up their minds that they will not allow the bill to be passed, I am quite sure it could not pass.

Mr. HARRISON. I thought the Senator would see it in that way, and I had hoped the steering committee would see it that way. I was hopeful that the Senator from Michigan, who has made a great and gallant fight because he believes in this particular reapportionment bill, would see the situation in that light. I know that if he did not regard the bill as he does, he would not be advocating it. He has used every possible effort to bring it before the Senate, but I do not think it is possible for him to do that, and it is just clogging up the wheels here.

I had hoped that the Senator from Michigan might consent to having the bill referred back to the Committee on Commerce, or give us assurance that he would not press for its consideration at this time.

Mr. SMOOT. The Senator does not for a moment think that the Senator from Michigan is asking anything but what he thinks is absolutely fair and right?

Mr. HARRISON. I just said that the Senator from Michigan is sincere and conscientious in his efforts to have the legislation become a law, but it matters not what his efforts may be. We have seen for the last four weeks or more how he has endeavored to get it before the Senate, and because of the condition of the calendar he could not. I hope that the Senator will permit the reapportionment bill to go to the committee, so that we can get along in an orderly way.

Mr. VANDENBERG. May I ask the Senator from Mississippi one or two very frank questions?

Mr. HARRISON. I will answer them just as candidly as I know how.

Mr. VANDENBERG. I will ask them good-naturedly as well as frankly. But I ask them with great earnestness. Does the Senator mean that it is his purpose to invoke all possible of the technical and dilatory rules of the Senate in order to prevent an expression by roll call on the part of the Senate upon the constitutional question involved in the reapportionment bill?

Mr. HARRISON. Absolutely, and there are others who believe as I do.

Mr. VANDENBERG. Does the Senator think that by the invocation of those rules in such obstructive fashion he can prevent the Senate of the United States from reaching an expression upon the reapportionment bill?

Mr. HARRISON. We have before us now the second deficiency appropriation bill of 200 pages which touches every agency of the Government. If an explanation of the innumerable items therein contained is demanded, I think it would take six weeks at least for us to get through with that measure, and we have only three or four days yet remaining; so I am sure the Senator could not possibly get his bill up. Therefore, holding it here as he is attempting to do, he is clogging the wheels of the Senate.

Mr. VANDENBERG. Will the Senator permit me to make a brief statement?

Mr. HARRISON. I yield the floor to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, the last thing in the world I would be willing to do would be to take the responsibility upon myself for needlessly defeating these great supply bills upon which the uninterrupted maintenance of the Government depends. But apparently the Senator from Mississippi and those who agree with him in their opposition to constitutional reapportionment are quite willing to take the responsibility for defeating the very revenues of the Government in order to protect their unwarranted representation in Congress, although they can not maintain their contention for the representation which they thus protect. It is indeed a sordid contemplation.

I repeat that I would be unwilling to take the responsibility for holding up the supply bills when the only possible net result would be to defeat not only those bills but the reapportionment bill as well, so that at the end of the entire session all that we could have would be a total and complete failure of everything.

Mr. President, in length of service I am a very young Member of the Senate. I am in no position to assess the ability of the Senator from Mississippi and his associates to prolong these operations in the fashion he has so irritatingly exemplified the last few hours. Therefore I have consulted those in whose judgment I have great reliance and I am bound to pay the Senator from Mississippi the compliment of saying to him that there is apparently a unanimous opinion upon this side of the Chamber that he has the fortitude and the genius and the imagination and the perversity which is amply sufficient to accomplish precisely the result he prophesies. Therefore I am bound to consider that the inevitable net result of the proceedings as it now goes on, if uninterrupted, is the defeat, not only of reapportionment but also of other great measures, vital to the Government, which otherwise may carry.

During this afternoon, anticipating precisely the situation which now exists, I made other inquiries. I am not at liberty to indicate their nature in detail, but I am able to say with considerable confidence that, in my judgment, if the reapportionment measure and the census measure are recommitted to the Commerce Committee, they will come back out of the committee early in the special session of the Congress and in a sufficient potentiality and with adequate authority so that inevitably in the special session we shall have this belated acknowledgment of the constitutional rights of 32,000,000 disfranchised Americans.

Mr. President, in proposing a unanimous-consent agreement, which I shall do and which leads to this net result, I express very great regret, I express a very keen disappointment, a certain degree of most unwelcome disillusionment, that it is possible that the first constitutional responsibility in the great charter upon which our representative government is framed and functions not only can be ignored and spurned for eight sterile years but that when at last the Senate of the United States is forced for the first time in 18 years to confront it, there is a convenient maze of Senate rules which can prevent it and there is actually an insufferable failure to look with seriousness upon the thing which I have brought to the bar of the Senate. On the contrary, it is treated with mockery. I do not think the people of the United States will contemplate this ugly spectacle with any enthusiasm or approval. I want the country to understand what is happening to their Constitution in the forum foresworn to its defense. It is entirely possible that the constituents of some of my distinguished friends across the aisle who have led in this aggravated filibuster may be satisfied; but in the long run, Mr. President, I very much doubt whether the American people, regardless of their self-interests and regardless of the State in which they live, will be willing to subordinate this essential representative principle of government which has been outrageously sacrificed for the last eight years and is sacrificed again to-day.

Oh, it is an easy thing, a very, very, easy thing, to contemplate this as a mere matter of casual mathematics and something which has no serious purport in our constitutional scheme of things. But it is vastly more. It involves the very roots of the institutions of the Republic. I wish I had Edwin Markham's poignant poem here describing the fall of the Bell Tower of Venice and indicating with terrible eloquence how a tremendous structure can be eaten away by insignificant insects beneath the ground in the basic timbers, until the work of a thousand years can fall in a single tragic moment. There is this analogy. One can never tell when a breach in the continuity of constitutional warrants will lead to a breach so much broader in the net result that ultimately the entire structure suffers.

If I speak earnestly it is because I feel earnestly.

Mr. President, I believe in the eighteenth amendment and I happen to be one of those who practices what he preaches. I have applauded many a time the devotionals that have been poured out to the eighteenth amendment by some of my friends across the aisle who join to-day in making it impossible to have a roll call upon reapportionment. But I want to say in this testimony to-night that so far as I am concerned we can not approach the Constitution of the United States merely from the back door via only the eighteenth amendment and stopping there. We have got to approach it from the front end too, and when we do we reach Article No. 1, and Article No. 1 insists that the representatives in the Congress of the United States shall be apportioned according to the numbers of the people, and that has not been done for eight years. It is about time we gave our dependable fidelities to the entire document. Anything less is hypocrisy and can not.

There is involved in the decision which we are about to make not only the disfranchised 32,000,000 people who are not represented in this body, but there also is involved the constitutionality of the Electoral College which is equally impaired and outraged. There is involved the fundamental fidelity and validity of the whole theory of American representative Government. It is almost impossible for me to believe my ears when Senators rise and say that they are willing to resort to parliamentary subterfuge in order to prevent a roll call; to prevent the free expression of the American Senate on whether or not it wants representative Government maintained pursuant to the theory of the Constitution.

Taxation without representation is tyranny, it was said when the fathers of the Republic carried forward the vivid, initial adventure of which we are the beneficiaries. Taxation without representation is just as much tyranny to-day as it ever was, and those who are victimized will not forever be satisfied with the answer that the rules of the Senate—rules written in the name of freedom of debate—prevent them from having an opportunity to record the opinion of their Congress as to whether or not their constitutional guaranties shall be preserved. There is something wrong with such rules, and there is particularly something wrong with those short sessions which permit such a checkmate upon Government functions.

In the face of the situation, it may well be imagined with what feeling I make this proposal. I make it in the face of unescapable necessity. I make it acknowledging the baneful power of the Senator from Mississippi [Mr. HARRISON] and those associated with him to use the rules in order to prevent all legislation unless this is done. I make it with the promise that reapportionment will reappear in the next Congress in the extra session and stay before the bar of the Senate until it is acted upon. I make it with the assurance from others that there will be recruitments and support for the effort which will then be made, and made successfully. I make it in the mature belief that it is the surest way to save these constitutional warrants.

To complete the situation, I submit this unanimous-consent agreement——

Mr. BRUCE. Mr. President, may I make just one observation, if the Senator will pardon me? I hope the Senator will not feel it necessary to tie up the census bill with the reapportionment bill. I do not see any necessity for a motion to recommit those bills, and I hope the Senator may not feel it necessary to do that.

Mr. COUZENS. Mr. President, I want to assure the Senator that if my colleague does not do so, I will do so.

Mr. VANDENBERG. May I submit the unanimous-consent agreement?

Mr. BRUCE. Even the senior Senator from Michigan can not speak for the unanimity of the Senate.

Mr. COUZENS. No; but he can do just as the Senator from Mississippi has done.

Mr. VANDENBERG. Mr. President, I ask unanimous consent that the reapportionment bill and the pending census bill be recommitted to the Committee on Commerce.

Mr. BRUCE. Mr. President, I say again what I said a moment ago. I do not see why the census bill should necessarily be tied up to the reapportionment bill.

Mr. VANDENBERG. It may come out separately and it may not. I can not permit the reapportionment bill to be set aside in this fashion without also setting aside the census bill, because the census has only one constitutional purpose and that is as a basis for reapportionment. We have had our last anti-constitutional census if I can prevent it.

Mr. BRUCE. But what I mean to say is that the other night, to all appearances, the Senate was ready to pass the census bill in advance of the passage of the reapportionment bill.

Mr. HEFLIN. Mr. President——

Mr. BRUCE. I yield to the Senator from Alabama.

Mr. HEFLIN. I want to say to the Senator that the census bill could not be passed at this session unless the Senator from

Michigan would agree not to offer his bill to it as an amendment.

Mr. VANDENBERG. That is correct. It is impossible to pass it.

Mr. HEFLIN. Nobody would agree to limit the debate on that bill, because if we did so then the Senator from Michigan would offer his amendment.

Mr. VANDENBERG. That is correct.

Mr. HEFLIN. I am in favor of reapportionment, and I think we can get together on it in another session.

Mr. VANDENBERG. I thank the Senator for his enthusiasm.

Mr. HEFLIN. I am not objecting to those States which are entitled to more representation having it, but we differ somewhat on the method as to how the result shall be brought about, as my colleague pointed out the other night.

Mr. BRUCE. I drop the subject, Mr. President.

Mr. COPELAND. Mr. President, after hearing the remarkably patriotic address of the Senator from Michigan [Mr. VANDENBERG], I am amazed beyond words that he would pull down the flag and surrender as he has. The Senator waited until he saw the whites of the eyes of the enemy, and then he turned around and ran away. I am amazed at the Senator. Of course, we must have reapportionment; it is our constitutional duty to provide it; and if the Senator from Michigan is not willing to have it now, I am going to do my part to have this Congress do its constitutional duty. Therefore I object to the proposal of the Senator from Michigan.

Mr. HARRISON. Mr. President, I am deeply sorry that the Senator from New York objects to that course. I move that the bill (H. R. 11725) for the apportionment of Representatives in Congress and the census bill (H. R. 393) be referred to the Committee on Commerce.

The VICE PRESIDENT. The motion of the Senator from Mississippi is out of order, because the bill to which he refers is not before the Senate.

Mr. HARRISON. By a majority vote, I suggest it may be done.

The VICE PRESIDENT. If the bill should be laid before the Senate by a majority vote, then the Senator's motion will be in order, but the bill is not before the Senate at the present time.

Mr. HEFLIN. Mr. President, the Senator from Michigan has already discussed this proposition. The bills are really under consideration, in a way, and the Senator from Mississippi wants to move to refer them to the committee, in keeping with the suggestion of the Senator from Michigan.

Mr. HARRISON. Mr. President, I ask unanimous consent—and in making this request, of course, I am relying upon the fact that I know the Senator from Michigan and other Senators who have expressed themselves as in favor of sending the bill to the committee will cooperate—that the bill now being considered be temporarily laid aside and that the census bill be taken up for consideration.

Mr. WATERMAN. I object.

Mr. HEFLIN. I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. SMOOT. I ask the Senator from Alabama to withhold his motion just for a few moments.

Mr. HEFLIN. I will withhold the motion for a moment, Mr. President.

The VICE PRESIDENT. The Chair recognizes the Senator from Utah.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. The Senator from Utah has the floor. Does he yield to the Senator from Alabama?

Mr. SMOOT. I yield.

Mr. BLACK. Mr. President, in view of one or two statements which have been made by the Senator from Michigan [Mr. VANDENBERG], and without having any desire or intention of delaying the Senate longer at this time, I wish to say that I feel it necessary to make a statement with reference to my position on reapportionment.

I believe in reapportionment every 10 years. I do not agree with the Senator that the Constitution is mandatory to that effect. It is my judgment that it is not mandatory. The Constitution does not say, as has been suggested here, that there shall be a reapportionment every 10 years. The Senator made the statement that we were objecting to a constitutional reapportionment. I do not object to a constitutional reapportionment, but I object to an unconstitutional reapportionment, and that is what is offered in the bill which has been before the Senate.

I state to the Senator and to the Senate now that after the census shall have been taken I shall join in an effort to bring about a reapportionment according to a fair, equitable, and just method, but not according to the method of major fractions, which is unfair and unjust to the people of the smaller States.

Mr. SMITH. Mr. President, will the Senator from Alabama allow me to interrupt him?

Mr. BLACK. Yes, sir.

Mr. SMITH. I want to commend the statement that the Senator is now making. It has been sought to create the impression in the country at large that the Senators on this side who are opposing this measure are opposed to reapportionment, when we are opposed only to the method proposed, and believe that it will work an injustice to some of the States that are as heartily in favor of reapportionment as are the other States. Besides that, it involves in it a method of reapportionment that is not contemplated by the Constitution.

Mr. BLACK. Yes, sir. The statement is correct that there has been a deliberate effort made to convince the public that those of us who are opposed to this bill are opposed to reapportionment. There was in the Washington Post to-day an editorial to that effect, which is untrue. I do not oppose reapportionment. I believe that it should occur every 10 years. I am willing to join the Senator from Michigan or the Senators from any other State, after a census shall have been taken, in securing a reapportionment, but I deny that the Constitution requires me to stand up in the Senate and vote for a measure proposing to turn the method of computation over to the Secretary of Commerce. How do we know who the Secretary of Commerce will be? How do we know the method he will adopt? We do know that in the last census the States of Mississippi, New Mexico, Ohio, and Texas lost a Representative each, although they were entitled to that Representative under the system of major fractions. There is exactly the statement that was made by the Assistant Director of the Census.

I simply want to make it clear, so that even the Washington Post can understand me, that I am not opposing reapportionment. The Washington Post selected a part of one sentence of a statement I made last week, and left out the remainder of the sentence, concealing the real view that I entertained. I do not know why the Washington Post should have done that, unless it is in the habit of concealing and aiding others in the concealment of other things; but I do know that in that editorial they concealed my real views by taking a part of the statement I made.

Now I wish to repeat, so that there can be no doubt about it, that I favor the reapportionment every 10 years. I shall vote for a reapportionment after the census shall have been made even if it takes Representatives away from my State. I have no sympathy in the slightest degree with any effort to defeat that which I believe to be implied in the Constitution, a reapportionment every 10 years.

I think it is unjust and wrong to deprive the State of Michigan and the State of Florida and the State of California or any other State of increased representation which they should have, if they have an increase in population; but I think it is just as unfair and unjust to attempt to cram a method down the throats of the people of this country which does not give a just apportionment and at the same time to couple with it an effort to turn it over to the Secretary of Commerce, who will determine the method of computation from a partisan standpoint.

If Congress has become so weak, so ignoble, that it is willing to turn over to a Secretary of Commerce or any other assistant executive or bureau the most sacred right that is given Congress in determining what shall be the proper proportion of representation from a State, then, I think it is time to abolish Congress by an amendment just as Congress is attempting to amend the Constitution by this unjust, unconstitutional measure which has been pending here.

I have made this statement for this reason, and then I shall be through: The intimation has been made that those of us who oppose this measure are opposing obedience to the Constitution. I say that the method which is adopted in the so-called reapportionment bill is unconstitutional and is an absolute robbery of the rights of Congress and the prerogatives which are given to the Congress by the Constitution itself. I do not think that any man can hold up his hand and swear to obey the Constitution and at the same time vote for the pernicious measure which it has been sought to pass through the Senate.

Mr. JONES. Mr. President, I am heartily and earnestly in favor of the reapportionment bill, and also in favor of the census bill, but I think I have learned to appreciate a situation in the Senate when it confronts us. I have had some little experience along that line. A few years ago I held out for a bill practically all through the session until a few days before its close, when the situation became very much as it is now.

Then I realized that it was absolutely impossible to secure the passage of that bill, and when I came to that conclusion I was perfectly willing to give it up. In the interest of other legislation it was absolutely necessary to do so.

I am absolutely convinced that it is impossible to pass the reapportionment bill at this session. I have also talked to several Senators and find that they are unwilling to allow the census bill to pass until the reapportionment bill shall be up for consideration with a chance of passage. So, recognizing the situation which confronts us, and that we are going to lose other important legislation without securing the passage of either of these bills, it seems to me that it is wise upon the part of Senators of the United States to recognize the situation and accept it as it is.

I know that the Senator from New York is interested in radio legislation. I am also interested in that legislation. It appears to me that there is much more likelihood of enacting that measure than any other controverted legislation, and if the reapportionment bill and the census bill be kept before the Senate, I can see no possible chance for the radio bill, in which the Senator from New York, as well as other Senators, is so much interested.

As I have said, with these two measures out of the way, it would seem to me that we ought, without very serious trouble, to act upon the other legislation. I appeal to the Senator from New York in the interest of legislation that is essential that he do not object to the proposal that has been submitted to the Senate. I myself think it is wise under all the circumstances, much as I should like to have the reapportionment bill pass. The State of Washington has been deprived of a Representative in Congress, to which it is entitled, for practically 20 years. Of course, I would do nothing that would sacrifice the interests of that State; if I thought that it would promote the State's interests by continuing to urge the attempt to pass the reapportionment bill, I would do that; but I think it is not only useless but it threatens the defeat of other important legislation which otherwise would pass. So I appeal to the Senator from New York and the Senator from Colorado to allow to be taken the action which has been proposed.

Mr. COPELAND. Mr. President, I think perhaps the Senator from Washington is somewhat confused as to my attitude toward the radio bill. I am perfectly willing to have the radio bill passed with certain modifications.

Mr. JONES. That is what the Senator from Washington understood; and he had hoped that possibly the bill could be modified in such a way as to meet the approval of the Senator from New York.

Mr. COPELAND. I shall be very glad to hear what suggestions are to be made about modifications.

Mr. JONES. Of course, I do not know. I am not on the committee that has that bill in charge.

Mr. GLASS. Mr. President, I do not think the impression ought to go out that every Senator who is opposed to this reapportionment bill is opposed to reapportionment. I do not exactly know what effect it will have on my State. I have heard the assertion made that it may deprive Virginia of a Representative. I do not think that is especially important. I am convinced that 9 Representatives from the State of Virginia would be just as competent to take care of the interests of that Commonwealth as 10 Representatives. I think the Congress of the United States should have attended to its constitutional duty and have passed a reapportionment bill at the required time. I think the Congress of the United States ought now to do its constitutional duty in the premises, and not delegate it to some executive department of the Government.

So the assumption of the junior Senator from Michigan [Mr. VANDENBERG] or any other Senator that those who are opposed to this particular reapportionment bill are opposed to constitutional reapportionment is an inaccuracy of conclusion. I am in favor of reapportionment, but I am not in favor of abandoning my constitutional privilege or duty to any executive officer of the Government; and I may add that I have not participated in any of these strategic maneuvers here to-night to defer matters. I have voted to go right along with the business of the Senate.

Mr. DALE. Mr. President, this matter seems to be presented to the Senate as one of the utmost importance—a matter about which we are to take some position now, or, failing to take that position, we are remiss in our conduct.

Mr. President, this matter is not only not of the slightest importance to the Senate at this time, but it is absolutely impossible for us constitutionally to take any action on it. The only way in which the Senate can act now is to reapportion on the basis of the 1920 census; and before that could be put into effect we would have the 1930 census, and then it would be beyond our action.

No matter what Congress may have done or may have failed to do in the past, I want to say now to my distinguished friend from Michigan that I was very greatly interested in what he said about the sanctity of the Constitution. I consider that he made a very able address. I am not referring to what he said to-night, but to what he said the other day. [Laughter.]

Mr. SMITH. Outside of that, it is all right.

Mr. DALE. What he said to-night is all right, too, for that matter. I think he was very able and very courteous, and I commend him for the magnificent address that he made to-night, and I stand just where he stands as to the sanctity of the Constitution. That, however, is in the past——

Mr. VANDENBERG. Eight years past.

Mr. DALE. And we can not remedy that, and that is none of our business. We are asked to come in here and pass a reapportionment bill that has no effect whatsoever. We can not tell the Seventy-first Congress what they are going to do about reapportionment. It is none of our business.

I am, however, considerably interested in what the chairman of the Committee on Commerce [Mr. JONES] has said, and what the distinguished Senator from New York [Mr. COPELAND], who is a member of that committee, has said. I have been greatly interested in what the chairman of that committee said years ago about reapportionment. I say this with all due respect to both the Senator from Washington and the Senator from New York: They know that the Commerce Committee did not give one minute's consideration to this bill; and I am going to assume to say, knowing the good judgment of the Senator from Washington and the Senator from New York, that if they would give some consideration to the bill that is before us, if they would study this bill, they would both say it is the worst apology for a reapportionment bill that has been presented to Congress in 140 years.

Mr. JONES. Mr. President——

Mr. DALE. For half a century Congress attempted to pass reapportionment bills without major fractions. They studied the subject, and the ablest men in Congress spoke about the question, not taking into consideration major fractions. Then they changed to major fractions, and for three-quarters of a century they have dealt with major fractions. They have been studying this question for 125 years, and every time they said, "We shall have to take this bill because we can not find anything better"; and yet now, after all that time, when a method is proposed that will solve this perplexing question, a method that anybody, on study of it, will see will solve it perfectly—and it does not make any difference to my State which method you use—now, after 125 years of studying this perplexing question, they come to us with a bill to which they have attached the greatest fault possible.

They have prevented what Daniel Webster said was the only redeeming feature in a major fractions apportionment bill. He said, "The redeeming feature about it"—using the major fractions—"is that you can add to or take from, and therefore, get over this objection." This bill, however, says, "You shall neither add to nor take from; you shall have 435, and not 436 or 434"; and you have put into this bill a mathematical impossibility. You can not do it.

With all this behind us, and with a new method before us, that is perfectly clear, accurate, equal, and free from all these inconsistencies, the Senate and the Commerce Committee say, "You shall not study this new method. We will not give a minute's consideration to this bill, but we are going to put it through, and we are going to tell the next Congress they will have to take it."

That is the reason why I oppose this bill. I am for the Constitution first, last, and always; and I want to commend my friend from Michigan when he says he is for the eighteenth amendment and that he practices it. I am sick and tired of Senators getting up here in the Senate and casting reflections on their colleagues on the ground that they do not practice the eighteenth amendment. I am with you, Senator VANDENBERG. I believe in the eighteenth amendment first, last, and always; and, so help me God, I am going to practice it as long as I live! I feel the same way about this proposal. I am ready to stand behind the Constitution; I believe in its sanctity; and I will put my shoulder to the wheel with you, Senator VANDENBERG, any time that you bring in a bill that I can, by any stretch of the imagination, support; and the fact that I can not do that now is the reason why I am opposing this bill.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. WARREN. Mr. President, I again ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection?

Mr. HARRISON. Mr. President, reserving the right to object, I desire to say just a word.

Mr. WARREN. Does the Senator object?

Mr. HARRISON. For the present I reserve the right to object.

Mr. President, I shall not be provoked into a discussion of this reapportionment bill by any allusions of the eloquent Senator from Michigan [Mr. VANDENBERG]. He and I differ about it. I am following the course that I think is in the interest of the country. The Senator from Michigan seems to think this is the most important measure in all the world, and that we have been most negligent here for eight years in not passing it, and should pass it now.

I hope that before we adjourn a resolution will be passed by the Senate, and by the House, too, for that matter, giving authority to somebody to appoint a commission of a certain number of expert statisticians versed in these matters to study the various plans that have been proposed—the rejected fractions, the major fractions, and all of these plans—and to get up some data as to how each plan will affect every State, the arguments pro and con, and make their report to the next session of the Congress. I think it ought to be done. It will give us something to work upon, and something that we have not now in the measure that we should have.

Mr. President, I am going to accept the statements of the Senators on the other side—the Senator in charge of this bill [Mr. VANDENBERG], his colleague [Mr. COUZENS], the Senator from Kansas [Mr. CURTIS], the Senator from Washington [Mr. JONES], chairman of the Commerce Committee, and other Senators—that even though this bill be on the calendar and not be recommitted to a committee they will vote with those of us who oppose consideration of the reapportionment bill at this session of Congress; and I am going to withdraw any further opposition to this particular measure, assuming that that will be the course that will be pursued by these Senators.

Mr. VANDENBERG. The Senator understands that my agreement in this connection carries with it the census bill.

Mr. HARRISON. I understand that.

Mr. VANDENBERG. Because, if the census bill were brought up, I should have to reserve the right——

Mr. HARRISON. I think we understand that thoroughly. So I have no objection to dispensing with the formal reading of the appropriation bill.

Mr. BROOKHART. Mr. President——

Mr. WARREN. Mr. President, I have made a request for unanimous consent. Does the Senator object to that request?

Mr. BROOKHART. I want to reserve the right to object for a moment. I desire to see if some arrangement can not be made in reference to the amendment I wish to offer, so that I shall not need to object. If the rules have to be suspended, it would have to go over until to-morrow so that I could offer it.

Mr. WARREN. Certainly I can not say beforehand what I will do with a matter that has not yet come up at all.

Mr. BROOKHART. Is the Senator endeavoring to pass this bill to-night?

Mr. WARREN. I do not know exactly what the Senator wishes. If the Senator presents something that is out of order, and some Senator makes a point of order against it——

Mr. BROOKHART. There is a difference of opinion as to whether it would be out of order; but I have given notice of a motion to suspend the rules. That was done to-day, and it would have to go over until to-morrow under the rule. I did not know that there was such urgency to pass this bill to-night.

Mr. WARREN. If we do not pass it to-night, I do not think there will be much chance of the Senator getting anything into the bill or of my getting anything into the bill.

Mr. WATSON. If my friend the Senator from Wyoming will permit a suggestion, he may waive the rule as to the motion to suspend the rules, because when the Senator from Iowa offers his amendment, if it is subject to a point of order, the Senator from Wyoming can make the point of order.

Mr. WARREN. I have no desire to be in the Senator's way at all. I make no objection to his application for a suspension of the rules.

Mr. BROOKHART. I offered the amendment on the theory that it is regular, but if it is not I want to give notice of a motion to suspend the rules.

Mr. NORRIS. Let me suggest to the Senator from Wyoming in order to prevent delay that he might agree to this: I ask unanimous consent that the Senator from Iowa be permitted to offer his amendment—I suppose the Senator from Wyoming knows what it is; I do not——

Mr. WARREN. I think I do.

Mr. NORRIS. And that there will be no objection made to it on account of its being offered at this time.

Mr. WARREN. I am willing to waive the matter of precedence and let the Senator offer it now, if he desires.

Mr. BROOKHART. Very well.

Mr. McKELLAR. Mr. President, may I ask the Senator from Iowa what that amendment contains? Did he strike out the last part of it?

Mr. BROOKHART. The amendment I showed the Senator a while ago was one suggested by Mr. LEHLBACH of the House. That is not the amendment I offered. That provision is not in my amendment.

Mr. CURTIS. Mr. President, why could we not proceed with the bill in order, and then, when we reach the amendment, let the Senator offer it?

Mr. BROOKHART. That would be very agreeable to me.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment of the committee was, on page 3, after line 4, to insert a new paragraph, as follows:

For payment to Everett Kent for expenses incurred in presenting the case against the right of JAMES M. BECK to a seat in the House of Representatives, as audited and recommended by the Committee on Elections No. 2, $422.33.

The amendment was agreed to.

The next amendment was, on page 3, line, 9, to strike out "two" and insert "three," so as to make the paragraph read:

The three preceding appropriations shall be disbursed by the Clerk of the House.

The amendment was agreed to.

The next amendment of the committee was, on page 4, after line 19, to insert a new subhead and paragraph, as follows:

LIBRARY OF CONGRESS

Printing and binding: For printing and binding the indexes and digests of State legislation required to be prepared by the act of February 10, 1927 (U. S. C., Supp. I, p. 4, secs. 164, 165), fiscal years 1929 and 1930, $5,000.

The amendment was agreed to.

The next amendment of the committee was, on page 5, after line 13, to insert a subhead and a paragraph, as follows:

EXECUTIVE

Executive Mansion: For the care, maintenance, protection, and repair of the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, comprising approximately 84.81 acres of land, including buildings and other improvements thereon and all machinery, tools, equipment, and supplies used or for use in connection therewith, and including the alteration, refurnishing, improvement, heating, lighting, electric power and fixtures for buildings and grounds, and including traveling expenses, to be expended by contract or otherwise as the President may determine, fiscal years 1929 and 1930, $48,000.

Mr. BLEASE. Mr. President, does that relate to a place over here in the mountains of Virginia?

Mr. WARREN. It is a place called Mount Weather.

Mr. BLEASE. I was over there the other day, and I say that if this money were appropriated it would be a waste of money.

Mr. WARREN. I did not hear what the Senator said.

Mr. BLEASE. That place is not fit to be fixed up. That is the reason I objected to the resolution offered by the Senator from Ohio for the appointment of a commission to look into the matter of a summer home for the President. I was over at this place in Virginia the other day. The improvements there are old, dilapidated buildings.

Mr. WARREN. Does the Senator want to have it stricken out?

Mr. BLEASE. Yes; if that is in order.

Mr. McKELLAR. It is just a question of agreeing to the committee amendment. We can vote it down.

Mr. GLASS. Vote what down?

Mr. BLEASE. This proposed appropriation to fix up dilapidated buildings on a hill over in Virginia.

Mr. GLASS. As a matter of fact, the President of the United States made the recommendation for this in a special message to Congress, the matter has been considered by the Budget and approved by the Budget, it has been considered by the Committee on Appropriations, and I do not see why it should be stricken out.

Mr. BLEASE. Mr. President, the Senator from Ohio [Mr. FESS], the present occupant of the chair, offered a resolution

providing for the creation of a commission to look into the matter of a summer home for the President, to which I objected myself, but after having a conversation with the Senator from Ohio about the resolution, I told him that I would withdraw my objection, which I did. I do not think there should be a cent spent on these buildings until the commission provided for under that resolution shall have been appointed, and has an opportunity to go over there and look at the buildings. I was over there by accident a short time ago, while out driving with some friends, and I will say that, while that location may be all right for a summer home, it will take thousands of dollars to erect a home there. The old buildings can be torn down and new ones erected for less money than it would take to repair the old buildings and put them in proper condition. I think this matter should go over, let the commission be appointed, and when the commission makes its report, then we can decide whether we will spend any more money on these old dilapidated buildings. I hope that this amendment will be rejected.

Mr. GLASS. Mr. President, this is in accordance with the recommendation of the President of the United States, who is familiar——

Mr. BLEASE. Does the Senator suppose that the President of the United States has ever seen that place?

Mr. GLASS. I imagine that he has.

Mr. BLEASE. I have serious doubts about whether he ever had time to waste going up there.

Mr. GLASS. The buildings are of a very substantial nature. It will require only the modest sum of $48,000 to put them in good working order. Not only does the present incumbent of the White House approve this proposition, but my information is that the incoming President concurs. It has gone through the regular processes of budgetary examination and approval, and I hope the Senate will not reject the amendment.

Mr. SWANSON. Mr. President, this is one of the most beautiful sites, I suppose, in the East. There are about 84 acres of land owned by the Government at that place, it is about 1,700 feet high, there are good roads to it, and I do not know a better place in the world for an Executive who lives in Washington to go to spend a week end. This is very little money to put it in good shape. We will save the tremendous expense that would be incurred by commissions going all over the country, creating hopes which would never be realized. There are a good many places in Virginia which want the summer home for the President, but I think the best and most economic way to obtain a good place, a salubrious place, a beautiful place, is to carry out the recommendation made by the President.

This matter was agreed on after a thorough examination, and it went out, I think, on a point of order in the House when it was first suggested, because it had not been estimated for. That objection now has been overcome. It does seem to me, since the Government owns this property—this beautiful place—and that the buildings may need repairs the expense of which has been carefully estimated, it would be wise for the Senate to allow the improvements to me made.

Mr. COPELAND. Mr. President, I am not sure whether this is the place for such a home as is contemplated, but whether it is or not the appropriation will be made available, and we will soon learn whether it is the right place or not.

I appeal to Senators to realize that the President of the United States ought to have some place outside of this city where there is altitude, where he can have fresh and stimulating air. Whether this is the right place or not I am not competent to say, but I do know that for the sake of the welfare of the President and his health there should be a summer home in such a spot. So I am inclined to approve of this appropriation, hoping that if this is not the right place, as has been suggested by the able Senator from South Carolina, we will quickly find out that the money ought to be used somewhere else. At least we will have this much available.

Mr. BLEASE. Mr. President, I have not said a word against this location, but I am stating that this money should not be spent on the buildings there now, until the commission proposed to be appointed shall have an opportunity to investigate this matter. I doubt whether there is a man in the Senate outside of myself who has been up there and seen those buildings. I doubt whether there is a member of the Committee on Appropriations, which has made this recommendation, who has ever been to that spot. I would like to know if there is one here, the chairman or anybody else?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BLEASE. With pleasure.

Mr. COPELAND. I take it, then, that the Senator from South Carolina is in favor of a summer home for the President——

Mr. BLEASE. Absolutely.

Mr. COPELAND. He does not object to this location, but feels that in the interest of economy it would be better to vote more money and put up a new building?

Mr. BLEASE. I suggest that we wait until the commission is appointed for which a resolution was offered, and if they decide that this is the place, then we can spend the money there. Why spend $48,000 there when possibly the proposed commission will report that that is not the proper place?

Mr. GLASS. The possibility is that when the commission comes in with a report, it will cost the Government of the United States four or five million dollars instead of $48,000.

Mr. BLEASE. Well, we give millions away here nearly every day.

Mr. GLASS. This land, 84 acres, is already owned by the Government of the United States. I wish I had the photographs of the place here to show to the Senate. The buildings are of a substantial nature, of such a substantial nature that the President of the United States thinks that the expenditure of $48,000 will put them in complete order for presidential purposes.

Mr. WATSON. Mr. President, I want to ask a question for information. Who is responsible for the selection of this particular site for that particular purpose?

Mr. GLASS. I am not. I have not approached the President of the United States on the subject. The matter was presented to him——

Mr. WATSON. I am not charging that the Senator is responsible. I am asking who is.

Mr. GLASS. I can not say who is.

Mr. COPELAND. The President is, is he not?

Mr. GLASS. The President himself recommended the site.

Mr. WARREN. I did not catch the question, but this property was bought by the Government for purposes of the Weather Bureau many years ago.

Mr. GLASS. It is owned by the Government.

Mr. WARREN. As to who brought this matter up at this time is quite another matter, but I understand that it was put into the House bill and went out on a point of order——

Mr. GLASS. It went out on a point of order because it had not at that time been estimated for.

Mr. WARREN. Someone simply made a point of order against it.

Mr. GLASS. That is the fact.

Mr. WARREN. It is simply a matter of Senators voting for the amendment or against it.

Mr. WHEELER. Mr. President, will the Senator tell us how much it is going to cost to maintain this summer home after we appropriate this $48,000?

Mr. WARREN. I can not tell the Senator that, but I can say that this provision is for an appropriation of $48,000.

Mr. WHEELER. After we appropriate this $48,000, then are we not going to have to maintain a whole retinue of servants to keep up this new summer home?

Mr. WARREN. I have no information on that whatever.

Mr. WHEELER. Before we appropriate to build a summer home, I think the Senate ought to have information as to whether or not we are going to have a whole retinue of servants up there the year around.

Mr. WARREN. My young friend, society gentleman as he is, and well acquainted with the habits of society, knows as much as I can tell him about the White House retinue of servants of all kinds.

Mr. SMITH. May I suggest that when the President moves out there, he could leave a caretaker here at the White House, and take his retinue along with him?

Mr. GLASS. I was going to say that if we give the President of the United States a summer home at all, he will have to have some servants to look after it. As many, perhaps, would not be required at this suggested place, as at some palatial place that a commission going around the country would wind up in recommending.

Mr. BLEASE obtained the floor.

Mr. REED of Pennsylvania. Will the Senator permit a question?

Mr. BLEASE. Just a moment. This is simply indirect legislation, fixing upon this place for a summer home for the President. That is all it means. When this $48,000 is spent it will mean that we will be compelled to go on further and spend more money for the purpose of establishing this summer home. Why not leave this matter out, and let the matter as to where this home shall be be settled by the Senate and the House? This is not a thing but an effort to choke down the throats of the people, through this indirect legislation, this place as a summer home.

Mr. COPELAND. Will the Senator yield?

Mr. BLEASE. I do not object to the idea of a summer home for the President. If the proposed commission says that this is the place for it, I will not object to that. But I do object to an attempt to secure an appropriation of $48,000 for the repair of these old dilapidated buildings, and then come back here at the next session and say, "Why, you have already selected this place; $48,000 has already been spent on it."

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BLEASE. Certainly.

Mr. REED of Pennsylvania. Mr. President, I saw a picture of this place in the newspaper the other day. It may be that it was unfortunately taken, but the picture which was published did not show a single tree on the property. Can the Senator tell us whether there are any trees there?

Mr. GLASS. A part of the $48,000 is to be used for transplanting trees. As this is the season for the transplanting of trees, I expect the next President will enjoy it in the approaching summer a little while after he comes into the White House.

Mr. REED of Pennsylvania. There are many places in the Blue Ridge Mountains in Pennsylvania where it would not be necessary to transplant any trees.

Mr. GLASS. Yes; and there are plenty of places in the Blue Ridge Mountains of Virginia where we do not need to transplant any trees.

Mr. WHEELER. I assume probably the State of Pennsylvania would be willing to give some land for use as a summer home for the President.

Mr. REED of Pennsylvania. Of course, and they would be equally willing and glad in Virginia and in Maryland and in all the other near-by States.

Mr. WHEELER. If you can not find any in Pennsylvania, we will give some in Montana, and not only that, but we will build a home for the President.

Mr. REED of Pennsylvania. Certainly. The point I make is that for the Senate to select a summer White House which none of us have ever seen, which admittedly has no trees on it, is a most unintelligent way of going at the business.

Mr. GLASS. Of course, the Senator is mistaken in saying that there are no trees on the property. There is a forest there. There is inadequate shade in the immediate proximity of the building located there now.

Mr. REED of Pennsylvania. That is what I mean, and none of the trees in the forest showed in the picture of the property which was published in the paper. The place we are going to make a summer White House looks in its picture as if it was a reform school or some such institution.

Mr. BLEASE. Perhaps that is the reason why they want to send Hoover up there.

Mr. WHEELER. Is not that the reason why they picked it out so they could send the next President up there?

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. KING. I think existing law has required the sale of this property. Congress, as I recall, a number of years ago ordered a sale of the property. The proposed legislation is improper and I am going to make a point of order against it, because it is an attempt to legislate upon an appropriation bill.

Mr. GLASS. As a matter of fact, it is not an attempt to legislate on an appropriation bill. It involves an expenditure of $48,000 which has been submitted to the Bureau of the Budget, and by the Bureau of the Budget approved and submitted to the Congress of the United States.

Mr. SMITH. Mr. President, may I ask the Senator from Virginia if I understood him correctly to say that the present incumbent of the White House and the incoming President had approved or agreed to the place as being a desirable one for a summer White House?

Mr. GLASS. President Coolidge strongly recommended the selection of this place as a summer White House. I am told that the incoming President assents to the suggestion. I think that would naturally be assumed because it is incredible that President Coolidge, going out of office within a few days, would recommend the selection of a summer White House without the cordial assent of the incoming President.

Mr. REED of Pennsylvania. Can the Senator tell us whether either Mr. Coolidge or Mr. Hoover ever saw the place?

Mr. GLASS. No; I can not.

Mr. FLETCHER. If the President does not like it, he could turn it over to the Vice President.

Mr. GLASS. I assume that President Coolidge knew what he was about when he recommended the place.

Mr. SMITH. Mr. President, I think a happy solution of the matter has been suggested, that after we try it if it does not suit the President we could turn it over to the genial Vice President.

Mr. WHEELER. Yes; if it is not good enough for the President we can turn it over to the Vice President. [Laughter.]

Mr. SMITH. It might be so undesirable that neither one of them would care for it.

Mr. BLEASE. Mr. President, I would be very much delighted to see the President, 5 or 10 minutes after noon on the 4th day of March, turn the Presidency over to the Vice President elect, but I know he is not going to do that. God Almighty will have to do it if it is done within four years. I still contend that it is not right indirectly to foist upon the coming Congress the selection of this place by an expenditure of $48,000 to purchase these old sheds.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Kendrick	Robinson, Ark.
Bingham	Fess	Keyes	Robinson, Ind.
Black	Fletcher	King	Sheppard
Blaine	Frazier	McKellar	Shortridge
Blease	George	McMaster	Smith
Bratton	Glass	McNary	Smoot
Brookhart	Glenn	Neely	Steiwer
Broussard	Goff	Norbeck	Swanson
Bruce	Hale	Norris	Thomas, Okla.
Capper	Harrison	Nye	Trammell
Copeland	Hawes	Oddie	Walsh, Mass.
Curtis	Hayden	Overman	Warren
Dale	Heflin	Pine	Watson
Deneen	Johnson	Ransdell	Wheeler
Dill	Jones	Reed, Pa.	

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

Mr. GLASS. Mr. President, I have here the House hearings on this item, from which it would appear that the property was specially inspected by Colonel Grant at the direction of the President of the United States. It is specifically stated over and over again by Colonel Grant that the buildings on the property are of a very substantial nature; that the main building is of brick and completely fireproofed; that the value of the property is $184,000; that the proposed appropriation of $48,000 would put the buildings not only in thorough repair, but in readjustment to suit the purposes of a President.

Colonel Grant testified that the view in every direction is exceptionally fine, and that the property of 84 acres is heavily wooded in places, but that there are no trees in immediate proximity to the main building, for the reason that the trees there were cut down when the property was used for Weather Bureau purposes.

I may say that I have not interested myself about the matter. I never opened my lips to the President on the subject. It seems from the RECORD that an aide of the President, who very likely concurred in his attitude of economy toward public expenditures, foresaw that it would be much simpler to take an exceptionally fine piece of property of this sort already owned by the Government and devote it to this purpose.

Mr. KING. I raise the point of order against the amendment that it is general legislation.

The PRESIDING OFFICER. The Chair will be glad to hear the Senator on the point of order.

Mr. KING. I find that in the House of Representatives when this matter was under consideration, Mr. LAGUARDIA made the point of order on the amendment, declaring—

> It is legislation on an appropriation bill, and there is no authority for the appropriation.
>
> The CHAIRMAN. Does the gentleman from Indiana, the chairman of the committee, concede the point of order?
>
> Mr. WOOD. I do not think there is any doubt that it is subject to the point of order.
>
> The CHAIRMAN. The point of order is sustained.

Mr. WATSON. On what was the point of order based?

Mr. KING. That the amendment was general legislation upon an appropriation bill.

Mr. WATSON. Was there anything said at that time in the discussion about the Government having authorized the sale of the property?

Mr. KING. No; that was not stated, but had it been, it would have strengthened the point of order, of course.

Mr. WATSON. I was just wondering as to that.

Mr. GLASS. Mr. President, when the proposition was offered in the House of Representatives with the approval of the House committee it was conceded that it was legislation on an appropriation bill, because it contained a provision which changed the existing law. In the Appropriations Committee of the Senate, as other members of the committee will attest, I very carefully eliminated everything from the amendment that could be subject to a point of order, so that we are now simply called upon

to appropriate $48,000 for the improvement of the buildings and grounds now owned by the Government of the United States, an appropriation which has been estimated for by the Budget Bureau, approved, and sent to the Congress.

Mr. WATSON. If I understand the Senator correctly, then, in the House of Representatives this item carried a provision repealing the act to authorize the sale of the property?

Mr. GLASS. Yes.

Mr. WATSON. And that was legislation on an appropriation bill?

Mr. GLASS. It was legislation. It also contained a provision transferring jurisdiction of the property, which was likewise legislation; but all that has been eliminated from this amendment.

Mr. KING. Mr. President, I had the floor, but I do not want to interrupt the Senator from Virginia.

Mr. GLASS. Go ahead.

The PRESIDING OFFICER. The Chair would like to ask the Senator from Virginia a question. Was the part of the amendment as proposed in the House, which made it subject to a point of order, the portion repealing the authorization for the sale of property?

Mr. GLASS. Yes; and also providing for the transfer of jurisdiction.

The PRESIDING OFFICER. If there has been an authorization for the sale of the property and this amendment would change that provision, it would be subject to a point of order.

Mr. GLASS. I did not understand the statement of the Chair.

The PRESIDING OFFICER. If the authorization for the sale is not repealed, then an appropriation added to the property would be in violation of that authorization.

Mr. GLASS. I do not see how the Chair reaches that remarkable conclusion. We might spend $150,000 on that Government property and yet not repeal the authorization for the sale. The Government could sell the property with the buildings on it, rehabilitated and repaired. Why not?

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. GLASS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes seem to have it.

Mr. NEELY. I call for a division, Mr. President.

On a division, the question being put,

The decision of the Chair was not sustained.

The PRESIDING OFFICER. The question now is on the adoption of the amendment.

Mr. BLEASE. I call for the yeas and nays on the question of whether or not the Chair should be sustained. Several Senators did not vote on that question.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On that question the Senator from South Carolina demands the yeas and nays.

The yeas and nays were ordered.

Mr. GLASS. What is the proposition now being submitted, Mr. President?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GLASS. I make the point that the yeas and nays were not sufficiently seconded.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT], and vote "nay."

The roll call was concluded.

Mr. GEORGE (after having voted in the affirmative). I transfer my pair with the senior Senator from Colorado [Mr. PHIPPS] to the Senator from Nevada [Mr. PITTMAN], and let my vote stand.

Mr. JONES. I wish to announce that the Senator from Ohio [Mr. BURTON] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 18, nays 33, as follows:

YEAS—18

Blaine	Dill	King	Thomas, Okla.
Blease	Frazier	McMaster	Walsh, Mass.
Bratton	George	Oddie	Waterman
Brookhart	Johnson	Robinson, Ind.	
Dale	Keys	Schall	

NAYS—33

Bingham	Glenn	Norbeck	Smith
Black	Goff	Norris	Smoot
Broussard	Hale	Nye	Steiwer
Capper	Hawes	Overman	Swanson
Copeland	Hefflin	Pine	Thomas, Idaho
Deneen	Jones	Ransdell	Trammell
Edwards	Kendrick	Reed, Pa.	
Fletcher	McKellar	Sheppard	
Glass	Neely	Shortridge	

NOT VOTING—44

Ashurst	Gerry	McLean	Simmons
Barkley	Gillett	McNary	Steck
Bayard	Gould	Mayfield	Stephens
Borah	Greene	Metcalf	Tydings
Bruce	Harris	Moses	Tyson
Burton	Harrison	Phipps	Vandenberg
Caraway	Hastings	Pittman	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mont.
Curtis	Howell	Robinson, Ark.	Warren
Edge	La Follette	Sackett	Watson
Fess	Larrazolo	Shipstead	Wheeler

So the Senate refused to sustain the decision of the Chair.

The PRESIDING OFFICER. The question now is on agreeing to the amendment reported by the committee.

Mr. REED of Pennsylvania. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. May we have the amendment stated?

The PRESIDING OFFICER. The question is on the committee amendment, which will be stated by the Secretary.

The CHIEF CLERK. On page 5, after line 14, it is proposed to insert:

Executive Mansion: For the care, maintenance, protection, and repair of the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, comprising approximately 84.81 acres of land, including buildings and other improvements thereon and all machinery, tools, equipment, and supplies used or for use in connection therewith, and including the alteration, refurnishing, improvement, heating, lighting, electric power and fixtures for buildings and grounds, and including traveling expenses, to be expended by contract or otherwise, as the President may determine, fiscal years 1929 and 1930, $48,000.

The PRESIDING OFFICER. Those in favor of the amendment will vote "yea" when their names are called; those opposed will vote "nay." The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Delaware [Mr. HASTINGS] and will vote. I vote "yea."

Mr. GEORGE (when his name was called). Making the same announcement as before with reference to my pair, I vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I vote "nay."

Mr. SMITH (when Mr. SIMMONS's name was called). The senior Senator from North Carolina [Mr. SIMMONS] is unavoidably detained from the Senate this evening. He is paired with the Senator from Ohio [Mr. BURTON].

The roll call was concluded.

Mr. JONES. I have been requested to announce that the Senator from Ohio [Mr. BURTON] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 39, nays 18, as follows:

YEAS—39

Ashurst	Fletcher	McKellar	Schall
Bingham	Glass	Neely	Sheppard
Black	Glenn	Norbeck	Smith
Broussard	Hale	Norris	Smoot
Bruce	Harris	Nye	Steiwer
Capper	Harrison	Oddie	Swanson
Copeland	Hawes	Overman	Thomas, Idaho
Curtis	Hayden	Pine	Trammell
Deneen	Heflin	Ransdell	Watson
Edwards	Jones	Robinson, Ind.	

NAYS—18

Blaine	Fess	King	Vandenberg
Blease	Frazier	McMaster	Walsh, Mass.
Bratton	George	Reed, Pa.	Waterman
Brookhart	Goff	Shortridge	
Dill	Johnson	Thomas, Okla.	

NOT VOTING—38

Barkley	Gould	Mayfield	Stephens
Bayard	Greene	Metcalf	Tydings
Borah	Hastings	Moses	Tyson
Burton	Howell	Phipps	Wagner
Caraway	Kendrick	Pittman	Walsh, Mont.
Couzens	Keyes	Reed, Mo.	Warren
Dale	La Follette	Robinson, Ark.	Wheeler
Edge	Larrazolo	Sackett	
Gerry	McLean	Shipstead	
Gillett	McNary	Simmons	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will continue reading the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was under the heading "Federal Board for Vocational Education," on page 8, after line 20, to insert:

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia," approved February 23, 1929, fiscal year 1930, $15,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to insert:

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Toward carrying into effect the provisions of the act creating the Mount Rushmore National Memorial Commission, approved February 25, 1929, fiscal years 1929 and 1930, $100,000: *Provided*, That in addition to the amount herein appropriated the Mount Rushmore National Memorial Commission is authorized to incur contractual obligations in an amount not exceeding $150,000.

The amendment was agreed to.

The next amendment was, under the heading "District of Columbia, General Expenses," on page 14, after line 15, to insert:

Vocational rehabilitation of disabled residents, District of Columbia: To carry out the provisions of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes," approved February 23, 1929, fiscal year 1930, $15,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 17, to insert:

Home for Aged and Infirm: For the preparation of plans, specifications, and estimates for a suitable infirmary and hospital for the Home for Aged and Infirm, fiscal years 1929 and 1930, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Weather Bureau," on page 26, after line 2, to insert:

The sum of $10,000 of the appropriation "Salaries and expenses, Weather Bureau, 1930," contained in the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, is hereby transferred to the appropriation for the Coast Guard "for compensation of civilian employees in the field, etc.," contained in the act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, approved December 20, 1928.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Plant Industry," on page 26, after line 18, to insert:

Dry-Land Field Station, Tucumcari, N. Mex.: For the construction of new buildings and the repair and replacement of existing ones at the United States Dry-Land Field Station at Tucumcari, N. Mex., fiscal years 1929 and 1930, $25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 15, to insert:

BUREAU OF CHEMISTRY AND SOILS

Fertilizer investigations: For additional amounts for investigations within the United States of fertilizers and other soil amendments and their suitability for agricultural purposes, including the same objects specified under the respective heads in the agricultural appropriation acts for the fiscal years 1929 and 1930, to enable the Secretary of Agriculture to carry into effect the provisions of the act for the development of improved methods of recovering potash from deposits in the United States, approved February 20, 1929, for the fiscal years that follow:

For 1929, $17,000, of which amount not to exceed $7,000 may be expended for personal services in the District of Columbia;

For 1930, $25,000, of which amount not to exceed $20,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Biological Survey," on page 29, after line 7, to insert:

Migratory bird conservation act: For carrying into effect the provisions of the act entitled "An act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes," approved February 18, 1929, $75,000, authorized by section 12 of the act, including printing and binding, of which amount not to exceed $13,930 may be expended for personal services in the District of Columbia, and in addition thereto $5,000 authorized by section 18 of the act; in all, fiscal year 1930, $80,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 17, to insert:

Seed-grain, feed, and fertilizer loan for crop of 1929: To enable the Secretary of Agriculture to carry into effect the provisions of the joint resolution entitled "Joint resolution for the relief of farmers in the storm and flood-stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama," approved February 25, 1929, including the employment of persons and means in the city of Washington and elsewhere, and for the collection of moneys due the United States on account of loans made thereunder, fiscal years 1929 and 1930, $6,000,000, of which amount not to exceed $11,600 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce, Office of the Secretary," on page 32, after line 18, to insert:

Enforcement of wireless communication laws: For an additional amount to enable the Secretary of Commerce to purchase a site, and construct thereon a building for use as a constant-frequency monitoring radio station, including a roadway, power, and communication facilities, authorized in the act approved February 21, 1929, fiscal year 1929 and 1930, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Lighthouses," on page 34, after line 10, to insert:

Aids to navigation: For an additional amount covering the same objects and purposes specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1930, to carry out the purposes of the act approved February 25, 1929, fiscal year 1930, $190,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 19, to insert:

BUREAU OF MINES

Mining experiment stations: For additional amounts for mining experiment stations, including the same objects specified under this head in the acts making appropriations for the Department of Commerce for the fiscal years 1929 and 1930, respectively, to enable the Secretary of Commerce to carry into effect the provisions of the act for the development of approved methods of recovering potash from deposits in the United States, approved February 20, 1929, for the fiscal years that follow:

For 1929, $33,000, of which amount not to exceed $1,700 may be expended for personal services in the District of Columbia;

For 1930, $25,000, of which amount not to exceed $3,560 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading Interior Department, Office of the Secretary, on page 36, line 20, after the word "in" to insert "Senate Document No. 236 and", and in line 22, to strike out "$67.35" and insert "$1,067.35"; so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Department of the Interior, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 U. S. C. p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Document No. 521, Seventieth Congress, $1,067.35.

The amendment was agreed to.

The next amendment was, on page 46, line 12, before the words "The unexpended balance," to insert "Lake Andes, S. Dak., spillway and drainage ditch," so as to read:

Lake Andes, S. Dak., spillway and drainage ditch: The unexpended balance of $48,612.76 of the appropriation for the construction of a spillway and drainage ditch to lower the level of Lake Andes, S. Dak., contained in the act of September 22, 1922 (42 Stat. 1051), and covered into the surplus fund by the act of March 7, 1928 (45 Stat. 215), is hereby reappropriated for the same purposes during the fiscal year 1930: *Provided*, That no part of this appropriation shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of South Dakota satisfactory guaranties of the

payment by said State of one-half of the cost of the construction of the said spillway and drainage ditch.

The amendment was agreed to.

The next amendment was, at the top of page 47, to strike out "For per capita payment of $100 to members of the Menominee Tribe of Indians of Wisconsin (tribal funds) to be immediately available, $196,000," and in lieu thereof to insert:

Menominee Indians of Wisconsin: For per capita payment of $100 to members of the Menominee Tribe of Indians of Wisconsin, fiscal years 1929 and 1930, $196,000, to be paid from funds held in trust for such Indians.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry. Is it proper to submit an amendment at this point?

The PRESIDING OFFICER. Not unless it is an amendment to the committee amendment will it be in order at this time.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Reclamation," on page 48, line 23, after the numerals "$650,000," to strike out the colon and the following proviso:

Provided, That no part of this appropriation, or of the appropriation of $250,000 for the enlargement of the Avalon Reservoir contained in the act of May 29, 1928 (45 Stat. 902), shall be available until the Director of the United States Geological Survey shall have reported favorably on the foundation of the Avalon Dam and on the depth to which water may be stored in the proposed enlarged reservoir.

The amendment was agreed to.

The next amendment was, under the subhead "National Park Service," on page 51, line 21, before the word "For" to insert "Yellowstone National Park, Wyo.," so as to read:

Yellowstone National Park, Wyo.: For the necessary expenses of an examination of the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park by a commission to consist of five members to be appointed by the President, and to be known as the Yellowstone National Park Boundary Commission, whose duty it shall be to report to the President its recommendations concerning such adjustment, so much as may be necessary of the appropriations for the Yellowstone National Park for the fiscal year 1930 is hereby made available.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department, office of the Secretary," on page 60, line 20, after the word "in" to insert "Senate Document No. 236 and"; and in line 22, after the word "Congress," to strike out "$14,228.78" and insert "$16,484.78," so as to read:

Claims for damages by naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922 (U. S. C., p. 1127, sec. 599), as fully set forth in Senate Document No. 236 and House Document No. 521, Seventieth Congress, $16,484.78.

The amendment was agreed to.

The next amendment was, on page 61, line 6, after the word "in" to insert "Senate Document No. 236 and"; and in line 8, after the word "Congress," to strike out "$3,995" and insert "$4,253.50," so as to read:

Damage claims, private property: To pay claims for damages to or losses of privately owned property adjusted and determined by the Navy Department, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Documents Nos. 521 and 596, Seventieth Congress, $4,253.50.

The amendment was agreed to.

The next amendment was, on page 61, after line 8, to insert:

Navy pension fund: The Navy pension fund is hereby made available for the payment of the claim of Floyd A. Newell, amounting to $10.61, allowed by the General Accounting Office in accordance with the provisions of the act of March 29, 1918 (40 Stat., p. 499), as set forth in Senate Document No. 232, Seventieth Congress.

The amendment was agreed to.

The next amendment was, at the top of page 62, to insert:

BUREAU OF ENGINEERING

Engineering: Toward equipping submarines with safety devices, fiscal year 1929, to remain available until expended, $140,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 5, to insert:

BUREAU OF CONSTRUCTION AND REPAIR

Construction and repair, Bureau of Construction and Repair: Toward equipping submarines with safety devices, fiscal year 1929, to remain available until expended, $110,000.

The amendment was agreed to.

The next amendment was, under the heading "Post Office Department," on page 65, line 17, after the word "in," to insert "Senate Document No. 236 and," and in line 19, after the word "Congress," to strike out $26,477.27" and insert "$27,475.03," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Post Office Department, under the provisions of the act entitled, "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Documents Nos. 521 and 596, Seventieth Congress, $27,475.03.

The amendment was agreed to.

The next amendment was, under the subhead "Diplomatic and Consular," on page 68, after line 11, to insert:

Payment to Bertha Hanson: For payment to Bertha Hanson, widow of George M. Hanson, late American consul at Colon, Panama, one year's salary of her deceased husband, who died while in the Foreign Service, fiscal year 1929, $4,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 23, to insert:

Indemnity for the death of Wang Erh-Ko, Chinese citizen: For the payment to the Chinese Government as full indemnity for the death of Wang Erh-Ko, a Chinese citizen, alleged to have been killed on January 4, 1927, by being struck by an automobile negligently operated, not in the line of duty, by members of the United States Legation guard in Peking; such indemnity to be used for the purchase, on terms satisfactory to the American minister at Peking, of an annuity for the family of Wang Erh-Ko, as authorized by Private Act No. 362, approved February 16, 1929, fiscal years 1929 and 1930, $875.

The amendment was agreed to.

The next amendment was, on page 70, line 20, before the word "may," to strike out "these amounts" and insert "this amount," so as to read:

Waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain: For an additional amount for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain, fiscal year 1929, including the same objects and purposes specified under this head in the act making appropriations for the Department of State for the fiscal year 1929, and for printing and binding, $11,800, which amount may be transferred by the Secretary of State, with the approval of the Secretary of the Interior, to the United States Geological Survey for direct expenditure. For an additional amount for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain, fiscal year 1930, including the same objects and purposes specified under this head in the act making appropriations for the Department of State for the fiscal year 1930, and for printing and binding, $15,000; this amount may be transferred by the Secretary of State, with the approval of the Secretary of the Interior, to the United States Geological Survey for direct expenditure.

The amendment was agreed to.

The next amendment was, on page 71, after line 10, to insert:

International Society for the Exploration of the Arctic Regions by Means of the Airship: To enable the Secretary of State to pay the annual contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship for the establishment of geophysical observations in the inner Arctic regions, as authorized by Public Resolution No. 87, approved February 16, 1929, for the fiscal years that follow:

For 1929, $300;

For 1930, $300.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department, Bureau of Prohibition," on page 72, line 7, after the word "therewith," to insert "and not less than $200,000 shall be expended for the enforcement of the narcotic act," so as to read:

For an additional amount for enforcement of the narcotic and national prohibition acts, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, fiscal years 1929 and 1930, $1,719,654, of which not exceeding $50,000 may be expended for the collection and dissemi-

nation of information and appeal for law observance and law enforcement, including cost of printing and other necessary expenses in connection therewith, and not less than $200,000 shall be expended for the enforcement of the narcotic act.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Secretary," on page 72, line 18, after the word "in," to insert "Senate Document No. 236 and," and in line 19, after the word "Congress," to strike out "$1,016.82" and insert "$1,201.82," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Treasury Department under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Document No. 521, Seventieth Congress, $1,201.82.

The amendment was agreed to.

The next amendment was, under the subhead "Coast Guard," on page 75, after line 16, to insert:

Coast Guard Academy: For the preparation of the plans, drawings, designs, specifications, and estimates necessary for the construction of buildings and appurtenances for the purpose of the Coast Guard Academy as authorized in the act entitled "An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy," approved February 16, 1929, fiscal year 1929, to remain available until expended, $10,000: *Provided*, That the Secretary of the Treasury is hereby authorized to cause the plans, drawings, designs, specifications, and estimates to be prepared in the Office of the Supervising Architect, and the proper appropriations for the support and maintenance of the Office of the Supervising Architect shall be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates and for necessary travel in connection therewith.

The amendment was agreed to.

The next amendment was, on page 83, line 5, after the word "For," to strike out "commencement of construction on a site to be acquired," and insert "acquisition of site and commencement of construction," so as to read:

Clovis (N. Mex.) post office, etc.: For acquisition of site and commencement of construction, $25,000, under an estimated total cost of $130,000.

The amendment was agreed to.

The next amendment was, on page 94, after line 12, to insert:

Salisbury (N. C.) post office, courthouse, etc.: For commencement of extension and remodeling, $50,000, under an estimated total cost of $185,000.

The amendment was agreed to.

The next amendment was, at the top of page 97, to insert:

Washington (D. C.) Agricultural Department Buildings: To reimburse the Economics Building Co. of Washington, D. C., for actual expenditures made by it in the erection of the Economics Building, exclusive of taxes, in accordance with the provisions of the second deficiency act, fiscal year 1926, approved July 3, 1926, $25,000.

The amendment was agreed to.

The next amendment was, on page 98, line 9, after the word "amended" to strike out "$11,195,500" and insert "$11,270,500," so as to read:

Total appropriation for projects under section 5, act of May 25, 1926, as amended, $11,270,500.

The amendment was agreed to.

The next amendment was, on page 98, after line 22, to insert:

NOGALES, ARIZ., INTERNATIONAL STREET

For grading and paving of the Federal strip of land known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., said paving to extend from the east side of Nelson Avenue to the top of the hill beyond West Street, with the necessary fence, retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, $30,000, and in addition the unexpended balance of the appropriation of $40,000 under this heading in the second deficiency act, fiscal year 1928, approved May 29, 1928, is continued and made available until June 30, 1930, for the purposes of this paragraph.

The amendment was agreed to.

The next amendment was, under the heading "War Department, military activities," on page 100, line 14, after the word "in" to insert "Senate Document No. 236 and," and in line 16, to strike out "$1,824.62" and insert "$1,834.87," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the War Department under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Documents Nos. 521 and 596, Seventieth Congress, $1,834.87.

The amendment was agreed to.

The next amendment was under the heading "Quartermaster Corps," on page 101, after line 2, to insert:

Construction of buildings, utilities, and appurtenances at military posts: For construction and installation of buildings, utilities, and appurtenances thereto at military posts as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved February 25, 1929, as follows: Porto Rico: Barracks, $80,000; noncommissioned officers' quarters, $72,000; officers' quarters, $180,000; Henry Barracks, P. R.—barracks, $160,000; noncommissioned officers' quarters, $33,000; officers' quarters, $123,000; hospital, $35,000; Walter Reed General Hospital, District of Columbia—nurses' quarters, $300,000; observation, tuberculosis, and infectious disease wards and a morgue, and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, $90,000; and for radio and communication center at Bolling Field, D. C., or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War, $30,000; in all, $1,103,000: *Provided*, That the sum of $300,000, authorized for construction of a hospital at Camp Devens, Mass., by the act approved February 25, 1927, and appropriated for in the first deficiency act, fiscal year 1928, approved December 22, 1927, is hereby made available for expenditure at Camp Devens, Mass., for the construction and installation of buildings, utilities, and appurtenances thereto as follows: Hospital, toward completion, $35,000; for officers' quarters, $180,600; for noncommissioned officers' quarters, $14,400; for bakery, $15,000; for fire house, $10,000; and for stables, $45,000; as authorized in the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes, approved February 25, 1929: *Provided further*, That the expenditure of the funds herein provided for may be made without reference to sections 1136 and 3734, Revised Statutes, including also the engagement, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 103, line 15, after the word "land," to strike out "$1,050,403" and insert "$1,402,344," so as to read:

Ammunition storage facilities, Army: To continue the provision of ammunition storage facilities in accordance with the primary recommendations contained in House Document No. 199, Seventieth Congress, as modified by the second deficiency act, fiscal year 1928, approved May 29, 1928 (45 Stat. 928), including not to exceed $80,000 for the purchase of land, $1,402,344, fiscal years 1929 and 1930.

The amendment was agreed to.

The next amendment was, on page 103, after line 19, to insert the following additional proviso:

Provided further, That the plans for storing ammunition in the Hawaiian Department set forth in House Document No. 199, Seventieth Congress, are amended so as to authorize the construction of ammunition storage facilities in Salt Lake Crater, instead of the Fort Shafter Gulch, including the purchase of the necessary land in that area.

The amendment was agreed to.

The next amendment was, on page 105, line 13, after the word "February," to insert the figures "25," so as to read "Approved February 25, 1929."

The amendment was agreed to.

The next amendment was, on page 106, line 1, after the numerals "$45,000" to insert "together with the unexpended balance of the appropriation under this head in the second deficiency act, fiscal year 1928, approved May 29, 1928," so as to read:

Fort Donelson National Military Park: For every expenditure requisite for or incident to the establishment of a national military park at the battle field of Fort Donelson, Tenn., in accordance with the provisions of the act approved March 26, 1928 (45 Stat. 367–369), including mileage to officers and traveling expenses of the commission and their assistants, fiscal years 1929 and 1930, $45,000, together with

the unexpended balance of the appropriation under this head in the second deficiency act, fiscal year 1928, approved May 29, 1928.

The amendment was agreed to.

The next amendment was, on page 106, line 14, after the name "Mississippi," to insert "fiscal years 1929 and 1930," so as to read:

Battle fields of Brices Cross Roads and Tupelo, Miss.: For the purpose of carrying out the provisions of Public Law No. 792, approved February 21, 1929, to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo or Harrisburg, Miss., fiscal years 1929 and 1930, $10,000.

The amendment was agreed to.

The next amendment was, on page 107, after line 19, to insert:

CORPS OF ENGINEERS

Investigation and survey for a Nicaraguan canal and investigation and survey of the Panama Canal: For every expenditure requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, and the survey and investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping, fiscal year 1929, to remain available until expended, $150,000.

Mr. DILL. Mr. President, as I understand it, this is an appropriation for which no authorization has yet passed the House of Representatives. It provides for the expenditure of $150,000. I desire to ask the Senator from Wyoming about that.

Mr. McKELLAR. Mr. President, it would be in order even if no bill had been passed, because it would carry out the provisions of a treaty. In addition to that, it is clearly in order under Rule XVI, which provides that where a resolution is passed providing for an appropriation at the same session, it is in order.

Mr. DILL. The joint resolution has not passed the House of Representatives.

Mr. McKELLAR. It does not have to pass the House in order to make this in order. If it has passed the Senate, the appropriation is in order.

Mr. DILL. If the joint resolution was necessary at all, it certainly would have to become a law before we would be authorized to appropriate money to carry it out.

Mr. McKELLAR. No; in the first place, it is not necessary.

Mr. WARREN. It is entirely all right for us to pass it, under our rules.

Mr. SMOOT. If the joint resolution shall not become a law, the appropriation will never be used.

Mr. JONES. I may say to my colleague that if a bill or joint resolution has passed the Senate during the same session, under our rules an appropriation to carry it out is in order.

Mr. DILL. It would not be in order in the House of Representatives.

Mr. McKELLAR. It is in order under the first paragraph of Rule XVI, found on page 20 of the Rules.

The PRESIDING OFFICER. The Senator from Tennessee is correct. In Rule XVI it is stated that "no amendments shall be received to any general appropriation bill * * * unless it be made to carry out the provisions of some existing law or treaty stipulation, or act, or resolution previously passed by the Senate during that session."

Mr. DILL. Suppose the House of Representatives does not pass that joint resolution?

Mr. McKELLAR. This would still be in order.

Mr. DILL. Would it be in order to appropriate the money?

Mr. WARREN. That question would be considered in conference, and it could be cut out. We are considering it only in this body so far.

Mr. DILL. The question I ask is this: Suppose, when the conferees meet, and then make their final report, the resolution has not yet passed the House of Representatives and has not finally become a law; would it be in order for us to make this part of this bill to be reported back in the conference report?

Mr. WARREN. The Senator is looking ahead quite a little. We are now only considering this in the Senate. It has not yet received attention in the House of Representatives. We go to conference with whatever amendments the Senate has put on the bill, under the order under which we are now working, and the matter will then receive the consideration of the House conferees.

Mr. DILL. If the joint resolution does not pass the House, then what will be the status of this appropriation?

Mr. WARREN. It will not be in order, of course. It will be cut out.

Mr. SMOOT. The House will disagree and the Senate will recede.

Mr. WARREN. The Senator, of course, understands that this matter will be within the control of the conferees.

Mr. DILL. It certainly would not be in order to bring this provision back in a conference report if the resolution did not pass the House of Representatives.

Mr. WARREN. Very true.

Mr. McKELLAR. Of course the conferees can take any position they want to take about it, but it would be in order under Rule XVI. There can be no doubt about that—not a particle.

Mr. DILL. It would be in order to finally pass it?

Mr. McKELLAR. It would be in order, because the Senate has passed the joint resolution and it can put this appropriation into the bill if it desires. I hope the conferees will look at it in that way and keep the provision in the bill.

Mr. DILL. Mr. President, I think it is very bad practice to attempt to rush an appropriation in this way when the joint resolution in the House of Representatives has been referred to the House Committee on Interstate Commerce, and before the resolution has even been considered by the committee this appropriation is brought in here, and the Senate is asked to agree to it, and send it to conference, on the theory that the joint resolution may pass the House of Representatives. I think the only proper way is to reject this amendment, and I hope that the committee will agree to that. If not, I feel that I want to discuss the subject.

I do not see any necessity for appropriating money before the joint resolution has become a law. There is nothing pressing about this Nicaraguan-canal survey. There is no demand anywhere for it. There is no one anywhere asking for it that I know about, except the Senator from New Jersey [Mr. EDGE], who pressed the resolution through the Senate. With the pressure of business in the House this near the end of the session, it seems to me that there is not much chance that the joint resolution will pass the House of Representatives. Therefore I am going to make a point of no quorum, and press it.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Kendrick	Schall
Barkley	Fess	Keyes	Sheppard
Bingham	Fletcher	King	Shortridge
Black	Frazier	McKellar	Smith
Blaine	George	McNary	Smoot
Blease	Glass	Neely	Steiwer
Bratton	Glenn	Norbeck	Swanson
Brookhart	Goff	Nye	Thomas, Idaho
Broussard	Hale	Oddie	Thomas, Okla.
Bruce	Harris	Overman	Trammell
Capper	Harrison	Pine	Vandenberg
Copeland	Hayden	Pittman	Warren
Curtis	Heflin	Ransdell	Waterman
Deneen	Johnson	Reed, Pa.	Watson
Dill	Jones	Robinson, Ind.	Wheeler

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

Mr. DILL. Mr. President, I regret very much that the committee should see fit to try to take advantage of the situation by forcing an appropriation into the bill at this time. I regret also that it becomes necessary for me to discuss it, but that I shall certainly do for a little while.

The history of the Nicaraguan trouble dates back over a long period of years. I can not find the reason from anyone anywhere why there should be such an insistent demand that we shall proceed to spend money and that we shall proceed to begin work on the survey of the Nicaraguan canal. As I stated some days ago when the Nicaraguan measure was before the Senate, there is no need for a canal at the present time. There is no demand for an additional canal, except that coming from a few newspaper editors. There is no real reason that anybody has given for rushing the procedure.

The joint resolution providing for the Nicaraguan survey only passed the Senate two or three days ago. It is in the House and I understand was referred to the Committee on Interstate and Foreign Commerce, and that there they propose to take out of the measure that part of it which authorizes the Government particularly to negotiate with Costa Rica and other countries that have an interest in the river which would be a part of the canal. The fact of the matter is that our rights in Nicaragua are based upon a treaty with Nicaragua which does not recognize the rights of Costa Rica. I understand that for more than 150 miles the river which would be a part of the canal borders on Costa Rica, and that Costa Rica claims rights which have not been recognized by anybody anywhere, and we are proceeding on the theory that we have the rights to the canal because of a treaty made in 1913 with the Chamorro Government. As I explained the other day, that treaty has a history which

certainly does not justify the claim of this Government to any rights in that country.

When the joint resolution was before the Senate it was amended two or three times before it was finally put in the language in which it eventually passed. Then we were told that these rights of Costa Rica would be considered and negotiations would be carried forward in accordance with that provision. In the House of Representatives, I understand, the joint resolution would naturally go to the Committee on Foreign Affairs because of this provision; but in order that it may go to a committee which is favorable to it, it is to be sent to the Committee on Interstate and Foreign Commerce. It is in that committee now, or will be referred to-morrow, if it has not been referred to-day, and some time probably in the next day or two it may be reported out, and it may be possible that in the last moments it might be passed, so that if the President signs the joint resolution in time the $150,000 can go into the conference report.

As I said, nobody has yet given any reason for the urgency with which the matter is being pressed. I do not know who is back of it. I have tried to find a cause for it.

The testimony of the engineers in charge of the Panama Canal shows that we are running 19 ships per day through a canal which has a capacity for 54 ships a day. Not only that, but if the dam which will supply additional water is completed on the Panama Canal, we are told that another lock can be installed, and that it will then be 70 years before there will be any need for additional canal facilities. When we come to build a canal across Nicaragua, nobody knows how many hundreds of millions of dollars it will cost. It has been estimated all the way from $200,000,000 up to $1,000,000,000, and even $1,500,000,000, if it is attempted to build a sea-level canal.

Mr. President, I remind you that the reports of the Secretary of the Treasury recently made were to the effect that there is but a small surplus in the Treasury. As I showed the other day, pending legislation for needed projects in our own country makes demands of $2,500,000,000. Yet with all that situation facing us, we are asked to start work upon the survey of a canal that will not be needed in any event for 30 years, and by a comparatively small additional expenditure it will be 70 years before it will be needed. It is said that it is only $150,000, but that is only the opening wedge; that is but a beginning. I will say frankly, however, much as I am opposed to the proposition, that if the House of Representatives does pass the joint resolution or if it were already the law, then I would withdraw my opposition. But just because the joint resolution has passed one branch of the Congress is no reason, in my judgment, why, in a deficiency bill, we must rush through a provision for the $150,000 to make a survey.

Mr. President, I want to call attention to the history of our record in Nicaragua. I read the other day just a few short excerpts from an article in Current History for November, 1928, by Prof. Charles W. Hackett. I am going into that article with a little more detail because it contains some very interesting data in addition to what I quoted the other day. Mr. Charles W. Hackett is the professor of Latin-American history in the University of Texas. He said:

> A survey of relations of the United States with Nicaragua during the last two decades reveals a kaleidoscope of inconsistencies and blunders.

I think it is stating it very kindly to call them merely blunders.

> It is not charged that this was necessarily intentional or deliberate, nevertheless the United States Government has repeatedly blundered from one untenable position with respect to Nicaragua into another.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. SMITH. May I ask the Senator a question for information? I do not care to break the continuity of his speech.

Mr. DILL. I am perfectly willing to yield to the Senator. There is plenty of time.

Mr. SMITH. I want to know what would be the status of the amendment in the appropriation bill now before us if, when it passes this body and goes to conference, the House shall not have passed the joint resolution to which the Senator is referring? Then it necessarily would go out, would it not?

Mr. DILL. Yes.

Mr. SMITH. But if in the meantime while the conferees are meeting it shall have passed the House it would then be in order.

Mr. DILL. Yes; and the leaders of the House will immediately be urged to lay aside any other kind of business that may be pressing, because the Senate is so anxious to get this appropriation that we could not wait until the bill had passed in the natural way, but in the second deficiency bill carrying millions and millions of dollars we must have this appropriation to begin a survey of the Nicaraguan canal.

Mr. SMITH. May I ask for just one further bit of information? If the item is left out of the bill and the House shall pass the joint resolution providing for a survey, then when would the appropriation be provided for?

Mr. DILL. The appropriation would be provided for in the next annual appropriation bills during the next session. That would be the natural time for them.

Mr. SMITH. So that in case the House does pass the joint resolution we shall have a delay of only one year?

Mr. DILL. Only a delay of one year. I think in the light of our troubles in Nicaragua in the past, in the light of public sentiment in this country for the withdrawal of the marines from Nicaragua, that we could well afford to take a little time before we start new operations down there that are likely to make more trouble in Nicaragua.

Mr. SMITH. The only point I care to make, if the Senator will allow me, is that one year would not carry out the purpose that the Senator has in mind and in which he has the sympathy of others. I take it that what the Senator is hoping to do is to defeat the legislation ultimately.

Mr. DILL. That is certainly what I hope to do.

Mr. SMITH. The Senate has passed the joint resolution providing for a survey. It has gone for the time being beyond our recall. If the House shall pass it, it is then the law of the land, just awaiting the appropriation before becoming effective. If there was any hope in the meantime or as the result of the delay that it might ultimately be defeated or give those opposed to the legislation another chance at its defeat, that would be one thing; but when it shall have been passed by both Houses and nothing remains to be done but to make the appropriation, I do not see exactly what advantage would be gained.

Mr. DILL. There is the advantage, I may say to the Senator, that when the Senate adopts this particular amendment it not merely provides an appropriation, but the bill carries in its wording legislation. The House is then at liberty to adopt the legislation and make both the amendment and the legislation in order. This is a covert way of getting through the House a provision which the House has not yet passed.

Mr. SMITH. Could the House accept this?

Mr. DILL. Why not?

Mr. SMITH. There has been no provision made for it by any action of the House.

Mr. DILL. Yes; but the provision is right in the bill. It is legislation on the bill.

Mr. SMITH. This is only making an appropriation for legislation that has already passed this body, but it is not legislation that could be appropriated for until it shall have gone through its parliamentary stages in this body and in the other body.

Mr. DILL. It is in the same status as any other legislative provision in an appropriation bill passed through one House and accepted by the other. I read to the Senate the provision under the title "Corps of Engineers":

> Investigation and survey for a Nicaraguan canal and investigation and survey of the Panama Canal: For every expenditure requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, and the survey and investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping, fiscal year 1929, to remain available until expended, $150,000.

Mr. SMITH. But that is merely providing for what has been set forth in the text of the joint resolution which we passed the other day. That is not a recital of the bill.

Mr. DILL. But if the House accepts it then it is a part of the bill, and it is perfectly proper to be expended. It is a covert way of compelling the House to do, in a great appropriation bill, what it has not done in a legislative way.

Mr. SMITH. It is then the Senator's opinion that the conferees on the part of the House, before any legislation ever passes the House on the subject at all, may accept this and it then becomes the law.

Mr. DILL. Of course, it does, and the conferees on the part of the House will be at liberty to do it if they so desire.

Mr. SMITH. This certainly is my first experience with that situation in legislative procedure. It was my opinion that legislation of this character would have to pass both bodies before it could be a matter for conference.

Mr. McKELLAR. Under the rules of the House it has to be submitted to the House of Representatives and voted on there before it could become a law.

Mr. DILL. It can be submitted as a part of this report.

Mr. McKELLAR. It has to be voted on separately under their rules, and, of course, if the House passed it, I take it that anyone would say it is entitled to have it.

Mr. SMITH. Now, let us get this clear. Would the House have to vote on the provision as it appears in this bill or on the joint resolution upon which this is predicated?

Mr. DILL. Only on the provision that appears in this bill. They need pay no attention to the joint resolution pending before the House and which has already passed the Senate.

Mr. SMITH. The House would have to vote simply on this amendment in order to make it eligible for conference again?

Mr. DILL. That is all; and when the conferees come in with a report on this great appropriation bill and a separate vote is all that is required, the Senator knows how little chance opposition to the legislative measure will have when it is taken up on the floor of the House.

Mr. SMITH. I understand, of course, how a mere amendment could be the subject of conference, but this is a separate provision which has not been authorized except by the passage by the Senate of the joint resolution.

Mr. DILL. Yes; and the House Members will be in this position: They will be practically bludgeoned, by the force of the fear of losing the remainder of the provisions of the deficiency bill, into accepting what the conferees have brought in.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. DILL. I yield.

Mr. PITTMAN. There still seems to be a great deal of misunderstanding about the jurisdiction of the two Houses. It is admitted that the House of Representatives shall initiate revenue measures. If there is anything else it alone can initiate, I have not heard of it. We have two bodies of equal jurisdiction and no restrictions. This bill has originated in the other House, we will assume, but it is not binding on us at all. We can strike out all of the bill after the enacting clause and insert a new bill. Then, of course, when passed by the Senate, it would go to conference. There is nothing binding on this body by virtue of this bill, as everyone must admit. So there is no use talking about conferences. The question is, What does this body desire to do with this proposed legislation?

Mr. DILL. Mr. President, I was quoting from the article by Professor Hackett. The statement I had just read was concerning the sending of the Stimson mission to Nicaragua in 1927. I continue quoting from the article:

> The sending of that mission may be characterized as an honest and commendable effort of the President and the Secretary of State, as well as possible, through Colonel Stimson, to extricate the United States Government from the embarrassments resulting from its past relations with Nicaragua.
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> To be more specific: In 1907 President Roosevelt induced the five Central American Governments to agree (in Article II of the additional treaty of December 20, 1907) that none of them would "in case of civil war intervene in favor of or against the Government of the country where the struggle takes place." While encouraging the principle of nonintervention among the Central American nations, the United States Government apparently reserved the right of intervention for itself. For in 1909–10, in the words of Chairman BORAH of the present Senate Foreign Relations Committee, the United States Government "indorsed the revolutionists" who were at that time operating against the recognized constitutional Government of Nicaragua and "excited the people to overthrow it."

That recital of the beginning of our relations with Nicaragua, I submit, is enough to show the absolutely unfair attitude which the Government took toward Nicaragua, after having induced her to enter into an agreement with other Central American countries not to interfere in the revolutions which might occur in those countries. I will read on:

> The conservative government that was thereupon set up in place of the liberal one that was overthrown was, according to the contemporary report of the commanding officer of our marines in Nicaragua, "not in power by the will of the people." Nevertheless, the minority conservative régime thus established remained in power, through the protection afforded by the United States marines, until January 1, 1925. Such action in imposing a minority government on a helpless people was in violation of the idealism expressed with specific reference to Latin America by Secretary of State Root when he said: "We consider that the independence and equal rights of the smallest and weakest members of the family of nations deserve as much respect as those of the great empires," and also the idealism expressed by President Wilson when he said that "every people should be left free to determine its own policy, unhindered, unthreatened, unafraid, the little along with the great and powerful."
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> Also in 1907 the United States Government induced the Central American governments to agree (in Article I of the additional treaty of December 20, 1907) that none of them would recognize any other government which might "come into power in any of the five republics as a consequence of a coup d'état, or of a revolution against the recognized government, so long as the freely elected representatives of the people thereof have not constitutionally reorganized the country." Three years later the Estrada Government, which had come into power through a revolution "aided and abetted" by the United States consul at Bluefields, was recognized by the United States Government (January 1, 1911) before the freely elected representatives of the people of Nicaragua had constitutionally reorganized their country. Thus the United States Government violated the very principle of nonrecognition to which it had induced the Central American governments to subscribe three years earlier.
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> In 1916 the Bryan-Chamorro treaty was negotiated. By it Nicaragua, in return for a paltry but much-needed sum of $3,000,000, gave to the United States "in perpetuity * * * the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal." With respect to that treaty four serious questions arise, to quote from Elihu Root, "not about the desirableness of the treaty but about the way" in which it was made.

That brief but explicit statement leading up to how we secured the establishment of a government in Nicaragua tells the story, but is very kindly in our favor. The truth of the matter is that that revolution was inspired largely by American interests and that those who were placed in direct control of the government at that time were really our own representatives. Chamorra was but a puppet—if I may use that term—he simply served the purposes of those who were anxious to make a treaty by which they could claim these rights. Basing our rights upon that kind of a treaty, we now find the Senate Committee on Appropriations are so anxious to take advantage of whatever there is to which we are justly entitled, that they come in here with an appropriation authorized by a joint resolution that has not as yet passed the House of Representatives, and are hoping that when the appropriation bill goes through the Senate it will go to the House, and the House then will accept it, and it will be passed as a part of an appropriation bill, when they have not been able to consider the joint resolution in the regular way in the House of Representatives. If the House were in favor of the joint resolution it could have passed it long ago; it did not need to wait until it was passed by the Senate; it did not need to depend upon the Senate to bring it over within the pages of an appropriation bill.

If this appropriation were inserted simply for the purpose of studying the facilities of the Panama Canal, and its enlargement, I would have no serious objection to it, although I think that it would be improper, to say the least; but when it is proposed here, because of a great appropriation bill which is pending, to take advantage of a situation in the closing days of the session, I propose, for one, to protest and to do what I can to prevent it.

Mr. McKELLAR. Mr. President——

Mr. DILL. I yield.

Mr. McKELLAR. The Senator has several times said something about taking advantage of a situation and about bludgeoning the House.

Mr. DILL. That is exactly what I said.

Mr. McKELLAR. Is not the Senator in exactly that sort of a position himself? He is undertaking to bludgeon the Senate. The Senate has passed the joint resolution in regard to the proposed Nicaraguan canal; it has decided against the Senator from Washington on every point; and my recollection is that the Senator did not even ask for a roll call.

Mr. DILL. I did not bother about a roll call.

Mr. McKELLAR. In any event, on whatever roll calls there were, the Senate overwhelmingly turned down the proposal of the Senator from Washington and passed the joint resolution. Now, it seems to me, the Senate having done that, when the Senator assumes the attitude he does toward this appropriation bill, which merely carries out the terms of the joint resolution which has already been adopted, the Senator, and not the committee or the Senate, is taking advantage of the situation, for the Senate would overwhelmingly pass the appropriation bill to-night if the Senator would allow it to come to a vote.

Mr. DILL. The Senator from Tennessee knows very well that many bills pass one body that do not pass the other; many bills pass one House that may not even reach the stage of consideration in the other House. I do not propose, so far as I can prevent it, to permit a bill to be forced upon the House of Representatives that the House has not willingly taken up when it has had all of a year in which to take it up.

I submit that if there was anything urgent about this matter, if there was anything pressing about it, then the Senator's contention might have some weight, but there is not any reason for hurry; there is no reason for rushing it. The Senator can not stand on his feet now and give a single reason why this appropriation is so urgent that it should be rushed through in a

deficiency bill, and, in addition to being rushed through in a deficiency bill, being put in that bill when the measure authorizing the appropriation has not even been considered in the House of Representatives.

The Senator says that I am trying to bludgeon the Senate. I am trying, if possible, to call attention to this situation in such a manner that if I am finally forced to let it go through, the Members of the House of Representatives will realize the advantage that is trying to be taken of them by this method.

Mr. McKELLAR. Mr. President, will the Senator permit an interruption?

Mr. DILL. I will permit an interruption.

Mr. McKELLAR. The Senator made this exact argument, I know, at least half a dozen times during the consideration of the Nicaraguan survey joint resolution.

Mr. DILL. I have never had to make this argument on any bill, so far as I know, since I have been in the Senate, for I do not recall a case where an appropriation for the urgency of which no one can give a good reason, and especially when the authorizing measure has not passed one of the Houses as yet, has been brought in on a great emergency deficiency bill such as this.

What is there about the Nicaraguan canal survey that is so urgent that we must rush it into a deficiency bill, even, and, much more, rush it into a bill before the authorization for the appropriation has passed the House of Representatives? I do not know of any reason at all, except that some men have the idea that the Nicaraguan canal will be built some day, and they seem to want to have some part in it.

I wish to read on about this treaty and how it was obtained.

In the first place, in entering into that treaty the United States Government, instead of practicing its teachings by indorsing and upholding constitutional procedure, encouraged Nicaragua to violate a provision of its own constitution, which prohibits the negotiation of treaties which in any way impair the territorial integrity or the national sovereignty of the country.

If they had had a president of their own choosing, if they had had a president who represented the will of the people, he would not have been willing to enter into a treaty of this kind, but owing to the fact that they had a president who was set up partially at the instigation of American influences, of course, he did their will; he carried out their preferences and their desires.

In the second place, the treaty was negotiated with a puppet government. On that point Elihu Root expressed the opinion, based on official records, that the Nicaraguan Government at that time did not represent "more than a quarter of the people of the country," and was maintained "in power by virtue of the force applied by the United States."

In the third place, the United States Government entered into the treaty with the full knowledge that a provision of the Cañas-Jérez treaty of 1858 between Costa Rica and Nicaragua inhibited the latter country from signing any such treaty as the Bryan-Chamorro treaty. A decision to that effect had even been handed down in 1888 by President Cleveland in arbitrating a dispute concerning the Cañas-Jérez treaty. In that decision President Cleveland said that "Nicaragua remains bound not to make any grants for canal purposes across her territory without first asking the opinion of Costa Rica."

Yet with President Cleveland's admonition back of all of this, with a history such as this, we proceeded to make this treaty; and now, before a resolution has been passed to authorize the expenditure of the money, the committee comes in here and wants to get this appropriation put on an emergency deficiency bill—not a regular bill—with no demand from any part of the country anywhere for any such haste, nor any pressing necessity for activity.

I will read on:

Furthermore, in case the construction of a canal by Nicaragua should involve injury to the natural rights of Costa Rica, as, for example, in the San Juan River, which is part of the international boundary between the two countries, President Cleveland held that in such cases Costa Rica's consent was "necessary." The United States Government knew from the outset that Nicaragua never attempted to secure the consent of Costa Rica, nor even consulted her before signing the Bryan-Chamorro treaty.

Finally, and in the fourth place, in signing the Bryan-Chamorro treaty the United States Government ignored the diplomatic protests of Costa Rica and Salvador to the effect that Nicaragua was incompetent to sign the treaty because of the violation of their rights. Subsequently these protests were upheld in formal decisions of the court, but they were ignored by Nicaragua, who was sustained by the United States in flouting the formal decision of the court. Such action resulted in the dissolution of the court, which under the guiding influence of Elihu Root had been established in 1908 to settle all disputes that might arise between the Central American States.

Thus the court which through the influence of our President had been set up was destroyed by our own disregard of the actions of that court.

In his message to Congress of January 10, 1927, President Coolidge said that one of the three reasons for our recent intervention in Nicaragua was to protect the rights of the United States acquired by the Bryan-Chamorro treaty. Can such rights be held valid, however, when they were acquired in contravention of an earlier sacred treaty, an arbitral ruling of a President of the United States, and a decision of an international tribunal of justice? Can not even the propriety be questioned of sending marines to protect rights acquired in such a manner? Instead of defending it by armed force, would it not be appropriate for the United States to abrogate the treaty—charging the $3,000,000 invested in it to the same fund as the $25,000,000 paid to Colombia a few years ago—and then negotiate a new treaty by legal methods that would offend neither the majority of Nicaragua's citizens nor its neighbors? Nothing short of such action will ever fully atone for the unfortunate moral effect of the Bryan-Chamorro treaty.

Mr. President, I think this amendment ought to be amended, if it is to be considered at all, by striking out all reference to a Nicaraguan canal and providing for the investigation and survey of the Panama Canal, striking out the words "for a Nicaraguan canal and investigation and survey" in line 21, on page 107, and striking out, on line 23, "requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory."

I move that the amendment be amended by striking out those words.

The PRESIDING OFFICER. The amendment offered by the Senator from Washington to the amendment of the committee will be stated.

The CHIEF CLERK. On page 107, line 21, it is proposed to strike out the words "for a Nicaraguan canal and investigation and survey."

In lines 23, 24, and 25 it is proposed to strike out the words "requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

Mr. McKELLAR. Mr. President, I hope the amendment will be voted down.

The amendment to the amendment was rejected.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Steiwer
Barkley	Frazier	Neely	Stephens
Bingham	George	Norbeck	Swanson
Black	Glass	Norris	Thomas, Idaho
Blaine	Glenn	Nye	Thomas, Okla.
Bratton	Goff	Oddie	Trammell
Brookhart	Hale	Pine	Vandenberg
Broussard	Harris	Ransdell	Walsh, Mont.
Bruce	Harrison	Reed, Pa.	Warren
Capper	Hayden	Robinson, Ind.	Waterman
Copeland	Heflin	Schall	Watson
Curtis	Jones	Sheppard	Wheeler
Deneen	Kendrick	Shortridge	
Dill	Keyes	Smith	
Fess	McKellar	Smoot	

Mr. SMITH. The senior Senator from North Carolina [Mr. SIMMONS] is unavoidably detained from the Senate.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present. The question is on the amendment of the committee.

Mr. DILL. Mr. President, I realize that there is a very notable sporting event about to take place in Florida. A great many Senators would like to listen to the returns from the Florida fight. I should like to listen to them myself; but it happens that I do not feel, in justice to my convictions, that I should permit this sort of legislation to go through without considerable protest, and it may run on for two or three hours at least. So if Senators want to hear the fight returns, probably they will enjoy them more than they will my remarks and my discussion; and I shall not feel at all offended if they want to go and listen to the returns from the fight.

Mr. HEFLIN. Mr. President, if the Senator will permit me, I wonder if he is suggesting that in order to get them out, so that he can make another point of no quorum and adjourn?

Mr. DILL. That would be very satisfactory; but I think they would come back on a roll call.

Mr. McKELLAR. Would not that be bludgeoning?

Mr. DILL. It would not be the kind of bludgeoning that is going on here by this committee in this bill, by the methods that have been used here.

Mr. McKELLAR. No; it is a great deal worse than that.

Mr. DILL. I know the Senators are not going to leave the Capitol, as far as that goes.

Mr. WATSON. Mr. President, I should like to ask the Senator if he will give us his personal assurance that he will talk for an hour without interruption and without roll calls or points of no quorum?

Mr. DILL. Well, I do not know; I might want a roll call. I can not tell.

Mr. SMITH. Has the Senator from Indiana any particular object in asking that question?

Mr. WATSON. Why, certainly. The Senator from Washington invited us to go to a certain place with a certain assurance. Now, he withdraws the assurance.

Mr. BARKLEY. Mr. President, does the Senator from Indiana think the fight will last an hour? [Laughter.]

Mr. WATSON. I do not know a thing about it. I want to go and find out.

Mr. DILL. Mr. President, this article which I have been reading and commenting on really covers this subject better than any speech I can make myself; so I think I shall continue to read from this discussion of the policy in Nicaragua.

Turning to the latest intervention of the United States in Nicaragua, the writer feels that it came in large measure as the result of inconsistent actions of the Department of State—actions which were condoned, but with ever-increasing embarrassments, until the Stimson agreements provided a solution. To be more specific, after 1913, when President Wilson refused to recognize the Mexican usurper, Huerta, the United States Government had frowned on illegally constituted governments in Latin America. It went even further in 1924 than merely frowning on governments; it gave material and moral aid in support of the recognized constitutional government of Obregon in Mexico. Furthermore, one of the heralded accomplishments of the second Central American Conference at Washington in 1922–23 was the drafting and subsequent ratification of a treaty of peace and amity. The object of this treaty, to quote from Secretary Kellogg, was "to promote constitutional government and orderly procedure in Central America," through those Governments agreeing "upon a joint course of action with regard to the nonrecognition of governments coming into office through coup d'état or revolution."

As late as January 22, 1926, Secretary Kellogg stated that the United States had "adopted the principles of that treaty as its policy in the future recognition of Central American governments." That the United States Government failed to uphold, or even recognize, constitutional government early in 1926 and late the same year recognized an unconstitutional one—specifically, the present government headed by Adolfo Diaz—is shown by the following facts:

As the result of "fair and full" elections a coalition government headed by a moderate Conservative, Solorzano, as President, and a Liberal Vice President, Sacasa, was installed at Nicaragua on Jannury 1, 1925; promptly thereafter it was recognized by the Department of State and by the other Central American governments.

Late in 1925, following a successful coup d'état, General Chamorro illegally recognized the Nicaraguan Congress.

I might say that General Chamorro is the same man who was the head of the Nicaraguan Government when this treaty was made. He is the same man who had his brothers and his brothers-in-law and his cousins and his uncles and his nephews in all different offices Nicaragua has for men to hold. He proceeded, with all these men in office, to make this treaty upon which the rights of Nicaragua are based to-day. So he is the man who comes in and sets up the government in defiance of a government that had been legally chosen in Nicaragua.

This unconstitutional Congress on January 12, 1926, decreed the deposition and exile of the recognized constitutional Vice President Sacasa, and elected Chamorro as first designate (an office equivalent to second vice president). Two days later the resignation of the constitutional President, Solorzano, was received. The deposition of Sacasa—an illegal act because of the illegal character of the Congress which decreed it—and the resignation of Solorzano cleared the way for the assumption of executive powers by the dictator Chamorro on January 16. When, on March 14, the resignation of Solorzano was tardily accepted, there was and still is in theory between Vice President Sacasa and the Nicaraguan presidency, only the illegal decree of an illegally constituted Congress.

The United States Government, through its failure to insist upon the constitutional succession of Sacasa, let pass a golden opportunity "to promote constitutional government and orderly procedure in Nicaragua," and thereby paved the way for the unfortunate events which followed. Sacasa, it is admitted, was physically absent from the country, but, since he was absent "by reason of continuing force" and "continuing fraud," he was, in equity, never absent at all. Refusal to recognize the constitutional right of succession of Sacasa was tantamount to the Department of State's recognizing as legal his deposition by an illegal Congress. It constituted also a reversal of the policy pursued toward Mexico in 1924.

Mr. BLACK. Mr. President, I ask for order. This is a very interesting magazine article.

Mr. DILL. The truth of the matter is that Senators do not care anything about the facts. The truth of the matter is that a Senate that will permit a committee to disregard the ordinary procedure in regard to appropriations will not pay any attention if they hear the facts, and while I appreciate the desire of the Senator from Alabama that they shall hear them, I shall read them into the RECORD, in the hope that in a day of repentance they will look back and see what they failed to attend to when I called it to their attention.

The United States Government contented itself with merely denying recognition to Chamorro, thereby insuring the nonrecognition of his usurping government by the neighboring Central American Republics.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. DILL. I yield to the Senator.

Mr. GOFF. Out of order I ask unanimous consent to substitute House bill 16958, for the relief of certain persons who suffered as a result of an airplane accident, for Senate bill 5781. The bills are identical, and the House bill passed the House late last night, providing for the appropriation of $16,000 to take care of the injuries suffered at Langin Field, in the State of West Virginia, when an airplane, under the direction of the United States Government, met with a very serious accident, and injured and killed several people. The Senate bill was introduced in the Senate on the 11th of February, 1929, went to the Committee on Claims, and was reported out by the Senator from Kansas [Mr. CAPPER] on the 15th of February.

Mr. BRUCE. Mr. President, I object. I think that the efforts of the Senate ought to be addressed exclusively to bringing to an end this perverse and irrational filibuster.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. GOFF. I want to say to the Senator from Maryland that there is no desire on my part to filibuster——

Mr. BRUCE. Not in the least.

Mr. GOFF. And the Senator has no right to say that.

Mr. BRUCE. I did not refer to the Senator; that was not——

Mr. GOFF. The remark might be open to that interpretation.

Mr. BRUCE. That was not the import of my words. What I mean to say is that as long as this filibuster lasts, no other business ought to precede, and I think the Senator from West Virginia and every other Senator ought now to devote his efforts exclusively to bringing this filibuster to an end. So I object.

Mr. SWANSON. Will the Senator yield?

Mr. DILL. I have no objection to the comments of the Senator from Maryland. I know his habit of commenting on everything that displeases him, and so I am not even annoyed by it.

Mr. WARREN. Mr. President——

Mr. DILL. I think I had better continue to discuss the bill. I am perfectly willing for the Senator from West Virginia to have his measure passed, if somebody else does not object.

Mr. BRUCE. I object. There is nothing personal to the Senator from West Virginia in the objection, it is needless for me to say. I hope the whole Senate will wake up, and that this filibuster may end.

Mr. SWANSON. Mr. President, will the Senator from Washington yield?

Mr. DILL. Not at this time. Since I have started in to discuss this I want to complete the article, and I hope the Senator will bear with me——

Mr. SWANSON. I was going to ask unanimous consent that the article be printed in the RECORD.

Mr. DILL. I want to discuss it a little while. I want the Senator from Maryland particularly to get this information.

Mr. BRUCE. One moment, then.

Mr. DILL. I yield to the Senator.

Mr. BRUCE. Now, that the Senator is in that compliant state of mind, will he allow me to assure the Senator from West Virginia that I did not have the slightest intent of casting any reflection on him whatsoever, and I am astonished that he should have drawn such an inference from my words.

Mr. DILL. I should be very glad to have the Senator from Maryland give all the assurances he desires to the Senator from West Virginia, because I know it is my opposition to the pet hobby of the Senator from Maryland that disturbs him so greatly. He wants to keep an army down in Nicaragua. He wants to keep the boys down there to be shot at, and he knows

this gives another excuse for keeping them there, and I am not surprised.

Mr. BRUCE. The Senator is right, and I would like to send some Senators down there to be disposed of, too.

Mr. DILL. I have noticed that these Senators who are so anxious to have some one down there never volunteer to go themselves. That is always a very noticeable fact.

Mr. BRUCE. I am beyond the military age.

Mr. DILL. Yes; and that is one of the excuses men always make when they use an argument of that kind to back their position.

Mr. BRUCE. I am still equal, though, to private combat. [Laughter.]

Mr. DILL. I recognize that. Of course, it may be that the Senate would like to take a recess at this time to enjoy the fight returns; I do not know.

Mr. SMITH. No; we are going to have one here.

Mr. DILL. The Senator would not dignify a little difference of opinion with the Senator from Maryland in terms of fight, I hope.

Mr. SMITH. No; there is no danger.

Mr. DILL. In order that if Senators do want to hear the fight returns they may have that opportunity, I move that the Senate now take a recess until 11 o'clock to-morrow.

Mr. GOFF. Before that motion is put——

Mr. ASHURST. That is not debatable.

Mr. DILL. I yield to the Senator.

Mr. GOFF. I will ask the Senator if he will yield to me for a moment.

Mr. DILL. Yes; I yielded to the Senator a while ago.

Mr. GOFF. I will ask the Senator from Maryland if he will not withdraw his objection——

Mr. BRUCE. I do.

Mr. GOFF. To my request for unanimous consent, inasmuch as it will lead to no debate.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. DILL. I yield.

Mr. ASHURST. Mr. President, I ask the Chair to read the standing rule of the Senate in regard to the question of interrupting Senators, beginning on page 11, the second clause of the rule. I ask that the Chair read it aloud, regarding the interruption of Senators.

The PRESIDING OFFICER. The clerk will read.

Mr. ASHURST. Page 11. It begins with the words "It shall not be in order."

The Chief Clerk read as follows:

> It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. ASHURST. I ask for the rigid enforcement of that rule.

Mr. GOFF. Mr. President, suppose a Senator——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. DILL. I yield.

Mr. GOFF. Suppose a Senator yields to another, and does not ask for the application of the rule? I ask the Chair then what application the rule has? It is only a rule which the Senator interrupted can resort to as a defensive measure. The Senator from Washington says he is very glad to yield if the matter will call for no debate.

Mr. ASHURST. It is a rule which can not be waived.

Mr. GOFF. The Senator from Maryland has very kindly withdrawn his objection, and the Senator in charge of the bill, the distinguished Senator from Wyoming [Mr. WARREN], says he has no objection, and I renew my request.

Mr. DILL. I suggest that anything may be done by unanimous consent.

Mr. SWANSON. Mr. President, is the bill to which the Senator from West Virginia refers on the calendar, like other bills?

Mr. GOFF. It is.

Mr. SWANSON. Is there any reason why that bill should be passed in preference to other bills on the calendar?

Mr. GOFF. Oh, yes; I think so; because it has been pending for several sessions and the people who would be benefited by the bill are very much in need of the relief.

Mr. SWANSON. I am not willing, having bills on the calendar, to permit the calendar to be called promiscuously and be silent and let my bills on the calendar fail. I think that if we are going to have a call of the calendar to-morrow, as I understand we are if we get this bill through—and if we do not, we can not—it seems to me we had better proceed and let the bills be called in regular order.

Mr. GOFF. If this bill is passed now, will there not be just one less bill to be passed?

Mr. SWANSON. I have one myself I would like to ask unanimous consent to have passed right now.

The PRESIDING OFFICER. Does the Senator from Washington yield further?

Mr. DILL. I yield.

Mr. GOFF. I hope the Senator will not object to my request. In view of this very wide discussion, and the generous application of these rules, I ask the Senator kindly to be as considerate as the Senator from Maryland has been and withdraw his objection.

Mr. ASHURST. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ASHURST. I make the point of order that under the rules of the Senate it is the duty of the Chair to enforce the rule to which I called attention, even though no point of order is made. I regard the Senator from Ohio [Mr. FESS], who is now presiding in the Senate, as one of the most skillful, patient, and courteous Senators we have, and I ask him to enforce that rule.

Mr. DILL. Mr. President, I will yield the floor to the Senator from West Virginia at this moment if he wants to make a motion.

The PRESIDING OFFICER. The matter has gotten to the point now where the Chair probably should enforce the rules rigidly, and any yielding on the part of a Senator who has the floor will mean that he yields the floor.

Mr. DILL. Mr. President, I can certainly get the floor again, because there is no rule about how often I may be recognized.

Mr. GOFF. Mr. President, I ask that the Senate proceed to the consideration of House bill 16958.

AIRPLANE ACCIDENT AT LANGIN FIELD, W. VA.

The bill (H. R. 16958) to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, was read twice by its title, was considered as in Committee of the Whole, and was read at length, as follows:

> *Be it enacted, etc.,* That the sum of $16,778.57 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of claims for property damage, death, or personal injury due to the Army airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, to the persons entitled thereto and in the amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document No. 562, Seventieth Congress, second session, pursuant to the act of March 5, 1928. (45 Stat., pt. 2, 7.)

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 5781 will be indefinitely postponed.

Mr. COPELAND. Mr. President, the conferees on the Code of Laws for the District of Columbia relating to degree-conferring institutions have agreed, and I ask that the conference report be laid before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

The Chair laid before the Senate the conference report on Senate bill 2366.

The PRESIDING OFFICER. Is there objection to the consideration of the report?

Mr. BRUCE. I object.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. CURTIS. Mr. President, I think it is only fair to inform the Senator from Washington that under the rules he is only permitted to speak twice on the bill to-day.

Mr. DILL. Oh, well——

Mr. CURTIS. Just a moment, please. But no notice having been given I do not think advantage ought to be taken of the rule. I do not think the Senator can yield again unless he wishes to have the rule enforced.

Mr. DILL. Of course the Senator from Kansas recognizes that I have the right to speak twice on any amendment also and I shall, if necessary, offer an amendment.

Mr. McKELLAR. The rule is perfectly plain as set forth on page 23, that "no Senator shall speak more than twice upon

any one question in debate on the same day without leave of the Senate, which shall be determined without debate." The Senator made a speech and then yielded the floor by suggesting the absence of a quorum. The last time he yielded the floor a second time.

Mr. DILL. Then I will offer an amendment, if the Senator wants to invoke the rule. I move to strike out "$150,000" and insert "$100,000."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 108, line 5, strike out "$150,000" and insert "$100,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Washington. Those in favor of the amendment——

Mr. DILL. Just a moment Mr. President, I have not concluded my discussion of the subject yet.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. DILL. I want to continue to read from this article:

The United States Government——

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Is it in order for the Senator to read from a book? I remember some time ago that exact point of order was made.

Mr. DILL. I might remind the Senator that I am not reading from a book. I am reading from an article.

Mr. McKELLAR. Yes; but a magazine article is the same thing. I know it has been held previously to be out of order. I remember several debates in which I participated myself, and it was held by the Chair, Mr. Coolidge being in the chair at the time, that a Senator could not read from a book or pamphlet unless it was written by himself.

The PRESIDING OFFICER. The Chair understands the rule to be that if the book were sent to the clerk's desk with the request that it be read, it could not be read, if anyone objected to it, without leave of the Senate, but the Chair does not understand that the rule applies to a Senator himself reading from a book.

Mr. HEFLIN. Mr. President, I recall one night when the Senator from Georgia [Mr. HARRIS] was reading from the CONGRESSIONAL RECORD and read at length, and he was stopped. I think Mr. Coolidge was in the chair at the time.

Mr. ASHURST. Mr. President, I hope there will be no effort to take the Senator from the floor.

Mr. HEFLIN. Not at all.

Mr. DILL. I may have to recite it from memory, but I am not sure that I could recite it accurately.

Mr. McKELLAR. The Senator has read it so often that he ought to be able to recite it from memory.

Mr. HEFLIN. The Senator may not read at length from any periodical, but he may read briefly from it and comment as he goes along.

Mr. DILL. I have been doing that quite continuously, I think.

Mr. ASHURST. Mr. President, I think the Senator is discussing a question upon which he has very definite views. The Senate does not agree with him. I am not of a turn of mind to hammer down and beat down a man just because he does not happen to agree with the Senate. The fact that the Senator is alone, or is practically alone, ought to inspire our respect rather than our ridicule. I hope no effort will be made to take the Senator from the floor.

Mr. DILL. Mr. President, I appreciate the good will of the Senator. I have said before and I say again that if the joint resolution had been passed by both Houses and the appropriation for carrying out the will expressed by the Congress were before us, I might have something to say against it, but I would not attempt to delay action and discuss it as I have discussed the amendment here to-night. But I object to this covert method being used to put an appropriation into a great bill, as is being done here, and I have my right to protest against it.

Mr. ASHURST. I think the able Senator in his intense feeling really does the Senate an injustice when he charges it is a covert attempt. I do not think it is that.

Mr. DILL. I do not know what else to call the action on the part of the Appropriations Committee, because it is something that could not be done otherwise. It could not be done on a separate bill, but it has been brought in as a part of a great emergency measure. It is just exactly that and nothing else.

Mr. ASHURST. It is not subject to a point of order.

Mr. DILL. No; because a rule has been adopted that permits this sort of thing.

Mr. McKELLAR. When the Senate overwhelmingly adopted the proposal, it can not be said that it was covertly done. I think that is an expression in violation of the rule.

Mr. DILL. I will say improper. I have no dictionary here and so I will not argue with Senators about the meaning of terms. The Senator understands what I am talking about. He understands the injustice and the unfairness of the methods being used in this matter.

When Senators say that I am alone in my opposition to this measure I want to remind them that I may be alone in this body, but I am not alone in the great masses of the American people who are disgusted and tired of having boys, who have taken the oath of allegiance to the flag to protect it, sent down to a foreign country to give their lifeblood, if need be, to protect the investments of Wall Street investors who can not collect their money unless they have somebody down there to help collect the government revenues.

To me it is a serious proposition when young men go into the Army or the marines or the Navy of this country and swear allegiance to the flag and to protect this Government and to protect its rights, and then those young men are sent into a foreign country to carry out orders which I believe are illegal and not authorized under the Constitution of the United States. I do not believe a single marine is legally in Nicaragua to-day. A year ago when this question was before the Senate we were told that they must be kept there because foreign negotiations had been made whereby an agreement had been given to factions in Nicaragua that an honest election would be held. Now that election has been over for four months and still the marines are kept there and still boys are shot every day and boys die there.

Only yesterday I received a letter from a woman in New York City who said her boy had been killed in Nicaragua and she asked if I would not help to get his body brought back that he might be buried at home. In that letter she said that she was willing that her boy should go, if need be, and die for his country, but she was unwilling that he should go and give his lifeblood that a few men might collect on investments that have been made down there for speculative purposes.

Owing to the fact that she was from another State I referred her letter to one of the Senators from New York, but I do not entirely sympathize with the viewpoint of those who would override and disregard the sentiment and the demand of the great masses of the American people, as I believe it to be, that young men who go into the marines or the Army or the Navy to protect our country and our flag should be used for the sinister purpose of maintaining order so that speculators who have invested their money can collect profits on those investments.

I repeat that the record of this Government in Nicaragua, the record we have made in our activities in that little country, will not bear the light of day without any American who has any regard for his country's record blushing with shame.

If there was any real need for this canal, if there was any pressing demand for it, if our commerce on the seas to-day were unable to get through the Panama Canal, then I could understand why Senators would come here and make demand that we rush the appropriation into this bill. But when there is no such demand, as I said before, and when the average number of ships going through the canal is only 19 per day and the capacity of the canal is 54, it certainly will be many years before the capacity of the canal will be exhausted. When I call attention further to the fact that by this new dam that will supply water and another lock that could be constructed it will be 40 years after the facilities of the present canal are exhausted before we need another canal across the Isthmus, I say that there is no reason from a commercial standpoint for pressing action for the Nicaraguan route at this time.

The truth of the matter is that anybody who dares to suggest that the Constitution be obeyed or that the rights of the private men in the marines shall be considered is ridiculed and laughed at and told that he is in the minority. It does not worry me very much to be in the minority, thank God. I have been in the minority a good many times and I have never hesitated to be in the minority when I thought I was right. If ever the time comes when I hesitate to be in the minority simply because I am in the minority, then I hope I shall be retired from this or any other public body where I am supposed to be a representative of the people of this country.

In the article which I was attempting to read, and which seems to have disturbed some of those who are trying to rush this appropriation through without the legislation having been passed, the writer said further:

Finally, late in 1926, after Chamorro had resigned, an opportunity was given for the Nicaraguan Congress again to be legally constituted on November 10. By this Congress Adolfo Diaz, in place of Chamorro, was elected first designate, and on November 14, as such, he assumed executive powers. In his message of January 10, 1927, President Coolidge declared that the acts of the reconstituted Congress may be considered legal, hence, he argues, the constitutionality of Diaz's government.

The writer believes, however, even in case the Congress which elected Diaz was legally constituted, it was incompetent to elect anyone as the successor to a recognized constitutional Vice President who had only been illegally deprived of his office by an illegally constituted Congress. Certainly, when Sacasa landed on the Nicaraguan coast on December 1, 1926, he rightfully claimed that he was the constitutional President of Nicaragua. Nevertheless, Diaz was accorded recognition by the United States Government one week after his assumption of powers.

Thus I say this Government has continually interfered in the constitutional Government of Nicaragua, and it has interfered by the force of power which it has exerted there in the form of its armed forces—the marines.

Aside from the above opinion concerning the constitutionality of the succession of Diaz to the Presidency, he is ineligible on still another count. Article 2 of the general Central American treaty of 1923, which was inspired by Secretary Hughes, prohibits the recognition of any person as President who had been a "leader" or one of the leaders of a [successful] coup d'état, or revolution.

On the basis of evidence laid before the United States Senate on January 13, 1927, Chairman BORAH, of the Foreign Relations Committee, affirmed that Diaz was "as much a part of that coup d'état as Chamorro," hence was equally as ineligible for succession to the Presidency as the latter had been held to be by the United States Government.

That recital of facts only bears out the contention made in the former parts of the article as to how the Government disregards entirely the people of Nicaragua, the will of the people there, and proceeds to support the official whom they desire.

Now, that there has been an election and the new officials are in charge there, we are told that they must train a skeleton army of some kind or a national guard of some kind, and we are to keep 3,500 marines down there to train the national guard. It would only take a few officers to do that. There is no excuse or reason for keeping any great body of marines down there now, but if this appropriation can be put through and we can get some engineers down there and get some stations established, then there will be a new reason for keeping them there to protect Americans who are there surveying the canal. If we stand here in the Senate, then, and attempt to urge that the marines be brought out, we will be told that we are not willing to use the forces of the American Government to protect American rights and American interests in the Canal Zone.

LANDING OF AMERICAN MARINES

The election of Diaz inspired the outraged Liberal revolutionists to renewed efforts, and these in turn inspired Diaz repeatedly to solicit the support of the United States. Finally, on December 23, 1926, American marines were landed for the avowed purpose "of protecting American and foreign lives and property." The validity of such an excuse has been frequently questioned in the United States Congress; Senator BORAH, on February 23, 1927, inquired: "What foreign lives have been lost or threatened? What property of foreigners destroyed?" A second excuse given for the intervention was that it was necessary in order to uphold the Monroe doctrine. Such an allegation provokes academic controversy, but it may undeniably be affirmed that the latest intervention in Nicaragua was not necessary in order to uphold and defend the Monroe doctrine as it was interpreted and applied prior to 1902.

Now, of course, they do not even claim that the Monroe doctrine has anything to do with it. The only excuse they have left now is that they want to train the national guard of Nicaragua. That is a pretty flimsy and weak excuse, and so they are getting ready to have a new reason by rushing this appropriation through in the deficiency bill.

Mr. President, I had intended a while ago to make a motion, but was interrupted by the Senator from West Virginia. I had intended then to make a motion that the Senate take a recess until to-morrow at 11 o'clock, and I make that motion now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was rejected.

Mr. DILL. I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Smith
Barkley	Edge	King	Smoot
Bingham	Fess	McKellar	Steiwer
Black	Fletcher	Neely	Swanson
Blaine	Frazier	Norris	Trammell
Bratton	Glass	Oddie	Vandenberg
Brookhart	Glenn	Pine	Walsh, Mont.
Broussard	Goff	Pittman	Warren
Bruce	Hale	Reed, Pa.	Watson
Capper	Heflin	Robinson, Ind.	Wheeler
Copeland	Jones	Schall	
Curtis	Kendrick	Sheppard	

Mr. NEELY. Mr. President, I understand that the Senate is without a quorum. I move that the Sergeant at Arms——

The PRESIDING OFFICER. No announcement has as yet been made.

Mr. NEELY. Obviously there is not a quorum present.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The Chief Clerk proceeded to call the names of the absent Senators, and was interrupted by—

Mr. NEELY. Mr. President, I rise to a point of order. I make the point of order that there is no provision in the rules and there is no authority for having the roll called the second time. I therefore, following the rules, move that the Sergeant at Arms be instructed to do just what the rules require, and that is to request and, if necessary, to compel the attendance of absent Senators.

Mr. SMOOT. That is what the roll is now being called for.

The PRESIDING OFFICER. What is the motion of the Senator from West Virginia?

Mr. NEELY. I make the point of order that there is no authority under the rules for a second roll call.

The PRESIDING OFFICER. The Chair has followed the custom of the Senate in ordering the clerk to call the names of the absent Senators. What is the motion the Senator makes?

Mr. NEELY. The motion I make is in conformity with what the rules require in the circumstances that now exist in the Senate, that the Sergeant at Arms be instructed to request and, if necessary, to compel the attendance of absent Senators.

Mr. SMOOT. Mr. President, the practice of the Senate ever since I have been here has been to call the roll for a second time in order to demonstrate whether or not there is a quorum present. During the second call Senators may come in and answer to their names.

The PRESIDING OFFICER. That is what the Chair has ordered to be done. The clerk will complete the call of the absentees.

The Chief Clerk resumed calling the names of the absent Senators, and was interrupted by—

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. PITTMAN. There is a motion pending, is there not?

The PRESIDING OFFICER. The Chair will put that motion after the call of the absent Senators is completed. The clerk will continue the call of the absent Senators.

The Chief Clerk resumed calling the names of the absent Senators, and was interrupted by—

Mr. PITTMAN. Mr. President, with all due respect to the Presiding Officer, I made a parliamentary inquiry as to what disposition was made of the motion of the Senator from West Virginia. He moved——

The PRESIDING OFFICER. That motion was made while the clerk was calling the roll. When the roll call shall have been completed, the Chair will put the motion. The clerk will resume calling the names of the absentees.

The Chief Clerk resumed and concluded calling the names of the absent Senators, and Mr. NYE answered to his name when called.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum is not present.

Mr. PITTMAN. I move that the Senate adjourn.

Mr. SMOOT. Mr. President——

Mr. PITTMAN. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Nevada moves that the Senate adjourn. The question is on the motion of the Senator from Nevada.

The motion was rejected.

Mr. DILL. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMOOT. Mr. President, is there a quorum present?

The PRESIDING OFFICER. There is not.

Mr. SMOOT. I move that the Chair instruct the Sergeant at Arms to request the attendance of absent Senators.

Mr. NEELY. One moment before that motion is voted on, Mr. President. I desire to amend the Senator's motion by having the Chair instruct the Sergeant at Arms in the language of the rule; that is, to request and, if necessary, compel their attendance. They can ascertain the result of the Stribling-Sharkey fight to-morrow.

Mr. SMOOT. I have no objection to the amendment.

The PRESIDING OFFICER. The motion before the Senate is that the Sergeant at Arms request and, if necessary, compel the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will request and, if necessary, compel the attendance of absent Members.

Mr. HAYDEN, Mr. EDWARDS, Mr. DENEEN, Mr. GEORGE, Mr. HARRIS, Mr. HARRISON, Mr. THOMAS of Idaho, Mr. THOMAS of Oklahoma, and Mr. WALSH of Massachusetts entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present; and, without objection, further proceedings under the rule are dispensed with.

Mr. NORRIS. Mr. President, this is a bill containing something over 200 pages. I had no idea that this item was included in this deficiency bill. I did not suppose that the Appropriations Committee would put in an item of this kind prior to the time that the so-called Nicaraguan survey bill became a law. The only reason why this item is in this bill, and the only reason under the rules by which it could be sustained as a practical proposition, is because the Nicaraguan survey bill has passed this body during this session of Congress. It has not passed the House of Representatives, and, of course, has not been signed by the President of the United States.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. HAYDEN. The Senator is aware that an estimate covering this sum of money for a survey was transmitted to Congress by the President from the Budget Bureau?

Mr. NORRIS. Yes; I have been informed that that is true. I am not arguing that the amendment is out of order, although I think a good argument could be made along that line; but I am not making that claim at all. I am stating the facts. If I misstate them, I should be very glad to have any Senator correct me.

The Nicaraguan bill has passed the Senate. It has not passed the House of Representatives. It has not been signed by the President. It is not a law. It may not pass the House of Representatives. It may not be signed by the President of the United States. It may never become a law; and still we are appropriating public money in this bill to make that survey.

I can not understand the haste. I can not understand, except for reasons that I am going to give later, why Senators are so anxious that before the ink is dry on the record by which the survey bill passed this body we are called upon to appropriate $150,000 to make this survey.

I do not see, on the face of things, why we should be so expeditious. Senators are complaining of the time that has been taken. They have been censuring the Senator from Washington. In the colloquy to which I listened a little while ago it was stated several times by Senators interrupting him that he was the only Member of the Senate who was opposed to this provision in the bill, or words to that effect. Mr. President, I want to say that there is at least one other Member of the Senate who is opposed to this provision in the bill, and since I found out an hour or so ago that this thing was in the bill I have heard expressions from at least seven or eight Senators against this particular provision; and I have heard several Senators who are going to vote to keep it in the bill say that they think it was a mistake to put it in this bill at this time.

Why the haste? Nicaragua will still be there after the 4th of March. The river and the lake and the place where we are going to dig the ditch and make the survey will still be there next year. We shall not need another canal, if we ever need it, for the next 15 years. There is not any reason, on the face of things, why we should all madly rush forward now and demand that a survey be made of this proposed canal. The probabilities are that we never will build it, at least not within the lifetime of many of those who are now Members of this body.

Why the haste? Why take up the valuable time of the Senate just before the 4th of March, when other important bills are crowding at our doors for consideration, and yell against those who are opposed to any amendment of this kind, "You shall not open your mouths, you shall not say a word, or we will charge you with filibustering?" Why this attempt to put through this item under the spur and the lash, and cry out against any man who dares to raise his voice against it that he is a filibusterer?

It is the same old story; but there is another reason in this as I see it. It is the same old story that every two years, in the short session of Congress, we must submit to what we believe to be wrong, to what we believe to be a sin against the taxpayers of the United States, if we dare to raise our voices in criticism or in objection.

I do not want this bill to fail. I have cooperated to the best of my ability to see that it does not fail. I said before that I was surprised when I found that this item was contained in it; and yet, even at the risk of being classed as one who is trying to filibuster, I want to raise my weak voice against this particular item of appropriation. I think it is wrong; and, after all is said and done, I believe that it is a peg that is put in this bill for the purpose of hanging on to the peg the right to maintain an Army in Nicaragua, the right to continue our marines in that country, to give an excuse to the President of the United States to keep our soldier boys down in that country.

It would not seem that way if it were not for the fact that we had the promise, really, at the last session of Congress, from those who were representing the administration, that when the election was held our boys would be brought home. We had the promise on that score even by those who believed that keeping our soldiers in Nicaragua was unconstitutional, that it was done without any authority of law, either the law of our country or international law. But they said, "We have made an agreement, illegal though it is, wrong though it may be, we have made an agreement to hold an election. As a result of the agreement, the arms of the insurgents and the regular soldiers there have been surrendered to our country. After we have disarmed them, after we have made this agreement, even though it was made without authority, even though there is no legal right for our soldiers to be there, it seems best that we should carry out the agreement. Otherwise, it might be charged that we were acting in bad faith."

So the proposal to bring the boys home was rejected by this body. Then the other day, when the matter came up, the Senate upon a roll-call vote decided that we ought to keep that agreement, that we ought to bring the soldiers home, that the election had been held, that peace prevailed in Nicaragua, that the new officials had been installed in office, and that there was no further reason on any ground why our soldiers should be kept there.

So we adopted a provision that in effect meant that they should be brought home. It is true that the next day, when the administration rounded up its forces, it convinced some of the Senators that they were wrong, and that they ought to change their votes. It brought in the absentees. Some who voted to bring the marines home the day before were absent the next day, and the administration had enough votes to reverse the judgment of the Senate taken on the preceding day. But outside of all that there would certainly come a time, approaching every day, when the sentiment of the country would crystallize around the proposition that we are keeping our soldiers there without any reason given by those who are holding them there, by an administration that does not even pretend to give officially to this body any reason why they should be held there longer.

Now, we are in all haste rushing, tumbling over each other, we are bringing in an appropriation item here to provide for a survey down in Nicaragua, to appropriate money for something that has not yet been enacted into law. We must do it now, so that those in charge of the Army will be able to say, "We have engineers there, we have our supplies there, we are in possession down there, making a survey for a new canal that we do not expect to build, and, if we do, it will not be in this generation, but we have our men there. Therefore we must keep our soldiers there."

It looks to me as though the Senator from Washington is right, that, after all, behind this is the fact that we want some excuse to continue in Nicaragua with a standing American Army.

Why, some might ask, are we wasting valuable time, the precious moments between now and the 4th of March, in discussing this? We must either discuss it or swallow the dose silently without saying a word. We put aside the reapportionment bill; we have practically put aside the radio bill; we have put aside dozens of bills in which the country is greatly interested and which most of the people, I believe, would like to see enacted into law. We put them aside because we are wasting time trying to get enacted into law another peg upon which can be hung the claim to keep an army of American soldiers on foreign soil.

Mr. President, it seems to me that even though under our rules we have a technical right to put this in the bill, there is no reason for it; there is no hurry for it, when we were trying a little while ago to follow a leader whose principal cry, almost his only cry, was "Economy! Economy! Economy! Do not spend the public money." Here, when he is about to lose his power and his influence, we are rushing forth, spending $150,000 for an entirely useless purpose.

It was said in the debate on the joint resolution providing for a Nicaraguan canal survey that we had surveyed that route once, that we had all the details of it, and in answer to that the cry came that that was a long time ago, that we ought to do

it over, that "It has been so long ago that we ought to resurvey it, perhaps." But now we are going to resurvey it, and I do not believe there is a Senator here who believes but that before we actually build the canal, if we ever do, we will have to resurvey it again. The people who survey it now will be dead and buried long before we will commence to build the canal, if we ever commence to build it, and those who follow us, if they believe, as we apparently do, that we need another canal, and start to build it, will have to survey it over again. There will be just as much improvement in the next 10 years, I presume, in engineering as there has been in the last 10 years. So the survey we will make now will not be of any value as a practical proposition when we come to dig the canal. It will have accomplished one purpose, however, if by means of it we are able to keep in Nicaragua an encampment of United States soldiers.

Mr. DILL. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. DILL. The Senator realizes that this very appropriation will be another excuse for keeping the marines there?

Mr. NORRIS. Oh, yes. As I said a while ago, it begins now to look to me as though that is the real object of this appropriation. That is the only object that is going to be accomplished by it, in my humble judgment.

It is true, we have passed a joint resolution through the Senate providing for another survey in Nicaragua. If that passes the House, if it becomes a law, then it will become our duty to make an appropriation to carry it out. In the meantime we can bring our soldier boys home at least long enough to let them get acquainted with the folks at home. We can bring them back for a little while, and get them out of the marshes and the tropical climate in which they must live there, and let the people of Nicaragua for a few months, perhaps for a year, live their own lives without the coercion of foreign soldiers to tell them what to do, or to even hold their elections.

Mr. President, without regard to any technicality, without regard to the technical right to put this particular amendment on the bill, it seems to me under these circumstances it ought to be taken out. It seems to me that we are going far afield when we undertake at this stage of the proceedings to provide for the expenditure of the vast sum of money contemplated by this appropriation.

Mr. President, I have just been interrupted by Senators talking to me about the boxing contest held to-night in Florida. It was suggested that since the Chair is separated from his fellows by such a distance, and is undoubtedly very much interested, having the floor, I was deputized by my fellow Senators to announce to the Chair that Sharkey won the fight. [Laughter.] He won on points, however, there being no knockout. [Laughter.]

Mr. NEELY. Mr. President, in other words, he won in the same manner the marines have won in Nicaragua so far.

Mr. NORRIS. Mr. President, I want to say one more word to the Senators here about the time that has been taken up on this bill. If it was not for the fact that the 4th of March is just ahead of us, nobody would have thought, so far as anything I have heard is concerned, since the agreement early in the evening was made, that anything that has been said was in the nature even of a filibuster. After the Senator from Michigan [Mr. VANDENBERG] decided practically to withdraw any further attempt to get up the reapportionment bill, I think the debate has been perfectly proper and very instructive. I have listened to what the Senator from Washington [Mr. DILL] has said since I came into the Chamber, since I found out about this item being in this bill, with a great deal of interest.

I do not believe that there is any Senator here who can answer the argument he has made. I do not believe it is answerable. I do not believe, when we come right down to logic and facts, there is any way satisfactorily to explain why this item should be in this bill at this time.

Those Senators who want to do the business we are called upon to do before the 4th of March, and who are leaders here, who have charge of these great committees, who control the Committee on Appropriations, those Senators who have controlled this bill and have framed it and have brought it in to the Senate, knew when they brought it in that the 4th of March was only a few days ahead. They knew that if orderly debate took place on one-half of the items which are susceptible of debate in the consideration of a bill of this kind we could not even finish the consideration of the bill before the 4th of March.

Why did they put in such an item? Was it because they thought Senators would not dare to debate it for fear they might be charged with filibustering? Was it because they thought that if there were an opportunity for full debate and consideration the Senate would take this item out, and they would take advantage of the fact that only a few days remained, and they could put in an item here that we would have to swallow just because it was near the end of the session, when we all know everything not passed will be dead? It seems they are to blame if delay has taken place on account of this bill.

I want to say, as far as I am concerned, I do not want this bill to fail, I want it to pass, but my anxiety to see it passed is not so great that I must close my mouth and remain silent here while Senators try to put through, under the whip and spur of the few days only that are left, an item which to me seems so objectionable, an item which, after we have simmered it all down, has nothing, in my judgment, in reality to sustain it except that somebody wants an excuse to keep our soldiers in a foreign land.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. DILL. I want to call the Senator's attention to the fact that often we pass bills in both Houses providing authorizations for expenditures, but because we can not get the Bureau of the Budget to submit an estimate, we can not get the items considered in the Senate. But in this case, when only one House has passed a measure, the Bureau of the Budget submits an item and the Committee on Appropriations puts it in the bill, and if the House accepts it, they will never need to pass the joint resolution pending over there, because this is in effect the same thing in the way of legislation as the joint resolution in the House which has not yet passed.

Mr. NORRIS. Of course, Mr. President, if we wanted an estimate to help agriculture, to help the farmers of America to build a road or to do something of that kind, we probably could not get it, but if we want an estimate upon which to hang the right to pass an appropriation item to keep our soldiers in Nicaragua, or to give an excuse for keeping them there, it is not difficult to get.

It seems to me that if our Panama Canal were clogged with traffic, if we were not able to get a ship through, there might be some reason for this haste. I would not object seriously to a survey if Senators wanted to make it, or if officials of the Government wanted to make it, but I would not want to commence to-night. It seems to me that it is not something that is as urgent as many other things we ought to do.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. Will the Senator inform us when the Budget Bureau sent this estimate down?

Mr. NORRIS. I am not informed as to that. I did not know until to-night that there had been such an estimate made.

Mr. BARKLEY. Is it conceded that the Bureau of the Budget actually sent an estimate in?

Mr McKELLAR. Oh, yes.

Mr. SMOOT. I will say to the Senator that it was an item from the Director of the Bureau of the Budget with the approval of the Budget.

Mr. NORRIS. The question is, When was it sent here?

Mr. SMOOT. It was sent to the committee at the time we considered the bill. It was before the committee when the item was put into the bill.

Mr. BARKLEY. Was it before or since the passage of the joint resolution?

Mr. SMOOT. I think it was after the passage of the joint resolution by the Senate.

Mr. NORRIS. That is the important part. The estimate was sent by the Budget soon after the passage through the Senate of the Nicaraguan survey joint resolution, but, of course, the estimate comes before the joint resolution has passed the House. The estimate comes before the joint resolution has become a law. That only strengthens my idea that the administration is in terrible straits to give some reason to the people of the United States why we are keeping our marines in Nicaragua.

Mr. BARKLEY. Mr. President, will the Senator inform me and others here under what rule of the Senate or what law the Bureau of the Budget has the authority to submit an estimate for an expenditure that has not been authorized under the law, when the Senate itself which helped to create the Bureau of the Budget can not consider the item unless it has been authorized by statute?

Mr. NORRIS. I have not the statute before me. The estimate, however, is here.

Mr. McKELLAR. The rule of the Senate authorized it.

Mr. BARKLEY. How can the rule of the Senate authorize the Bureau of the Budget to send down an estimate when the Senate itself can not consider the item?

Mr. SWANSON. Mr. President, I will read to the Senator the rule that permits it:

All general appropriations shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution passed by the Senate during that session.

The authorization having passed the Senate at this session made the item in order under the rule. That is Rule XVI.

Mr. DILL. But that does not answer the question of the Senator from Kentucky.

Mr. NORRIS. I think we are all familiar with the rule.

Mr. SWANSON. I did not say anything about the right of the Budget to send the estimate.

Mr. NORRIS. But that was the question of the Senator from Kentucky.

Mr. SWANSON. The second part of the rule gives the authority for the Senate's action.

Mr. NORRIS. The question asked by the Senator from Kentucky that I am unable to answer was whether the Budget had authority of law to make an estimate when the provision for it had not yet been made by law.

Mr. SWANSON. I understood the final part of the Senator's question was, What right has the Senate to consider the amendment when the Budget itself had no right to send down the estimate, and consequently the Senate could not consider it?

Mr. BARKLEY. Does the Senator construe the rule to mean that the joint resolution, which must be acted on by both Houses, is included in this rule, or simply a resolution of the Senate which requires no action on the part of the House?

Mr. SWANSON. The rule has always been that if we pass a resolution through the Senate authorizing an appropriation it is not objectionable under the rule of the Senate, paragraph 1 of Rule XVI.

Mr. EDGE. Mr. President, without extending the argument, I go even a step further——

Mr. NORRIS. Before this proceeds further, as the Chair has announced a while ago that he was going to enforce the rule strictly——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. NORRIS. I yield with the understanding that the rule will not be enforced so strictly as to take me from the floor. I think it is quite apparent to the Chair that there is no filibuster going on now at least. Senators are asking perfectly proper questions, and I would like to yield to them. I yield to the Senator from New Jersey.

Mr. EDGE. While I think the Senator from Virginia [Mr. SWANSON] has made it very clear that the estimate was made within an absolutely clear interpretation of the rule if the Senate had passed such a resolution, I call attention to the particular line in Rule XVI which states "or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation."

It particularizes the term "treaty stipulation." As a matter of fact, we have had a treaty stipulation with Nicaragua for 15 years, ratified by the Senate of the United States. We authorized the expenditure of $3,000,000 under that treaty stipulation. There is no question in the world that we enacted legislation so far as Panama is concerned time after time and appropriated every year for Panama. Now, in my judgment, a strict interpretation of the rule would permit an appropriation carrying out a treaty stipulation with Nicaragua and the next step would be a survey even if we never had introduced a resolution. I believe that under a strict interpretation of Rule XVI the Budget Bureau and the President could send an estimate here carrying out the treaty stipulation, asking the Senate to include in an appropriate appropriation bill a sufficient sum to carry out the next step after we had purchased the right of way, which would naturally be a survey. I am not a lawyer, but that sounds to me perfectly logical as an interpretation of Rule XVI even if we had not passed the resolution.

Mr. NORRIS. Mr. President, let me remind my genial friend from New Jersey again, as I did in the beginning, that I have not made a point of order against the amendment. I said that while I thought a good argument could be made, I distinctly disavowed any intention of bringing up the question. So, if time is the essence of everything here, I would feel constrained to say that the friends of the appropriation are consuming unnecessary time talking about an irrelevant proposition which I am not even urging. If I was inclined to be critical, I might even suggest that the Senator from New Jersey was engaged in a mild sort of filibuster against his own proposition.

Mr. EDGE. I have taken two minutes to interpret the rule.

Mr. NORRIS. Two minutes are precious. They are so precious that while those two minutes were in operation there was not anything else in the way of time that was in operation. Time is so precious that we always consume one minute before God gives us the next one.

Mr. GLASS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. Not with any purpose to discuss the Nicaraguan problem, I would like the Senator to tell me what restraint of the law would prevent the Budget from sending an estimate to Congress whether either House had passed a resolution or a bill? That is what the Budget is there for, to merely estimate expenditures, and the fact that the Budget does estimate does not at all oblige either House to accept those estimates. But I did not know there was anything to prevent the Budget from sending up its estimates.

Mr. NORRIS. I do not think there is. I do not know of anything.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. McKELLAR. As a matter of fact it is the second estimate that has been sent up for this very matter. The President sent it on May 23, 1928.

Mr. NORRIS. What was that for?

Mr. McKELLAR. To carry out this very matter. If the Senator will permit me I will read just a portion of the message of February 25, 1929, as follows:

On August 5, 1914, a convention was concluded with the Government of Nicaragua, proclaimed June 24, 1916, by which the Government of Nicaragua granted in perpetuity to the Government of the United States, forever free from all taxation or other public charge, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal by way of the San Juan River and the great Lake of Nicaragua or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two Governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal.

The purpose of the estimate of appropriation herewith submitted is to enable the Secretary of War to commence an investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, and, in connection therewith, to also commence an investigation and survey to determine the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping.

The accompanying estimate is submitted as a substitute for one of equal amount transmitted by you to the Congress on May 23, 1928 (S. Doc. No. 145, 70th Cong., 1st sess.), which provided only for an investigation and survey for a Nicaraguan canal.

The above estimate of appropriation is to provide for a contingency which has arisen since the transmission of the Budgets for the fiscal years 1929 and 1930. I recommend that it be transmitted to Congress.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The President sent it here in accordance with that message. This is the second Budget estimate that has been made.

Mr. NORRIS. All of which is valuable information, but it does not have anything more to do with the subject of my remarks than the flowers that bloom in the springtime. I would like again to announce that I am not making a point of order. For the sake of my argument or anything that I shall say it is conceded that the amendment is in order. I have been trying to impress that upon Senators. But notwithstanding the fact that I concede it is in order it does not follow that I ought to favor the appropriation. I seem to have been unable to draw the minds of the Senator from New Jersey and the Senator from Tennessee away from this fact that this is legal. They say: "Here is an item of appropriation. It is perfectly legal under the law and under the rule. Therefore pass it. Here is an appropriation which we have a right to bring in here. Therefore pass it. You have not any right to oppose it if we have a right to bring it in here."

That is the contention which they seem to be making here, one to which, of course, I can not agree. Notwithstanding the amendment is in order, under all of the circumstances, a part of which I have tried in my weak way to relate to the Senate, it still ought to be taken out of the bill. I would like to say to those Senators who so often reminded the Senator from Washington [Mr. DILL] that he stood alone that when the roll is called on this particular item they will find there are at least a few other Senators besides the two who have spoken against

the item who are opposed to it and who will be recorded as voting against it.

Mr. DILL. Mr. President——

Mr. JONES rose.

Mr. DILL. Does my colleague desire the floor?

Mr. JONES. I did not intend to consume any time if we were about ready to take a vote and I waited until I saw my colleague rise. I thought I could use two or three minutes, possibly.

Mr. DILL. The Senator can take all the time he wants.

Mr. JONES. Yes; I am sure of that. I just want to say a few words, however. I am a member of the Committee on Appropriations, and I must say that I did not know this item was in the bill. I was engaged in conferences a good part of the time, so I was not able to be with the Appropriations Committee all of the time after the subcommittee reported the bill to it. Therefore, as I said, I did not know this item was in the bill.

I can hardly believe that the committee, however, was actuated by any of the motives that seem to be ascribed to it. It has been suggested that the item was put in the bill, which must be disposed of, of course, within a few days, in order to force Senators to accept it whether they might desire to do so or not, in order to have the bill passed.

I can hardly believe, Mr. President, that any Senator on the Committee on Appropriations had any such idea in mind.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me for just a moment?

Mr. JONES. I will.

Mr. McKELLAR. In order that I may state in that connection that I have always at all time been in favor of bringing the marines out of Nicaragua. I voted for doing so the other day on the first vote, when it carried. When the question came up a second time, I again voted to withdraw the marines. I am very much in favor of bringing the marines back from Nicaragua, and yet I am also very much in favor of this appropriation, because I think the Nicaraguan canal ought to be started as soon as possible.

Mr. JONES. Mr. President, I was just going to come to that. It has been suggested that the purpose of the proposed survey in Nicaragua, and possibly the purpose of the construction of the proposed Nicaraguan canal, is to keep our marines in Nicaragua.

Mr. NORRIS. Mr. President, will the Senator from Washington permit me to interrupt him?

Mr. JONES. I will.

Mr. NORRIS. It may be, Mr. President—I have forgotten now—that in my remarks I ascribed to the members of the committee something that I did not intend to ascribe. I will say to the Senator from Washington that I certainly have had no thought that any member of the committee or any Member of the Senate has wanted to do or has tried to do anything that is in any way dishonorable or wrong. They are acting from conviction. I meant to outline, if I did not, what I believed the effect would be, and if I have gone any further than that, I desire to say most explicitly that I had no intention of casting any reflection upon any member of the Committee on Appropriations.

Mr. JONES. Mr. President, I am satisfied that the Senator from Nebraska did not intend to do that, but I got that impression from his remarks.

Then it has been intimated—and I refer now to what the Senator from Tennessee [Mr. McKELLAR] has said—or, at least, I got that impression, that the proposed survey is being urged in order that our marines may be kept in Nicaragua. I believe that any Senator who may have any such idea, upon reflection, will conclude that it is not the case. I do not believe there is any Senator on this floor who is pressing this legislation in the hope or in the belief or with the purpose of keeping our marines in Nicaragua. I do not believe that there is a Senator here who does not desire to see our marines withdrawn from Nicaragua just as soon as possible.

Mr. McKELLAR. I hope the new President will bring them back.

Mr. JONES. I hope so.

Mr. McKELLAR. I am inclined to think he will and I think he ought to. I, myself, think he ought to do so by all means, but I can not see any connection between the building of the Nicaraguan Canal and the keeping of our marines in Nicaragua.

Mr. EDGE. If we can believe the ruling powers in Nicaragua at the present time, it is their judgment that the easiest way to get the marines out of Nicaragua is to start the survey.

Mr. JONES. I am not questioning any Senator's honesty or his belief as to what the result may be; and if I thought this provision was being urged by anybody for the purpose or with the intent of keeping our marines in Nicaragua, I would do everything that I possibly could to prevent it; but I can not ascribe any such motive to any Senator in this body.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. HEFLIN. If the Senator will permit me, I desire to say that I introduced a resolution, which has been pending here quite a while, calling on the President to withdraw our marines from Nicaragua, and I voted the other day for the amendment on the naval bill requiring that they be withdrawn. I am heartily in favor of getting the marines out of Nicaragua as soon as possible. I think they will be brought out in a year. I am, however, also heartily in favor of the joint resolution of the Senator from New Jersey. I do not think that question is at all involved in the pending proposition. It shows wisdom on the part of Congress to push this undertaking and go ahead and have the survey made, because we are going to need that canal one of these days, and it is not going to be very long, in my judgment, before we shall need it.

Mr. JONES. Mr. President, just a word further. This, in my judgment, is the reason why the committee put this item into the bill, and I think it is the sole reason: The committee knew that the Senate had passed the joint resolution providing for the survey. This is the last appropriation bill that will come before Congress at this session. If no provision should be put into this bill appropriating the money to make the survey, and the joint resolution should pass the House and go to the President and become, in fact, a law, then, there would be no money available until next winter, when we should pass an appropriation bill providing for it. In my judgment, that is the reason why the committee put in the provision. I have not any doubt whatever that if the joint resolution shall not pass the House, this item will be left out in conference.

I will say for myself that I do not think we would suffer greatly if we did not have the money for the survey before next winter, but I can not see how we would suffer any, if it is desired to expedite the survey, by putting this item in the bill in the Senate, with the knowledge that if the joint resolution providing for the Nicaraguan Canal survey shall not have passed the House before the conference report shall come back, the item will be left out of the appropriation bill.

Mr. HEFLIN. Mr. President, is not the Senator willing for us to have a vote on this item now?

Mr. JONES. Yes; if I thought we could have had a vote, I would not have said anything, but when my colleague rose I knew he would be glad to yield to me for a few minutes.

Let me say a word further, which I intended to say. I do not question the motives of my colleague in any way. I am satisfied that he is simply doing what he thinks ought to be done and what he thinks is justified under the circumstances, and I have nothing but admiration for his standing by his belief.

Mr. DILL. Mr. President, I have listened with deep interest and some amusement to my colleagues on this floor who protest their great desire to bring the marines out of Nicaragua and almost in the same breath say they are in favor of this appropriation, which will afford one of the biggest excuses that Congress could provide to continue to keep the marines in Nicaragua. There is more than merely the fact that a number of American boys are being kept in Nicaragua, as I believe, in violation of the Constitution as well as of the law. There is being established by this act a precedent that will come back in future years to plague us in another day probably, when under other circumstances it will be used to justify action even more objectionable than that now proposed.

It is a significant fact that until very recent years in our dealings with Central America no President has even attempted to use armed forces outside of this country except for the immediate protection of life and property.

Mr. McKELLAR. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. I yield.

Mr. McKELLAR. I merely wish to call the Senator's attention to the fact that seven members of the Appropriations Committee who voted to report out this bill voted to recall the marines from Nicaragua.

Mr. DILL. That is just what I said. Senators stand here and tell how anxious they are to have the marines brought back from Nicaragua and then they propose to vote for an appropriation which will afford the biggest reason and excuse for keeping them there in the future.

Mr. McKELLAR. We do not agree as to that at all. I think it is just the other way.

Mr. DILL. Does the Senator mean to say that if our engineers were down in Nicaragua working on a canal survey and

some kind of trouble should break out down there that he would not be in favor of having marines go down there to protect them?

Mr. McKELLAR. If our engineers and their employees shall be sent to Nicaragua, it will be found that we will have no further use for any marines down there at all, in my judgment. There is a difference of opinion as to that.

Mr. DILL. The Senator does not answer my question. The question I asked the Senator was whether or not if the engineers were there and revolutionary trouble or other trouble should break out in Nicaragua he would object to the President sending marines there to protect our own engineers?

Mr. McKELLAR. Under the contingency mentioned it might be necessary to do that.

Mr. DILL. Yes; but is not the Senator then helping——

Mr. McKELLAR. But why should we conjure up such a condition, when we would be in Nicaragua on a peaceful, friendly mission under contractual relations? In my judgment, the best way in the world to get the marines out of Nicaragua is to carry out the provisions of the treaty with Nicaragua.

Mr. DILL. The Senator asks me a question and then proceeds himself to answer it.

Mr. GLASS. Mr. President, I should like to say to the Senator that, although I voted twice to bring the marines out of Nicaragua, if we send our engineers down there and they are threatened with extermination, I would vote as quick as lightning to send them back there.

Mr. DILL. Of course the Senator would.

Mr. GLASS. Yes; I would.

Mr. DILL. And, much as I am opposed to keeping the marines in Nicaragua, if we should send engineers down there to make this survey under the law and their lives were in danger, of course, I would be in favor of sending troops there to protect them. But the Senator from Tennessee says that if the engineers are sent to Nicaragua there will be no trouble.

The Senator is sufficiently familiar with the history of this country's relations with Nicaragua, I think, to know that when any American capitalists of importance, with any considerable investment, want trouble in Nicaragua they always see to it that trouble is started. Make no mistake about it, the interests that made the trouble at Bluefields and forced the marines down there in the past, will make trouble whenever it is necessary to take them back into Nicaragua.

Mr. EDGE. Mr. President——

Mr. DILL. I yield.

Mr. EDGE. Why does not the Senator use as illustration a case that is parallel? We built a canal in Panama. Formerly we had all kinds of trouble with both Panama and Colombia, but from the day we sent our engineers and construction force to the Isthmus of Panama we had nothing but good feeling; there was no difficulty in the world that could not be settled by ordinary diplomatic adjustment, and everybody down there is prosperous and happy. Why is there going to be any different result in the case of Nicaragua from American enterprise?

Mr. DILL. Then, I take it that the Senator's argument is that we are going to take over Nicaragua and control it just as we took over and controlled the Canal Zone.

Mr. EDGE. The Senator may term it "control," but what we have done there has been with the acquiescence and the absolute desire of the Panamanian people. So far as Nicaragua is concerned, the heads of both political parties have time after time invited us to make use of the right of way by constructing a canal. So, why should the Senator assume, without anything more than imagination and suspicion, that the result in Nicaragua will be different from that in Panama? He is simply using it as a matter of argument without it being based on any facts whatever. Thank the Lord, I can face a big economic problem from an American standpoint, without suspecting all the time that it means something hidden or something sinister or something that is not on the surface.

Mr. DILL. I am glad the Senator has such a wonderfully clear and pure mind on these subjects; but the Senator's whole argument illustrates that he expects to see in Nicaragua exactly what happened in Panama, namely, that the American Government will take over that country. The Senator himself is not appalled at the idea that we should take over all of Central America, if it is necessary for that purpose.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. McKELLAR. The Senator does not mean to say that the United States has taken over all of Panama?

Mr. DILL. It has taken over the Canal Zone in Panama, and it will take over the canal zone in Nicaragua.

Mr. McKELLAR. Why, of course; but that is a very different thing from taking over Panama. The American Government has not taken over Panama. It will not take over Nicaragua. Of course, it has bought and paid for, by agreement, a canal zone in Panama, and it has taken that over. It has bought and paid for a canal zone in Nicaragua, and when it is surveyed we are going to take that over, too. We are entitled to take it over.

Mr. DILL. We have not bought anything in Nicaragua except a right. We have not bought the property at all. I want to ask the Senator a question. The Senator will not deny the fact that we have troops at the Canal Zone?

Mr. McKELLAR. Why, of course we have.

Mr. DILL. And because of those troops being there, there is not going to be any trouble around the Canal Zone.

Mr. McKELLAR. I do not know about that. We are not in the slightest degree governing Panama. We have relations of the most friendly kind with Panama. It is a separate government entirely. We are not governing it in any way.

Mr. WHEELER. Mr. President, does not the Senator think that we are governing Haiti?

Mr. McKELLAR. That is another thing. We are governing down there, and I am in just exactly the same position that the Senator is about our marines in Nicaragua and in Haiti. I think they ought to be brought out. I have voted every time to bring them out; but that has nothing to do with the building of a great canal that will mean the upbuilding and the benefit of all the world when we build it.

Mr. DILL. The Senator now falls back on the assumption that we must build this canal in the near future, when the Senator knows that there is not any need for it now, and that there will not be any need for it for many years to come.

Mr. McKELLAR. I do not know any such thing. I think there is a need for it. I think before we get it built the other canal will be clogged with business.

Mr. GLASS. Mr. President, does not the argument of the Senator from Washington resolve itself into the proposition that when it may become desirable and essential to build that canal we should not do it, for fear that if we do it we may have to send some marines down there to protect the lives of the people in charge of it?

Mr. DILL. No; the argument of the Senator from Washington means that it probably will be necessary to send troops there and keep them there when we decide to build the canal, but we have no need of the canal now, and will not have any need of it for many, many years to come; and what I object to is using this engineering survey as an excuse for keeping marines down there in Nicaragua when they ought to be withdrawn. That is what I am objecting to. If the time had come when we needed another canal, or when there was any showing that there was going to be any such need within this generation, the situation would be entirely different.

Mr. GLASS. Nobody who voted to report the bill concedes the premises of the Senator that it is made an excuse for that. I do not think it is made an excuse. I voted twice to bring out the marines.

Mr. McKELLAR. So did I.

Mr. GLASS. And I did not vote for this proposition as an excuse to keep them there.

Mr. McKELLAR. Not at all.

Mr. DILL. I do not think the Senators voted for this appropriation in order to keep the marines there; but the inevitable result of placing the engineers there will be to take the marines and keep them there. That is what will be the result.

Mr. EDGE. Has that been the result in Panama?

Mr. DILL. Why, we have troops in Panama, and we always will have as long as we have the Canal Zone.

Mr. EDGE. Because it is one of our naval stations.

Mr. DILL. Oh, the Senator talks as though nobody knew anything about the history of our going down to Panama. The Senator knows there was an American-inspired revolution in Panama, as a result of which we got a government satisfactory to this country.

Mr. EDGE. And as soon as we got started there the revolution stopped, and from that time on the country has been peaceful.

Mr. DILL. Of course, because the government was satisfactory to the American officials.

Now, I want to call attention to a summary of the reasons or claims as to why the marines are being kept in Nicaragua. This is a summary made by an organization here in Washington that has made a great study of the reports on the subject.

The marines are being kept in Nicaragua—

First. Because Americans have obtained concessions, some of them by devious means.

That is a very important part of this whole situation—that many of the concessions which the marines are there to protect, many of the loans that they are there to help collect, many of

the actions that they enforce againgst the Nicaraguan Government, especially in the collection of revenues, are to uphold these concessions secured by means that can not be justified.

Second. American financiers know that Nicaraguan investments are profitable.

If these Nicaraguan investments were not profitable, if they did not hold possibilities and probabilities of great returns, we would not find American financiers making the demands that they do make for keeping the marines in Nicaragua.

Third. We hold a title to the Canal Zone obtained by questionable methods.

That is one of the arguments that I have made from the beginning of this discussion. Our rights in Nicaragua, whatever they may be, were secured by making a treaty with a government that did not represent the Nicaraguan people.

Mr. McKELLAR. Mr. President, will the Senator yield at that point? As I pointed out the other day, when the Senator makes that statement he challenges the good faith of Woodrow Wilson, the then President of the United States, and Hon. W. J. Bryan, the then Secretary of State. In my judgment, there never were two purer or better men, there never were two men who would scorn more than they to have anything to do with any fraudulent transaction or any overreaching of any other nation. Their whole lives proved it; and I think the Senator ought not to attack those two great men who were then the representatives of our Government.

Mr. DILL. I am not going to indulge in a discussion with the Senator of Woodrow Wilson and W. J. Bryan, but I repeat that the facts show—and I use as an authority not my own opinion but the opinion of no less a man than Elihu Root—that the government under Chamorro was not a government representative of the people of Nicaragua; and I make the further statement on his authority, for he was then in a position to know, that only one-third of the $3,000,000 that was paid for canal rights in Nicaragua ever went to Nicaragua, the rest of it going to American firms that had claims there, and the very forces who were responsible for inspiring the revolution that put in power the Chamorro government with whom the treaty was made. I am not charging anything against Mr. Bryan or Mr. Wilson, and I am not going to.

Mr. McKELLAR. They made this treaty.

Mr. DILL. I do, however, state these facts; and the Senator from Tennessee has never disputed them, because he can not dispute them and stay within the truth.

Mr. McKELLAR. I know that neither Mr. Wilson nor Mr. Bryan entered into any transaction that was shady in the slightest way, manner, form, or degree whatsoever.

Mr. DILL. I have not charged that they did.

Mr. McKELLAR. If what the Senator says about this treaty is correct, then they must have done it. It could not have been done in any other way.

Mr. DILL. Oh, no; the revolution was instigated entirely by private citizens, and the government was set up and maintained largely through the intervention of American capital, and most of it was done before Mr. Wilson took charge of the American Government.

Mr. President, the fourth reason in this particular statement is:

We have countenanced revolutions to afford a semblance of justice for our intervention.

That is only a part of the record that is untenable and indefensible on the part of this Government in its dealings with Nicaragua.

Fifth. Europeans have investments there; and we fear, if we get our forces out, that they will seek control.

That is another reason that has been put forward—that if we do not keep our marines in Nicaragua, England or France or Spain or some other country will come over and place their armed forces in Nicaragua, and therefore we must keep ours down there to keep them from sending theirs into Nicaragua.

Sixth. We used election supervision to end opposition to intervention.

Now they have had the election. Nobody complains of the returns of the election, and the new government is running smoothly, and yet 3,500 American marines are still in Nicaragua.

Mr. WHEELER. And is it not a fact that we were told here upon the floor of the Senate by the administration leaders that just as soon as the election was over the marines would be withdrawn?

Mr. DILL. Oh, yes; that was the statement here. There is not any doubt about that. We were assured of that by the Secretary of State; and the fact of the matter is that the reasons for keeping the marines there to-day are growing so weak that the State Department has hardly the face to say it will keep them there, and this appropriation is put in here, and the result of it will be to give a new reason for keeping the marines down there.

Mr. NEELY. Mr. President, will the Senator yield?

Mr DILL. I yield.

Mr. NEELY. I suggest the absence of a quorum.

Mr. JONES. I make the point of order that no business has been transacted since the last quorum call.

Mr. DILL (at 11 o'clock and 45 minutes p. m. Wednesday). Then I move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. HEFLIN. Mr. President, will the Senator withhold his point of no quorum?

Mr. DILL. The Senator from Washington said it was out of order, and I then moved that the Senate take a recess.

Mr HEFLIN. I want to ask the Senator from Washington if he will permit me——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. No, Mr. President; I have moved that the Senate take a recess until to-morrow at 11 o'clock.

Mr. HEFLIN. Will not the Senator agree to let us vote on this item?

Mr. DILL. No; we are not going to vote for a while.

Mr. HEFLIN. Then, Mr. President, I suggest that we remain in session the remainder of the night, and that we have another session to-morrow night, if necessary, to complete the work of this session.

Mr. DILL. I have a motion pending.

The PRESIDING OFFICER. The motion before the Senate is that the Senate take a recess until 11 o'clock to-morrow. [Putttng the question.] The noes have it.

Mr. DILL. I call for the yeas and nays.

Mr. NEELY. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when his name was called). I am authorized by the senior Senator from Delaware [Mr. BAYARD] to vote regardless of our general pair, and I vote "nay."

Mr. SMITH (when Mr. SIMMONS's name was called). The senior Senator from North Carolina [Mr. SIMMONS] is unavoidably detained from the Senate.

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague [Mr. WAGNER] is necessarily absent.

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE]; and

The Senator from Ohio [Mr. BURTON] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 12, nays 40, as follows:

YEAS—12

Black	Copeland	King	Nye
Blaine	Dill	Neely	Walsh, Mont.
Brookhart	Frazier	Norris	Wheeler

NAYS—40

Ashurst	Edwards	Keyes	Shortridge
Barkley	Fess	McKellar	Smith
Bingham	Glass	Oddie	Smoot
Bratton	Glenn	Pine	Steiwer
Broussard	Goff	Pittman	Swanson
Bruce	Hale	Reed, Pa.	Thomas, Idaho
Capper	Hayden	Robinson, Ind.	Thomas, Okla.
Curtis	Heflin	Sackett	Trammell
Deneen	Jones	Schall	Vandenberg
Edge	Kendrick	Sheppard	Watson

NOT VOTING—43

Bayard	Gould	McMaster	Shipstead
Blease	Greene	McNary	Simmons
Borah	Harris	Mayfield	Steck
Burton	Harrison	Metcalf	Stephens
Caraway	Hastings	Moses	Tydings
Couzens	Hawes	Norbeck	Tyson
Dale	Howell	Overman	Wagner
Fletcher	Johnson	Phipps	Walsh, Mass.
George	La Follette	Ransdell	Warren
Gerry	Larrazolo	Reed, Mo.	Waterman
Gillett	McLean	Robinson, Ark.	

So the Senate refused to take a recess.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington to the amendment of the committee.

SEVERAL SENATORS. Vote! Vote!

Mr. DILL. Mr. President, I had not intended to interrupt for a quorum. The Senator from West Virginia [Mr. NEELY] wanted to raise that question. I was in the midst of enumerating——

Mr. EDGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. EDGE. This is the third time, according to my recollection, the Senator has taken the floor.

Mr. DILL. Then I will ask action on the amendment I have pending, if the Senator wants to press that point.

Mr. HEFLIN. Let us vote on the amendment to the committee amendment then.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. DILL. I offer another amendment, to strike out "$150,000" and insert in lieu thereof "$75,000."

SEVERAL SENATORS. Vote! Vote!

Mr. DILL. If some Senator would rather do the talking than myself, I shall wait until Senators are quiet.

I was attempting to enumerate the reasons why the marines were in Nicaragua when I was interrupted by the Senator from West Virginia, and I had pointed out that we had repeatedly used the armed forces of the United States for the purpose of supervising elections. It is said that we want to save our face in dealing with other Latin American countries. I think that has been a very moving force with the officials of the Government. They have felt it was necessary to make and maintain a show of force in Nicaragua in order to impress other Latin American countries with what would happen to them if they did not accede to the demands and the requests of this Government.

Along with that is a summary of reasons as to why the marines should be brought out of Nicaragua, and I want to enumerate those:

1. It is unethical to coerce by selfish force, under the most wrested interpretation of the Monroe doctrine.

There is not any suggestion under the Monroe doctrine for keeping the marines in Nicaragua after peace has been established there and a government set up that represents the will of the people as expressed at an election held under the direction and guidance of the marines.

2. Any supervision of elections and control of a backward country should be by cooperative action of American states and not by a single nation under any ethical concept of the Monroe doctrine.

The fact of the matter is that our actions in Nicaragua are causing more injury to American influence and to the needs of this country than any other one thing that is happening in the Western Hemisphere, and the longer we keep the marines there, the longer we maintain the armed forces of this country in Central America, the greater will be the damage and injury such as I have just mentioned.

3. Our relations with all Latin-American countries are endangered by our Nicaraguan policy.

There is no part of the world in which we should be desirous of building up a friendly influence more than in Central American countries, and the fact that we keep the marines there instead of building up a friendly influence only makes conditions worse, only arouses antagonism to our efforts to develop good will. It hurts not only the good will of the people toward us as a nation but it makes them less willing to trade with our own business interests, and to that extent it strikes at the very heart of our industries and our prosperity.

4. The possible advantages of our ratification of the multilateral treaty are diminished by our Nicaraguan policy.

We have just ratified a treaty in which we declare that we will not use force against any country for the settlement of our disputes, that we will seek peaceful means, and yet we maintain the marines in Nicaragua, without regard to what the desires of the Nicaraguans may be or what their needs may be. We keep them there because we have enough strength and power to be able to maintain them under the circumstances.

5. Our present and prospective trade with Latin-American countries is endangered by our Nicaraguan policy.

6. Withdrawal of the marines will compel us to adopt a constructive policy in Nicaragua.

That, of course, is something that the administration has not even yet attempted to do, namely, to form a constructive policy toward Nicaragua. We have used our marines there, and because of the force they represent we have followed out a policy of doing our sweet will, without regard to what the desires or the interests of the people may really be.

7. The presence of the marines in Nicaragua for conducting military operations without action by Congress is a usurpation of the rights of Congress and in violation of the Constitution of the United States.

If there was any authority for keeping the marines there as a result of the Stimson agreement to hold an election, then that authority and right have died, because the election has been held. There is no claim made by anyone in our own State Department now that there is any condition in Nicaragua that demands retaining 3,500 American boys in that part of the world.

American marines were sent into Nicaragua for the last time on July 23, 1926, and by February of last year there were 5,000 marines in the country. There were neutral zones established in 8 out of 10 important districts.

President Coolidge, in his special message on Nicaragua on January 10, 1927, stated:

The proprietary rights of the United States in the Nicaraguan canal route, with the necessary implications growing out of it affecting the Panama Canal, together with the obligations flowing from the investments of all classes of our citizens in Nicaragua place us in a position of peculiar responsibility.

Thus, the very reason given by the President is to be made more emphatic and more important by this appropriation, which will result in our sending engineers down there to survey these routes, and instead of removing the causes for keeping marines there, we propose now to create new reasons for their staying there.

Then the message goes on to say:

Consequently I have deemed it my duty to use the powers committed to me to insure the adequate protection of all American interests in Nicaragua, whether they be endangered by internal strife or by outside interference in the affairs of that Republic.

I call attention to the platform of the Republican Party as adopted in the Kansas City convention. The platform reads:

We approve the foreign policies of the administration of President Coolidge.

Specifically:

The marines now in Nicaragua are there to protect American lives and property and to aid in carrying out an agreement whereby we have undertaken to do what we can to restore and maintain order and to insure a fair and free election.

There is only one implication that can be drawn from such a statement in a platform, and that is that when the purposes for which they have been sent there have been attained, the marines will be withdrawn. Nobody claims to-day that they are needed any longer for the election purposes. Nobody even suggests that they are needed for purposes of protecting American property or American life.

Now I want to call attention to the methods used to secure these concessions, to secure these American interests in Nicaragua, which the marines have been kept there to protect and which they will be sent back to protect whenever it becomes necessary.

President Chamorro in his address to the Nicaraguan Congress in 1922 charged that one company represented by the American, Dietrick, was given a concession for exploiting the mines of Cape Gracias à Dios, Malagalpa, and Nueva Segovia, a third party of the Republic. Dietrick, he states, also acquired the exclusive privilege for 20 years of denouncing mines in a vast region of the Republic 7,000 square miles in area. President Chamorro commented:

"What causes the far graver and more important aspect is the fact that the concessions referred to embrace in themselves other privileges which put into the hands of those foreign companies the administration and, one might say, the dominion and supreme control over that enormous region, thus creating a real peril for the integrity of the Republic.

"Those concessions," he said, "were granted chiefly to American companies." He speaks of them as "those immense concessions of land made by geographic degrees at ridiculous prices for private gain."

The State Department in its booklet Relations Between United States and Nicaragua admits "there is no accurate estimate of the value of American and other foreign investments in Nicaragua," but enumerated "four American fruit companies stated to hold some 475,000 acres of land undergoing development," "about 10 American companies are engaged in mining and exploration work," 2 being incorporated for $1,000,000 or more, 1 of which is stated to have its capital fully paid up.

Various American firms are engaged in lumbering operations, their investments at times running into several millions of dollars. The total of American investments in Nicaragua is estimated at about $20,000,000, compared with $3,000,000 in 1912—an increase of 566 per cent in 16 years.

That is a tremendous increase of American interests in that country, and it explains to a large degree, I believe, why so many marines have been kept there almost continuously since 1907. American interests invest their money there and then they ask for American boys, paid out of the Treasury of the

United States, to be kept there to maintain order so that they can exploit the resources into which their money has been invested, under the protection of the forces of the American Government. Why do they not take their chances in that part of the world as investors in other countries must take chances where they invest their money? They invest in this particular part of the world with the expectation of making enormous profits, and then depend upon the boys of this country who have enlisted to defend this country, its flag, and the Government, and use those boys for the paltry purpose of enabling them to collect the profits which they had hoped to gain when they made their investments.

American financiers know that investments in Nicaragua are profitable, and they know that as long as they can keep some kind of trouble stirred up down there the marines will be kept there. Reasonable security for the payment of loans and interest thereon is necessary, and some of the loans made by American bankers are so flagrant that they should not expect the Government to protect them. The fact of the matter is that, so far as I can learn, Nicaragua has only once defaulted in paying her debts.

On June 6, 1911, the Knox-Castrillo treaty providing for help in securing a loan of $15,000,000 to the Nicaraguan Government by American bankers was signed. The proceeds were to be used in paying claims against the Government, in consolidating the debt, and stabilizing the currency, and in building a railroad to the eastern coast. During the continuance of the debt the customs were to be in charge of a collector general appointed by the Nicaraguan executive on the nomination of bankers making the loan and subject to the approval of the State Department.

This was rejected three times by the United States Senate, but nothing daunted the Government of Nicaragua on September 1, 1911, signed contracts with Brown Bros. & Co. and J. & W. Seligman, of New York, for a loan of $15,000,000. A 10 per cent advance loan of $1,500,000 was made under the so-called Dawson agreement, secured as the projected large loan by the customs revenues. As a further security the majority stock of the Nicaraguan National Bank and the National Railway were pledged.

In addition to that the Nicaraguan Government made a pledge that it would not alter its customs laws and would not change its internal taxes unless the American Government officials consented to it and so by keeping our marines there we have enabled those bankers, those men who exploit the country, not only to make these loans at high rates of interest, but to insure their collection by a government that pledges itself to nothing not satisfactory to American Government officials.

Mr. WHEELER. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER rapped for order.

Mr. DILL. I do not expect Senators to listen to what I am saying. I know they have not any interest in these facts, but just the same I want to place them in the RECORD.

Nicaragua pledged itself not to alter its customs laws and internal taxes without the consent of the American creditors. An agreement was made establishing the right of "protection" and creating the United States or its Secretary of State a final arbiter—virtually placing Nicaragua under control of American interests.

A high commission to supervise Nicaragua's finances was created consisting of one Nicaraguan and two Americans appointed by the Secretary of State who were to receive no salary but to have their expenses paid.

I submit that nowhere in the history of the dealings of one country with another has there been exacted such exorbitant terms of a people or a government by those who make personal loans to that people or to that government.

Mr. President, there is much disorder in the Chamber. I wish Senators would either depart from the Chamber or, if they want the floor, I will take my seat provided it will not be counted against me as having occupied the floor another time.

Mr. HEFLIN. Mr. President, will the Senator from Washington indicate to us, it now being after 12 o'clock midnight and he having occupied the floor for three hours, when he will permit us to vote on the amendment?

Mr. DILL. I have not occupied the floor more than an hour. Other Senators have occupied the floor. I think we will have plenty of time to vote later in the day. We have just started on a new day and I think we can stay a while yet before we vote.

Mr. HEFLIN. No doubt we can stay, but the Senator is not accomplishing anything, because the Senate is not going to change that amendment. If the Senator persists in going on with this discussion, I am going to discuss it somewhat myself. Senator Morgan had a hard time in combating the influences that sought to prevent the building of the Nicaraguan canal. Some friendly corporations were interested and some railroads were interested, too. I have had those records looked up and I shall discuss that matter here at another time. I voted to bring the marines out of Nicaragua and I want to bring them out, but this is a different proposition that we now have before us. The Government wants to have the survey made; we are interested in it, and we are going to need that canal some day. There are a lot of interests that do not want the canal built, of course.

Mr. DILL. The Senator mentioned Senator Morgan. The fact remains that after all the great work of Senator Morgan and all the things he did and all the evidence he brought forward, the Government decided on the Panama Canal.

Mr. HEFLIN. I know that, but they made a mistake in doing it.

Mr. DILL. The Senator can say that now, but the wisdom of a majority here, after very thorough and careful surveys and investigations on three different occasions, brought about the conclusion that the Panama Canal was preferable. But, waving all that aside, I come back to the fact that there is so much greater need of internal developments and so little need for a new canal that I do not see how the Senator can justify starting upon a program looking to the building of another canal across the Isthmus at this time.

Mr. WHEELER. The Senator from Washington knows, of course, that we could benefit the people of the country and benefit the people of Alabama more by widening and deepening the Missouri River and the tributaries of the Mississippi River than we could by building the Nicaraguan canal at this time.

Mr. DILL. Yes. As I said the other day, there are pressing for attention a large number of great projects in the country that will cost literally hundreds of millions of dollars. We people who live west of the Great Lakes have great need for the development of the St. Lawrence canal. I am told if that canal is built by using the St. Lawrence River it will cost about $450,000,000, and if the canal is built through the State of New York as an all-American canal it will cost about $600,000,000. There is a great demand on the part of the farmers of the Middle West for a Gulf-to-Lakes waterway connecting through the Mississippi River and through Illinois, which will cost no one knows how many hundreds of millions of dollars. We have authorized already $325,000,000 to be expended on flood control on the Mississippi River, and the estimates are that it will take $500,000,000 more at least to complete that work.

Mr. HEFLIN. I want to ask the Senator why it is that he is so persistent now in fighting this proposition when he permitted the joint resolution to pass without a roll call?

Mr. DILL. I was not particular about a roll call. I would not object now if the joint resolution had passed the House of Representatives. What I object to is that there is an attempt to put into this bill a matter of legislation that can not be gotten unless it is worked by this method.

Mr. HEFLIN. The Senator has seen that a majority of the Senate is determined to keep it in the bill, too.

Mr. DILL. That may be.

Mr. HEFLIN. Having permitted it to pass without a roll call, it looks rather strange that the Senator should become so enthusiastic here at midnight.

Mr. DILL. In the first place there was not any particular need of a roll call because a great majority of the Senators were in favor of the joint resolution. I know there were not very many opposed to it.

Mr. HEFLIN. And a majority of the Senators are in favor of the amendment now before us.

Mr. DILL. I think that is probably true, but I do not think that it is proper for me to permit a vote on this proposition if I can prevent it, at lease for a while, until I have placed my views in the RECORD.

Mr. HEFLIN. In other words, the Senator would like to keep his colleagues up until 1 or 2 o'clock to enable him to test his lung power.

Mr. DILL. I am perfectly willing to recess until 11 o'clock a. m.; in fact I have voted to do so.

Mr. McKELLAR. Mr. President, would the Senator be willing to agree to take a vote on this amendment by 11 o'clock in the morning?

Mr. DILL. I will not agree to vote, but I think we will get a vote in a very short time thereafter.

Mr. McKELLAR. If the Senator would fix a time we might agree with him. Would the Senator be willing to vote at 11.30 a. m.?

Mr. DILL. I do not care to make any agreement as to when we shall vote. I shall not take any great amount of time upon

the reconvening of the Senate. I think that probably after 30 minutes' discussion I shall be willing to permit a vote, if I have time to organize my argument in a little better shape.

Mr. HEFLIN. Is the Senator willing to vote at 2 o'clock this morning?

Mr. DILL. No; I am not going to agree to fixing a time to vote this morning.

Mr. McKELLAR. Then, I ask unanimous consent, in accordance with the Senator's statement, that a vote be taken at 11.30 o'clock a. m. to-day.

Mr. DILL. Of course, it would require a quorum before such an agreement could be made under the rules.

Mr. McKELLAR. Then let us agree to limit debate under the 5-minute rule after 11 o'clock in the morning.

Mr. DILL. That also would require a quorum.

Mr. McKELLAR. The limitation would apply to the amendment to the bill; it does not require a roll call to vote on an amendment at 11.30 o'clock in the morning. Will the Senator agree to vote on it at that time?

Mr. DILL. I am not going to consent to any agreement at this time.

Mr. McKELLAR. Very well.

Mr. FESS. Mr. President——

Mr. DILL. I yield to the Senator from Ohio.

Mr. FESS. I understood the Senator to say a while ago that if the House had passed the joint resolution he would not resist the incorporation of the amendment in the bill.

Mr. DILL. I think that if the House should pass the joint resolution the amendment would be properly in this bill.

Mr. FESS. If the Senator knew that in case the House should not pass the joint resolution the Senate conferees would recede from the amendment, would that do any good?

Mr. DILL. The trouble with that proposal is that as soon as this bill goes through, then those who are pressing for the joint resolution—and they are extremely active, or else the amendment would not be in this bill, being out of order—will immediately go to the leaders of the House and say, "We must have action on the joint resolution; those in charge of the deficiency bill have promised that they will not allow this amendment to stay in the bill unless the House shall pass the joint resolution, and we must have action now." Then everything else would be pushed aside, for they would have to have action immediately.

Mr. SMOOT. The Members of the House already know that; that would make no difference.

Mr. DILL. I did not understand the Senator.

Mr. SMOOT. The Members of the House already know that, and if they were going to do what the Senator says they would do, they would have done it to-day; indeed, they would have started yesterday on it. So there is no excuse for any such thing as that, so far as that is concerned. As I said in the beginning, I think I can promise the Senator that if the joint resolution shall not be passed by the House and become a law the amendment will go out of this bill.

Mr. DILL. But the very fact that such an agreement has been made here will be used as an argument to induce the House to act more quickly on the joint resolution than it otherwise would act.

Mr. SMOOT. That never was thought of by the committee at all. The amendment was not put in at the request of the House, and was not put in with any such idea in view.

Mr. DILL. It will be thought of, however, immediately by those who are so active in getting this appropriation.

Mr. SMOOT. They have never suggested it as yet.

Mr. DILL. Somebody has been very active to get this amendment in before the joint resolution was passed by the House, but I do not know who it is.

Mr. BINGHAM. As a member of the committee, may I say to the Senator it was distinctly stated to the committee if the joint resolution should not become a law before the amendment was considered in conference that the amendment would be withdrawn by the conferees and they would not press it?

Mr. EDGE. Is not that the usual method with any legislation that has passed one House?

Mr. DILL. I wish the Senator from New Jersey would tell me why this provision must be placed in a deficiency bill, which is an emergency measure? Why can it not wait and take its natural course?

Mr. EDGE. I have just said that it is my understanding that this is the usual course.

Mr. DILL. It is not the usual course, and the Senator knows it is not the usual course.

Mr. EDGE. The Senator has asked me a question, and if he wishes me to answer it I will be glad to do so. So far as the Senator from New Jersey is concerned, he did not even know that the Appropriations Committee had added the item to the bill until a member of the Appropriations Committee came to the floor after the committee had met and acted on a number of estimates and told me that among the estimates presented and adopted by the committee was this estimate. The information was given to me by the Senator from Tennessee [Mr. McKELLAR].

Mr. HEFLIN. Now, Mr. President, debate having exhausted itself, can we not agree on a vote?

Mr. DILL. The trouble is that other Senators take up the time; I am not able to present the argument which I wish to present in this matter.

Mr. SWANSON. Mr. President, I hope other Senators will let the Senator from Washington proceed without interruption. He is very anxious to do so; he is filled with a speech that is very illuminating; and I do think Senators are treating him with great disrespect in not letting him speak.

Mr. DILL. I appreciate the courtesy and interest of the Senator from Virginia.

Mr. SWANSON. I want the Senate to listen to the Senator from Washington.

Mr. DILL. I appreciate it very much, because I really have some information here that bears directly on this subject.

Mr. SWANSON. I hope the Senator will not be interrupted. He is entitled to deliver his remarks.

Mr. DILL. I appreciate the assistance of my friend the Senator from Virginia, but I was explaining the unusual and, I think, indefensible agreement made by the bankers of this country with the Government of Nicaragua as to the funds of that country and how that agreement was maintained through the force of the American marines. This bank not only had the right to have Government funds deposited in it without any interest being paid but—

It was given the right to issue Government money with or without guaranty and to "introduce and maintain a monetary system." By fixing the value of pesos in circulation and by changing the unit of currency from pesos to cordobas with a supposed dollar backing—the bankers succeeded in raising the circulation of cordobas to 4,000,000, nearly a third of which has no guaranty back of it, while Nicaragua, having spent $2,000,000, has the same amount of paper money as before!

The bankers first took an option on 51 per cent of the stock of the National Railway—and later purchased this stock outright for $1,000,000—and controlled 51 per cent of the stock of the national bank. The foreign debt was refunded and its annual interest charge reduced from 6 to 5 per cent.

(b) In 1913, while the Bryan-Chamorro treaty regarding the Nicaraguan canal was under consideration, the Nicaraguan Government, through its Washington legation, listed its indebtedness, aggregating over $14,100,000, which it wished refunded, including $3,405,000 advanced chiefly by Brown Bros. & Co. and J. & W. Seligman & Co. Nothing was done until December, 1916, when at a meeting of the interested parties in Washington it was determined on the bankers' insistence to pay $2,000,000 of the bonded loan of $6,200,000 issued by the Ethelburga Syndicate of England from the $3,000,000 to be paid for the Nicaraguan canal zone.

Mr. SWANSON. Mr. President, I insist that the Senator from Washington must speak publicly. He is holding the floor for the purpose of speaking.

Mr. DILL. There is so much conversation being carried on by other Senators that I thought I might be interrupting them.

Mr. SWANSON. I am very anxious to hear the Senator, and he ought to speak publicly and not privately.

Mr. DILL. I was just pointing out that of this $3,000,000 that was paid for rights in Nicaragua, $2,000,000 of it went to American interests.

Our Department of State agreed to ask the Council of Foreign Bondholders to postpone demand for interest and sinking fund charges for three years and consented to carrying out of the contract between the New York bankers and the Nicaraguan Government to permit payment of temporary loans, and on funding all the country's indebtedness, by further bond issues, to be secured by a second lien on the customs and a first lien on 49 per cent of the stock of the national railway and of the national bank.

(c) By 1920 a new loan was needed by Nicaragua to retire the 1909 bonds and to complete the national railway. The Pacific Railway was to be sold to the Nicaraguan Government, the sale price for 51 per cent of the stock for which the bankers had a few years before paid $1,000,000, being $1,750,000! The bankers in another burst of generosity underwrote a bond issue for Nicaragua of $1,450,000 to enable the Government to complete payment for the 51 per cent of the railway shares.

(d) By the middle of 1924 the Nicaraguan Government had redeemed treasury bills issued to buy back the Pacific Railway, and the Government started to purchase the stock of the national bank, which the

New York bankers still controlled, and in order to do this it had to acquire the Mercantile Overseas Co., a liquidating concern owned by a New York corporation that controlled the stock of the national bank.

I submit that never in the history of the dealing of citizens with a government were such terms exacted of that Government and then backed and supported by the armed forces of the United States. I now want to read what Prof. Isaac J. Cox says about this transaction. He states:

In order to complete the double purchase the Government had to use up its surplus and special dividends, draw on the school fund, and even pledge the capital and surplus of the national bank itself. * * * The railroad to the eastern coast was still unbuilt, the system of public instruction inadequate, and the teachers both underpaid and often unpaid, and numerous public improvements were held up in order to meet fiscal demands.

Thus the power of the armed forces of the United States was used to compel a contract that actually oppressed the people of Nicaragua and interfered with the education of their children.

In 1927 Nicaragua wanted a new loan. Its currency had been stabilized, its fiscal policy changed, it had been supervised and controlled by the best fiscal minds that the New York bankers could suggest, and it seemed to be surviving our State Department's intervention and the bankers' interposition admirably, the net result of its response to undeserved foreign help being a public debt March 31, 1927, of $10,183,010.

It contracted in March, 1927, for a $1,000,000 credit with J. & W. Seligman & Co. and the Guaranty Trust Co. of New York for one year at a 7 per cent cost to Nicaragua.

As security the bankers asked a mortgage on the new taxes levied January 21, 1927, a mortgage on 50 per cent of the surplus over and above the budgeted appropriations, and a mortgage on all dividends from the national bank and the national railway, and on all stock of both corporations! The contract expired March, 1928—but Nicaragua survived to have us supervise its election with one marine to every 15 or 16 voters!

Five thousand marines down there! It took that many, under the theory of the State Department, to hold this election.

In November, 1927, the Department of State selected and paid the salary and expenses of Dr. William W. Cumberland, former financial advisor to Haiti, at the suggestion of the Nicaraguan Government and of both parties, to investigate whether Nicaragua, with its valuable resources, was good, after 18 years of our benign fiscal tutelage, for a loan of $12,000,000. Doctor Cumberland reported in April, 1928.

The State Department did not publish this document until recently. I have the document here. It is a book of something like 178 pages, and it covers in great detail all of the economic and financial problems of Nicaragua. It is a very complete survey, and, if necessary, I may want to discuss it in some detail later in the day.

Mr. HEFLIN. Would not the Senator like to print all that he has there, and let us vote?

Mr. DILL. No; I fear that if I do that nobody will ever pay any attention to it. While not very many pay attention now, the fact that I take the time to read it and discuss it does secure a little more attention for it than it would receive otherwise.

Mr. HEFLIN. But those who are paying attention to it are not enjoying it. [Laughter.]

Mr. DILL. I rather think that may be true. It is not often that unpleasant facts are enjoyable to those who listen.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. COPELAND. This seems to be a very instructive booklet. It would seem to me that the Senator should give us the benefit of it.

Mr. DILL. Oh, I think later on in the day I shall want to discuss it somewhat at length.

Mr. WHEELER. I was going to suggest that the Senator ask the clerk to read it.

Mr. DILL. I fear somebody might object to that, and I am in very good condition to read it and discuss it myself, at least for a while.

This report by Doctor Cumberland was hidden away for a considerable time, and it was impossible to get a copy of it. In fact, it was not until the latter part of 1928 that we were able to get it. I have gone through it with some care, and I find that it has in it a great many interesting facts and details that throw more light upon the situation in Nicaragua than any publication I have seen in my study of this subject.

Mr. COPELAND. Mr. President, we surely should have the benefit of this.

Mr. DILL. If the Senator will possess himself in patience, I shall try to see that he gets that benefit later.

Mr. WHEELER. Mr. President, the Senator from Alabama said that those who were listening to the Senator's speech did not enjoy it. Let me suggest to the Senator from Alabama that, notwithstanding the fact that it is half past 12 o'clock in the morning, there are more people listening to the Senator from Washington at the present time than the Senator from Alabama frequently has listening to him when he is speaking in the afternoon. [Laughter.]

Mr. HEFLIN. That is very true, because when I am speaking for the American flag Senators like the Senator from Montana do not want to stand up and vote in the open, and they go to the cloakroom. [Laughter.]

Mr. WHEELER. I will say to the Senator from Alabama that I am one of the few Senators who heard his speech on the flag, and I should like to hear it again. In fact, I should like to hear it right now.

Mr. HEFLIN. I am going to give the Senator a chance to vote on it again.

Mr. WHEELER. That is fine. I never hesitate to vote.

Mr. COPELAND. Mr. President, in order that we may keep the peace, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield to the Senator.

Mr. COPELAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Smith
Barkley	Edge	King	Smoot
Bingham	Edwards	McKellar	Steiwer
Blaine	Fess	Oddie	Swanson
Bratton	Glenn	Pine	Thomas, Idaho
Broussard	Goff	Pittman	Thomas, Okla.
Bruce	Hale	Reed, Pa.	Trammell
Capper	Hayden	Robinson, Ind.	Vandenberg
Copeland	Heflin	Sackett	Warren
Curtis	Jones	Sheppard	Watson
Deneen	Kendrick	Shortridge	Wheeler

The PRESIDING OFFICER. Forty-four Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absentees.

The legislative clerk called the names of the absent Senators.

The PRESIDING OFFICER. No Senators having answered to the second call, there still is no quorum present.

Mr. SMOOT. Mr. President, I move that the Sergeant at Arms be directed to request and if necessary compel the attendance of absent Senators.

Mr. SMITH. Let that cover all. Let all who are in the city who are not ill be brought in.

Mr. HEFLIN. I think that all who are not ill should be brought in. Let us go through with this. These gentlemen have started this a little too early. This is Wednesday. If they had waited until Friday night, there might have been a different story.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. WATSON. Mr. President, do I understand that the Sergeant at Arms has been authorized to request absent Senators to come in?

The PRESIDING OFFICER. "To request and if necessary compel." That was the wording of the order.

Mr. WATSON. It means, then, that he is to issue warrants and bring them in.

The PRESIDING OFFICER. The motion was that the Sergeant at Arms be instructed to request and if necessary compel the attendance of absent Senators.

After a little delay Mr. FRAZIER, Mr. GLASS, Mr. NYE, and Mr. STECK entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present.

Mr. DILL. Mr. President, I am glad that we still have enough Senators here to continue the session. I do not want to spend the night without being able to make use of the time.

I had just reached that part of the discussion of what had developed in Nicaragua where I had called attention to a document entitled "Nicaragua, an Economic and Financial Survey," by Dr. W. W. Cumberland, which was printed after much delay and at a little later period in my speech I want to discuss that at some length. I want now to continue to read and comment on the outline of the history of Nicaragua. I have here a discussion of the treaty by which these rights were acquired and while it is similar to some data which I have already presented, and some things which I have already said, yet it presents them at just a little different angle.

This treaty violated Nicaragua's constitution prohibiting the impairment of her territorial integrity or the national sovereignty of the nation.

There is no one thing that this country should regard with more care than the constitutions of the nations with which it has dealings, and when it sets up a government by its own efforts and its own will with which it then attempts to negotiate, it seems to me it is under a double duty to use great care not to violate the terms of the constitution of the country whose government is under its control.

This treaty was negotiated with a puppet government, which, under the agreement we induced Central American governments to make in 1907, not to recognize governments which came into power as a result of revolutions of coup d'état we had no right to recognize.

This government was not only a puppet government, it was not only a government brought into being by American influences but it was kept in power almost entirely by virtue of force applied there by the United States Government in the form of keeping the marines in Nicaragua.

The third thing about the treaty is that it violated the treaty between Costa Rica and Nicaragua. It seems that Costa Rica and Nicaragua had made a treaty that neither of them would grant canal rights without the consent of the other, yet this treaty with the Chamorro government did not even recognize the Costa Rica Government at all.

I understand that the joint resolution which passed the Senate the other day and which is now pending in the House has been referred to the Committee on Interstate and Foreign Commerce of the House rather than to the Committee on Foreign Relations for the reason that if it went to the Committee on Foreign Relations it would be killed and would not be reported out. That committee is not favorable to it. It will be or has been referred to the Committee on Interstate and Foreign Commerce and it is the purpose of the majority of that committee to take out of the joint resolution passed here all of the authority to negotiate treaties with Costa Rica and other countries that are interested in the canal rights.

It is worth noting that this treaty was protested by Costa Rica and Salvador. These protests were upheld by the Central American court which we had helped to found, and we disregarded the protests and as a result the court went out of existence. As I pointed out earlier in the evening, of the $3,000,000 that were paid Nicaragua for the right to construct this canal, $2,000,000 of it was paid to our own American bankers.

Another reason why it seems to me we should be especially careful about the use of marines in Nicaragua is the fact that we have so often not only countenanced but assisted the revolutions which have been existing in Nicaragua and have come about there. Now that we have peace there, now that an election has been held and officials of the Government have been chosen by the will of the voters, we should remove our military forces and permit the officials who have been elected by the votes of the people to run the Government of their own choosing.

I want to review just for a moment the history of how we have interfered and brought about and assisted in those revolutions. I say "we." I mean American influences. I do not mean the American Government, but the people living in this country or whose citizenship was in this country.

A young leader of the Liberals, Jose Santos Zelaya, became President in 1893 and remained in office for 16 years, when a revolution favored by our Government was started. Secretary Knox stated:

"The Government of the United States is convinced that the revolution represents the ideals and will of a majority of the Nicaraguan people more faithfully than does the Government of President Zelaya."

This revolution was financed to the tune of $600,000 by Adolfo Diaz, at the time a $1,000-a-year clerk in the American Mining Corporation, La Luz and Los Angeles. When he attained the Presidency he took it back.

When Dr. Jose Madriz was selected to succeed Zelaya, who resigned, American forces helped the revolutionists to throw Madriz out, and under the terms of the Dawson pact Estrada and Adolfo Diaz were elected President and Vice President.

Much has been said about European investments. Nobody has been able to determine the exact amount of those investments in Nicaragua. It is probable that the British investments are large. When we were trying to negotiate the loans in Nicaragua there was a great deal of difficulty encountered with the British consul of foreign bondholders in connection with defaulted payments on loans. It is worth noting that in 1926 and early in 1927 the British made repeated representations to our Government regarding conditions in Nicaragua, and in February, 1927, dispatched a cruiser to the west coast, which remained about a fortnight, but did not land any marines. The Italian Government filed protests.

Great difficulty was encountered with the British council of foreign bondholders in connection with the defaulted payments on the Ethelburga loan.

In 1926 and early in 1927 the British made repeated representations to our Government regarding conditions in Nicaragua, and in 1927 dispatched a cruiser to Corinto, on the west coast, which remained about a fortnight, but did not land any marines. The Italian Government filed protests.

The total value of the foreign trade in 1926 was $23,283,000, the second largest in the history of the country. It has been reported that General Sandino agreed to lay down his arms as suggested by Colonel Stimson in a letter which he wrote in 1927. It has been questioned whether that letter was a forgery and the State Department refused to submit the letter to handwriting experts for examination.

Col. Clifford D. Ham, for many years collector general of customs in Nicaragua, stated of the Bryan-Chamorro treaty:

"It is an important link in the chain which we are attempting to forge of preparedness and national offense and the protection of our investments in the Panama Canal."

That treaty in addition to giving the United States the right to construct a canal across Nicaragua gave us—

(a) A 99-year lease of Great Corn and Little Corn Islands off the Nicaragua coast in the Caribbean Sea for a naval base and an option to renew.

(b) The right to establish a naval base on the west coast in Fonseca Bay.

Our policy in Latin America has been vacillating between Christian cupidity and strategic scruples.

We conquered Cuba, Haiti, San Salvador, and the Dominican Republic, to say nothing of the Philippines, almost before the American people knew these places were in existence. Mexico challenged our superiority complex, well oiled and bonded, and Nicaragua, encouraged by Mexico's espousal of the principle of "self-determination," dared question her duty to submit to political extinction by the United States.

Hon. Henry L. Stimson, President Coolidge's special envoy to Nicaragua, states in his book, American Policy in Nicaragua:

"To a certain extent at least, we must assume the attitude of seeing that American countries within the Caribbean zone fulfill their obligations as independent nations to the outside world."

Much is heard regarding the Monroe doctrine, but as the years go by, and the facts become more clear to all, there is less and less attempt to justify our policy of financial dictatorship by the Monroe doctrine.

Mr. WHEELER. Mr. President, will the Senator from Washington yield?

Mr. DILL. I yield.

Mr. WHEELER. Is it not true that if President Monroe should come back upon this earth to-night he would not recognize what we now call the Monroe doctrine?

Mr. DILL. No; he would not and he never, in his wildest dreams, ever supposed it could be twisted into such meanings as have been given to it as justification for using the armed forces of the United States for purposes of collecting money and for insuring investments of American financiers.

Mr. WHEELER. Exactly. At any time bankers in this country want to exploit some little country in the Caribbean Sea and the people of that country protest, we hear an appeal to the Monroe doctrine, which really has not any application whatsoever to the facts in the case.

Mr. DILL. Absolutely. Not only that but they can twist the Monroe doctrine to mean anything that they want it to mean, to serve the purpose that they have in hand at the time when they propose to intervene or do intervene in the internal affairs of any of the countries of Central or South America.

United States investments in Latin-American countries are about five and a half billion dollars, and our trade with Latin-American countries last year amounted to nearly two billion dollars. The present administration has tried to keep peace in Nicaragua largely by shooting those who oppose our control in their country. Now when there is no longer an excuse for shooting anybody, and the conditions are such that we are no longer justified in keeping the marines there, this amendment to this bill providing $150,000 is brought in here, and it is proposed to send some engineers down to the Nicaragua canal area, to have them establish stations, and then any American interest that may have investments there can easily start some shooting. We will necessarily keep 4,000 or 5,000 marines in Nicaragua permanently. I think it is agreed by everybody who has any sense of the ethics that should obtain between sovereign and independent nations that to coerce a smaller country into signing agreements in a financial way and compelling it to turn over to the citizens of another country almost complete control of its finances by the aid of armed forces is not in harmony with the spirit of modern civilization, and least of all with the boasted purpose of this great Republic in dealing with various nations of the world.

PROPOSED EMBARGO ON ARMS

Mr. CAPPER. Mr. President, on February 11 I introduced Senate Joint Resolution 215, relating to an embargo on arms and munitions from this country to any signatory nation violating its solemn obligations under the multilateral treaty. The resolution, as I stated at the time, was introduced mainly for the purpose of starting a general discussion and study of the important questions involved, so as to form a background for intelligent handling of the question by Congress next winter.

That purpose seems to be on the way toward accomplishment. Public attention has been focused. General discussion has been started. The widespread and intelligent and sincere interest taken is evidenced by the editorial comments in the American press of the entire country.

To assist in intelligent discussion of this tremendously important proposal and to inform the country of the views and opinions expressed by newspaper editorials from all sections of the country I ask unanimous consent that the following editorials on the subject be printed in the RECORD.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, leave is granted.

Mr. DILL. Let me ask the Senator this question: If the embargo resolution which he has introduced were adopted and Nicaragua attempted to resist the continuance of our marines down there, does the Senator think we would be bound to shut off the shipment of arms to them?

Mr. CAPPER. I doubt very much whether that question will arise very soon.

Mr. DILL. In other words, the Senator prefers to dodge the question. I am not surprised that he does. I want to say, however, that I have great admiration for the Senator's persistence in trying to get some action which will make the multilateral peace pact more effective, and I have great sympathy with his efforts, even though I can not agree with all that he proposes.

The matter referred to is as follows:

[From the Detroit News]

IT CAN BE THE BIGGEST STEP FOR PEACE

It will be of high consequence both to the world and the United States if Congress should adopt the resolution of Senator CAPPER that in the event a nation goes to war in violation of the Kellogg pact, this country shall embargo the export of war materials to the offending nation and withdraw protection of Americans giving aid and comfort to the offender.

There are plenty of reasons, all of them as strong as Holy Writ, why Congress should take early and unanimous action on the Capper resolution. In the first place, it would be an effective discourager of the martial spirit of some leading European governments, none of which could expect to carry on an expensive war—and even the smallest and shortest of modern wars are horribly expensive—without drawing on the material and financial resources of the United States; and, in the second place, it would be a practically certain preventative of this country's entrance into a foreign war.

There are comparatively few Americans to-day who do not know that it was the tremendous commitments of our great banking and munitions-making interests on the side of the Allies that was the most potent factor in hurling this country into the World War. "We were in the war from the outset and without us the war would not have lasted until 1917," says Prof. Roland G. Usher in The Story of the War. It is certain that the magnitude of our assistance can not be exaggerated. While we had the undoubted legal right to furnish the Allies supplies of food and manufactured goods, we had no right to become an arsenal and a recruiting station for them, much less to advance them billions of money to carry on the vast slaughtering game.

In this connection it will be recalled that when, late in 1914, one belligerent floated a small loan in New York and J. P. Morgan & Co. proposed to invite subscriptions to a French loan of $500,000,000, the Wilson administration discountenanced it, and the proposal was withdrawn. Secretary of State Bryan rightfully boasted that Wilson's action had "blazed a new way" in international dealings, and he justified it in the following memorable words:

"It is inconsistent with the spirit of neutrality for a neutral nation to make loans to belligerent nations, for money is the worst of contrabands—it commands all other things * * *. The Government withdraws the protection of citizenship from those who enlist under other flags—why should it give protection to money when it enters into foreign military service? There is no answer."

This was almost universally conceded at the time to be an unanswerable argument against the flotation of the proposed loan, and when a year later the Wilson administration reversed itself and permitted the placing of "the biggest issue of international bonds ever made," even such a pronounced sympathizer with the allied cause as Col. George Harvey, editor of the North American Review, protested against it on the ground that it made us "an ally of the Allies." He significantly pointed out that the loan was intended to liquidate sums "already loaned to England by the bankers which, for patriotic reasons, they were asking the people take off their hands through the purchase of these bonds."

The plain truth is that as a consequence of our open and persistent violation of "the spirit of neutrality" we entered the war in 1917 not in a blaze of patriotism but in a wallow of profiteering, and just at the moment when this pleasant national diversion was menaced by the imminent financial and physical exhaustion of the Allies. We went in because there seemed to be no other way to save our colossal profits from the exportation of money and materials to our warring European customers. Only Uncle Sam's joining the Allies and underwriting their indebtedness could accomplish that grand "idealistic" result.

It is difficult in the light of this irrefutable chapter of history to understand how any Congressman can fail to give his vote for the Capper resolution. Its passage will mark the greatest and most decisive step that any nation has yet taken to advance the cause of permanent peace—provided, of course, the United States will faithfully live up to it and not be swerved from this duty by the chance to pouch some more billions of war profits by catering to the necessities of war-crazed nations, as we did from 1914 to 1917. And the measure should only be amended to cover the loaning of money under the embargo.

[From the Boston (Mass.) Globe]

BOYCOTT FOR PEACE

Senator CAPPER has offered a splendid contribution to the cause of peace in his resolution to authorize use of an economic boycott on war supplies, the action to be employed against countries that violate the multilateral treaty disavowing war as an instrument of national policy.

There is no expectation that the Capper resolution will be voted upon until after the 4th of March, as the present session is congested. However, it will be well to have this far-reaching proposal sink into the minds of those who are serious in their efforts to minimize the possibility of war in the future. The more people think about the Capper resolution the more are they likely to appreciate its value.

From Geneva it is observed that the passage of the resolution will give new force to Article XVI of the league covenant, which provides an economic blockade against a nation that declines to stand by the provision in Article XIII requiring that disputes be settled by arbitration. In a sense the ratification of the Kellogg pact has already put the United States into the league as far as Article XIII is concerned.

The comment pouring in from many countries hails the new proposal as a great constructive step. The world seems to be ready for it, and hopes that the United States will find itself of the same mind.

The most important feature of what Mr. CAPPER has offered is the request to the President that he enter into negotiations with other governments to obtain similar action by them in regard to their own nationals, who may be disposed to give aid and comfort to a nation that has committed a breach of the multilateral treaty.

The boycott is a weapon effective only when used by a large group. If it can be established as the way in which governments are brought to terms, the world will have moved a long way on the road toward peace.

War is a matter of factory production as well as of men. If the resolution is extended as widely as the treaty renouncing war, all of the industrial nations will be inside it.

[From the Boston (Mass.) Christian Science Monitor]

THE INEVITABLE QUESTION

Senator CAPPER has asked the inevitable question, What policy should the United States pursue in the event a nation violates its multilateral treaty renouncing war as an instrument of national policy? This question raises an issue of far-reaching consequences. It is a question which could be delayed until a violation was actually committed, but faced it must eventually be, and the Kansas Senator has chosen the wiser course. It is well that such a policy should be thoroughly probed and carefully developed, and the time for discussion and development of policy is not under the strain of emergency but during the clear-sighted days of peace, such as have already brought to fruition the pact of Paris.

In the resolution which he has just presented to Congress Senator CAPPER offers one answer to this vital question. His answer is best summarized in the two salient sections of his resolution, which read:

"SECTION 1. Be it resolved that whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"SEC. 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty."

At the present moment the specific details of Senator CAPPER'S proposal are not as important as the fundamental premise on which it rests. This is that it is in line with the best interests of the United States and with the maintenance of an enduring peace that the United States, being tangibly concerned with any menace to peace, however remote geographically, should do everything compatible with its own security to avert or minimize war wherever it may arise. The rapid spread of American foreign trade to the farthest reaches of the globe and the extent of its vast loans to the principal countries of the world make the preservation of peace a practical necessity to the United States, if not a moral responsibility. The condition which makes possible the stability and expansion of American foreign commerce and which lends security to the billions of dollars of American loans is a condition of peace throughout the world. The question—a question of enlightened self-interest as well as practical idealism—is not whether the United States should take an active part in preserving this condition of peace throughout the world, but how best the United States can exert its pacific influence.

Senator CAPPER'S answer to this question is a logical consequence growing out of the pact of Paris. This treaty provides that all disputes between the signatories must be settled by pacific means only, and it also stipulates that any nation violating its terms shall be deprived of the benefits of the treaty. The pact of Paris ends at this point, and at this point Senator CAPPER takes up the discussion and advances the proposal that the United States should make it unlawful to ship armaments or other implements of war to a violator of the pact. Such a policy would mean, in other words, that the United States would refuse to aid, to the extent of withholding military supplies, any nation which has set about to promote its national interests by resort to war. The United States, vitally concerned for its own welfare in minimizing any menace to its commerce, can do no less. The same awakened public opinion which gave such overwhelming impetus to the pact of Paris should give equal thought to the Capper proposal or whatever modification or amplification of it may seem advisable.

[From the Duluth (Minn.) Herald]

SENATOR CAPPER'S GOOD IDEA

Senator CAPPER is offering a resolution which is a natural and logical sequence to the Kellogg treaty outlawing war.

This resolution provides an embargo against selling war-making materials to any nation that violates the spirit of the Kellogg treaty. When the President proclaims that any nation has gone to war in violation of this treaty, it will become unlawful "to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Moreover, the resolution provides that any American found giving aid and comfort to the lawbreaking nation shall be denied the customary protection of the American Government. The President is asked to invite other nations that have signed or will sign the Kellogg treaty to adopt a similar practice.

A nation that goes to war wantonly, as nations have gone in the past, will be a violator of the Kellogg treaty. That treaty, when it is adopted by the nations, will be as nearly an international law as any that exists. Its violator, therefore, will be an international criminal. It will be no more right to sell arms to such a criminal nation than it would to sell a jimmy to a burglar.

Only the possible profit in selling to a criminal nation the implements to practice its crime stands in the way of the unanimous adoption of the Capper resolution. And that profit, which would be criminal, ought not to influence a single vote.

[From the New York Telegram]

PEACE—THE NEXT STEP

The most promising aspect of the Capper Senate resolution to authorize munitions and economic boycott against any nation violating the Kellogg antiwar pact is the public attention it is receiving. Last year a similar Burton resolution aimed at warring nations was almost completely ignored. Here is quick proof that the Kellogg treaty discussion and ratification have stimulated America's sense of responsibility for world peace.

We are in sympathy with the purpose of the Capper resolution.

We believe that the moral weight of the United States should be thrown against nations which break the peace. This is the intent of the Kellogg pact. But America's moral influence in such a crisis would be nullified if that outlawed foreign war were fought with American munitions and supplies. And this is the missing link in the American outlawry-of-war chain which the Capper resolution aims to supply.

The actual text of the Capper resolution seems to us unclear on some points and evasive on others. But that is not important at the moment, because CAPPER'S idea now is simply to start a general discussion as a background for intelligent handling of the question by Congress next winter.

Opposition of the BORAH isolationist group on the one side and of the militarists on the other has been accorded similar proposals in the past, and doubtless will be concentrated against the new resolution.

There probably will be a hue and cry that the proposed move would "take us into the League of Nations through the back door." That is nonsense.

Soon or late the United States must face the facts of modern warfare—that there can be no war without affecting this country's world interests, that old concepts of neutrality are meaningless in an age which necessarily distinguishes between "private" and "public wars," and that traditional definitions of contraband can not apply to modern wars which involve civilian populations and which are determined mainly by economic weapons.

The Capper resolution is evidence that America is beginning belatedly to face this problem which other nations, through the League of Nations, have been facing for a decade. But the League of Nations is not the cause of that problem. Neither is the League of Nations the American solution proposed by CAPPER. His resolution would empower the President, unless otherwise provided by Congress, to determine the violator of the Kellogg pact and to apply an American boycott against the offender. Certainly this is quite different from allowing the league or the league council to determine American action.

A second important difference between this American proposal and the league and Locarno provisions for so-called sanctions against an offender is that the latter include use of military and naval force.

The present international situation is paradoxical and dangerous because the United States, which on paper has outlawed aggressive war, is in a position to prevent league nations from suppressing an aggressive war. Indeed, we are in a position now to furnish the arms and supplies to a nation violating our Kellogg treaty and then go to war ourselves against league nations whose blockade against the aggressor interferes with our "freedom" to aid the outlaw. Here is one cause of the Anglo-American disagreement over sea law and the new cruiser rivalry.

This issue is fundamental. It will not be settled in a day. The solution probably will not be in the exact form of the Capper Senate resolution or of the similar Porter resolution introduced in the House yesterday. But that the solution will be along the general line of these resolutions we do not doubt.

Meanwhile this issue deserves the best thought of the American people.

[From the Cleveland Plain Dealer]

TEETH FOR TREATY

The resolution which Senator CAPPER offers would put teeth in the Kellogg treaties. It is based on the assumption that the purpose of the treaties is actually to outlaw war. We shall now see how much power the munition makers wield in Congress.

By agreement ratified by the American Senate less than a month ago, the United States binds itself in partnership with near a score of other nations never to engage in war as an instrument of public policy. The treaty carries no formal reservations, though it is understood that other signatories will insist on their own "interpretations."

Now the Kansas Senator, member of the Foreign Relations Committee, proposes his resolution as the logical next step. In a sense, it carries an American interpretation of the treaty; it tells the world that when we renounce war we renounce it; and that any power which, after renouncing war, nevertheless engages in war, shall labor under the handicap of America's supreme displeasure.

Munition making has long been a great industry in this country. The United States, most peaceful of powers, has thus more than once contributed for profit to the wars of other people. It is not a creditable rôle. The Kellogg treaties offer an opportunity to abandon a policy which has seemed to many out of harmony with our own pretensions.

The principle behind the Capper resolution is identical with that of the League of Nations provision that when a league member violates its obligations under the covenant other members shall take appropriate measures to compel obedience. CAPPER is more specific; he sets up the exact measure of compulsion.

A resolution, of course, merely expresses an opinion. It lays down no law. In this case it declares that "whenever the President determines and by proclamation declares that any country has violated" the Kellogg treaty, it "shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President to export" munitions to such country.

Our hope is that the resolution is adopted. Selling death for private profit is not a business for Uncle Sam to engage in or to sanction.

[From the Des Moines (Iowa) Register]

PROFITS IN WAR

Senator CAPPER has offered a resolution, which he says he does not expect a vote upon at this session, which would declare the policy of the United States to be the declaration of an embargo on armaments against any nation breaking the Kellogg peace pact.

Part of his argument for the resolution is that if it were known that a nation violating the pact would be unable to buy war supplies from us it might avert war.

That is sound enough, but not one-tenth so important as the other part of the argument, which has to do with the effect not on others but on ourselves. If all our own people know that the outbreak of war between two or more other nations is not going to create a beautifully profitable trade with the belligerents for us, there will be considerably less sympathy with nations that go to war.

Unless the United States does clarify its attitude and policy in this matter of trade with a treaty-evading nation that goes to war, how easily we could get into a position, with our factories booming, to supply the belligerents, and with the most tremendous howl about "freedom of the seas" the moment any international pressure was applied to the aggressor in the war.

Taking the profits out of war, whether it be a war including us or a war between nations in the far corners of the world, will always be found a tremendous stimulus to peaceful notions. Senator CAPPER'S resolution has its merit in that, while it goes only a short distance and in a test might not go even that far, it does approach war and peace from the standpoint of profits.

[From the Cincinnati Enquirer]

THE CAPPER RESOLUTION

A spectacular piece of legislation has been placed before the country by Senator CAPPER in the hope that it will arouse a wide interest and full discussion, even though no action will probably be taken during the present session of Congress. The resolution in effect provides that the United States shall not export arms or munitions to any country which definitely breaks its obligation under the Kellogg pact to refrain from aggressive war. The responsibility under the resolution rests with the President to determine what nation may be the aggressor in any given case.

This project is complemented by the Porter resolution, which makes a similar embargo possible against any nation where domestic outbreak is threatening or existent. The two together are a significant step in the new foreign policy of the United States. It is worth noting that the Capper resolution has met with warm support from such public figures as Nicholas Murray Butler, George Wickersham, and President Angell, of Yale University. These men are outstanding liberals, who are looking forward to a time when the United States will take a much more active part in world political affairs than is now the case.

On the other hand, the general temper of Congress appears to be somewhere between lukewarm and definitely opposed. The commonest attitude among legislative leaders is that of waiting until popular sentiment has had an opportunity to express itself. This is eminently desirable. The Capper proposal contemplates a complete change of front in our foreign policy, and so requires careful analysis before action is taken. It proposes in substance to wield the enormous economic power of the United States in the interest of peace between nations by means of the economic blockade of an aggressor state.

In view of its profound implications for the future policy of the United States toward foreign affairs, the proposal of Senator CAPPER merits neither instant approbation nor yet condemnation. It is a proper subject for thorough study in the light of our changing national policies and shifting position in the sphere of world politics. It is to be hoped that the discussion of the project may be free from bitter recriminations of die-hards and extremists, for it is a serious proposal to make effective the now feeble Paris pact, and as such is worthy of adequate consideration.

[From the Emporia (Kans.) Gazette]

THE NEXT MOVE

Senator ARTHUR CAPPER, of Kansas, has introduced into Congress a measure which will prohibit America selling arms or munitions to any country which is adjudged a violator of the Kellogg pact outlawing war. If the world court or any tribunal names a nation as the aggressor nation in any war, all the nations signatory to the pact would outlaw the offending nation by refusing it credit and munitions of war.

That action would stop that war.

Slowly we shall move toward world peace. We may break peace time and again. But in the end peace must come as men think more and more of justice. It is fine to remember that Kansas has a Senator who stands in the forefront of those world statesmen who are striving for peace.

Senator CAPPER represents all that is fine in this State, its loftiest aspirations, its most practical common sense.

[From the Washington Star]

BACKING THE KELLOGG TREATY

The Kellogg multilateral treaty renouncing war has been described in certain quarters—particularly those not responsible for its negotiation—as a mere gesture; indeed, an empty gesture. Senator CAPPER, of Kansas, who has been a strong supporter of the treaty, now comes forward with a proposal which, if adopted, may put a very different aspect upon the situation. What the Kansas Senator proposes is that the United States and other nations signatory to the Kellogg treaty shall pledge themselves not to sell arms, munitions, and other materials needed for carrying on war to any nation which violates the Kellogg treaty.

Few nations that go to war are able to furnish all the arms, munitions, and other materials essential to carrying on war. They must rely on neutrals for these munitions. For example, had the belligerents, soon after the war broke in 1914 in Europe, been unable to obtain from the United States vast quantities of war supplies, the effect would have been serious for some of the nations involved, if not all of them.

A resolution introduced in the Senate to-day by Senator CAPPER authorizes the President of the United States, by proclamation, to declare whenever any nation has violated the Kellogg treaty. After the President shall have issued his proclamation, it shall be unlawful, unless otherwise provided by act of Congress, to export to the nation violating the treaty any arms, munitions, etc. Further, the resolution declares that nationals of the United States who undertake to send such supplies to that nation or nations shall not have the protection of the United States.

In order to convince other nations of the advisability of enacting similar laws relating to the export of arms and munitions to a nation violating the Kellogg treaty, the Capper resolution provides that the strictures against the export of arms and munitions from the United States shall apply only in case of a breach of the treaty by war "against a government which has declared its adherence to a similar policy."

The Capper resolution and the course it proposes is a logical sequence of the ratification of the Kellogg treaty. How ridiculous it would be for the United States—or any other nation—having solemnly declared its adherence to a treaty renouncing war as a means of settling international disputes, to assist a nation which violates this pledge to carry on a war through the sale to it of much-needed munitions!

The proposed embargo on the export of arms and munitions would lie against the nation waging an aggressive war. It would become the duty of the President of the United States to determine, in the event of hostilities, which nation was the aggressor before he issued a proclamation laying such an embargo. He might determine that both nations were equally guilty of violating the Kellogg treaty. From a reading of the resolution it appears that Congress would have the power, however, to override the President's decision in this matter by enacting a law or laws contrary to the President's determination of the guilt of the party or parties involved.

Despite the difficulties which may lie in the path of the Capper resolution and the adoption of a similar program in other countries, certainly it appears that the Kansas Senator has laid a finger on a very practical method of aiding the fulfillment of the pledge contained in the Kellogg treaty.

[From the Lincoln (Nebr.) State Journal]

Many friends of the Kellogg peace pact will favor the resolution Senator CAPPER has introduced in the Senate which would tend to give the pact more force. The Kansas Senator wants to make it unlawful to export munitions, implements of war, or other articles of war to countries which have violated the Kellogg pact from the time the President shall declare they have committed such a violation until the time he shall declare the violation no longer continues. If all the signers of the pact would back up their signatures with a similar enactment, and enforce it, there is little doubt but what war would be effectively outlawed.

[From the Saginaw (Mich.) News]

ARMS EMBARGO TO HELP PEACE

Senator CAPPER introduces a resolution authorizing the President to place an embargo on supplies of arms, munitions, or "other articles for use in war," against any nation violating the multilateral treaty recently ratified by the Senate. Though the resolution if adopted could apply only to the United States, there is a provision which requests the Chief Executive to negotiate with other signers of the multilateral treaty to have them take similar and concurrent action. It is a proposal that if made effective would unquestionably strengthen the peace treaty.

Keeping in view the extreme difficulty exercised in bringing about domestic disarmament to the extent of preventing easy access to deadly weapons by the criminal classes, it may be expected the resolution will meet with opposition that may not appear on the surface. Senator CAPPER probably had this in view when he said:

"It should be impressed that war will not be a means of carrying on a profitable trade with the belligerent nations, a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt upon the surviving people of the earth. * * * Rather it should be impressed upon the consciousness of every citizen that the effect of the pact will be to diminish or cut off that trade so that it will no longer be in the interest of armament makers or the private traffickers in blood money to connive with a government which

in defiance of its obligations lets loose upon the world the pestilence of war."

In the main the resolution is new and invigorating testimony to the fact that civilization nowadays favors but one form of warfare, that which is directed to prevent wars of bloodshed. Mutual and general agreement to avoid war, as is found in the multilateral treaty, would, of course, be vastly strengthened by such embargoes as Senator CAPPER proposes. And knowledge that practical methods exist to make such embargoes effective would undoubtedly act as a further curb upon the war virus everywhere.

It logically follows that the more embarrassments, the more difficulties there can be imposed upon the making of war, the less likelihood there is of its being resorted to; the more probability the nations will incline to adjust their disagreements by the peaceful processes of reason. Broadly speaking, this resolution of Senator CAPPER'S would impose an economic boycott upon the offending and belligerent nation, for about every commodity of account nowadays enters into the making of war; which is likely to be even more true in future wars.

In any event, the proposal is bound to stir up an interesting discussion, and this itself should prove of value. It will be found impossible to ignore the resolution or its meaning. It must and will be given consideration, and is of a nature that makes it fully worth all the attention that can be given it.

[From the Newark (N. J.) Evening News]

CAPPER SETS TEST

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The Capper resolution carries assurance that the league can count on us to cooperate in restraining an aggressor. It shows what could have been done if the Republicans had undertaken to develop and improve the peace arrangements worked out after the war instead of bedeviling them. If they had taken a helpful instead of an obstructive attitude, there would be no need now to wriggle out of the mess created by the reservations and bitter-enders.

Another question answered is whether we are going to stand behind our own Kellogg treaty. The resolution gives that treaty a vitality of which it was nearly stripped by the Senate debate. In order to get the votes needed for its ratification, administration spokesmen took the position that it was not much more than a moral gesture. The psychological effect of the debate has been bad. The Capper resolution, if adopted, will overcome this and show the world that this country takes the Kellogg pact at its full face value and means to make it an effective preventive of war. The resolution proposed by Representative PORTER in the House goes even further.

[From the Sioux City (Iowa) Journal]

TREATY ENFORCEMENT

Senator CAPPER, of Kansas, an ardent supporter of the Kellogg multilateral treaty designed to outlaw war, believes there is a way to enforce the pact. There is no provision in the covenant, signed or adhered to by nearly 60 governments, for its enforcement. So far the civilized world has accepted the pact as morally binding upon all the nations included as signatories or adherents.

A Senate resolution offered by Senator CAPPER would definitely put the United States in a position to contribute to the pact's enforcement. An economic boycott is the weapon Senator CAPPER has in mind. This would be aimed at any nation that, in this Nation's judgment, had violated the terms of the treaty to start an aggressive conflict. The Capper resolution would give the President authority to issue a proclamation forbidding exports, particularly munitions of war, to any government violating the pact. This is provided in a paragraph that reads as follows:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

If this resolution succeeded, it would mean that the Federal Government would be empowered to institute a complete boycott against an offending country. "Or other articles for use in war" covers all manner of supplies, food, clothing, building materials, practically everything in trade.

Alone, the United States probably could not thus prevent war through discouraging another country by threatening a boycott. This country could do more in that respect than any other single power, because of the wealth of resources here, but the value of the Capper resolution lies in the probability of it being adopted elsewhere if given indorsement in this country.

It may be taken for granted that the world powers and various other progressive nations are sincere in their desire to establish and maintain world peace. If it be true that they desire it greatly, then it is logical for them to adopt some method whereunder the pact could be rigidly enforced. The boycott, if decided upon by the powerful governments in the pact, could not fail to achieve the result desired.

[From the Augusta (Me.) Kennebec Journal]

WORTH THINKING ABOUT

Occasionally some one rises to remark that it is wicked to permit guns and munitions to be sold to those engaged in warfare, or who are likely to be, and then some one who has meanwhile been doing a little thinking is convinced that our own land of the free would probably be a British possession had not our forefathers been able to buy guns and munitions.

Senator CAPPER has said something which will bear thinking about. He has introduced a resolution which would provide "that whenever the President determines, and by proclamation declares, that any country has violated the multilateral treaty for the renunciation of war it shall be unlawful, unless otherwise provided by an act of Congress or by proclamation by the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

[From the Press, Pontiac, Mich.]

A PROPER LIMITATION

Senator ARTHUR CAPPER'S bill in the matter of an armament embargo has much to commend it. Under its terms the President would have the necessary power in his hands to prevent the shipment of "arms, munitions, implements of war, or other articles for use in war" to nations which had violated the Kellogg peace pact.

We shall hear a great complaint from the munition makers and all and sundry who profit by war. The jingoes and the superpatriotic gentry who want to keep the world perpetually tuned up for immediate conflict when slight differences occur will scent a tragic handicap. This class, which believes "in principle" in movements intended to bring about world peace will find this particular bit of legislation a dangerous curtailment. In the abstract, all of these ideas looking to perpetual peace are commendable, but not one of them ever is safe or workable in the minds of gentlemen of the Lodge school of international relationships.

The Capper bill does not make it mandatory on the President. Its purpose is to give that official authority to stop the shipment of all forms of mechanism intended for mass murder, if he shall deem it expedient.

Of course, this trade is profitable. It makes a great showing on the balance sheet as well as in the cemetery. Someone's sons must shoulder a musket, march off to war, and come home in a rough box or be dumped out at sea or buried somewhere among the millions of "unknown."

The Capper bill intends to serve notice on the world that the United States believes in peace.

The Kansas man says he intends to cut down the activities of the "private traffickers in blood." He thinks that governments which, in defiance of their obligations, "let loose upon the world the pestilence of war" should be denied the help and assistance of other nations which honestly believe in peace. He seeks the mighty influence of American disapproval of this form of international trade.

The Capper bill would serve notice on the world that our approval of the Kellogg pact was not merely lip service. It would emphasize the fact that we are prepared to sacrifice profits to peace. It would show that we honestly believe that men are of more account than dollars. And some of the world does not believe that of us at present.

This Capper limitation is what the peace movement needs. There should be much in the way of collateral action of this character. It is needed in America and everywhere throughout the world if peace finally is to become the accepted program of civilization.

[From the Paterson (N. J.) Press-Guardian]

ANOTHER STEP PROPOSED

The resolution which Senator CAPPER, of Kansas, has introduced in the Senate, if passed, will provide another advance toward settlements of international disputes through mediation and arbitration, now declared to be the policy of practically all nations in accordance with provisions of the Kellogg pact.

What Senator CAPPER seeks in his resolution is to empower the President to proclaim and forbid the export of arms, munitions, implements, or other articles for use in war to any country which, in his opinion, has violated the agreement of this Kellogg pact. Thus, in full effect, his resolution would declare a boycott on the part of this country against any country which had gone contrary to the Kellogg pact, renouncing war as a means of settlement of international dispute.

It can not be expected that the resolution will be adopted at the present session of Congress, which has only about three weeks to run. Nor is it probable that the special session will reach a decision upon

it. There will be serious opposition to its adoption, and it will become one of the major themes for argument for a number of months. Perhaps in the end it may fail, for it will be held on the part of many that such a resolution will have the effect of too great participation on the part of this country in the affairs of other nations.

At first glance, however, the resolution seems most important and one to which the country may in safety and with tremendous effect give its adherence.

[From the St. Louis (Mo.) Post-Dispatch]

MR. CAPPER'S ARMS EMBARGO

Senator CAPPER, of Kansas, wants the United States to refuse to sell arms or ammunition to any country that violates the Kellogg peace pact. He has introduced a resolution to that effect which also authorizes the President to negotiate with other signatory nations to join in the boycott.

Immediate action is not looked for, but the proposal, Mr. CAPPER hopes, will stimulate public discussion. That hope is likely to be realized. Public opinion will, we believe, be disposed to abolish "a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt on the people of the earth."

Depriving the neutral nations of any opportunity for profit ought to help to unpopularize war universally.

The provision empowering the President to persuade other nations to adopt this policy seems superfluous. The other nations, with few exceptions, are members of the League of Nations and as such are obligated to suspend all commercial relations with any nation waging an aggressive war. But the moral of this provision can not sincerely be ignored. It emphasizes anew the truth that international cooperation is necessary to outlaw war and achieve the great end of abiding peace. The experience of the World War has taught that lesson just as impressively as it exposed the danger and ultimate cost of "a profitable trade" in munitions.

[From the Douglas (Kans.) Tribune]

Senator CAPPER has introduced a resolution in Congress, and is pressing its passage, pledging the United States, in case of another war, not to permit its citizens to furnish fighting supplies to either side. That is really the only way to maintain neutrality. If two men were fighting or going into a fight, could a man be classed neutral who passed to one of them a club? If in the World War the United States had prohibited its citizens selling munitions of war to either side it would, of course, have prevented American firms from making billions, but it would have "kept us out of war." And the United States had to loan these purchasing nations the money to pay for their supplies, and our people are now being taxed to pay the debts these foreign nations are not paying.

[From the Winsted (Conn.) Citizen]

TEETH FOR PEACE PACT

Senator CAPPER, of Kansas, a member of the Senate Foreign Relations Committee, complicates the armament issue a bit. He has introduced a measure which would forbid the sale of American arms and munitions to any nation going to war in violation of the Kellogg treaty, and urges other nations to adopt the same policy.

This resolution, he believes, would "give teeth to the Kellogg pact, which as it now stands depends for its effectiveness only on the conscience of the signatory nations."

It would, indeed, if adopted and followed by the big industrial nations in the spirit and letter.

Modern warfare, as the World War proved, depends on enormous quantities of machine-made supplies. If the industrial nations will not sell them, most of the nations can not fight, and even the other industrial nations will be handicapped.

Manufacturers of armament and war materials will oppose this measure, of course. Some governments will oppose it for the sake of the profit they may make out of other people's wars, or from a desire to keep up their munitions industries for their own self-defense. But the American public might approve such a pacifist measure.

Suppose it were adopted generally, as some such measure probably will be some time—for the peace spirit grows. There would still be one serious little joker. Who would decide what wars were "in violation of the Kellogg treaty"? The League of Nations might assume that task. But would the United States or Russia agree?

[From the Elmira (N. Y.) Star-Gazette]

TEETH FOR KELLOGG PACT IN CAPPER'S RESOLUTION

With the frankly expressed intention of putting a set of good, capable teeth in the Kellogg multilateral peace pact, Senator CAPPER, of Kansas, on Monday introduced in the Senate a resolution, the chief provision of which was granting authority to the President of the United States to declare an arms embargo against any nation which he should declare to be a violator of the pact.

Wide discussion of CAPPER'S resolution was immediate and the views expressed concerning it naturally differed. Generally it was lauded as an intelligent attempt to supply a method of making the Kellogg pact effective against violators, since that instrument contains no provisions for its own enforcement.

However, objections were lodged against it on the ground that in the first place it placed too great a responsibility upon the President, who would be compelled, to make its terms effective, to declare which of two nations was the aggressor in war, and secondly, that it was "entering the league by the back door."

[From the News, Rockville Center, N. Y.]

CAPPER AND THE KELLOGG TREATY

Senator CAPPER, of Kansas, has thrown a bombshell into the camp of those Senators who did their best to emasculate the Kellogg peace pact. He has introduced a resolution in the Senate to the effect that any nation which violates these pacts shall be practically classed as an outlaw nation and denied the privilege of securing arms from this Nation. We would go even further and put them on a basis so that they would be unable to get any supplies of any sort from the United States. With such an economic boycott from this, the richest Nation in the world, there is every reason to believe that it would be the world's best deterrent to war.

[From the Birmingham (Ala.) Age-Herald]

TO KEEP THE PEACE

It was inevitable that the Capper resolution should arouse critical reactions in quarters which have always been hostile to concrete efforts to make the influence of this country for international peace tangible and effective. Therefore it is not surprising that, after the first outburst of enthusiastic approval, voices should have made themselves heard in varied derogation. First of all, we hear the obvious charge that the resolution would, in effect, put us in the League of Nations. In any case we are warned that the proposal would make us the tail to the league's kite. And, finally, we have Senator BORAH'S mutterings that he is opposed to anything which looks or sounds like a "sanction."

The trouble with these isolationists is that they are too prejudiced to be governed by logic. If there is any difference between the exercise of embargo power in respect to Latin-American countries and its exercise in respect to a European power which has violated its pledge under the Kellogg treaty, it does not disclose itself to an unbiased mind. Yet all that the Capper resolution contemplates is that just this course shall be pursued, that our citizens shall be forbidden to sell and send munitions of war to an aggressive belligerent which has broken its word.

How such action could involve us in hostilities, how it would cause us to play second fiddle to the league, is not perceptible. It might very well be the case that our arms embargo would help the league; it might even be the case that this method would track the league's undertaking to discipline an unruly member, but that is surely no good reason for any failure on our part to make the renunciation of war as a national policy something more than a pious gesture. We owe it to common sense and good faith to leave nothing undone for the purpose of effectuating the multilateral treaty.

Senator BORAH'S opposition to sanctions is no new thing. Many a speech has he delivered in denunciation of the league covenant's provisions with regard to disciplining obstreperous countries. But just as the older BORAH could never have led the fight for the kind of treaty which has just been approved by the Senate, since his leadership implied a departure from the isolationism to which he was once devoted, so the new BORAH who has evolved a more admirable world outlook should be able to rise above the petty limitations of the past.

It is time that the Idaho Senator, together with other antagonists of America's participation in a realistic movement for international peace, face the facts of the situation. The day for bandying phrases, and hypnotizing ourselves into a self-induced terror, is now happily gone. If Mr. BORAH can prove that a suspension of trade with an aggressive belligerent would necessarily embroil us in war, the country will be with him. But he can't do that. The Capper resolution does not deprive us of any freedom or independence of action. It simply offers a way of embodying the faith we profess in works of pacification.

The fact that Congressman PORTER has launched in the House a separate enterprise to make the multilateral treaty effective indicates to what an extent the problem of making the pact workable has gripped the interest of thoughtful American statesmen. Neither Senator CAPPER nor Representative PORTER looks forward to immediate action or even debate. But both realize that public opinion must be guided toward a crystallization which will force bitter-enders and indifferentists into obedience to an overwhelming demand for American courage in keeping the world at peace.

[From the Shamokin (Pa.) Daily Herald]

Senator ARTHUR CAPPER, of Kansas, newspaper man and statesman, has a level head on his shoulders. He knows that all this talk of peace

pacts, good-will to men, love your fellow nation as yourself, is not exactly what it is supposed to be. Being practical, he suggests a practical measure, namely, a trade boycott on all countries violating the antiwar pledge. It was Roosevelt who popularized the "big stick" idea. It's still a good idea. A nation threatened with loss of trade will think twice before plunging into a costly war. Senator CAPPER has suggested an effective weapon for permanent peace. In our present state of civilization, the only way to maintain peace is with a club.

[From the Mobile (Ala.) Register]

CAPPER AND ARMS EMBARGO

Although intimating that he did not expect early action, Senator CAPPER has introduced a resolution binding this country to the policy of an arms embargo against nations that go to war in violation of the Kellogg peace pact. Mr. CAPPER remarks that it will be just as well for Congress and the country to be thinking and talking the matter over. He could scarcely ask for any better response, for semiofficial sentiments of disapproval have been wafted in from both Paris and London, while Senator BORAH bluntly asserts that such a policy would lead us into war. Besides this, whoever it is that pries opinions out of the President has informed the world that Mr. Coolidge disapproves the idea.

The Kellogg pact in effect bonds us to the peace, but the official views from abroad seem to incline to the idea that an arms embargo would destroy the neutrality status of the nations adopting it. Now, the status of neutrals is a question seriously at issue just now between this country and other powers, particularly England. Our policy stands for the complete and unabridged freedom of the seas for the vessels of all nations not engaged in war. England went counter to this policy during the World War, and even confiscated American ships and goods, with the purpose, of course, of paying for them in full. This course was specifically rebuked by Woodrow Wilson, when he made absolute freedom of the seas to all nations one of the stipulations in his fourteen points. The freedom of the seas, the war President made it clear also on other occasions, was one of the main things for which we fought.

Thus, while Mr. CAPPER has brought on all the talk he anticipated, it is not likely that his resolution will find favor at this time. But there is a way in which it could be made to work without some of the objections now alleged against it. That would be for the policy to be adopted by all signatories to the peace pact. It would then become, in effect, an international matter and thus divested of the delicacy that would attend the refusal of merely one noncombatant nation to sell arms and supplies to nations at war. There may be some virtue in the Capper idea, for nations without some outside source of supplies would be handcapped in any war, but it needs to be applied in some better and more generally accepted manner.

[From the Plainfield (N. J.) Courier-News]

TEETH IN THE KELLOGG PACT

As a means of stirring up warfare in the United States Senate, there is still no better medium than a peace pact or negotiations for peace. The Kellogg pact stirred up quite a lively skirmish before it won its way through to ratification, but the new resolution which Senator CAPPER now presents should bring out the Senate's picked shock troops running.

Senator CAPPER would put teeth in the Kellogg pact by pledging this country to an economic boycott against any nation that breaks the pact. He would make it unlawful "unless otherwise provided by act of Congress or by proclamation of the President to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall, by proclamation, declare that such violation no longer continues."

As has been repeatedly pointed out, the Kellogg pact has no force other than moral force. It provides no machinery for compelling signatory nations to obey its provisions nor to punish those that violate them. The teeth that Senator CAPPER proposes to supply are comparatively inoffensive weapons; they would not necessarily bring us into an armed conflict with a recalcitrant nation even if we employed them. But the resolution touches the crux of the ancient feud between those who shudder at the thought of "entangling alliances" and those who believe the time has come for honest cooperation with the rest of the world.

Senator CAPPER must be an optimist where the Senate is concerned. He must believe that the forces which sprang to arms against the League of Nations and the World Court and that almost succeeded in weighting down the Kellogg pact with reservations have gone out of action. For his proposal would be almost as momentous a step as actual joining the League of Nations, as the nations of Europe are already construing it.

Effective teeth in the Kellogg pact would unquestionably add greatly to its prestige and its usefulness. It would mean that this Nation is willing to back up in an active way the instrument for peace which it established. It would tell the world that we have the courage of our convictions. But to try to get these teeth into the pact would mean to throw wide open again the vital questions on which the Senate has hopelessly split in the past.

[From the Owosso (Mich.) Argus-Press]

THE CAPPER RESOLUTION

The resolution proposed by Senator CAPPER, of Kansas, in the United States Senate will, if adopted, put teeth in the Kellogg treaty. The proposal of the Senator would give power to the President of the United States to issue a proclamation when, in his opinion, any nation violates the provisions of the Kellogg treaty, to the effect that it would be unlawful to export to such country arms, munitions, implements of war, and any other articles for use in war, until the President shall by proclamation declare that no such violation continues.

The resolution has much to commend it in principle, but it has one questionable feature, in that it confers a great authority to the President of the United States. It gives a power which many occupants of the Chief Executive's office would hesitate to have, implying as it would decisions of great consequence. In case of dispute between two nations who are signers of the Kellogg treaty, it would be necessary for the President to determine which of these nations was at fault, and issue his proclamation accordingly. On the other hand, there is much to be said for the principle of the resolution, in that it would offer great possibilities for the enforcement of the Kellogg peace pact.

As it stands to-day the Kellogg treaty is more or less an expression of good will and good intention between the signatory nations. A nation which starts an aggressive warfare against another nation would be looked upon with distrust and the moral influence of the other nations would be against them. If coupled with that, such a nation had to face the possibility of a proclamation such as would be a part of the Capper plan, it would shut off to these nations what has been in the past one of the principal sources of obtaining supplies for carrying on warfare.

The idea as expressed by Senator CAPPER is still in the embryo stage, and if adopted will doubtless see considerable modification or changes to make it compatible with the position which this country desires to maintain in world affairs. The Kansas Senator does not expect that any action will be taken on this resolution at the present session of Congress. He merely wishes for the present to get the matter before the public and create a sentiment that will favor the United States taking this step. The idea in substance is a worth-while one, and if taken by the United States will enable this country to wield an effective weapon in maintaining the provisions of the Kellogg treaty.

[From the St. Louis Post-Dispatch]

CAPPPER'S ARMS EMBARGO

Senator CAPPER, of Kansas, wants the United States to refuse to sell arms or ammunition to any country that violates the Kellogg peace pact. He has introduced a resolution to that effect, which also authorizes the President to negotiate with other signatory nations to join in the boycott.

Immediate action is not looked for, but the proposal, Mr. CAPPER hopes, will stimulate public discussion. That hope is likely to be realized. Public opinion will, we believe, be disposed to abolish "a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt on the people of the earth."

Depriving the neutral nations of any opportunity for profit ought to help to unpopularize war universally.

The provision empowering the President to persuade other nations to adopt this policy seems superfluous. The other nations, with few exceptions, are members of the League of Nations, and as such are obligated to suspend all commercial relations with any nation waging an aggressive war. But the moral of this provision can not sincerely be ignored. It emphasizes anew the truth that international cooperation is necessary to outlaw war and achieve the great end of abiding peace. The experience of the World War has taught that lesson just as impressively as it exposed the danger and ultimate cost of "a profitable trade" in munitions.

[From the Glen Falls (N. Y.) Post-Star]

THE CAPPER RESOLUTION

The design of the Capper resolution introduced in the Senate the other day is to implement the Kellogg treaty much as the Volstead Act was designed to implement the eighteenth amendment. Without such a development as Senator CAPPER advocates, the Kellogg treaty must remain nothing more than a pious expression of idealistic sentiment; with the nations acting as Senator CAPPER wishes them to act, the Kellogg pact would become an efficient instrument of peace. But what Senator CAPPER wishes his resolution to accomplish and what it might be counted on, in the light of history, to accomplish are not necessarily one and the same thing.

It is an excellent idea that all nations signatory to the Kellogg pact, the United States among them, should employ the economic boycott against, and refuse the export arms or ammunition to, or help financially any nation which violates the pact. But will it always be possible to say which of two nations entering on hostilities is the one really guilty of the sort of aggressive action which the Kellogg pact is designed to end? Who will define the aggressor? The logical

procedure would seem to be to call a conference of all the signatories and let it decide. And when that is done, will majority vote be binding? If so, a desperately troublesome situation might easily arise because of the present commitments of several of the signatory nations. Certain nations now closely bound by alliances would not be likely to dub one of their own group an aggressor even if the United States should hold that opinion of it. Would this country then accept the majority view and join in measures against a nation which it held wholly innocent?

It is very easy to pooh-pooh this sort of criticism, but it will have to be met before the Capper resolution can get through the United States Senate. Only those with very short memories will forget the part which Article XVI of the league covenant played in the days when the document was under consideration by the Senate. And in essence there seems to us virtually no difference between the position which the United States would assume under the Capper plan and that which it would have assumed under Article XVI. The very fact that Senator BORAH, who fought so hard against our joining the league, is holding back his judgment of the Capper plan confirms us in this view.

But all this is far from saying that the Capper plan should be scrapped merely because a similar proposal, included in the league covenant, was scrapped nine years ago. The ideal of the Capper resolution being sound, since the idea is the provision of machinery which shall insure international peace, the problem of statesmanship is to find how it can be realized. It will not do to stop with a recognition of the difficulties in the way. Statesmanship must go on and find how these difficulties may be overcome. The extreme cynic may take the view that it is quite useless to do anything, but the seeming impossibility of carrying out a clear moral obligation is no reason for not exhausting one's last resource in an attempt to carry it out. We hope, therefore, that the Capper plan will be discussed fully and fairly and that into the consideration of it there will be brought none of that partisan or personal bias discussion of the league covenant because of the determination of some Republican Senators to belittle the achievements of Woodrow Wilson.

[From the New Leader]

THE CAPPER RESOLUTION

The resolution of Senator CAPPER in support of the Kellogg peace pact and attempting to give that agreement something more than a mere will to peace is hailed all over the world as an important contribution to peace. Although action on it is not expected in the present Congress, it is certain to be discussed as widely as the Paris pact was.

One thing the resolution proposes is the use of the economic boycott against a nation which violates the peace pact. In case of such a violation the President by proclamation may prohibit the export to such nation of arms, munitions, implements of war, "or other articles for use in war." The resolution also would declare it to be the policy of the United States not to protect nationals who give aid and comfort to such an offending nation. The President would also be requested to enter into negotiations with other nations which have ratified or may ratify the Paris pact to take similar action against a nation that violated it. However, the resolution would apply the American boycott only "in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

The application of the economic boycott is a powerful weapon in war and may be as powerful in preventing war. It is a form of war itself and may be as effective in some instances as a fleet of warships. It may be an important question whether this power should be lodged in the President alone, considering that it is a form of war and the power to declare war is lodged with Congress. In a dispute involving a number of nations the President may have his own prejudices for or against any particular power, and his decision might be far from satisfactory.

Suppose this power had been lodged with President Wilson. Considering the sharp protest sent to both Germany and Great Britain, he would have declared against one or the other. Which would it have been? At any rate, the Capper proposal, whatever weakness it may have as revealed by the coming discussion, is correct in principle. Adhered to by the powers, it would help to restrain the anarchs among nations by the threat of withholding the substance upon which war feeds.

[From the Troy (N. Y.) Times]

The Capper resolution, which proposes to penalize the nation that resorts to hostilities without first submitting its grievances to conciliation or arbitration by laying an embargo on the export of arms, munitions, and implements of war, may be regarded as a logical development of the Kellogg treaty. The United States, along with the other signatories to the pact, has renounced war as an instrument of national policy. But the Kellogg treaty provides no penalties for an aggressor nation. It does not even define aggressive warfare.

The difficulty with the Capper resolution, as with most efforts to concretely state conditions bearing upon war which recognizes no law, is to define internationally just what is an "aggressor" nation. The permissive character of the Capper resolution, which would allow the President to ban the export of munitions if, in his opinion, some government had flouted the Kellogg pact, might be regarded as a saving grace, and yet this seems to provide nothing which Congress and the Executive may not do when the occasion arises.

If the nations are sincere in their desire to abolish this most horrible survival of savagery, however, it would seem that the Capper resolution furnishes them a test of their sincerity. If they are anxious to renounce war, they should not hesitate to assume the moral obligation involved in such a renunciation. That is, to withhold support or encouragement to the nation that resorts to war, to cut off its supplies of arms and munitions and implements of war.

While such a happy fruition can not be expected immediately, the mind of the peace-loving world is looking in that direction and some day the international mind may reach that stage of development—after another devastating world war, perhaps—when it will be willing to reinforce a beautiful gesture toward peace with a practical and effective means to penalize violations of it.

[From the Newburgh (N. Y.) News]

TEETH FOR THE KELLOGG PACT

What will happen if one of the governments which signed the Kellogg antiwar treaty violates its provisions? Or will nothing happen at all?

Senator CAPPER, of Kansas, has attempted to provide an answer to this question. He has introduced into the Senate a resolution which authorizes the President to forbid the exportation of munitions or implements of war to any nation which breaks the treaty, and which declares that citizens of the United States shall not be protected in giving aid or comfort to an aggressor nation.

The Capper resolution seems to be a logical and moderate measure to increase the moral validity of the Kellogg pact. It does not pledge this Nation to act by force of arms in any manner; in fact, it does not pledge this Nation definitely to any course of action at all.

It merely provides that in a clear case, where there has been a wanton violation of the peace of the world, the President of the United States may act to prevent the citizens of the United States from giving aid to the disturber of the peace.

[From the Chicago (Ill.) News]

It is not likely that the United States Senate will find time either before March 4 or during the coming special session of the new Congress to take action on the resolution just offered by Senator CAPPER, of Kansas. However, the resolution merits full consideration. President Coolidge has indicated very moderate approval of its purpose. Senator BORAH, however, is opposed to it.

It proposes steps by the United States and the other nations that have ratified or intend to ratify the Kellogg antiwar treaty to increase still further the world's security against war. Any violator of the war-renunciation pact, according to the resolution, would be denied economic aid, direct or indirect, by the faithful signatories of the same instrument. No munitions, arms, or other articles used in warfare could be shipped lawfully to the treaty-breaking nation by the citizens of those signatories. Nationals who persisted in giving assistance to the offending nation would receive no protection from their government diplomatically or otherwise.

It is certain that the moral sentiment of the world will oppose the giving of aid by signatories of the Kellogg treaty to a willful violator of that war-renouncing instrument. Such a course would be wholly inconsistent with the spirit of the treaty. But the question of giving that pact economic or other sanctions is not urgent. The Capper resolution should be regarded at this time as merely a tentative proposal entitled to fair and candid discussion. There are objections to the proposal that can not be lightly waived aside. Under it, for example, the President of the United States would have to decide which warring nation was the aggressor. Manifestly such a responsibility might prove both burdensome and embarrassing, to say the least.

[From the Auburn (N. Y.) Advertiser-Journal]

THE CAPPER RESOLUTION

Announcement of Senator ARTHUR CAPPER'S resolution for putting teeth in the Kellogg treaty has created a sensation both in Europe and in the United States. That it is foredoomed to failure does not mean that it is negligible, for it has pointed the way to bolstering up our guaranties of peace. The gist of the Capper resolution is embodied in two paragraphs immediately following the list of "whereases," namely:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamations of the President, to export to such coun-

try arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"It is declared to be the policy of the United States that the nationals of the United States should not be protected by their government in giving aid and comfort to a nation which has committed a breach of the said treaty."

Undoubtedly this would be a powerful weapon if adopted by the United States. The league also has certain sanctions, among them economic blockade; but the fear has always been that if applied, the United States would immediately proceed to reap the benefits of the lost trade by dealing with the offender. The Capper resolution would eliminate this possibility and make possible a united front against violators of the multilateral treaty.

There is, however, one cogent argument against the adoption of this resolution in its present form, and that is the responsibility placed upon the President to determine which warring party is the aggressor and hence the violator. As many of the Senators are pointing out, such an act by the President might easily be construed as hostile by the nation involved and lead to war with the United States.

On the other hand, it should be possible to keep intact the principle of the Capper resolution without leaving to the President alone the important decision of designating the violator nation. If Congress, for instance, were well aware of the rights of the case, and if the league on its side were willing to establish its economic blockade, it would make little difference how such a nation interpreted our act. Indeed, it would be to its advantage not to draw the United States into the struggle.

By the same token it would be highly inadvisable to refuse supplies to one nation and give them to another if there were any question as to which was the aggressor. As a matter of fact, it is not likely that a crisis would often be precipitated if the United States should adopt the Capper resolution. It would be a tremendous deterrent to violation of the peace treaties.

The alternative suggested by some Members of Congress that munitions be denied both parties at war leaves much to be desired. That would be guaranteeing, for example, a strong nation free hand in dealing with a weaker nation. Since both would be deprived of war supplies from the United States, naturally, the stronger nation could get along with its own resources more easily than the weaker, and the United States would be playing directly into the hands of the aggressor.

Senator CAPPER has at least directed attention to the possibility of following up our peace declarations with some form of legislation that will make the pledges more effective. This can be done without resort to force simply by negation in the matter of providing materials with which to fight. The European nations are eager for some declaration like this on the part of the United States, for it would permit them to apply the league sanctions without fear America would take unfair advantage of this situation.

[From the Cleveland (Ohio) Press]

PEACE AND THE CAPPER RESOLUTION

The most promising aspect of the Capper Senate resolution to authorize munitions and economic boycott against any nation violating the Kellogg antiwar pact is the public attention it is receiving.

Last year a similar resolution introduced by THEODORE E. BURTON, then a Representative, aimed at warring nations. It was almost completely ignored. Here is quick proof that the Kellogg treaty discussion and ratification have stimulated America's sense of responsibility for world peace.

We are in sympathy with the purpose of the Capper resolution.

We believe that the moral weight of the United States should be thrown against nations which break the peace. That is the intent of the Kellogg pact. But America's moral influence in such a crisis would be nullified if that outlawed foreign war were fought with American munitions and supplies. And this is the missing link in the American outlawry-of-war chain which the Capper resolution aims to supply.

The actual text of the Capper resolution seems to us unclear on some points and evasive on others. But that is not important at the moment, because CAPPER'S idea now is simply to start a general discussion as a background for intelligent handling of the question by Congress next winter.

Opposition of the BORAH isolationist group on the one side and of the militarists on the other has been accorded similar proposals in the past, and doubtless will be concentrated against the new resolution.

There probably will be a hue and cry that the proposed move would "take us into the League of Nations through the back door." That is nonsense.

Soon or late the United States must face the facts of modern warfare—that there can be no war without affecting this country's world interests, that old concepts of neutrality are meaningless in an age which necessarily distinguishes between "private" and "public wars," and that traditional definitions of contraband can not apply to modern wars which involve civilian populations and which are determined mainly by economic weapons.

The Capper resolution is evidence that America is beginning belatedly to face this problem which other nations, through the League of Nations, have been facing for a decade. But the League of Nations is not the cause of that problem. Neither is the League of Nations the American solution proposed by CAPPER.

His resolution would empower the President, unless otherwise provided by Congress, to determine the violator of the Kellogg pact and to apply an American boycott against the offender. Certainly that is quite different from allowing the league or the league council to determine American action.

A second important difference between this American proposal and the league and Locarno provisions for so-called sanctions against an offender is that the latter include use of military and naval force.

The present international situation is paradoxical and dangerous because the United States, which on paper has outlawed aggressive war, is in a position to prevent league nations from suppressing an aggressive war.

Indeed, we are in a position now to furnish the arms and supplies to a nation violating our Kellogg treaty, and then go to war ourselves against league nations whose blockade against the aggressor interferes with our "freedom" to aid the outlaw. Here is one cause of the Anglo-American disagreement over sea law and the new cruiser rivalry.

This issue is fundamental. It will not be settled in a day. The solution probably will not be in the exact form of the Capper Senate resolution, or of the similar Porter resolution introduced in the House. But that the solution will be along the general lines of these resolutions, we do not doubt.

Meanwhile, this issue deserves the best thought of the American people.

[From the Norwich (Conn.) Bulletin]

THE CAPPER RESOLUTION

In connection with the introduction of his resolution in the Senate, Senator CAPPER stated that he wanted to start a discussion of its merits. He didn't expect action on it at this session of Congress, but he wanted to get the talk started. In that respect there is no question but what he is succeeding. He is finding, as he probably expected, that there are those who favor such a move and those who oppose it. He is finding those who will help to push such legislation along as well as those who will oppose it, and out of the discussion he should get many valuable suggestions that may have an influence in shaping such a measure as will actually come up for action, if it really gets that far.

Attention is being directed to the fact that little would be accomplished if only one country should take such a stand. It might be possible for one country to set out to penalize another for any infraction of the treaty denouncing war and have it amount to no more than the snap of the finger unless it was joined by others in such action. Let a country be declared guilty and the denial of war supplies ordered, but no great handicap would be experienced by the warring nation if a neighbor was willing to supply all the war material that was required. The country that would be trying to punish the backslider would be living up to its requirements, but the object of its legislation would be frustrated by the acts of one or more of the nations which had not agreed to the penalization.

Thus unless there was a general agreement along such a line on the part of the nations little could be accomplished, and there is serious doubt whether any one nation would be willing to take a lead in such legislation prior to a common understanding.

Senator CAPPER has put forth his plan in such a manner as to bring out both the good and bad points, and by the time Congress is disposed to give it serious consideration he may be prepared to remodel it in several respects. In the meantime, the Senator from Kansas is going to have an opportunity to fill a large-sized scrapbook with the opinions expressed concerning it.

[From the Raleigh (N. C.) News]

Dentist CAPPER says he is not going to insist on putting teeth in the Kellogg treaty this year. He only gives notice that he is preparing a good, strong set.

[From the Portland (Oreg.) Oregonian]

WHERE THE KELLOGG TREATY LEADS

An embargo on export of arms to a nation that violates the Kellogg pact would silence those cynics, American as well as European, who taunt the United States with hypocrisy in initiating and concluding that treaty. Further, Senator CAPPER'S resolution providing that the President shall issue a proclamation when he finds that a nation has violated the treaty and that export of any war material to that nation shall thereupon be unlawful would bind this Nation to the only logical course, to do the least it could do if the treaty is to be more than a pious resolution. As the example of the United States would doubtless be followed by other great powers, which would also be the greatest arms-producing powers, the embargo would mean almost certain defeat for a

nation that was not economically self-sufficient, and even the richest in natural resources is not self-sufficient.

But there are grave implications in an embargo which must be accepted if that measure should be adopted. The President would first decide which of two or more warring nations was the aggressor. That decision would make the United States the champion of one party against the other. It would come from the nation that has the greatest capacity to supply war material and capital and that is most disinterested in the quarrels of other nations. Therefore the judgment of the United States would in all probability be adopted by other nations and lead them to join in the embargo, especially as the rendering of that judgment would doubtless be preceded by an exchange of views leading to concerted action. The United States would thus become the arbiter in quarrels of other nations.

Experience in the World War teaches that wars are seldom duels between two nations; they are fought between groups of nations. Even the Russo-Japanese War was confined to two powers by the British-Japanese alliance which imposed neutrality on all other nations by threatening British intervention on the side of Japan. Possible causes of war are most numerous in Europe, the nations of which are so closely related in alliances, racial feuds and sympathies, and economic interests that war between any two of them would draw in others on each side. Any one nation, knowing the probable penalty of violating the Kellogg pact, would be mad to make war without powerful allies. Then judgment as to which was the aggressor would have to extend to all the belligerents, each of which might have defenders among the neutral powers.

Decision as to which of two warring nations is the aggressor is not simple. Bismarck made several aggressive wars, but he usually contrived that the nation to be attacked should strike the first blow or should declare war. The ex-kaiser still protests that Germany fought the World War in self-defense, Austria accuses Serbia of aggression through harboring conspirators. Red Russia attacked Poland on the White Russian frontier, but when Poland made a counterstroke at Kieff, Trotzky cried: "Aggression." The Kellogg treaty binds the nations to settle disputes by pacific means, thus branding as an outlaw any nation that makes war without resort to such means. But an agreement on some pacific means and on the manner of application would be necessary. There might be a deadlock as to the manner of arbitration, conciliation, or mediation, pending which hostilities might break out. Then each might accuse the other of being the aggressor, and the United States would have to decide which was guilty in order to know to which to apply the embargo.

The purpose of the United States in its program to outlaw war can be accomplished only by imposing penalties on nations that make war for causes other than self-defense, but that involves consideration by our statesmen of the merits of quarrels ending in such wars. When that is done we become entangled in the affairs of other nations, chiefly those of Europe, the breeding ground of war. It was to avoid just such entanglement that we held aloof from the League of Nations. Almost all signatories of the Kellogg treaty are also members of the league, and any of them which violated the treaty would also violate the league covenant. At the same time that the United States was considering the question of guilt with a view to apply the embargo, the league would be considering the same question with a view to applying the sanctions of the covenant. The term "pacific means" used in article 2 of the Kellogg treaty broadly covers the entire ground of those articles in the covenant that bind league members to settle disputes by arbitration, conciliation, mediation, or appeal to the World Court. League members are bound to participate in coercive measures against a covenant-breaking nation, ranging from nonintercourse to actual war. The Kellogg treaty binds its signatories to no such action, but an outlaw nation is to "be denied the benefits furnished by this treaty"—and that is, renunciation of war by the other signatories so far as it is concerned.

Senator CAPPER proposes the first step in using the same means for enforcement of the Kellogg treaty as the league provides for use against a nation that breaks the covenant. Though the United States might go no farther along the track marked by the league, it would have to begin by doing as the league would do—declaring a certain nation an outlaw. It could hardly avoid acting in concert either with the league or with its principal members. That would involve consideration of the merits of the quarrel that make a nation an outlaw and, if the case were clear, reaching the same conclusion. The United States might be content with an embargo on arms, but that would lead to joint action with other powers. Public opinion might drive the Government to more severe means against a flagrant offender—means as severe as those to which the league resorted—in which full cooperation would be the logical result.

All of the Senators who voted against the Versailles treaty remaining in office voted for the Kellogg treaty, confident that it does not entangle the United States with Europe or the league. They were right as to its exact terms. It expresses a purpose, fulfillment of which depends on growth of a public opinion against war among all nations until it attains such power that it will compel the governments to execute that purpose. That public opinion is already most powerful in the United States, and it will support the Capper resolution. It will support other measures going further to place sanctions behind the treaty. Then it may be that the treaty will become the framework on which a new league covenant will be built, more simple but more effective than that of Geneva for the reason that it will be the work of all nations made in time of peace, not of the victorious nations only at the close of war.

[From the Grand Forks (N. Dak.) Herald]

DEVELOPING THE PEACE IDEA

Senator CAPPER has proposed a resolution intended to aid in giving practical effect to the basic policy set forth in the Kellogg peace pact. The essential features of the resolution are contained in these paragraphs:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"SEC. 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty."

This resolution has attracted attention and prompted comment on both sides of the Atlantic. Practically all of the comment has been favorable to the purpose of the resolution, although those who have spoken are as a rule reluctant to commit themselves definitely and on short notice to the precise provision of the resolution. Such a resolution is too important to be adopted offhand. It touches on national rights which have been held to be of the highest importance, and these can not be disposed of without due consideration. But the really interesting thing is that the resolution is the direct outgrowth of the multilateral peace treaty, and that its spirit and purpose are warmly commended by men occupying responsible positions as in keeping with the Kellogg treaty. There is general recognition that, the Kellogg treaty having been adopted, means must be found to give its provisions practical effect, and there is evidence of an earnest desire that the next necessary step shall be taken, if not in the exact form of the Kellogg resolution, then in some other form.

The Kellogg treaty has been regarded with considerable cynicism as a mere gesture which can have no practical effect. But already it is having the practical effect of turning men's minds toward further effort to insure peace and make it permanent.

Sometimes the solemn declaration of devotion to an ideal is more practical than the cynics suppose.

[From the Brooklyn Eagle]

BALKING AT REALITIES

The chorus of approval greeting the Capper resolution is promptly interrupted by discordant notes. Charges are made that the resolution would entangle us in foreign disputes; that to realize Mr. CAPPER'S purpose would make us virtually a member of the League of Nations; that we would be at least morally bound to follow that suspect organization if it attempted to impose the economic blockade upon an offending and stubborn belligerent. * * *

Mr. BORAH is not alone among the friends of the Kellogg treaty who fear steps designed to give that document positive force. They cling to the idea that it is dangerous for this country to go beyond the simple assertion of the moral obligation that the treaty imposes. They see, or think they see, a distinction between the exercise of the embargo power as we have applied it in the past in respect of factional quarrels in Latin America and its use against some European belligerent who, in our judgment, might violate its pledge under the Kellogg treaty. There is no essential difference in principle between the two courses of action. The Capper resolution would not embroil us in hostilities. Action under it would simply deny to our nationals the privilege of trading with a country that embarked upon what we would consider to be aggressive war.

Mr. CAPPER'S proposal is an honest attempt to put some authority behind the implications of the Kellogg treaty. We now have the alternatives regarding that compact as something which may be repudiated at will with no penalty attached to repudiation or as something with a background of real power that can be invoked to make our opinion effective. Those supporters of the treaty who, like Mr. BORAH, are now balking at realities should explain precisely why they fear this contemplated sanction; they should point out how suspension of trade in a war crisis should involve us in belligerency. If they can not establish their case in this single respect it falls to the ground.

To contend that action under the resolution would make us virtually a partner with the League of Nations by adopting as our own one of the sanctions of its covenant is beside the mark. We do not become a member of the league by accepting a league method, nor do we bind ourselves to apply that method in any or every case where the league might

choose to apply it. We are assured of full liberty and independence of action under the Capper resolution. It does not propose to tie us up with other nations.

Mr. CAPPER and those who are with him may fail of their purpose. But they have projected into the sphere of public discussion an idea distinctly worth while. Of course, nothing will or can be done about the resolution at this session. The time is too short. But it has a sufficient volume of public opinion behind it to insure full debate when the new Congress shall assemble. It is not something that can well be pigeonholed in committee.

[From the Camden (N. J.) Evening Courier]

ALSO TOO LOGICAL TO SUCCEED

Little hope dare be held for success in Congress of the Capper and Porter resolutions, which would back up the antiwar treaty by shutting off United States resources and banning exportation of arms and munitions from this country to any other nation violating the Kellogg pact.

Of course, these proposals are logical. They are vastly sensible. But, like the recent proposal to draft Congressmen for front-line work in any future war, such schemes are too logical to succeed.

They would take the profit out of war. And that would abolish war. With recollections of profits in the late conflict, war means boom business to certain folks.

Another highly logical proposal would be to draft, just as soldiers are drafted, all munitions plants, shipyards, or any other private industry needed in conduct of war and pay all the officers and workers on a $30 a month scale, the same as the boys in the trenches were paid.

Of course, such a procedure might wreak havoc with the drafted industries in the matter of profits, but are those gentry any better to sacrifice their profits than our citizens are to sacrifice their lives?

It would be a step toward peace more powerful and significant than the antiwar treaty itself of these Capper and Porter resolutions were approved. But we are skeptical that our solons ever will get to the point of acting to safeguard peace when it is so much easier to sign papers and thus wash official hands of the matter in the manner of one Pontius Pilate.

[From the Meriden (Conn.) Record]

POST CRUISER RESOLUTIONS

President Coolidge's signature to the cruiser bill evidences his belief that the undertaking can be financed without seriously unbalancing the Budget.

With the cruisers an assurred fact, interest centers on the resolutions offered by Senator CAPPER and Representative PORTER to put teeth into the Paris pact.

The Kellogg treaty has been called by many a beautiful gesture. They have approved the effort but feared that something more than honor must be involved to prevent war.

It will be recalled that when the pact was signed, M. Briand declared peace had not been achieved but that a foundation had been created upon which peace might be erected.

Senator CAPPER evidently wants to create the first story on the Kellogg foundation. In his resolution he proposes that if the Paris pact should be violated the President shall have the power to determine and announce which country the violator may be.

Thereupon, it should be decreed that "it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

The resolution also provides "that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach."

If Senator CAPPER'S idea should go through, America would be committed not to supply nations breaking the peace and that would make us parties to any economic blockade. It is also pointed out that we would hardly be expected to use our Navy to enforce rights to carry on a trade we had declared illegal.

It will be recalled that Sir Austen Chamberlain stated in the House of Commons that the Kellogg treaty would be important or unimportant as a factor in world relations depending on whether or not the American people got behind it.

If the Capper resolution were adopted it would be regarded as a real disposition to get back of the treaty.

Hardly had Congress gotten over the surprise of the Capper resolution when Representative STEPHEN G. PORTER, of Pennsylvania, chairman of the House Foreign Affairs Committee, introduced a resolution going one step further than Senator CAPPER.

Representative PORTER'S resolution, whose preamble recites that it is intended to apply to violators of the multilateral pact, would give the President the much broader authority to declare that it shall be unlawful to export munitions of war to "any country" where "conditions of domestic violence or of international conflict exist or are threatened."

Senator CAPPER'S resolution has been hailed abroad as a potent aid in making the Paris pact effective.

It is argued that the adoption of such a policy would greatly change the rights of neutrals. A writer in Le Matin is quoted as saying:

"If a country which might be planning a war knew that it could expect neither from the United States nor from any other power any sort of economic aid, and that the citizens of all countries who might help it would be acting illegally and would not have the support of their governments, it is probable that the country would think twice before embarking on such a perilous undertaking."

Senator CAPPER is quoted as saying he did not expect action on his resolution in the present Congress. He merely wished to present the idea, giving Congress and the general public time to consider the resolution and come to a conclusion.

Judging by the favorable comment heard in this country and abroad, the Capper resolution will provide enough food for thought to occupy Congress for a time when it reassembles.

[From the Arkansas City (Kans.) Traveler]

CAPPER'S RESOLUTION

If adopted and strictly enforced, the Capper resolution to prevent American munitions concerns from selling armament to foreign powers would probably be as long a stride toward world peace as the Kellogg pact. It has long been one of the ugliest scandals of the Western Hemisphere that the perennial bushwhacking in Mexico and Central American Republics is done chiefly with weapons made in the United States. But the Capper resolution is due for a rough time of it. The manufacturers of munitions have always had a great deal of influence in the high places.

[From the New York World]

The Chicago Tribune, as spokesman for the old "irreconcilables," hastens to expound what may be called the plot theory of the Capper resolution. A special article pronounces it the work of the "pro-Leaguers." They did not press their views in the Senate debate, according to the Tribune, for they feared this would defeat the Kellogg pact. But now, "with the ink on the pact scarcely dry," they unmask their plan. * * *

This naïve view overlooks, we believe, the entire history of Senator CAPPER'S idea. Far from being sprung suddenly on anyone, it was contained in his conception of the Kellogg pact from the beginning. M. Briand made his original proposal on April 6, 1927. The next step by any legislator was taken by Senator CAPPER on November 21, 1927, when he offered his first Senate resolution. This declared (1) for the renunciation of war and the adjustment of all disputes by mediation, conciliation, or arbitration. It offered (2) a formal definition of an aggressor nation as one which, having agreed to submit disputes to arbitration, conciliation, or judicial settlement, began hostilities without doing so. It declared (3) that no nationals should be protected by their government "in giving aid and comfort to an aggressor nation." The intent of all this was plain. An aggressor nation would be self-convicted by its failure to seek the agencies of peace; and the other signatory nations would refuse aid to it, even to the extent of declining to protect their ships or sailors or other agents furnishing it supplies.

The final text of the Kellogg pact is far less explicit; but many of its advocates have believed that nearly as much is implicit in it. It defines aggression and aggressor, as one interpreter has said, without definition. That is, Article II declares that the high contracting parties agree that the settlement of disputes of whatever nature or origin "shall never be sought except by pacific means." If this means anything, it means that any signatory which begins a war without trying "pacific means" is ipso facto an aggressor. But how can such a nation be dealt with? Here the significant phrase of the pact is found in the preamble. It is there stated that "any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty." If this means anything, it means that the aggressor nation is denied a friendly status by the other signatories. Unquestionably, with so much merely implied in the pact, the development of our national policy would depend greatly on circumstances. But even under this vague wording our course could hardly be doubtful in any case so clear cut as, say, Austria's attack on Serbia when Serbia was eager for arbitration. Mr. BORAH has himself said so. He said on March 25, 1928, in a passage repeatedly quoted since, that "it is quite inconceivable that this country would stand idly by in case of a grave breach of a multilateral treaty to which it is a party." Mr. CAPPER merely wishes to make more explicit what he and others have all along regarded as implicit in the pact.

There are two conceptions of war. In the old view war is the business only of the two nations engaged. This was the view of the

Central Powers when Austria attacked Serbia, and Germany warned "Hands off." In this view, if any other nation interferes it must prove that it has some specific interest in the controversy. The new view is radically different. According to it, war is now a catastrophe in which every nation is interested and to which it has a right to object. Under municipal law, every affray between two citizens involves the rights of the neighbors. Their safety requires a restraint upon violence. The development of this restraint has abolished feudal warfare, dueling, and free private assassination. We are now transferring this attitude from the municipal to the international sphere. We assert that every country has its rightful interests threatened by a war between any other countries, and that it is interested in preventing war and in limiting it or stopping it when once it is begun. The Kellogg pact would hardly be worth while if it constituted merely a pledge against aggression, without any guarantees, and a promise to seek substitutes for war, without any provision of substitutes. The Capper group regard the pact as a more positive expression of the new attitude toward war.

There is no sudden plot. The Capper plan, in its general outlines, has been in view from the beginning. The procedure of those interested in peace is to take one step at a time—but not to stop with the first step.

[From the Ithaca (N. Y.) Journal-News]

THE CAPPER RESOLUTION AND EUROPE

Senator CAPPER's resolution authorizing the President to forbid the export of arms and implements of war to an aggressor nation may meet with very considerable opposition in the Senate of the United States. It may be a long time before it is enacted into law. But whatever its prospects of success, there is no doubt whatsoever that a large section—indeed, a preponderant section—of European opinion believes that its adoption would be the greatest step toward peace that could now be taken.

There are many persons in this country who do not believe in "sanctions," who do not believe that it is practicable or desirable to provide for common action against a law-breaking state. But there are very few thoughtful students of international affairs in Europe who would take the same view. European thought has progressed to the point where police measures against a lawbreaker seems logical and natural.

This in itself is an extremely important fact. The question of the maintenance of world peace is not a theoretical question. It is a highly practical question. It must be solved with full regard to the facts, to the psychological elements involved. If Europeans believe that international stability will be enormously promoted by such a resolution as Senator CAPPER'S, then, whatever the theories individual Americans may hold, there is an obvious helpfulness in enacting such a resolution into law. Nor is it apparent that any risks are involved or that embarrassing obligations are assumed by the careful language of the measure in question.

The promotion of peace depends upon concerted effort. And when the principles of concerted action have been discovered we shall be in the way of realizing the end in view. The reception of the Capper resolution abroad affords ample evidence that it may furnish the basis for common action for the maintenance of international accord.

[From the Los Angeles (Calif.) Times]

CAPPER'S PEACE PLAN

Senator CAPPER of Kansas, borrowing a leaf from the book of the League of Nations, proposes that the United States declare an arms embargo against any nation which may violate the multilateral treaty outlawing war, known as the Kellogg-Briand pact. By the terms of a resolution which he will introduce in the Senate, the President would be empowered, on a finding that any signatory of the pact has begun hostilities in contravention of its provisions, to declare commercial nonintercourse with the offender. In his view this would not only stop any war that might start, but would tend to prevent any from getting under way, on the theory that the United States is the principal dependable source of the sinews of war, and that the nation to which our markets are closed would necessarily be hopelessly beaten.

This probably would be true were the nations evenly matched; but it is doubtful if our action or influence alone would or could prevent a large nation from trampling upon a small one. Were the Capper principle to be given as wide adoption as the Kellogg-Briand pact itself, however, there would be a very different state of affairs. No nation, except perhaps, the United States itself, is now strong enough to be independent in the matter of war supplies.

As a proposal for discussion—which, to be sure, is all Senator CAPPER calls his idea at present—this resolution is admirable, and out of it may come some practical plan which will "put teeth" in the Kellogg pact. But if the Capper plan has great advantages, apparent without discussion, it also has some drawbacks which are not so obvious and which need to be considered carefully, among them that it would require a restatement of one principle of international law which was not challenged anywhere before the World War and which, so far as we are concerned, must still be regarded as binding.

That is that any belligerent may buy freely in any neutral market that it can reach, and that the closing of such market is to be regarded as an act of war. In other words, if a neutral sells to one belligerent it must also sell to any other, or forfeit a neutral status.

In the present status of international law, therefore, the issuing of an embargo proclamation by the President, applying to one nation or one set of allies alone, would immediately involve this country in the conflict, if the nation ruled against chose to take such action.

For members of the League of Nations the rule has been set aside, in part, since the legality of commercial embargoes is not only established by the covenant, but members are bound to carry them out when ordered by the League. But here is international action preceded by international judgment. The Capper resolution would, in effect, make the President a "1-man league," giving him the powers of the council and assembly of that body—powers more tremendous than ever have been placed in the hands of any Chief Executive even in time of war.

This objection is not insuperable; it could be overcome by international agreement declaring a unilateral embargo not a breach of neutrality. Whether the league members would accede to such an agreement remains a question, in view of their obligations to the league and the league requirement that embargoes be undertaken by joint action.

Senator CAPPER has opened up a fertile field and the resultant debate will be extremely interesting, whether or not it is fruitful.

[From the Philadelphia (Pa.) Public Ledger]

TRYING TO PUT "TEETH" IN THE KELLOGG PACT

Senator CAPPER'S joint resolution, laid before the Senate yesterday, is a move to put into the Kellogg pact just those "teeth" which Secretary Kellogg, along with President Coolidge and Senator BORAH deemed it essential to leave out. It also has a direct bearing upon the Borah-Reed amendment to the cruiser bill calling for treaties to settle the "freedom-of-the-seas" issue.

Senator CAPPER would have Congress declare it unlawful for Americans to export war supplies to a Kellogg-treaty violator and would have the Government give no protection to traders even in noncontraband goods giving aid and comfort to the violator. It is plain that the "freedom-of-the-seas" doctrine is here directly involved.

The attempts to approach this great issue are interesting. But all are tentative and looking toward a future which may prove remote. Much ground must be cleared before a solution will be even vaguely visible. That the spade work is going on is to be taken as encouraging.

[From the Asheville (N. C.) Times]

TO ENFORCE THE PACT AGAINST WAR

Senator CAPPER'S resolution authorizing the President, subject to congressional action, to declare an economic boycott against any nation which he "determines" has violated the Kellogg-Briand treaty against war is a logical supplement to the pact itself.

In an explanatory statement the Senator says that his resolution "is simply to carry out the spirit of the Briand-Kellogg pact, to prevent conscienceless nations from making a profit out of aiding and abetting nations that violate the pact."

Aside from the practical difficulty of determining which of two nations has violated the treaty, the administration is thought to be opposed to taking this further forward step to international action against unjustifiable war. (The Capper resolution contemplates world action on the boycott.) But it was months after the original proposal by Foreign Minister Briand, of France, that the administration bestirred itself in behalf of the treaty renouncing wars waged for the advancement of national interests.

Public opinion played an important part in the negotiations which ended with the signing of the pact of Paris. If public opinion in this country takes up the cause for which Senator CAPPER leads the way, a virtual economic blockade may in the near future be added to the pact of Paris as its weapon of enforcement.

It will, no doubt, require more time for United States opinion to approve the Capper resolution than was required for the proposal renouncing war. For many, such support for the multilateral treaty will savor too much of the sanctions prescribed by the covenant of the League of Nations. But, if the nations propose to support their solemn resolutions against war by the material, though not forcible, expression of moral condemnation against international law breakers, the substance of the Capper resolution must at a not distant day take its place alongside the treaty for the renunciation of war.

Senator CAPPER was the first American in public life to take public action looking toward the drafting of the Kellogg-Briand treaty. He is now the first to propose the adoption of a reasonably penalty for the enforcement of the treaty.

There is little prospect that Senator CAPPER'S proposal will receive consideration in this congressional session. But as a principle pro-

foundly affecting the whole issue of freedom of the seas in time of war, and therefore intimately related to the question of international competition in sea power, it is bound to receive the same thoughtful reflection in the United States that was given to the first proposal for the treaty renouncing war as an instrument of national policy.

[From the Dayton (Ohio) Daily News]

TEETH FOR PEACE

Having ratified the treaty pledging us to peace and then having passed the cruiser bill preparing for war, the Senate finds that there is no rest for the weary. Here comes Senator CAPPER with the next ante. The nations are agreeing to the pledge to seek settlement of their disputes by peaceful process. Senator CAPPER has heard the comment of the cynical that this is but a scrap of paper. No security has been given for the payment of this peace bond. The Kansas Senator now comes forward with a resolution for Congress to pass to stop that jeer.

What he proposes is that it be unlawful for any American to furnish arms to any country or government which is engaged in war in violation of the new treaty. Whenever the President decides that any nation is defying the treaty, he is to clap on an embargo against that country upon all manner of war supplies.

The resolution of Senator CAPPER takes up the peace problem just where the multilateral treaty laid it down. His resolution concedes that the outlawry of war is apt to be an empty effort unless ways are found to enforce the promises of peace. Senator CAPPER is now proceeding from the premise which produced the terrible "Article 10" of the League of Nations debate.

The proposal of the Kansas Senator should be pressed. Not that it is necessarily a practical way to approach the problem. The anti-war treaty is signed with the understanding that it permits defense against aggression. But what is defense, and what aggression? Those are hard questions to answer. Every fighting nation claims to be on the defensive. In making the President sole judge of the facts in such a case, Senator CAPPER puts upon a President a terrifying responsibility. But let the subject be debated. It is by the slow education produced by discussion of these intermediate steps toward peace that the minds of the people of the world, and especially of the United States, are to be adjusted to the practical measures by which alone Mars can be brought under control.

[From the Tulsa (Okla.) Tribune]

TEETH FOR PEACE PACT

Senator CAPPER'S resolution to authorize munitions and economic boycott, against any nation violating the Kellogg antiwar pact offers another opportunity for victory of the forces of peace over the jingoes and the munitions makers.

Without a law to carry out in effect the proposition offered by Senator CAPPER, we may at some time find ourselves in an untenable position. Should a cosigner of the Kellogg pact enter a war of aggression and purchase munitions from American manufacturers to wage the war, we would vitiate our own acceptance of the principles of the multilateral treaty. American munitions makers most assuredly would avail themselves of a chance to supply a ready market, without regard for treaties, so long as the United States Government would permit it. By permitting it our Government would be a party to the act.

Not only to sustain America's good faith in the Kellogg pact, but to protect ourselves against the possibilities of being thrown into the classification of an aggressor in a war upon which the rest of the world might frown, our Government should make it impossible for any American firm to supply a foreign power with arms for waging a war such as we have disavowed. It should be left to the discretion of the President or Congress at all times as to whether or not our munitions makers were justified to accept foreign trade.

The United States needs a law to accomplish the intent of the Capper resolution for these reasons, and for the impetus that would be given in the peace movement by such an obvious victory over the forces that cause war.

[From the Troy (N. Y.) Times]

DISCUSSING THE CAPPER RESOLUTION

As has always been true the worst enemies of any important legislation looking to future reform are those who insist that its present form shall be perfect and infallible. Opponents of the Kellogg treaty condemned it as merely a beautiful gesture. They complained that lack of penalties made it impotent. They failed to see the importance of this gesture as preliminary to more effective guaranties of peace.

In regard to the Capper resolution there are those who insist that it is unnecessary. That the Kellogg treaty goes far enough. Others insist it is dangerous as threatening embroilment with European politics; that it gives too much power to the President, whose decision as to the aggressor nation may conflict with, say the World Court's decision as to the guilty party, with resultant confusion.

That nations will keep the peace merely because they are signatories to a renunciation of war hardly deserves refuting. The Kellogg pact will hardly serve its purpose as a mere gesture. It must lead the way to more practical and effective means of insuring peace.

The Capper resolution is intended to go a step further than the pact. It may be too altruistic. Grant that certain of its provisions look dangerous. War is infinitely more so, and in the process of experiment the dangerous elements may be eliminated. To be effective, of course, a munitions embargo must be adhered to by the principal munitions-making nations of the world.

The main difficulty with the Capper resolution is that it seems to put the cart before the horse. It first commits the United States to the policy that "the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty" and then requests that the President enter into negotiations with other governments which ratify or adhere to the Kellogg pact to do the same thing. To be effective the principal munitions-making nations must first enter into a general treaty not to give aid by supplying munitions of war to "aggressor" nations, else the United States shuts itself off from trade with the warring nations without any compensating advantages in behalf of world peace. At the same time it would become prey to a variety of world complications. To be effective there must be a concerted movement of the nations to withhold aid and munitions from nations which violate the pact.

The Briand-Kellogg pact has not defined an "agressor nation," nor does it provide any penalty or prevent trading with such nations. The United States has frequently reiterated, ever since the War of 1812, its declaration of the freedom of the seas, and only last week the Senate adopted an amendment to the cruiser bill calling for broad reestablishment of American neutral rights, including the right to trade with belligerents. This took into consideration no question of whether the combatants were "aggressor nations" under the pact or not. First there must be a world treaty definition of what constitutes an "aggressor" or a violator of the pact obligation, for in all wars the combatants have always loudly proclaimed that they were fighting only a "defensive" war, and wars of defense are not banned by the pact. When the nation or nations which violate the pact may be determined, then the treaty nations may consistently provide for withholding aid and munitions from such aggressors, and, unless those nations are self-supporting and can supply their own war equipment, their war activities may be checked.

The important thing is that nations may be made to realize they can not threaten the peace of the world with impunity. That they can not resort to hostilities without first submitting their grievances to conciliation or arbitration. Fundamentally the Capper resolution is a test of the nations' sincerity in their desire to abolish war. There is a distinct moral obligation involved in a renunciation of war; that is, to withhold support or encouragement to the nation that resorts to war without first exhausting every possible means of retaining peace.

Perhaps the Capper resolution is "dangerous" in its present form. Perhaps it goes too far. It will, however, serve the great purpose of focusing public discussion upon its central purpose; that is, to provide some means, not now provided by the Kellogg treaty, of penalizing the nation that resorts to hostilities without first submitting its grievances to conciliation or arbitration by an embargo on arms, munitions, and implements of war.

[From the Abilene (Kans.) Reflector]

Senator CAPPER'S plan to have this country refuse to sell arms to any nation that has signed the peace pact has elements of good sense. It might be better to refuse to sell arms to any country at any time and would go further than any treaty to halt the war mania.

[From the Trenton (N. J.) Gazette]

TEETH FOR THE PEACE PACT

Senator CAPPER'S proposal to support the Kellogg multilateral treaty renouncing war as an instrument of national policy, with a trade embargo on violators of its provisions, is both sound and logical. While ratification of this treaty was pending in the Senate its opponents condemned it as a gesture possessing none but a moral significance. Basis for such a criticism would be eliminated through the enactment of a law fulfilling the purpose which Senator CAPPER proposes.

The United States, joining with others of the larger nations of the world, has renounced war as an instrument of national policy. It has pledged itself through the Kellogg treaty to the adjustment and settlement of its international disputes through mediation or arbitration to the end that war may be honorably avoided. Senator CAPPER proposes that this country and the others that are parties to the treaty shall go even further than this.

He suggests that whenever the President determines that any country has violated the treaty for the renunciation of war it shall be unlawful, unless otherwise provided by act of Congress or by proclamation

of the President, "to export to such country arms, munitions, implements of war, or other articles for use in war, until the President, by proclamation, declares that such violation no longer continues."

Such a law represents a logical sequence to the presentation of the antiwar pact by America to the world. It would be an important step along the path of peace, one that would give substance and power to that vital document which is so eloquently expressive of a great ideal. It would provide the teeth which the Kellogg treaty now lacks and will deprive the cynics of their only talking point.

Full effectiveness of the embargo plan would, of course, be dependent upon the cooperation of the other nations that are parties to the Kellogg treaty. There are substantial reasons, however, for the belief that they would be sympathetic and even enthusiastic in their reception of the proposal. Europe, it must be conceded, proceeds with greater readiness and initiative than does the United States in movements having the maintenance of permanent peace as their objective. Locarno and Geneva offer impressive evidence of Europe's practical interest in the cause of permanent peace, a cause which is made of transcendant importance by the presence of millions of the war's dead in the soil of Europe.

Senator CAPPER, through his resolution in the Senate to enforce world peace, has given to the United States a great purpose whose fulfillment will bring closer to reality the dream of permanent peace among nations.

[From the Nashville (Tenn.) Tennesseean]

ANOTHER PEACE MOVE

If the resolution presented to the Senate by Senator CAPPER, of Kansas, is passed, the United States will give notice to the world that in the event of a violation of the Kellogg-Briand peace pact it will declare an economic boycott against the offending nation or nations. The multilateral peace treaty contains in itself no means of its enforcement. It is nothing more than a solemn pledge to renounce war. It provides no penalties and makes no provisions for its enforcement. It is little more than an appeal to the conscience of mankind.

The Capper resolution would unquestionably give additional force to the peace pact. In the event that any nation signatory to that treaty should go to war, then the President would be empowered by proclamation to forbid the sale or shipment to it by nationals of the United States of war armaments, munitions, or supplies. This would unquestionably constitute a powerful and persuasive weapon. The protection of the United States would be withdrawn from its nationals who violated the terms of the President's proclamations. Since this is the wealthiest and most resourceful Nation in the world this course would unquestionably greatly hamper belligerents in any future war.

Although Senator CAPPER has been an isolationist and an opponent of the League of Nations, the resolution which he proposes carries into effect one of the vital principles of the league. It has a provision against aggressive warfare and authorizes what is termed an economic boycott. It would be much more effective if the Senator would urge the United States to enter the league. In this way greater force and effect would be given to the treaty for the renunciation of war.

Unless other nations should adopt the same policy proposed for this country by the United States, the result might be a mere loss of trade to our nationals without any compensating influence on the conflict. If this principle should be embraced by a multilateral treaty and all the parties signatory to the Paris pact should agree to it, then it would have real force.

The trouble with many of our statesmen is that they are more sentimental than practical in their devotions to peace. They would have this Nation lead the world in the outlawry of war and yet they are unwilling for it to cooperate with those agencies that have been set up to provide substitutes for war. It would be so much more effective if instead of merely proposing resolutions and making noble gestures our country would become reconciled to the League of Nations and the World Court and use those agencies for the purpose for which they have been established.

It is not an easy matter to lead the world to peace when this Nation is apparently suspicious of all the tribunals that have been established to find a practical and effective means to escape from war. If the United States would assume some of the responsibilities that the other powers have assumed in the League of Nations and the court, it would speak with much greater authority. At the same time the Capper resolution, whether so intended or not, would bring America closer to international organization and cooperation.

[From the Troy (N. Y.) Morning Record]

IS THIS RADICAL?

Senator CAPPER has introduced into Congress a bill permitting the President, in case of war, to refuse permission to ship arms to such nations involved in it as are signatories of the Kellogg treaty to outlaw war. Instantly there has developed opposition on two grounds. The first is the age-old objection of legislatures to executives that it would give too much power to the President. The second is that the plan is radical.

Is it radical?

Perhaps it is. But it is another question whether radical legislation is therefore wrong. If it is radical so was the Kellogg treaty—unless that pact was not intended to be taken seriously. To the rank and file in the United States that agreement was an honest effort to drive out of civilized society the terrible menace of armed strife. It was an attempt to make it hideous rather than glorious, to name it by its true name.

Then to the rank and file efforts to look upon it as a real step toward peace deserve the utmost sympathy, whether radical or not. Particularly is this so after following the treaty with the greatest Navy bill in the Nation's history. Americans do not want their nation to be looked upon as a hypocritical power, talking peace to the peace-lover and arming to the teeth for the comfort of the believer in war.

Senator CAPPER does not do a dangerous thing. All he asks is that the Kellogg treaty be made an enforceable pact. He does not ask that it become mandatory for arms to be withheld from combatants. He does seek permission for the President to withhold them if, in his opinion, the power from which they are withheld is an aggressor. In other words, when some government flouts the Kellogg treaty and public opinion in the United States realizes that it is going contrary to its pledged word, the United States can refuse to countenance that "scrap of paper" policy by refusing, even in a commercial way, to be a party to the fraud.

What, then, is the radical core to the Capper suggestion? It is this: That the Kellogg treaty is to be more than a gesture. It is to provide machinery in this country to make it easier for America to show its devotion to peace. It aims at putting the United States in a position where it can enforce the view which led it to propose this pact—at least, to enforce it so far as its own part is concerned.

The radicalism of the plan, therefore, consists merely in taking the agreement seriously—in making it possible for the United States to prove its faith by its works. It casts aside all evidences of pretence and deception, all the "cant" of fine words and falsehood, all the hypocrisy of the "sewed sleeve with a closed fist therein"; and it puts in its stead a frank insistence that peace means peace, pledges pledges, and the outlawry of war the absolute determination to leave no stone unturned to make that outlawry real.

If this be radicalism, make the most of it.

[From the Brooklyn (N. Y.) Citizen]

THE CAPPER RESOLUTION

Senator CAPPER, of Kansas, presumably is not satisfied that in ratifying the Kellogg pact we have gone far enough in promoting the peace of the world. He has therefore prepared a resolution, which he proposes to introduce to-day, making it obligatory on this country to bar the sale of munitions or any other war equipment to any country which violates the multilateral treaties.

The resolution vests the President of the United States with the power to proclaim the guilty nation. Naturally, this resolution is hailed by all the sincere friends of the pact and the League of Nations as an advanced step, in so far as this country is concerned, in advocacy of the renunciation of war.

It is true that Germany was able to continue the war for four years without the aid or assistance of the munitions manufacturers of this country. But very few nations have reached the same scientific standard as Germany. France, likewise, was able to continue the war without buying munitions in this country. In fact, France, according to General Pershing, in addition to her own supply, was able to furnish the American Army with heavy guns. Both England and Russia depended largely on American munitions in the early stages of the war.

What probably would be even more effective as an economic blockade would be the cutting off of food supplies. Without American flour, most of the European countries, with the possible exception of Russia, would be without sufficient bread to feed their people. Germany suffered more from lack of food than she did from lack of munitions.

At any rate, the Capper resolution adds punch to the Kellogg pact and every sincere believer in the renunciation of war will hope that the Senate will adopt it.

[From the Atlantic City Press]

TINKLING TREATY CYMBALS

Washington dispatches indicate that President Coolidge, without having studied it, believes the Capper resolution proposing an arms embargo against nations engaged in aggressive war, to go further than is wise. A glance over wide editorial opinion on the subject indicates that this attitude coincides with the attitude of what may be termed strictly administration newspapers, whereas more or less independent opinion shows a trend of hearty accord with the sense and intent of the Capper resolution.

It is pointed out by the cautious that it would, in effect, set up the President of this country as a sort of umpire deciding which is not defensive war, a subject which is not defined by the Kellogg treaty itself. The implied intent to submit the proposal to other nations as well would relieve this country of any implication that it would seek to set up a unilateral interpretation or modification of the treaty, now multilateral in purport. Applied only to nations violating the spirit of the Paris pact—that is, to aggressor nations—even though the pact does not itself define the term, the Capper resolution would not seem to affect our right to deal with belligerents, as quasi reasserted in the cruiser bill.

But perhaps, prior to adoption of the resolution, the signatory powers including the United States might further demonstrate their sincerity by establishing the means through which "self-defense" may be recognized from "aggression," possibly through a majority opinion, if such opinion can be reached without coming to blows over it.

Without some such step and without some effective alternative as suggested in the Capper resolution, the "frank renunciation of war as an instrument of national policy" remains but sounding brass and tinkling cymbal.

[From the Hartford Courant]

THE CAPPER RESOLUTION

When the pact of Paris renouncing war had been signed, M. Briand declared that peace had not been achieved but that a foundation had been created on which peace might be erected. It is the purpose of the resolution sponsored by Senator CAPPER, of Kansas, to build a story on the substructure created by that pact. He proposes that the Senate and House adopt a resolution providing that whenever the war-renouncing pact is violated the President shall have the power to determine and proclaim which country the violator may be. Once this has been done "it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

He would also have Congress declare it to be our policy "that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach" of the pact of Paris. Senator CAPPER proposes again, that the President negotiate with other governments to secure agreement that their nationals shall not be protected in aiding a violator.

The final provision of the Capper resolution is that our policy of refusing to protect those who aid violators "shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

On first sight this would seem to exclude but few of the principal powers, since most of them are members of the league, whose covenant, like the Capper resolution, provides for a boycott against an aggressor, and therefore apparently constitutes "a similar policy." Presumably, however, the resolution refers only to those governments which may establish "a similar policy" by special agreements with the United States. On this point, as well as on some others, the resolution is not clear.

That it will meet with opposition, both in part and as a whole, may be taken for granted. In its broad and general purpose, however, the resolution strikes us as praiseworthy. If nothing more influential can be ascribed to the pact of Paris than its moral effect, the Capper resolution would give the pact teeth. It advances far toward the solution of many problems which are now troublesome; for example, the problem of the freedom of the seas in war time. Without some such action the league will be reluctant to determine an aggressor and apply a boycott against it, since by so doing it might merely divert trade with the aggressor from its own members to the United States.

The Capper resolution deserves the most serious consideration. It was advanced at this time not in the hope that it would be adopted in the remaining weeks of the short session of Congress, or in the special session, but rather in the hope that it would be freely discussed and that opinions on it would crystallize before Congress convenes in its next regular session in December. In the discussion that will take place in the next several months the points of strength and weakness of the resolution should be clearly illuminated.

[From the Des Moines (Iowa) Register]

IN ANOTHER WAY

Senator CAPPER has brought things to a focus in his joint resolution, published on this page.

The Senator would have the United States say frankly and openly that we will not insist on our neutral rights to trade with a nation violating the Kellogg pact.

This is what the League of Nations has been trying to arrive at and the CAPPER move is hailed at Geneva as a bridge between the United States and the league. That will not help matters any in the Senate. But it will center attention on what is to-day standing in the way of world organization.

During the first two years of the World War before we entered, we had the rights of a neutral to trade with Germany. The British Navy interfered with that right, and for some months it looked much more likely that our war would be with Britain.

It was easy to understand the British motive, but it was easy to recognize our legal right. Since the war Britain has steadily refused to take on any commitment to enforce the authority of the League of Nations because the United States, not being a member, would have neutral rights of trade, and that would bring Britain and the United States again at the parting of the ways.

The Kellogg pact has come in to take the place of the league covenant and it will be easy for the United States to relieve the situation without officially recognizing the league.

By relinquishing our right of neutral trade where the Kellogg pact is broken we should, in effect, be relinquishing our right of neutral trade when the league covenant is broken. For it is the same peoples who are committed to both; we are the only ones on whom the Kellogg pact would be binding and not the league covenant.

The Capper resolution does put "teeth" in the Kellogg pact, the pact becomes something more than a benevolent wish for world order the moment it takes the right of neutral trade away from those who violate it. In these days without rights of trade even the biggest groups would soon be embarrassed. The smaller groups could not even make an effective start toward war.

Why should the United States stand out for the right to sell munitions in a revolt against the Kellogg pact, when we were the ones to propose the pact and to urge its acceptance? Ought we not to be the ones to urge that revolters against the pact be treated as outlaws?

Even though it would be an indirect recognition of the league and would powerfully intrench the league covenant, why should the United States not carry through on the Kellogg pact and make it mean just what it says? Why should we not serve notice that the group that breaks the Kellogg pact will by that act sever its trade relations with the United States?

[From the Louisville Courier-Journal]

PEACE WITH THE SINEWS OF WAR

President Coolidge's advocacy of the Kellogg peace pact takes a queer quirk in his recently announced opposition to the CAPPER resolution. According to the White House statement, some 30 nations of South and Central America have not yet ratified the multilateral treaty and will not do so if they see in it the withdrawal of the possibility of buying arms and ammunition from the United States and other countries. In other words, the President wants the Republics to the south to sign the pledge, even if the will for war is stronger than the will for peace. He does not wish to place any barriers in the way of either the Kellogg pact or a sizeable conflict. He is content with the simple declaration by the countries of the world that war has been renounced as an instrument of national policy.

In giving emphasis to this opinion, the President declares that the CAPPER resolution goes too far. It would place the United States in the position of passing on international conflicts. It would militate against small and weak nations which must go outside their own countries to buy munitions. And, it might be added, it would interfere with a lucrative trade that is often enjoyed by the United States.

But the trouble with the embargo plan is that it does not go far enough. It means that only the United States would apply restrictions on the sinews of war. It would leave the belligerent countries to go elsewhere for their needed supplies.

As a multilateral arrangement, a cooperative plan to give effect to the Kellogg treaties, it would make the pact a force instead of a formality. But the President indicates that he is interested solely in the latter. This he regards as the crowning achievement of his administration.

[From the Lansing (Mich.) Capital News]

There is some merit in Senator CAPPER'S suggestion that we institute an economic boycott against any nation that violates the Kellogg treaty by going to war.

It might not be a bad idea to abstain from all commerce with nations at war for, while this would cost us something in commerce, it might keep us out of war.

[From the Holland (Mich.) Evening Sentinel]

SQUEEZING PROFITS OUT OF WAR

The Republican leaders in Congress, we are told, have turned thumbs down on the plan proposed by Senator CAPPER providing for an embargo on arms and ammunition to any country that violates the Kellogg peace pact.

It is hard to understand why they should oppose such a plan. President Coolidge is quoted as saying that the plan is "too sweeping," and some of the Senators are said to oppose the plan because it is supposed to have originated with advocates of the League of Nations.

As to its being too sweeping, the President may have reasons connected with considerations of constitutionality that will make a good argument. On the face of it, however, it would seem that a way might be found whereby such a plan would help to make nations think twice before they will violate the Kellogg pact. To call on millions of young men to leave their homes and die for their country is also "very sweeping," but it can be done and is done when necessary.

The alleged objection of some Senators on the score that the plan was incubated by those who are advocates of the League of Nations is too narrow-minded to merit serious consideration. What of it if a League of Nations advocate first thought of the plan? That has nothing to do with it. If the plan itself is sound, it is worthy of adoption, even if it was ten times more an offshoot of the League of Nations.

Such an argument is a display of narrow politics that has no place in any plan for the preservation of world peace. There may be reasons against the plan, but the League of Nations reason is not one of them. It is silly and childish and unworthy of anyone who makes any pretensions to statesmanship. It is the reason of the small politician.

While it is not true that all wars are completely economic in their origin, it can not be successfully denied that profits play a great part in every war. Purely unreasoning emotion also plays a great part. This latter no nation or group of nations can legislate against. When the time comes, people of the future will very probably become hysterical, as they were in the past, and no amount of reason can prevent it.

But along with national emotion almost invariably goes the shrewd manipulation of selfish business interests that see an opportunity for profits in any war and that are willing to have millions die so long as profits can be made. Such interests have always been very clever in cloaking their selfishness under a garb of seeming patriotism. They have stirred people to white heat of indignation and have reaped a rich harvest.

If these profits can be taken out of war, at least one element of danger will be removed. There will be no motive for keeping people stirred up and a chance will be given for unreasoning emotion to cool off before it is too late.

The Capper plan will not pass just yet, but it is likely that it will eventually. It is fundamentally sound, whatever the technical objection may be under present conditions. If the Kellogg pact is worth adopting, a plan like this to make the pact practically effective is worthy of serious consideration.

[From the Brattleboro (Vt.) Reformer]

PEACE COMPULSION

The Kellogg-Briand peace treaty, regarded by Senator JOHNSON, of California, and by many another critic as pretty near "nothing" in binding power, nevertheless has started something.

It was, on the face of it, only a pious resolution to stop fighting. But it did commit the nations to the moral principle of keeping the peace. And still more, it set people to thinking the world over.

One of the results of this thinking is the introduction of the Capper resolution in the United States Senate, and a similar resolution in the House of Representatives, and an immediate popular response at home and abroad.

Imagine a simple parallel in private life. Suppose a group of men sitting down to a poker game were to agree that they "wouldn't cheat any more." That would be fine. They would all feel a pleasant glow of virtue. But some experienced player might soon suggest:

"All right, boys. We're going to play square. But now, just supposing some fellow does happen to get careless and is caught sticking cards up his sleeve, what are we going to do about it?"

The mildest answer possible would be, "Stop playing with him; put him out of the game."

Well, suppose some nation that has agreed with its neighbors not to fight any more starts another war, or threatens to start one. Senator CAPPER'S idea is that the other parties to the agreement shall stop playing with him. Because he is cheating with cards, they will deal him no more cards. They will sell him no more chips—no more war materials.

This is peaceful coercion by economic weapons. Is there any other way to obtain peace without shedding blood for it?

[From the St. Louis (Mo.) Globe-Democrat]

ARMS EMBARGO RESOLUTIONS

Senator CAPPER, of Kansas, has introduced a resolution in the Senate authorizing the President to declare unlawful the exportation of "arms, munitions, implements of war, or other articles for use in war," to any nation that violates the Kellogg peace treaty in resorting to war contrary to its terms, the President to determine that such violation has occurred, and to declare his determination by proclamation. In the House of Representatives, STEPHEN G. PORTER, chairman of the House Foreign Affairs Committee, has proposed a resolution of similar import but of different terms, which would authorize the President to prohibit the exportation of munitions of war "to any country where conditions of domestic violence or of international conflict exist or are threatened."

The United States has not assumed any obligation to enforce the observance of the peace treaty, and it is not likely to take upon itself a direct obligation to that end. But it would be inconsistent with the spirit of the treaty if it permitted its nationals to supply arms and munitions to a country which has obviously violated the treaty. In effect this would be a material encouragement to the violator of the treaty, which has for its sole purpose the maintenance of peace, an agreement which was proposed to the nations by the United States and to which it has formally subscribed. If this agreement is to be effective violations should meet with general public condemnation and public aid should not be given the violator.

But the Capper resolution would lay upon the President the weight of responsibility for a decision that might be of the utmost importance to this country and to the world. Such a decision might not be difficult if the circumstances were perfectly clear, but it is highly improbable that they would be so clear in any instance. And if the President decided, in any case, that a nation had violated the treaty, and made public declaration of that decision, as the resolution requires, the effect would be necessarily to place this country in a position of positive opposition to the offending nation, which would almost surely result in a suspension of diplomatic relations.

The Porter resolution would extend a power already existing, but now applying only to American nations and limited to domestic conflicts. It would not require the President to determine the violator of the peace treaty but would authorize him to prohibit the exportation of "arms or munitions of war" (not "other articles for use in war"), to any nation, or presumably to every nation, that engages in war, domestic or international.

There is, however, so much involved in the questions raised by both of these resolutions that they should be carefully studied and fully discussed before any action is taken on them. The whole doctrine of neutrality, so long upheld by the United States, is involved in them. It may be, indeed, as some are claiming, that neutrality is no longer possible under present world conditions, but America will be reluctant to accept that conclusion. The sentiment of these resolutions is admirable and the purposes plausible, but there are possibilities of dynamite in them that demand cautious consideration.

[From the Trenton (N. J.) Times]

PUT TEETH IN THE PACT

Senator CAPPER'S resolution, which would have the United States refuse to sell arms to any nation violating the Kellogg treaty, merits favorable action at this session of Congress. It represents a logical and reasonable way of putting teeth in the international agreement for permanent outlawry of war.

Powerful opposition doubtless will develop against the resolution. Armament profiteers, many of whom got rich during the World War, may be expected to oppose it. All economic groups, indeed, which stand a chance of capitalizing war will be found fighting the measure with every resource at their command.

But it is true, as Senator CAPPER declares, that the rank and file of the American people are in favor of any move designed to strip the war game of its money-making features. The proposed embargo would, in addition, make it extremely difficult for a jingoistic nation to procure necessary armaments.

The Kellogg treaty is a big step in the direction of peace. Unfortunately, however, it does not—in fact, can not—prevent an unscrupulous government from breaking its word. That is why we need an enactment like Senator CAPPER'S resolution. That is why we should turn a deaf ear to the shrapnel gang.

[From the Pittsfield (Mass.) Berkshire Eagle]

PEACE MOVEMENT

Assuming that the Kellogg peace treaty is fully ratified and put in operation, it may be put down for a certainty that there will be more or less pessimism respecting its worth until more concrete evidence is given that there is a genuine determination on the part of the signers that the spirit of the document is to be carried out.

It is asserted by some of the principal friends of the treaty that the introduction of the Capper resolution, providing for the cutting off of supplies for the carrying on of an aggressive war, is inopportune at this time. This may be true. It may be that it is the wiser course to get the instrument signed as it appears, let that set a while, and then endeavor to put teeth in the treaty by adding the Capper resolution, or something akin to it.

Neither will the rank and file of the American people be satisfied fully until the pact is strengthened. The Capper resolution may be sidetracked for the present, but it will not be forgotten. At the proper time, in the not distant future, the resolution should be brought up

again and thus put on record every nation that signs the treaty as it stands.

Unless the signers accept the Capper resolution or something equally strong, the world-wide impression will be that the people who signed it had a pen in one hand and a blackjack in the other!

[From the Wilmington (Del.) News]

CAPPER RESOLUTIONS

How opinions differ. Secretary Kellogg believes that the proposal of Senator CAPPER cutting off communications with nations that violated the letter and the spirit of the Kellogg peace pact would be ineffectual as promoting peace.

On the other hand, a member of the French Chamber of Deputies—and we referred to his remarks recently—thought the Capper plan would absolutely throttle war by placing an arms and other kinds of embargo upon the offending nations.

Secretary Kellogg, however, told the Foreign Affairs Committee of the Senate that he saw no harm and had no objections to such legislation as proposed by Senator CAPPER.

Immediate action on the proposal is not probable, but they will come up sooner or later, as Senator CAPPER is of the kind to push anything he takes hold of unto the end.

[From the New Haven (Conn.) Journal-Courier]

FOR SOBER REFLECTION

United States Senator CAPPER, of Kansas, has introduced in the Senate a resolution in behalf of peace, supplementing the Kellogg peace pact, which deserves the sober reflection of the people of the country. It is, in fact, an extension of the peace spirit of the pact, drawn along similar lines and yet providing a means of carrying into effect, when needed, the provisions or pledges of the pact without recourse to war. Some such understanding of the principle of the pact was bound sooner or later to be formulated, if it is to be made something more than a mere pious gesture of good intentions.

It was the deliberate purpose of Secretary Kellogg in promoting the pact which bears his name to confine and limit its declaration to rejecting for all time war as an instrument of national policy in the consideration of international differences. Its spirit is lofty; its power to accomplish what in reality the world wants accomplished when a signatory violates its conditions is lacking. It is the opinion of Senator CAPPER that good faith is not sufficient to bring the governments of the world to full realization of just what it means to sign such a document and then leave it more or less confused by the admission that the right of self-defense is inherent—not that the right does not exist, but that it offers an excuse for warlike indulgences and requires therefore further reinforcement.

The World makes this admirable and concise statement of the Capper resolution, which we adopt as our own: "Senator CAPPER has proposed to plug this hole by a new statement of policy on the part of the United States and a new set of treaties. He wishes Congress to declare that it shall be unlawful to export materials of war to any nation which violates the pact of Paris. He wishes Congress to declare that the United States does not intend to protect its nationals 'in giving aid or comfort' to such a nation, a statement of policy which amounts to the threat of an economic boycott. He wishes Congress, finally, to request the President to negotiate new treaties whereby other governments will agree to the same course of action, so that this pledge may be reciprocal."

Senator CAPPER does not propose that his resolution shall be taken up at this time. His real object is, obviously, to present it to the American people as a means of making the pact practical and effective in a peaceful manner. While it may at first arouse suspicion that it is intended to push ajar the rear door leading into the League of Nations and thus gradually usher us into its presence, careful reflection will show, we are sure, that its fundamental effort is of an entirely different character. It would appear to be obvious that this Government could not under any conceivable interpretation of the Kellogg peace pact deliver to a government, which had broken faith with the pact, war munitions and supplies.

This would make the pact ridiculous. This is what the Capper resolution appears to anticipate by providing in subsequent treaties that it shall be unlawful on the part of any affirming government to provide a violator of the pact with the instrumentalities of war. This is essentially different in character from the provisions of the covenant of the League of Nations, which provide for armed intervention in event of their nullification. It was this phase of the covenant which gave it a warlike sanction while the Capper resolution seeks to meet the same crisis by peaceful sanctions. The objection of this newspaper to the covenant was based on the understanding that the league was, in fact, a war machine when provoked to action and was destined to further postpone the creation of a real will to peace. We approved the Kellogg peace pact, not because it was or can be made effective by itself, but that it opened the way to further steps which should insure its purpose.

We suspect that the objection to the Capper resolution will proceed largely from the isolationists who would do nothing to entangle us in the world-wide effort to create, permanently, universal peace methods for the settlement of all international disputes. What there is left of the old partisan feud, which flamed into extravagant opposition because of Mr. Wilson's leadership in behalf of the covenant, will find its expression also. There will also be a reluctance on the part of other nations to accept the Capper resolution for reasons well stated by J. Ramsay Macdonald, former Prime Minister of Great Britain, in a recent statement to this effect: "The nations lack confidence in their security and arm. They are afraid to walk in the unfamiliar ways of peace. They know that arms have never given them security, but they have inherited an instinct which irrationally drives them back upon organized force for their safety." It is true that those things require consideration in any attempt to bring the world to its moral senses. Opposed to them must be the convictions and intrepidities of those who have freed themselves from political nightmare and stand ready to make the sacrifices for peace which are now made so thoughtlessly for war.

It is manifest that we are slowly but surely reaching the point where our Government must make its decision and establish its relationship with the governments of the world. We can not escape much longer a recognition of the fact that an obligation to play our part in this great political drama of reconstruction and rehabilitation, which has enveloped the world from east to west, has already been created. If, upon sober reflection, the Capper resolution will aid us to both realize and accept that obligation, hope will take the place of despair.

[From the Waterbury (Conn.) Republican]

A PEACE ENFORCEMENT PLAN

Senator CAPPER'S resolution for giving force to the Kellogg treaty can not be either indorsed or condemned offhand. Its implications are so great that it is necessary to consider it from all angles before reaching a definite opinion. The general idea behind it, which is the cutting off of the American market as a source of war supplies for a power violating the pact, is unquestionably good. If money is included among the things it would be unlawful under the resolution to export to a country proclaimed a violator by the President, then the effect of the resolution ought to be to make war on a large scale impossible so long as this country maintains its present economic position.

Whether the phraseology of the resolution is that best calculated to carry out its purpose is a question that requires further study. Under its provisions the President would determine who had violated the treaty. Would or would not his decision agree with that of the league council, which would settle the question for league members? If it did, then all would be well. If it did not, then a serious crisis might be provoked. And if the President is not the proper agent to decide for us who has broken the treaty, then what is? Not the council, for we are not a league member. All these questions need to be debated before a final decision on the merits of the Capper resolution is reached.

In his comments upon his purpose in introducing the resolution Mr. CAPPER made it clear that he does not expect it to come to a vote until the regular session next winter. He realizes that it is of such importance that it needs to be debated and studied by the American people. Some proposition of the sort would be the natural corollary of the Kellogg pact. Between now and next December the American people ought to make up their minds whether the resolution under discussion, with or without revision, presents the sort of plan they wish for making the Kellogg pact effective.

[From the Tacoma (Wash.) Ledger]

WOULD MAKE WAR DIFFICULT

Senator CAPPER, of Kansas, announces that he has prepared a resolution providing that the United States shall impose an embargo against any nation entering into the multilateral pact, commonly known as the Briand-Kellogg treaty for the renunciation of war as a governmental policy, which shall violate the international agreement. The resolution would make the President the judge of whether or not there had been such violation, and the President then would have the power to prohibit the sale or delivery to such nations of all arms, munitions, implements of war, and "other articles for use in war."

The last-mentioned thing that would come under the embargo is decidedly elastic, for it would be difficult to imagine any product of factory, range, or field that would not be of use to a nation engaged in war. As a matter of fact, wheat, flour, potatoes, clothing, or fuel are essentials in the life of any people, greatly more so in war than in peace, for then such a nation would not be in a position to supply itself with the necessities of both armies and civil populations through its own productiveness.

It might be expected that the Capper resolution would not commend itself to people having things to sell to their neighbors. Not only would the manufacturers of arms and munitions be hard hit by such an embargo but the farmer would find some exceedingly remunerative markets

closed to him. When all is considered, however, it is safe to say that the Capper plan would go further to prevent war from starting, or to bring it to a close once it had started, than all the international agreements that could be devised.

Obviously a nation can not wage war unless it can keep armed and unless its people, both military and civilian, can be fed. There is no question that had not the Allies been able to secure both food and war material in the United States during the World War they would have been up against a hopeless task.

The imposition of embargoes, especially upon arms and munitions, is no new thing. It will be remembered that during the disturbances in Mexico, when armed factions were contending for control of the nation, the exportation of arms and munitions from this country to Mexico was strictly forbidden.

What was done in the case of Mexico could well be done in the case of any other nation, and if there could be an international agreement that would bind all nations to observe that sort of embargo it would look as though wars would be few and far between. After all, might it not be that the Kansas Senator has struck upon the best possible means for preventing war and advancing the cause of peace?

[From the New Bedford (Mass.) Standard]

TEETH IN THE KELLOGG TREATY

The essential part of the Capper resolution is the provision "that whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues." Americans who by selling the articles mentioned to a nation which has committed a breach of the Kellogg treaty give that nation aid and comfort shall lose the protection of their own government, provided that this policy "shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

Under the Kellogg pact a nation that resorts to war in settlement of an international dispute is guilty of a breach of its obligations. Some critics of that agreement have asked, "Well, what of it? There is nothing in the treaty that says that anything shall be done about it. In short, the Kellogg treaty is merely a gesture." To which Senator CAPPER replied, "Very well; we will put some teeth in it." The teeth are in the clause we have quoted. The nation that violates the multilateral treaty by going to war will be subjected to an economic boycott on "arms, munitions, implements of war, or other articles for use in war." Whether this means only material used by the military forces or whether it is broad enough to include foods, fertilizers, raw materials of industry for the maintenance of the nation as a whole, on the assumption that wars are waged now by entire peoples instead of merely by armies, is not clear.

The Capper resolution would mean two things: Its general adoption would result in there being no neutrals in war. There is nothing new in this except the proposal to give it a formal recognition. In the last war President Wilson declared the day of neutrals was past. All Americans realize that we could not keep out of a big war wherever it started. The Capper proposal, in a sense, makes a virtue of necessity by providing virtually that the nation violating the Kellogg agreement by going to war against another nation shall be treated as an aggressor against all the signatories and denied the right to buy goods from their nationals. This, in effect, makes the United States a party to an agreement quite similar to the famous article 16 of the League of Nations. The step Senator CAPPER proposes is a logical one. If the nations agree to renounce war, the nation violating its pledge should find all the others arrayed against it. Americans may not be quite ready for that now, but that it will come is inevitable.

[From the Wilkes-Barre (Pa.) News]

ARMAMENT EMBARGO

Senator CAPPER'S resolution to strengthen the Kellogg treaty by stipulating that the United States shall declare an armament embargo against any nation violating the antiwar pact is a proper sequence of the Senate's ratification of the agreement to outlaw war as a national policy.

But it would seem that the thing to do first is to take the making of armament out of the hands of private enterprise and put it in the hands of Government, where it belongs. We have bootlegged armament into Latin-American and other countries long enough to make it clear that embargoes on armament, privately produced for gain, are not easy to enforce.

[From the Rochester (N. Y.) Times-Union]

THE CAPPER RESOLUTION AND EUROPE

Senator CAPPER'S resolution authorizing the President to forbid the export of arms and implements of war to an aggressor nation may meet with very considerable opposition in the Senate of the United States. It may be a long time before it is enacted into law. But whatever its prospects of success, there is no doubt whatsoever that a large section, indeed an overwhelmingly preponderant section, of European opinion believes that its adoption would be the greatest step toward peace that could now be taken.

There are many persons in this country who do not believe in "sanctions," who do not believe that it is practicable or desirable to provide for common action against a lawbreaking state. But there are very few thoughtful students of international affairs in Europe who would take the same view. European thought has progressed to the point where police measures against a lawbreaker seem logical and natural.

This in itself is an extremely important fact. The question of the maintenance of world peace is not a theoretical question. It is a highly practical question. It must be solved with full regard to the facts, to the psychological elements involved. If Europeans believe that international stability will be enormously promoted by such a resolution as Senator CAPPER'S, then, whatever the theories individual Americans may hold, there is an obvious helpfulness in enacting such a resolution into law. Nor is it apparent that any risks are involved, or that any embarrassing obligations are assumed by the careful language of the measure in question.

The promotion of peace depends upon concerted effort. And when the principles of concerted action have been discovered, we shall be in the way of realizing the end in view. The reception of the Capper resolution abroad affords ample evidence that it may furnish the basis for common action for the maintenance of international accord.

[From the Southbridge (Mass.) News]

THE CAPPER RESOLUTION FOR AN ARMS EMBARGO

The resolution of Senator CAPPER, calling for an embargo by this country on arms to be exported to countries violating the Briand-Kellogg treaty, has been introduced into the Senate and referred to the foreign relations committee without debate. While this incident does not arouse great interest at this time, there will undoubtedly be some lively debate when the report of the committee comes back to the Senate.

The exportation of arms and munitions of war has long been a subject of controversy, and the reopening of the matter recalls the heated debates in Congress and in the press while the European war was in progress previous to the entry of America into the struggle. Without doubt the slaughter in Europe could not have been kept up if it had not been for the market for war supplies which this country furnished. This fact was well known across the water and its remembrance causes much of the ill feeling of Europeans for America even at this late day. The people of the Central Powers, who could not take advantage of the market because of their inferiority on the sea, naturally referred to us as a nation of userers, taking advantage of the war to make money, and this feeling is shared by the allied people who had access to the market. The result is that the United States is in a position of isolation so far as friendliness among nations is concerned.

The time to consider such a resolution is now, when peace prevails. Any such declaration after war has been declared would justly be considered an unfriendly act by those powers which could buy here. Announcement that America would refuse to supply violators of the Kellogg-Briand pact with the weapons for war would mean much to possible offenders against the peace of the world. The progress of the resolution will be watched closely by all lovers of world peace, and by all citizens who wish our country to live up to its professions of leadership toward that end.

[From the Worcester (Mass.) Telegram]

MR. CAPPER REVIVES AN OLD QUESTION

If any member of the League of Nations, disregarding its pledges as a signer of the covenant, resorts to war, then "it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state and the nationals of any other state, whether a member of the league or not."

That is the language of article 16 of the covenant.

Under Senator CAPPER'S new resolution in "support" of the multilateral antiwar treaty if a country breaks this treaty and goes to war, then "it shall be unlawful, unless otherwise provided by act of Congress or by proclamation by the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Article 16 of the covenant is thus more sweeping than the Capper resolution. Article 16 provides for an "economic boycott" against the "guilty" nation in a war. The Capper resolution would commit America to a boycott against a violator of the multilateral treaty only as far as trade in war supplies was concerned.

The Capper resolution is not in conflict with the terms of the multilateral antiwar treaty. The Capper resolution, however, is in conflict with the "interpretation" of that treaty which was made by the Senate's Committee on Foreign Relations and which the Senate accepted by overwhelming vote when it ratified the treaty. "Should any signatory to the treaty or any nation adhering to the treaty violate the terms of the same," were the words of the committee's report, "there is no obligation or commitment, expressed or implied, upon the part of any of the other signers of the treaty to engage in punitive or coercive measures as against the nation violating the treaty. * * * In other words, the treaty does not, either expressly or impliedly, contemplate the use of force or coercive measures for its enforcement as against any nation violating it."

Woodrow Wilson said America could not be neutral in future wars. The Senate didn't accept his views. Mr. CAPPER revives the old fight. Mr. CAPPER stood against Mr. Wilson in the league fight in 1919 and 1920. Mr. CAPPER voted for ratification of the Versailles treaty with the Lodge reservations. He voted against unconditional ratification. In the strictest sense, however, Mr. CAPPER's present attitude is not inconsistent with his position of a decade ago, since the Lodge reservations did not condemn the principle of the "economic boycott." Nevertheless, in a general way if Mr. CAPPER is right now Mr. Wilson was not quite so wrong in his theory of securing peace by force, as many of his critics have declared.

[From the Providence (R. I.) Tribune]

THE CAPPER BILL

The main argument used against the Kellogg multilateral treaty was that it contained no sanctions automatically to go into effect as soon as its provisions were violated, making it resemble the futile pounding of the air by an old man too feeble to translate his protest into forcible action. Senator after Senator arose on the floor during the debate to say that while he was not simple enough to believe that the Kellogg pact was anything but a pious gesture, he would, nevertheless, support it and vote for it. Such statements amounted to humoring the Secretary of State, who would have been offended if his precious peace treaty was not adopted.

Now along comes Senator CAPPER with a bill that would put teeth into the treaty, perform a glandular operation upon the old man, and inject strength and vigor into his bones. Under the terms of Senator CAPPER's bill the President would be empowered to declare an embargo on "arms, munitions, or implements of war or other articles for the support" of the Government which had made a breach of the obligations of the treaty. In other words, as soon as any signatory nation to the treaty violated its provisions and had been so declared in violation, the United States would prohibit, by presidential proclamation, the export of implements of war to the offending nation.

The manufacturers of war implements will not like that bill. It strikes at the very heart of their business. The next and logical step would be a blockade of the offending nation so that no articles, whether cotton, foodstuffs, or other articles, will be allowed to leave American ports for the offending nation.

The bill, of course, will not be discussed at this session of Congress or at the special to be called in April. But it is the logical step after the signing of the Kellogg treaty, and it seems to be part of the plan of interested men and organizations in this country really to outlaw war. The big obstacle in the way of its consummation is the willingness of the other nations to agree to it. If the United States is the only country to declare such an embargo, it is worthless, for there are French, British, and Italian munition makers who would gladly sell to the offending nation. The success of the bill depends upon the unanimity with which it is accepted by other nations.

[From the Wichita Falls (Tex.) Times]

THE CAPPER RESOLUTION

Senator CAPPER'S resolution, intended to prevent the shipment of munitions to any country that gets into a war of aggression, was first introduced several years ago. It didn't attract much attention, and was never pressed. It has now been reintroduced, its wording altered to make it conform to the outlawry of war treaty. Its author says it will not be pressed for adoption at the present session, but that he intends to push it vigorously at the next session.

The resolution supplies what so many peace moves have lacked—a weapon. Neither the League of Nations nor the world court has anything wherewith to enforce its decisions. Such bodies must rely upon the weight of international opinion to make their decisions binding. But the Capper resolution contains the means to hit at belligerent nations in a way that will hurt.

It provides that whenever any nation violates the outlawry-of-war treaty, this country can forbid the exportation of arms and munitions to the offending nation. There are few nations that can carry on, in a war of any size, without importing material from this country. If the resolution were adopted, it would mean that Washington would be the judge of the righteousness of the motives of any nation going to war. The resolution would set at naught the "reservations," specious and selfish, to the outlawry-of-war treaty, except in the cases of countries able to provide their own munitions.

There will, of course, be a bitter fight upon the resolution, but we believe it must be adopted in the end. To fail to adopt it would be to admit insincerity in adopting the outlawry-of-war treaty.

[From the Greensboro (N. C.) News]

THE CAPPER RESOLUTION

The initial reception of the Capper resolution suggests that the next major debate on world peace will center around this proposal to limit trading with a nation which goes to war. For it is evident that the idea expressed in the resolution has caught the attention of responsible persons on both sides of the Atlantic. Something like it has been expected since the Kellogg treaty was ratified, and was perhaps inevitable. Moreover, if it is true, as has been stated outside the resolution itself, that its real author is James T. Shotwell, who was perhaps more the author of the Kellogg treaty than either Kellogg or Briand, the relationship becomes even stronger.

What the resolution proposes is essentially simple:

"Whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Another clause declaring that "the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty" adds to the main idea and therefore tends to restrict support of war.

The immense implications of the resolution are necessarily such as to cause it to be examined minutely and over a long period of time. It will not be taken up by the present Congress and probably not by the coming special session. Nevertheless, a first glance at it is sufficient to indicate that it expresses an idea which in one form and another has been discussed many times before. For by its terms a nation going to war in violation of the Kellogg treaty is faced immediately with the prospect of being unable to buy from the United States, for instance, or any other nation which would adopt the same resolution, any war supplies, and would have to produce all such supplies from within its own borders, or certainly the greater part of them. The experience of the World War would suggest that that is an impossibility if the war continues many months.

That fact alone would give pause to any nation which foresees the possibility of war. Yet if the Kellogg treaty means anything, the idea of the Capper resolution is neither illogical nor inconsistent with the treaty.

[From the Brooklyn Times]

CAPPER'S MOVE FOR PEACE

Supplementing and, indeed, complementing the Kellogg treaty outlawing war, is a resolution to be introduced in the United States Senate by Mr. CAPPER, of Kansas, to-day. The Capper move for universal peace calls for the isolation of a government which, being a signatory to the Kellogg pact, nevertheless resorts to war with another power which has also signed. The Capper resolution declares that the offending nation in such case shall be cut off from all supplies of arms or other articles needed in war by the United States, unless the President by proclamation or the Congress by joint resolution, shall otherwise order. There is no mention in the Capper resolution of the inhibition of loans, whether public or private, to such offending government, but such inhibition is plainly, if inferentially, conveyed in the original pact.

No more effective means to assure world peace could be devised than one that would cut off a warring nation from supplies here. If the United States does not furnish the money and material, no war could be successfully prosecuted by any European power for any considerable length of time. The sore spots of Europe are mainly in the East. But most of these governments are practically bankrupt, and while they maintain imposing armies, they could not equip or munition them without outside aid.

Perhaps the best illustration of the value of the Capper policy is to be found in Mexico. Up to the time the United States Government, some few years since, interdicted all sale of arms and munitions to Mexico, except to the established Government, revolutions were the constant feature. Since the inhibition was declared, Mexico, in the face of internal convulsions, unknown before, has been relatively quiet. If the inhibition were removed and the enemies of the Mexican administration permitted to arm, there is scarcely any doubt that the old-time revolutions would be renewed.

Mr. CAPPER'S resolution, however, should be amended to make the policy he advocates for the United States apply to all the major powers. In the unlikely event of war, it would be a ridiculous proposition to

permit a European power to finance and arm a weaker nation in a war against its neighbor. The prohibition is so admirable it should be made universal.

[From the Flint (Mich.) Daily Journal]

CAPPER WOULD GIVE GREAT AUTHORITY TO PRESIDENT

Senator CAPPER, of Kansas, has drawn a resolution which will put teeth in the Kellogg treaty to renounce war. His resolution would stipulate that when the President of the United States determines and by proclamation declares that any nation has violated the Kellogg pact it shall be unlawful to "export to such country arms, munitions, implements of war, or any other articles for use in war until the President shall by proclamation declare that such violation no longer continues." It is to be assumed that money would be included in "any other articles for use in war."

The Kansas Senator does not expect that any action will be taken at the present session of Congress. He admits that he merely wishes for the present to get the matter before the public and to help build a sentiment for the resolution through public discussion.

One might say offhand that this would solve the whole problem, because it would be difficult for any nation to wage war with any degree of success without purchasing war supplies from the United States. But there are other consideration involved. It would give the President of the United States an authority almost beyond limit. In the event of war between any of the world powers it would be for him to say which country was right in its contentions and which was wrong. He would be forced to make the decision of which one of the powers had started an aggressive war and to withhold the shipment of war supplies and credits to the aggressors. There is still dispute, after a period of 10 years, of whether the Central Powers or the Allies were the aggressors in the World War. History will probably say that both were aggressors. The United States sold war supplies to the Allies alone. Until we entered the war we would have sold them to Germany as well. The sale of war supplies is not a guaranteed delivery proposition. The purchaser has to carry home his purchases. With the Allies in command of the sea lanes it was impossible for Germany to carry war supplies which she might purchase from us. So Germany made no purchases, although she complained very bitterly because we sold war supplies to her foes.

If the nations of the world should enter into a compact not to sell war supplies to any violator of the Kellogg treaty, after an impartial commission had decided who the violator might be, is an entirely different matter. But to give the President of the United States the authority to pass judgment on the question of war guilt is imposing upon that Executive a burden which he is not likely to crave.

[From the Grand Rapids (Mich.) Press]

PUTTING TEETH IN THE KELLOGG PACT

Senator CAPPER wants the Kellogg multilateral peace treaty to be something more than a jog to conscience. He wants to make its violation impractical as well as improper. He would have the United States go on record by formal resolution as promising to deny any treaty violator the right to obtain arms, ammunition, implements of war, or "other articles of use in war"—and not only that, but Mr. CAPPER would have the President negotiate with other treaty ratifiers to obtain similar declarations of policy from them.

As in many wars the only hope of staging a respectable and prolonged conflict lies in purchase of armaments from other nations, and particularly the United States—and as even the last one would have been considerably cramped without our trading assistance—such a declaration by several of the principal manufacturing and surplus-producing nations might be rather effective as a physical bolster to a moral treaty. It must be kept in mind that "other articles of use in war" covers a multitude of cargoes, including food and clothing ostensibly shipped to civilian populations. Or at least it was so interpreted by the United States and its allies in the late unpleasantness.

There has been an effort on the part of Professor Shotwell, certain elements of the French press and Government, and others to interpret the Kellogg treaty as a moral obligation on America's part to join in the suppression by actual combat means of any violator. That interpretation was definitely ruled out at the time of the Senate ratification, and, of course, carries the treaty's meaning too far. But a policy of boycott by embargo, such as Senator CAPPER suggests, is a quite logical outgrowth of the treaty. We should not care to promise that we would do anything positive against a violator in any particular case. But we might appropriately announce that we would do nothing positive to aid a violator—in the way of continuing a supply of war materials.

[From the Watertown (N. Y.) Times]

MR. CAPPER'S ARMS EMBARGO

Senator ARTHUR CAPPER, of Kansas, proposed that the United States institute an arms embargo against any country which violates the Kellogg treaty to renounce war. Possibly an analysis might show that his reasoning is at fault but to all appearances it is decidedly sound. At the present time warring countries can obtain arms and munitions from neutral countries. That was one of the main points of arguments, of course, during the period of the World War prior to our entry. We shipped arms and munitions to the combatants and made no discrimination except that the allied fleet made it practically impossible to get arms to Germany. However, manufacturers would have shipped arms there if it had been possible. In the case of civil war in South American countries there has always been argument as to whether or not it would be morally right for us to ship arms to revolutionists who were seeking to overthrow the government. We have usually taken the position, however, that any discontented people have the right to protest or at least have the right which we can not question and we are within our rights in furnishing all sides with arms to fight it out. At best it is at times a contradictory theory but nevertheless it is established in international law and practice.

Now comes Senator CAPPER with this resolution which seems to be thoroughly sound. He simply takes the position that we are all signing a treaty to renounce war. Therefore, if any nation should violate this treaty the countries party to the treaty should not furnish them arms with which to fight. Gradually we are working out a new code of international law along lines which comprehend world peace. The Capper resolution is certainly a step in this direction.

[From the Atlantic City (N. J.) Press]

HE TAKES A PLEDGE SERIOUSLY

No one but a western, possibly a southern, Senator could have had the temerity of preparing for introduction a measure such as the Capper resolution for an armament embargo against any nation violating the Kellogg peace pact. As it is, the Kansan will have the arms and munition manufacturers and related interests swarming about his ears like angry hornets.

And yet, the surprising thing is that the matter is so simple and so logical, as merely carrying out the purpose and intent of any peace pact that can hope for success, as to occasion wonderment that such an arms embargo clause was not made a part of the Kellogg treaty itself in the first place. There is no denying that this country has profited in most wars during the last half century, and ranging from South American revolutions to the World War. Moreover, this country continues to be the world's storehouse of arms and ammunition, not to mention that other sinew of war—credit.

Shut off the weapons of war, including credit, and war would become a silly undertaking. The question, however, is, Will this country and the other major powers be willing to take their several pledges for world peace as seriously as all that?

[From the Portland (Me.) News]

THE NEXT STEP TO PREVENT WAR

When the Kellogg peace pact—otherwise known as the multilateral treaty for the renunciation of war—was formally ratified, it was generally recognized that it was an important moral gesture toward the supreme desideratum of permanent world peace. The pact expressed the growing enlightenment of a war-weary world that mass murder as an instrument for the settlement of international disputes is futile and a survival or barbarism, and that henceforth it would be the policy of the signatories to that pact to liquidate disagreements through peaceful and orderly processes. But the multilateral treaty provides for no definite action to make that policy effective. It is a solemn agreement and pledge. However, nothing beyond moral disapproval is to be visited upon the nation or nations violating the treaty.

As a measure to put teeth in the Kellogg peace pact, Senator ARTHUR CAPPER, of Kansas, has presented a resolution in the United States Senate providing for an economic boycott on the part of the United States Government against any nation which may violate the pact. While the employment of force is not contemplated in Senator CAPPER'S resolution, the nonviolent and more effective method of preventing war is proposed in the placing of an embargo on arms, munitions, implements, or other articles for use in war. The Portland Evening News deems the Capper project of great interest.

A spokesman for the French Government observes that "the Capper resolution is of transcendent importance and represents an entirely logical sequence to the presentation of the antiwar pact by America to the world."

British official sentiment is understood to be in favor of the Capper plan, and it is recalled that Sir Austen Chamberlain, the Foreign Minister, declared in a debate last July on the Kellogg treaty:

"If the American Government ranges itself behind its own treaty, then indeed it would be an additional and most formidable determent from war, a most valuable security of peace."

The allusion to America ranging itself behind the Kellogg pact would be definitely and effectively realized by the enactment of some measure like the Capper resolution. Sir Wickham Steed, when shown a copy of the resolution, exclaimed: "God bless Senator CAPPER!"

while Ramsay MacDonald, leader of the Labor Party, said: "It is a most interesting and significant resolution."

The Capper resolution may have its flaws, but the overshadowing fact about it is that it starts our thinking and acting militantly in terms of peace rather than in terms of war, and moves toward making the principles of the Kellogg peace pact more tangible realities.

[From the Rome (N. Y.) Sentinel]

Where Mr. CAPPER holds a marked advantage is here: After having renounced war, taking the initiative in inducing most of the other powers to do the same, how can the United States Government or its citizens consistently supply other governments with the means of making war?

It would seem that if the Senator but holds to his proposal, embracing every possible opportunity to keep it alive, he will at least succeed in concentrating the attention of the world on the inconsistency of the attitude of most governments respecting armaments.

[From The Nation]

Senator CAPPER'S proposed addition to the Kellogg treaty is a logical extension of it. He suggests:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

This is a step toward making the treaty more effective, which will probably be welcomed by most of its supporters. It seems, though, to have one weakness. The Kellogg treaty has been so reduced in its possibilities by the exceptions in its own text and the subsequent reservations of most of the signatories that its violation by any country must become largely a question of interpretation. Naturally a nation that evades its application will claim that the government is not violating the treaty but acting according to its understanding of it. To give our President the power of interpretation is therefore putting large responsibility in his hands. Essentially such interpretation is an international—not an American—question.

[From the Norfolk (Va.) Virginian Pilot]

CAPPER'S EMBARGO PROPOSAL

Senator CAPPER'S proposal that the United States follow its ratification of the war-outlawry treaty with an independent commitment prohibiting the shipment of war munitions or supplies to any country resorting to war in disregard of its obligations as a signatory of the Kellogg treaty, bristles with difficulties of execution, but it is entirely logical and unquestionably in the right direction. If wars are abhorrent to a civilized world, the nations of a civilized world are justified not only in renouncing war as an instrument of their own national policies, but also in refusing to supply the means for making it the instrument of the national policies of others. That is the underlying morality of the Capper proposal and it is invulnerable. Moreover, the practice is not unknown to American statecraft. In order to discourage or suppress civil war in Mexico we have repeatedly, by presidential order, prohibited the indiscriminate shipment of American-made arms into that country. Propinquity and the Monroe doctrine, of course, played their part in these embargoes, but over and above these considerations was the dimly perceived immorality of trafficking for profit in the promotion or perpetuation of other nations' wars. The traffic is just as immoral when it serves war between two nations as when it serves war between two or more factions of one nation.

The central difficulty raised by the Capper resolution is that of determining, in specific clashes or threatened clashes between two nations, which is violating the Kellogg treaty and which is abiding by it. Under the Capper resolution, the determination, for the purpose of legalizing an embargo, would be made by the President of the United States. The effect of such a determination would be not only to lay the ground for an embargo on arms shipments from the United States, but to stigmatize the nation against which the embargo is directed as an aggressor and treaty breaker. The trouble-making possibilities of such an assumption of judgment by the President of the United States may be appreciated by imagining some European ruler vested with reciprocal power to pronounce the United States guilty of an act of aggression and brand it as a treaty breaker. The reaction in the United States to such an ex cathedra condemnation of it would not be unlike the reaction in some other country to a presidential denunciation of it as a treaty breaker, and it is a reaction not pleasant to contemplate.

But neither is it pleasant to contemplate the business of a neutral plying a profitable trade in the war agonies of two other nations. That kind of business has for centuries enjoyed the moral sanction of international law, but with the enactment of the Kellogg pact outlawing war "as an instrument of national policy," the neutral supplying of war materials to the nation resorting to this outlawed practice has itself taken on the character of an outlawed traffic. International law has not yet caught up with this corollary and the Capper resolution is directed to helping it catch up. A better means of identifying the treaty breaker than the ex cathedra judgment of the President is to be desired, but in default of our membership in any of the leagues or tribunals that have been set up for dealing with such questions of culpability by a wider consultation of opinion, we might be justified in relying on the procedure suggested by Senator CAPPER. The effectiveness of this or a similar embargo device for reinforcing the Kellogg treaty, however, must rest on some cooperative arrangement that would insure unity of action by at least the principal munition-making powers. Without such unity of action an arms embargo proclaimed by the United States against any nation not included within the pale of the Monroe doctrine, would only result in making more business for the munition factories of powers not joining in the embargo, and would fail of its object. Senator CAPPER has indicated the road to a powerful and logical reinforcement of the Kellogg pact. It deserves the fullest exploration not only by the United States but by all the nations that have joined it in the war-renunciation covenant.

[From the New York (N. Y.) Journal of Commerce]

THE CAPPER RESOLUTION

Senator CAPPER has introduced a resolution designed to "put teeth" into the Kellogg treaty renouncing war as an instrument of national policy. For that very reason it is a foregone conclusion that opposition to his proposal will be determined and bitter. Senator CAPPER himself does not expect that any immediate action will be possible, and precipitancy would certainly be ill-advised. The resolution is brought forward now in order that a chance may be given for discussion and for the development of a public opinion in favor of some such solution of the problem of enforcing the promises embodied in the Kellogg treaty. According to the proposed resolution, "whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Undoubtedly opposition from industrial interests that would be seriously affected in their business and profits by an embargo of the sort proposed will be vigorous and difficult to resist. If we intend, however, to eliminate war as an instrument of national policy, we must show a willingness to cooperate with the league in some form of coercion of an aggressor nation. Otherwise countries belonging to the league will be very reluctant to apply economic or military sanctions to an offending state with which this country might decide to maintain trading connections in time of war at the expense of league members.

The Capper resolution would not definitely commit us to acceptance of the league definition of an aggressor state, but it would go far toward removing the apprehensions of other nations that the United States as a neutral in time of war might defy and ignore league restrictions designed to coerce aggressors. The result would be greater willingness on all sides to enter into some agreement to further naval disarmament.

[From the Milwaukee (Wis.) Journal]

CAPPER IS NOT ALL WRONG

Senator CAPPER'S proposal that, in a case of war, when the President decides that one of the warring nations has violated the multilateral treaty, export of munitions shall be forbidden, is a hasty prescription, not well thought out or safeguarded. But it is not all wrong, and CAPPER makes a point. If the multilateral treaty is to accomplish anything, it will be because we put meaning into it by acts.

A sounder rule would be that proposed by Newton D. Baker, that when two nations have submitted a dispute to arbitration and one of them goes to war in violation of the award, the United States will not sell to that nation either munitions or any other supplies. One can find loopholes in this. Each nation would contend that the other was the aggressor. But we have to face this, or we can make no beginning of ending war. And Mr. Baker proposed to go the whole way—refuse food supplies as well as munitions. Why not? One is as important as the other. We can export munitions, or we can export other things and set a population free to make munitions.

Senator CAPPER apparently is trying to dodge the prejudice against basing any action by the United States on the decision of any arbitrator or body from another nation or other nations. But we are never going to do anything to end war all alone. Alone, all any people could do is refuse to fight. And that doesn't end wars in this world we are living in.

CAPPER proposes that the United States say that if any nation wants to make war when it is in the wrong, this country will not help it. Of course, that meets instant opposition from those who remember that

the profits from helping anyone in a crisis are tremendous. So we can pick CAPPER's plan to pieces. But that doesn't dodge the fundamental. If we mean anything by the Kellogg treaty, we are going to do something besides sign our name to gracious words.

[From the New Haven (Conn.) Journal-Courier]

PRESIDENTIAL EMBARGOES

The chief objection raised in Congress to the Capper plan has been the heavy responsibility which it would force upon the Chief Executive. The Kansas Senator has devised, or rather has offered, the first really efficient machinery for lending objective meaning to the Kellogg treaty. He would have the President decide the aggressor in any future international flurry, and lay an arms embargo, against that nation. The plan was originally conceived by Professor Shotwell, of Columbia, it is said, who also has early credit for the germ of the Kellogg pact idea itself.

That this proviso if it passed would laden the President with a heavy burden is plain. Senate experts in international law predict that such a presidential embargo would be construed by its victim at once as an overt act of war. Yet this is a detail. It is plain that the Kellogg treaty, if its sanctions are not explicit, lays implicit obligations upon its signatories to be early in choosing the innocent from the guilty in any future war. No word is mentioned of such a choice, but the necessity for it is there. The treaty does hold that signatories who break it shall be excluded from its benefits; in that single passage there is the inference of choice, for the nations must know whom to exclude before they can exclude. It is unthinkable that any nation will lend comfort in the future to a belligerent warring against the very principle it has sworn to defend.

Plainly there must be a choice, and plainly that choice is up to the President. The objection that it is a heavy load upon him is met when existing regulations which charge him with the laying down of arms embargoes are cited. It has apparently been forgotten in the present controversy that only a few months ago the press was full of discussion of a presidential arms embargo against the Mexicans. The President is already empowered to prohibit the exportation of war materials to belligerents in North America and in lands where the United States has enjoyed the right of extraterritoriality, as in China. It would not, then, be a great extension of this principle if he were to assume the wider censorship of belligerents among the first powers of the world. Of course, it may be argued that the decision is too grave not for him to bear but for the people to trust to him, in which case there is remedy in our ancient checks and balances through inspection by the Congress, as the Congress now inspects declarations of war.

[From the East St. Louis Journal]

MR. CAPPER'S ARMS EMBARGO

Senator CAPPER, of Kansas, wants the United States to refuse to sell arms or ammunition to any country that violates the Kellogg peace pact. He has introduced a resolution to that effect which also authorizes the President to negotiate with other signatory nations to join the boycott.

Immediate action is not looked for, but the proposal, Mr. CAPPER hopes, will stimulate public discussion. That hope is likely to be realized. Public opinion will, we believe, be disposed to abolish "a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt on the people of the earth."

Depriving the neutral nations of any opportunity for profit ought to help to unpopularize war universally.

The provision empowering the President to persuade other nations to adopt this policy seems superfluous. The other nations, with few exceptions, are members of the League of Nations and as such are obligated to suspend all commercial relations with any nation waging an aggressive war. But the moral of this provision can not sincerely be ignored. It emphasizes anew the truth that international cooperation is necessary to outlaw war and achieve the great end of abiding peace. The experience of the World War has taught that lesson just as impressively as it exposed the danger and ultimate cost of "a profitable trade" in munitions.

[From the New York World]

CAPPER'S PLEA—THE MORE OBJECTIONS ARE DEBATED, THE BETTER ITS CHANCE OF PASSAGE

It is the chief weakness of the pact of Paris recently ratified by the Senate that while it pledges nations to settle disputes by pacific means it does not say what will happen if a nation breaks this pledge. Senator CAPPER has proposed to plug this hole by a new statement of policy on the part of the United States and a new set of treaties. He wishes Congress to declare that it shall be unlawful to export materials of war to any nation which violates the pact of Paris. He wishes Congress to declare that the United States does not intend to protect its nationals "in giving aid or comfort" to such a nation, a statement of policy which amounts to the threat of an economic boycott. He wishes Congress, finally, to request the President to negotiate new treaties whereby other governments will agree to the same course of action, so that this pledge may be reciprocal.

It is not a new plan which Senator CAPPER has brought forward in this resolution. Substantially the same plan was proposed in a resolution which he introduced in 1927; Representative BURTON, of Ohio, has introduced a similar proposal which the House Committee on Foreign Affairs has approved; and the idea of an economic boycott as an instrument of maintaining peace is at least as old as the League of Nations. What gives a new turn to the proposal now is the fact that the United States has approved the pact of Paris. Having come this far from a position of isolation and irresponsibility toward world affairs, and having pledged itself with many other nations to settle any and all disputes by "a peaceful and orderly process," it is wholly logical now that the United States should attempt to reinforce this pledge with something to make it effective. We could not in good faith sell munitions or supplies to a nation which had violated the pact of Paris. It will substantially improve the outlook for continued peace if we say so in advance.

Senator CAPPER does not hope for action on his resolution at the present session. He has offered it now, he says, that it may "bring about discussion and consideration which will result in action at an early date." This is good strategy on his part. For his proposal will lose nothing by being thoroughly debated. It will lose nothing by challenging the isolationists in Congress who are certain to insist first that this is a plan "to enter the league by the back door," and second that while it is perfectly proper for the United States to make pledges to renounce war it is not the duty of the United States to help enforce these pledges. The more such arguments against the Capper resolution are debated the better its chance of adoption will be.

[From the Sandusky (Ohio) Star Journal]

WOULD MAKE PACT EFFECTIVE

In a local gathering of men, the other evening, there was a discussion of the probability of more wars, and almost without exception those present expressed the view that the Kellogg antiwar pact is little more than a gesture and is not likely, to have any effect in a crisis.

Doubtless this view is held by many—possibly by most people. Conceding good intentions, the pact appears to lack force, because there are so many loopholes and no penalties.

Now, however, comes Senator CAPPER, of Kansas, a member of the Foreign Relations Committee, with a proposal that would put teeth in the Kellogg pact, as many writers express it. He has offered a resolution in the Senate which provides, in effect, that the United States Government shall declare an economic boycott against any nation violating the pact and invests the President with authority to issue a proclamation forbidding the export of arms and munitions to such an offending nation.

To all intents and purposes, this is the plan set forth in the covenant of the League of Nations, a covenant to which we have declined, thus far, to subscribe.

The Capper resolution has created a profound impression, not only in this country but abroad. Here is a proposal which would really make effective the antiwar pact. Even if some nation should decide, in the heat of passion, to resort to war against another nation in defiance of the pact, it would be almost helpless in the face of an economic boycott. If it could not secure supplies and munitions from other countries, it could not wage a successful war. And, presumably, other nations would be asked and expected to adopt measures similar to the Capper resolution.

Here comes the test, however: Such action would be a severe blow to the munitions and certain other business interests. Will Congress have the courage to defy these interests and adopt a measure that will really give a meaning and effectiveness to the antiwar pact?

We shall be intensely interested in the action taken.

[From the Perth Amboy (N. J.) News]

BACKING THE KELLOGG PEACE TREATY

If the Kellogg peace treaty really means anything, and if this Nation is sincere in its desire for peace, what could be more consistent than for the United States to proclaim to the world that it will not sell arms or munitions to any nation that resorts to war?

The Kellogg peace treaty sets forth that any nation ratifying it rejects war as a national policy and agrees to settle all international disputes through pacific means. But there it ends. The treaty needs some teeth in it to make it effective. Senator CAPPER has submitted a proposition that will supply this defect. He would have the Senate adopt a resolution to the effect that whenever the President shall determine that the Kellogg treaty has been violated by any nation it shall be unlawful to export to such country arms, munitions, or instruments of war.

Objection has been raised to this proposition to the effect that it puts too much of a responsibility on the President. After all, the Kellogg

treaty recognizes the right of any nation to defend itself with arms, if necessary. Naturally, the question arises, When is a country merely defending itself, or when is it the aggressor? This has been the problem over which every real move toward permanent peace has stumbled, and the solution has not yet been found.

But, after all, there is a great deal of hair-splitting in the consideration of this matter. While every nation, when it goes to war, always claims that it is fighting in its own defense, it is generally easy for public opinion to fix upon the guilty party. It has been proposed that the decision as to which may be the aggressor nation in going to war be determined by the willingness or unwillingness of a belligerent nation to submit its case to the League of Nations or to the World Court for settlement.

As a matter of fact, as far as the peace of the world is concerned, it does not matter which nation is the aggressor. The United States, having taken its stand against war, ought, without equivocation, to refuse to sell munitions or arms of any kind to any belligerent nation. The League of Nations already provides for an economic boycott, but with the United States not bound by the league covenant it is uncertain just how this would work out. But an economic boycott on all imports as well as the lending of money, is different from a boycott on war materials, although the United States might readily refuse to lend money to any country that is at war for the purpose of helping to finance the war.

There is much the United States can do along this line, and Senator CAPPER'S resolution is worthy of the utmost consideration. He does not expect it to be acted upon at this session of Congress. His purpose is to get it before the people and have it discussed. The more it is considered and reasoned out, the more desirable it becomes that such a resolution should be adopted by the United States.

[From the Watertown Times]

MR. CAPPER'S ARMS EMBARGO

Senator ARTHUR CAPPER, of Kansas, proposed that the United States institute an arms embargo against any country which violates the Kellogg treaty to renounce war. Possibly an analysis might show that his reasoning is at fault, but to all appearances it is decidedly sound. At the present time warring countries can obtain arms and munitions from neutral countries. That was one of the main points or arguments of course during the period of the World War prior to our entry. We shipped arms and munitions to the combatants and made no discrimination, except that the allied fleet made it practically impossible to get arms to Germany. However, manufacturers would have shipped arms there if it had been possible. In the case of civil war in South American countries there has always been argument as to whether or not it should be morally right for us to ship arms to revolutionists who were seeking to overthrow the government. We have usually taken the position, however, that any discontented people have the right to protest or at least have the right which we can not question, and we are within our rights in furnishing all sides with arms to fight it out. At best it is at times a contradictory theory, but nevertheless it is established in international law and practice.

Now comes Senator CAPPER with this resolution, which seems to be thoroughly sound. He simply takes the position that we are all signing a treaty to renounce war. Therefore if any nation should violate this treaty, the countries party to the treaty should not furnish them arms with which to fight. Gradually we are working out a new code of international law along lines which comprehend world peace. The Capper resolution is certainly a step in this direction.

[From the Lynchburg (Va.) News]

PROVIDING THE TEETH

The suggestion advanced by former Secretary of War Newton D. Baker during the debate on the Kellogg-Briand peace treaty that the United States announce as its policy refusal to sell to any nation engaged in an aggressive war did not fall on barren soil. Seemingly overlooked by the estimable gentlemen who yearn for peace, but who are not eager to pay any of the price of peace, it begins to bear fruit in the guise of a resolution prepared for introduction in the Senate by Senator CAPPER, of Kansas. That resolution provides:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

That puts teeth in the multilateral peace treaty, which, while hailed in some quarters as a great stride toward international peace, has been regarded in many others as only a noble gesture, and the ratification of which by the United States Senate has had no effect whatever upon the program of battleship building or stopped more than momentarily talk of possibility of war and preparedness therefor. It makes it a peace treaty in fact as well as in name. If adopted, of it it could be said with truth what was said flamboyantly but erroneously of the multilateral Kellogg-Briand treaty. When commentators at Geneva, the seat of the League of Nations, hail its proposal as a godsend, declaring it "of the highest importance" and "extraordinarily helpful" to efforts for world peace, they do not exaggerate. If it would not mean "the end of war," as one enthusiastic soul exclaimed, it would come very near to meaning just that if members of the league in cooperation would put into effect, in case of threatened war, article 16 of the league covenant, which provides for an economic boycott of the aggressor nation. That article is more or less a dead letter so long as the United States remains aloof; but with the United States adopting as a policy the proposals of the article, the members of the league would be able to put it into effect without the fear, almost the certainty, that the United States would seize all the trade while they were refusing to trade with the aggressor belligerent. What nation then would undertake to fight a war if informed in advance that its supplies from all the world would be cut off? What nation would do anything but submit to arbitration of disputes under such conditions? Not one, except in extraordinary circumstances.

The Capper resolution, however, has not passed the Senate. Already the timid are suffering palpitation of the heart. Already the sordid are beginning to figure on loss of trade in contraband and noncontraband with fighting nations. Already the Wilson baiters are earnestly estimating how much credit would come to that great battler for world peace through the strengthening of what was once contemptuously called "Wilson's League." If that resolution is to pass, there are three great obstacles to be overcome. They are:

1. The timidity of the isolationists and their dupes who fear for the United States to undertake anything they are not assured in advance will commit the United States to nothing, will cost it nothing, and will gain it everything.

2. The latent but still determined opposition to the League of Nations, based on the timidity aforementioned, on jealousy of Wilson's fame, or on indisposition to do anything effective to end wars.

3. The age-old human desire for profit, even at the expense of the misfortunes of others.

Virtually all the opposition will be based on arguments against "entangling alliances" and against having anything to do with the League of Nations. The "profit" argument will not be brought deliberately from under cover. But it will be back of some of the opposition to the Capper resolution. The Kellogg-Briand peace treaty costs nothing, commits us to nothing; the Capper resolution, if adopted and carried out, might cost the United States very, very much. It would cost expanded trade in time of war and substitute therefor contraction of trade. Producers, manufacturers, shippers, and as a consequence labor would suffer by the self-imposed obstacle to trade with a great nation sorely in need of great quantities of goods of all kinds and willing to pay and pay big for them. Not much of that will be said in debate, which will concern itself with the old bugbears, redressed and again trotted out to frighten believers in fairy tales, but the thought will be there. Oh, it will be there.

Nevertheless, the fight should be made. It should be made because there is a chance of winning it, and even if there were not no man or woman can rest when a fight for real world peace is in prospect. It should be made, too, to let the country understand that the Kellogg-Briand treaty is but a beginning and is worse than worthless if a stop is made now. It should be made to tear aside the cloak of complacency which the country is even now donning, as if the work were complete and world peace in sight. And when the fight starts it will be interesting to watch some of those so loud spoken in their advocacy of words, words, words in which the mutilateral treaty is clothed. How many of them will be on the firing line when it is proposed to substitute action for words? How many of them will proclaim in the Senate their welling love of peace? How many will repeat how far they are willing to go in pursuit of peace? How many petitions will pour in upon Congress, how many resolutions will be passed by how many organizations? How many speeches will President Coolidge make and how feverishly active will Secretary Kellogg be? Will they be jealous of these nurses of their child, who thus prepare to take it in hand, or will they watch with glowing pride as it is brought safely through the teething stage?

Time will tell. The Capper resolution has revived sooner than expected the issue that was fought out 10 years ago. Not even that resolution goes as far as the great practical idealist of the greatest war of all time wished to go, and as most nations have gone, but it goes far enough to arouse the enthusiasm of those who went down to defeat with him 10 years ago. Does it go so far as to arouse the bitterest opposition of those who were victors in that decade-gone fight. There's the danger.

[From the Atlantic City (N. J.) Union]

CAPPER'S PEACE PLAN

Stopping up the holes in the Kellogg peace treaty has engaged the efforts of Senator ARTHUR CAPPER, of Kansas, who has ready a reso-

lution that would empower the United States to institute an armament embargo against any country that violates the terms of the treaty.

Whatever happens to the measure after it is submitted to Congress, Senator CAPPER appears to be actuated only by the highest motives and desire to save the world from another rain of bloodshed. It has been charged that the Kellogg treaty is only a dramatic gesture, with no assurance that it will be sufficient to override any nation contemplating war when the occasion seems ripe.

Senator CAPPER admits that while the United States could prove a powerful factor in depriving other countries of supplies through this resolution, the Government should not lose time in asking other signatories to the pact to subscribe to the embargo plan. Big manufacturers of war necessities may openly applaud the step and secretly oppose it, but that does not alter the fact that the Capper plan would shut one very important door to the waging of war abroad and is a sensible adjunct to the peace treaty.

[From the Chicago (Ill.) Post]

THE CAPPER RESOLUTION

Senator CAPPER has introduced a resolution providing that in the event any nation goes to war in violation of the Kellogg multilateral treaty the United States will place an embargo on the export of war materials to the offending nation and withdraw protection from American citizens who give aid and comfort to the treaty breaker.

At once the jingo element rises on its toes to shout. This is guaranteeing the status quo in Europe; it is entangling us in foreign broils; it is creating sanctions for the peace pact.

Buncombe, or, more briefly, bunk.

Consider the reverse. The Kellogg treaty is multilateral. It specifically recognizes that any nation violating it is an offender against all nations party to it. If the contract be broken for one it is broken for all. There is automatic release for all nations from any obligation under the treaty toward a nation violator.

Let us suppost that in such case the United States, acting under its rights as a neutral, supplies war materials to the treaty-breaking nation and supports its nationals in giving aid and comfort, what then is it doing?

Is it not helping to wreck the world-peace structure which it was chiefly instrumental in building? Is it not abetting in the effort to destroy the status quo in Europe? Is it not taking the shortest and most direct route to embroil itself in war? Is it not in fact doing all the terrible things which the jingo opponents of the Capper resolution declare the adoption of that proposal would involve?

We need only to consider this reversed to see how insincere is the cry which is raised against the resolution. There may be better and wiser ways of doing what Senator CAPPER proposes, but there can be no question that the policy which is embodied in his resolution is much nearer to the intellectually and morally sound attitude which the Nation should assume than that which its critics approve by implication.

Senator CAPPER, it will be noted, does not propose that the United States should give aid to the nation or nations which may be attacked by a treaty breaker. He proposes only that it shall not give aid to the offending nation. In other words, he proposes that America shall not assist in the violation of its own treaty.

We doubt if in the minds of the American people there can be any dissent from so sane and honorable a proposition. Is it easy to conceive of your country, for the sake of trade, lending help to a power which has broken faith with civilization and set itself against the peace and order of the world?

Note, further, that the resolution is in no sense a guaranty of the status quo in Europe. The nations signatory to the Kellogg pact have renounced war as an instrument of national policy; they have made solemn pledge that every dispute of whatever sort which henceforth arises shall be settled by pacific means. Within that limitation the status quo in Europe may be altered. We are not preventing. Our opposition to war is not in defense of any political status quo, but in defense of civilization against its greatest peril.

The nation that attacks the status quo by war uses an illegitimate means, a means so dangerous to all the world that it can not be countenanced. That would be the reason for our refusal to aid it.

Note again that this resolution does not entangle us. On the contrary, it is designed to avoid entanglement. To give assistance to a treaty breaker is to become entangled in the most discreditable way. It is to compound a felony. It is to offer excuse, if not justification, for action on the part of the defenders of the treaty in restraint of our aid to the violator.

Finally, note that in any case decision as to whether the treaty has been violated in a particular instance, and if so, as to who may be the violator, rests with ourselves. Such a resolution as this could take effect only upon our initiative, and after, in the light of the facts, we had decided that such and such a country had broken the treaty which we negotiated.

[From the New York World]

THE CAPPER RESOLUTION

Already the discussion of the Capper resolution enables us to divide the opposition into three main groups. There is the school represented by Mr. BORAH, who holds that any resolution or any sanction is unnecessary. There is the group represented by Mr. Coolidge, who, if we credit the White House statements, holds that some action may be necessary but this particular resolution goes too far. Finally, there is the group typified by Senator EDGE, who attacks the resolution as dangerous, in that it will "put the United States in the very middle of every international broil." Unnecessary, incautious, dangerous—there are three distinct verdicts on the resolution.

We may well think that it is a sufficient achievement for the present to have the first group sharply challenged. Senator BORAH repeatedly argued during the debate on the Kellogg pact that the moral force of the pledge against aggressive war was sufficient and we need go no further. Each signatory nation had registered its solemn promise not to use war as an instrument of national policy; if it resorted to war, it would face the united condemnation of mankind. But the Senate debate itself and the report of the Foreign Relations Committee showed the inadequacy of this view. It was emphasized in the debate that the United States and other nations are free to go to war at any time in defense of anything they please to term their interests; and there has not been a great war since Waterloo that both sides did not loudly proclaim to be "defensive."

Those who have a really practical belief in the Kellogg pact will wish to make it effective by "implementing" it. The worst that could happen to it would be to regard it as a very beautiful but wholly abstract pledge, and to place it on the shelf for cobwebs, dust, and oblivion. The Capper resolution is a hopeful indication that this is not to be its fate and that it may one day be given genuine vitality. It should not be left alone but extended and developed. Men may differ on the best method of accomplishing this result, but the opening of debate on the subject is a highly encouraging omen.

[From the Buffalo (N. Y.) News]

TO BOLSTER PEACE PACT

The nations that have signed the Kellogg multilateral treaty to outlaw war should move to make it a really effective instrument for peace. The resolution that Senator CAPPER has introduced, providing for an embargo by this country on the shipment, to any nation violating the pact, of arms, munitions, and other things necessary for the prosecution of war, is a step in the right direction.

Senator CAPPER is hopeful that the other powers will take like action—that they will follow the lead of the United States. If they were to do so, a treaty-breaking state would find itself faced by an economic embargo, since under the conditions of modern warfare practically everything that a nation needs in its ordinary life it requires in war. The Capper resolution would implement the Kellogg pact—would give it teeth. From such a commitment the signatory powers might move on to a renunciation of preparations for war. Then, and not until then, will the implications of the Kellogg pact be recognized when the nations frame their budgets.

[From the New Haven Register]

BACKING UP KELLOGG PACT

Two moves were initiated in Congress recently to provide methods by which the United States might take negative action against violators of the Kellogg treaty. Senator CAPPER introduced a joint resolution by the terms of which it would be unlawful to export munitions or other articles for use in war to a nation which the President by proclamation declared to have violated the multilateral pact for renunciation of war. Representative PORTER introduced a resolution in the House providing for an arms embargo against any country where "conditions of domestic violence or of international conflict exist or are threatened," the President determining when such conditions obtain. The Capper resolution also contains a section declaring it to be the policy of the United States "that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty (Kellogg pact).

These resolutions define policies of great importance and concern to the United States and to practically all the nations of the world. Their adoption would involve far-reaching changes in our position with relation to other countries. It would vastly increase the responsibility and the power of the United States, making us not only interested in but an influential factor in almost any conflict of substantial proportions anywhere in the world, regardless of whether or not we were directly concerned. The question of neutrality and freedom of the seas in time of war is likewise involved, as is our policy of protecting our own citizens.

It will be seen that this is a matter in which Congress must move with the greatest caution and only after the fullest and most exhaustive consideration. Senator CAPPER says that he will not press for action on his resolution until the regular session of Congress beginning next De-

cember. He has introduced it at this time so as to give full opportunity for discussion of the project and the formation of public opinion concerning it. Such discussion is very necessary.

A favorable attitude toward the Capper proposal is already indicated abroad, where it is looked upon as a method of assuring American sympathy for sanctions ordered by the League of Nations against a belligerent. We ourselves must guard against any tendency to be swept off our feet by a suggestion that may look fine in theory, but which might not work so well in practice. The practical aspect of the question needs to be very thoroughly explored.

[From the Philadelphia (Pa.) Evening Public Ledger]

SENATOR CAPPER'S PLAN

Senator CAPPER'S proposal for enforcing the provisions of the Kellogg treaty does not go quite so far as the covenant of the League of Nations, which provides for an economic boycott on a nation which wages war in disregard of its provisions. It does, however, seek to isolate a nation that violates the treaty.

It provides, in the first place, that nothing useful in war is to be exported to any country that engages in hostilities in disregard of its treaty obligations. In the second place, it removes from the protection of the Government any American who gives aid and comfort to a nation violating the treaty. And in the third place, it requests the President to ask the other nations signing the treaty to agree to withdraw protection from their nationals aiding a nation that has committed a breach of the treaty.

It may be argued that the effect of such agreements would be to force every nation to provide munition plants of its own and also to lay up stores of goods that might be needed in case of war. But this would happen only in the event that those nations contemplated violating the treaty; that is, that they were determined to be prepared for an aggressive war. Wars of defense are not forbidden, and it is not likely that there ever will be any international agreement against them.

The European comment on the Capper resolution is sympathetic. It indicates that there is a serious intent to discourage war and to resort to peaceful methods in settling disputes. It is not necessary to speculate about how long this intent would survive a great international crisis in which the honor of a nation was involved. That it is entertained at all indicates that the world is moving away from the time when the only answer to an argument was a blow.

[From the Troy (N. Y.) Morning Record]

EMBARGOING WAR MUNITIONS

The general approval with which the proposition of Senator CAPPER to institute an armament embargo against any country violating the Briand-Kellogg peace pact has been received is one of the most emphatic expressions as yet given that the thought of the world has changed from war to peace. The pact in itself is merely a declaration that arbitration and conciliation are preferable to the arbitrament of arms in the adjustment of international disputes, but the Capper resolution would make possible the enforcement of the principle. If a nation violating the pact should be unable to go into the world market and find arms, munitions, and implements of war, it would quickly allay its belligerent inclinations. It would realize that the peace pact meant more than the sound of words.

The acclaim accorded the resolution by the press of some of the European countries indicates that the lead of the United States in such a movement would receive cordial foreign support. In fact an idea of similar import was advanced by prominent British and French statesmen some weeks ago, and cable reports are to the effect that Europe, as a whole, would welcome and support the plan. The provisions of the resolution are so far-reaching and would be so effective that action on the measure is not expected at this session of Congress and will be deferred until the next regular meeting of the National Legislature in December. In the meantime the world will have the opportunity for discussion and opinion will be crystallized.

The adoption of a policy of this character by the United States and followed by the countries of Europe would practically assure the permanent peace of the world, for there is little doubt about the favorable attitude of Japan and probably China, which appears to be in the dawn of reestablishing itself in the family of nations. The lead of the United States in a project of this kind has already restored to some extent the confidence of the world that we are earnest and honest in our peace protestations. The debate on the cruiser bill created in foreign countries the impression that the sentiment of the Briand-Kellogg peace pact did not represent the true feeling of the people of this country, but now the Capper resolution has tended to dissipate that suspicion.

The proposed measure has produced a most favorable effect at Geneva, for its purpose is in line with the hopes and the ideals of the League of Nations. If the munitions and implements of war can be effectively barred from a peace-violating or a peace-defying nation the governments of the world can unite in the promotion of human welfare instead of devoting the major portion of their time to the prevention of armed conflicts. If the markets for the agencies of destruction are curtailed or eliminated, such commodities will not be produced or carried in anticipation of a demand, and herein a possible inducement for the advocacy of war will also be removed. The League of Nations, the spirit of Locarno, and the peace pact of Paris appear to be moving irresistibly toward the ultimate triumph of a permanent world peace.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. NEELY. Mr. President, will the Senator from Washington yield?

Mr. DILL. I will yield.

Mr. NEELY. In my judgment, there are not 48 Senators or a quorum present.

Mr. DILL. I may say to the Senator that we had a quorum call only a few minutes ago, and there was a quorum, but if the Senator wants to make a point of no quorum, I shall not object.

Mr. SHORTRIDGE. A quorum can not be called at this stage of the proceedings.

Mr. WHEELER. There has been some business transacted since the last call.

Mr. SHORTRIDGE. What business has been transacted?

Mr. WHEELER. The junior Senator from Kansas [Mr. CAPPER] made a motion or asked for permission to present some matter.

Mr. SHORTRIDGE. Mr. President, I want to inquire of the Senator from Washington whether he is interested in the radio bill?

Mr. DILL. I think the radio bill should be passed.

Mr. SHORTRIDGE. Well, the Senator is making great headway toward its early passage.

Mr. DILL. I do not think it is nearly so important to pass the radio bill as it is to prevent the passage of legislation affecting our relations with a foreign country, as this bill does.

Mr. SHORTRIDGE. I do not care to enter into a discussion of the subject which the Senator is presumably considering.

Mr. DILL. I have discussed the subject all evening, and if the Senator from California had been here he would know that.

Mr. SHORTRIDGE. But if the Senator from Washington is really and sincerely interested in the passage of the radio bill—and I have no reason to question his sincerity with respect to that proposed legislation—why pursue this course?

Mr. DILL. I am perfectly willing that the Senate shall take a recess until to-morrow, and this matter probably can be brought to a vote very early after the session opens to-morrow; but we have tried to recess on two occasions this evening and Senators have voted to stay here; so I feel called upon to continue to discuss this subject.

Mr. NEELY. Mr. President, will the Senator yield to me?

Mr. DILL. I yield.

Mr. SHORTRIDGE. Mr. President, I am willing to stay here until the cock crows in the morning.

Mr. NEELY. The Senator from Washington, I presume, would be willing temporarily to have this matter laid aside if the radio bill could be passed at once?

Mr. DILL. Oh, yes.

Mr. NEELY. If the Senator from California will make such a request for unanimous request I believe we could agree on that so far as this side of the House is concerned.

Mr. SHORTRIDGE. I will make this request for unanimous consent, that the Senator from Washington yield the floor and give us a rest.

Mr. DILL. I may say if the Senator from California had been here and heard the argument which I have been delivering on this subject I am sure he would not expect me to yield until I had completed the argument. The Senator having been absent, naturally does not realize the seriousness of the situation which I have attempted to present to the Senate.

Mr. SHORTRIDGE. I have no doubt history will take note of the Senator's great and illuminating argument; history will not forget it.

Mr. DILL. I thank the Senator.

Mr. HEFLIN. Mr. President, in line with the Senator's suggestion, I am mightily afraid our friend from Washington is going to get the radio bill in a jam here and cause it to fail of passage.

Mr. DILL. I want to say to the Senator from Alabama that there are other things that are more important in Congress to me than the mere passage of the radio bill.

Mr. HEFLIN. That bill is very important to the American people; the Senator is one of the leaders on whom we are relying, and I hope he is not going to throw aside the opportunity.

Mr. DILL. There are three or four days left; there is plenty of time, and we can recess later on.

Mr. NEELY. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HEFLIN. Mr. President, what business has been transacted except speaking?

The PRESIDING OFFICER. The Senator from Kansas [Mr. CAPPER] introduced something for the RECORD.

Mr. SHORTRIDGE. That is not business.

Mr. NEELY. The Senator from California made some very appropriate and interesting remarks.

Mr. WHEELER. That was not business.

Mr. SHORTRIDGE. It was a mere idle remark.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SHORTRIDGE. But does the filing of a mere paper constitute the transaction of business which warrants or justifies a call of the roll? I submit it does not.

Mr. DILL. It requires unanimous consent, and that constitutes business.

The PRESIDING OFFICER. The clerk has been directed to call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Glenn	Neely	Steiwer
Bingham	Goff	Oddie	Swanson
Bratton	Hale	Pine	Thomas, Idaho
Bruce	Hayden	Pittman	Thomas, Okla.
Capper	Heflin	Reed, Pa.	Trammell
Caraway	Jones	Robinson, Ind.	Vandenberg
Curtis	Kendrick	Sackett	Warren
Deneen	Keyes	Sheppard	Watson
Edge	King	Shortridge	Wheeler
Fess	McKellar	Smith	
Glass	McMaster	Smoot	

The PRESIDING OFFICER. Forty-two Senators have answered to their names. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. COPELAND and Mr. EDWARDS answered to their names when called.

The PRESIDING OFFICER. Forty-four Senators having answered to their names, a quorum is not present.

Mr. NEELY. Mr. President, I move that warrants issue for the arrest of the absent Senators.

The PRESIDING OFFICER. The Senate has heard the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is so ordered.

Mr. NEELY. I move the immediate consideration and adoption of the following order:

IN THE SENATE OF THE UNITED STATES.

Whereas under the rules of the Senate a call of the Senate has been ordered; and

Whereas the following-named Senators are absent without leave of the Senate, to wit (their names to be filled in):

Whereas it is necessary to compel the attendance of said absent Senators in order that the Senate may proceed to the transaction of its business: Therefore it is

Ordered, That the Sergeant at Arms be, and he is hereby, directed to compel the attendance on the Senate of said named absent Senators, unless they be ill; and it is further

Ordered, That warrants for the arrest of said Senators be forthwith issued under the signature of the Presiding Officer, attested by the Secretary, and that the Sergeant at Arms be, and he hereby is, directed to execute such warrants forthwith by arresting each of said named absent Senators and bringing them, and each of them, before the bar of the Senate; and that he make due return to the Senate of the execution of said warrants; and that this order shall be continuing until fully executed unless otherwise ordered by the Senate.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The question is on the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. SHORTRIDGE. Mr. President, I suggest that the attention of the Sergeant at Arms be called to the wording of this order, and that he be directed to execute the order of the Senate.

The PRESIDING OFFICER. The Sergeant at Arms will be so directed by the Chair.

Mr. SHORTRIDGE. It does not mean that the absent Senators are merely to be requested to come but that they are to be compelled to come.

Mr. NEELY. Mr. President, may I invite the attention of the Chair to the fact that warrants should be issued at once by the Secretary or by the clerk. Unless they are issued, we know by past experience that the Sergeant at Arms will not make the arrests and will not bring in the absent Members.

The PRESIDING OFFICER. The Chair will state to the Senator that warrants are being prepared now.

Mr. NEELY (at 2 o'clock a. m.) Mr. President, a parliamentary inquiry.

Mr. NEELY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NEELY. Has the Sergeant at Arms reported any progress in arresting the absent Senators?

The PRESIDING OFFICER. The Chair will state to the Senator from West Virginia that the Sergeant at Arms is now out serving the warrants.

Mr. NORRIS (at 2.10 a. m.) entered the Chamber and answered to his name.

Mr. BROOKHART (at 2.12 a. m.) entered the Chamber and answered to his name.

Mr. BLAINE and Mr. BROUSSARD (at 2.15 a. m.) entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present.

Mr. DILL. Mr. President, I am glad that we have a quorum, and I regret that it was necessary to have some of the Senators who had gone home called from bed. I do not want to be responsible for keeping the Senate here, and, if those in charge of this measure want to make an agreement to vote to-morrow, I shall not object. So far as I am personally concerned, I will be very glad to stay and discuss the bill, for I assured some of the Senators that there would be no vote to-night on this bill, and I think that agreement ought to be kept. If it is desired, however, that a recess be taken in order that we may vote in the morning shortly after the Senate may meet, I shall interpose no objection to such an agreement. On the other hand, if Senators want to continue with the bill, I shall be very glad to proceed.

Mr. NEELY. Mr. President, there was some disorder in the rear of the Chamber and some of us did not understand the Senator's proposition.

Mr. DILL. I say that earlier in the evening it was requested that we make some arrangement whereby we could have a vote to-morrow at some time. I did not want to do that, because I had some matters that I wanted to put in the RECORD, but I recognize the hour is late, and I do not want to be responsible for Senators being dragged out of bed.

Mr. HEFLIN. The Senator has already done that; they are being brought in now.

Mr. DILL. I have no objection to going ahead, but, so far as I am concerned, I am willing to agree to a vote at any time after 11.30 a. m. So, if that be the desire, well and good; but if not, I shall continue the discussion.

Mr. HEFLIN. I suggest that we vote at 3 o'clock this morning.

Mr. DILL. No; we can recess until 11 o'clock and then vote in the morning, if that be the desire; otherwise I shall feel called upon to keep my word with Senators to whom I said there would be no vote to-night on this bill.

Mr. HEFLIN. Mr. President, it seems, then, that the Senator has told some of his friends who went home that they could go to bed, while he has left us to stay here all night; he was going to keep us up and let his friends sleep.

Mr. DILL. They were not particularly my friends.

Mr. HEFLIN. I am in favor now of going on.

Mr. DILL. I am perfectly willing to do so.

Mr. HEFLIN. I hope that no Senator will ask unanimous consent to do anything, but let us hold the Senator to his speaking idea and transact no other business but that. I want to assure him in the outset there will be no consent given to anything else while I am here.

Mr. WHEELER. Let me suggest to the Senator that there have been two motions since the last call and a quorum may be called now.

Mr. HEFLIN. Not at all, because no business has transpired since the last call.

Mr. DILL. The Senator need not excite himself. It is a very simple matter to transact some business on this bill.

Mr. HEFLIN. I am not getting excited. I am just advising the Senator of my willingness to fight this thing out.

Mr. DILL. Very well, we will stay. I merely made the statement because I did not want to take any further responsibility in that regard; but now that Senators want to stay, I will try to accommodate them, so far as I am concerned.

Mr. HEFLIN. In other words, the Senator has got them up out of the water now; they are standing here shivering in the cold, and if they want to remain here he is willing that they should.

Mr. NEELY. The Senator means not out of the water, but out of bed. [Laughter.]

Mr. DILL. Mr. President, I was attempting to discuss some phases of the reasons why we had kept the marines in Nicaragua during the period after they should have been withdrawn, when the Senator from West Virginia made his point of no quorum.

When the marines were withdrawn in 1925 there was a great deal of protest against American intervention.

We refused to state any choice as to candidates. Carlos Solorzano and Juan B. Sacasa were elected President and Vice President, by a vote of about 48,000 to 28,000. Chamorro and Salvador Castrillo, who had been so effective in trying to turn Nicaragua's resources, banks, and railways over to Americans, staged a coup d'état, and in January, 1926, Chamorro took over the Presidency after Vice President Sacasa had fled abroad. We refused to recognize him.

In October Chamorro "deposited" the Presidency with Sebastian Uriza after his friends had agreed to support him for the Presidency in 1928. The Congress brought together to elect an executive to fill out the unexpired term, on November, 11, 1926, elected Adolfo Diaz. As Dr. Isaac Joslin Cox states in Nicaragua and the United States:

"A more natural method would have been to permit the succession of the Vice President Sacasa * * *. A hint from the State Department after the abdication of Chamorro would have swept aside all technical pretexts and have established Sacasa as the constitutional executive for the unexpired term."

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. WHEELER. I am going to ask unanimous consent that the Senate take a recess until 11 o'clock to-morrow morning, and that we vote upon the bill itself not later than 1 o'clock.

Mr. HEFLIN. I think that is too long a time.

Mr. WHEELER. I was going to say I would just as soon make it 12 o'clock, but, as I understand—and the Senator from Utah will correct me if I am wrong—there are some amendments still to be offered to the bill, and it will probably take that length of time to dispose of them.

Mr. SMOOT. If every Senator here has the intention of offering amendments and talking on them, it would take the remainder of the day.

Mr. WHEELER. I do not mean to have unlimited debate on the amendments.

Mr. SMOOT. Suppose one amendment here should lead to discussion up to 1 o'clock; then no other amendments could be offered.

Mr. WHEELER. I assume that would not be done.

Mr. SMOOT. I do not know whether it would be or not. I would not want the bill in that condition.

Mr. WHEELER. Could it not be arranged so that we can take a vote upon the pending amendment immediately after we convene, and then consider the other amendments after that?

Mr. CURTIS. With a limitation on debate?

Mr. WHEELER. Yes.

Mr. CURTIS. What limitation would the Senator suggest?

Mr. WHEELER. Ten minutes.

Mr. SMOOT. If there were 20 amendments and there were 10 minutes debate on each, that would be 120 minutes.

Mr. CURTIS. With a final vote at 1 o'clock?

Mr. SMOOT. I can not agree to anything that is going to prevent amendments being offered to the bill.

Mr. WHEELER. I am trying to arrange that. I do not want that situation to arise.

Mr. SMOOT. If 10 minutes are allowed for discussion on each amendment, it probably would arise.

Mr. WHEELER. I am proposing a final vote at 1 o'clock.

Mr. SMOOT. On what?

Mr. WHEELER. On the bill and all amendments.

Mr. SMOOT. Without any further discussion on the amendments or the bill?

Mr. WHEELER. Yes.

Mr. HEFLIN. We can vote on the amendments and the bill and clean everything up.

Mr. WHEELER. I made that statement in the first place. My proposal is that there shall be a final vote on the bill at 1 o'clock p. m., and there will be a final vote on the amendment of the Senator from Washington at 11.15.

Mr. SMOOT. Without any further debate.

Mr. WHEELER. Without any further debate.

Mr. DILL. No.

Mr. WHEELER. That we recess until 11 o'clock to-morrow morning; then vote on the pending amendment at 11.15, and then take a final vote on the bill at 1 o'clock.

Mr. DILL. I have no objection to a final vote on the bill.

Mr. SMOOT. I want no misunderstanding about this.

Mr. DILL. I suggest, under the agreement, that debate be limited to five minutes. Otherwise, under the rules, it will be necessary to call a quorum.

Mr. CURTIS. We just had a quorum call.

Mr. DILL. I understand that, but I have been speaking for about five minutes. I hope the proposition may be to limit debate to five minutes on the bill and pending amendments. That would probably meet the situation.

Mr. SMOOT. I do not want to fix the time at 1 o'clock, then allow discussion to run up until 12 o'clock, and then have five minutes allowed upon each amendment. That might take us to 1 o'clock, when we would have to vote on the bill, although a half dozen amendments might be pending which could not be offered to the bill. I say to the Senator there are amendments here that the committee must offer to the bill.

Mr. CURTIS. Mr. President, let me make this suggestion: I ask unanimous consent that the Senate now take a recess until 11 o'clock a. m. to-day; that at 11.15 o'clock a. m. a vote be had upon the pending amendment; that then a final vote be had on the bill and all amendments pending or which may be offered to it at 1 o'clock.

Mr. SMOOT. Without further debate.

Mr. CURTIS. Without further debate.

Mr. TRAMMELL. Would not that place a Senator who desires to propose an individual amendment at a great disadvantage? He might absolutely be cut off without an opportunity to explain his amendment.

Mr. CURTIS. He would have from quarter after 11 o'clock until 1 o'clock.

Mr. TRAMMELL. Some Senator might get the floor and hold it the entire length of time.

Mr. CURTIS. We can incorporate in the agreement a provision that after 11.15 no Senator shall speak more than 10 minutes.

SEVERAL SENATORS. Not more than five minutes.

Mr. CURTIS. Very well; not more than five minutes.

Mr. TRAMMELL. I have an amendment which I wish to propose; I will say that I have a recommendation for it from the engineers and the Secretary of War; and if I offered that amendment without any explanation it might not be adopted.

Mr. CURTIS. The Senator would have five minutes under the suggestion made; would not that be enough?

Mr. TRAMMELL. That would be enough.

Mr. CURTIS. I suggest an agreement in this form:

That the Senate now take a recess until 11 o'clock this morning; that at 11.15 o'clock a. m. a vote be had upon the pending amendment—the Nicaragua survey amendment—that after 11.15 debate shall be limited to five minutes on each amendment; no Senator shall be allowed to speak more than once; and that at 1 o'clock a final vote be had upon the bill and all amendments, pending or offered.

Mr. SMOOT. Not later than 1 o'clock.

Mr. CURTIS. Not later than 1 o'clock.

Mr. DILL. Before consent is given I want to be sure that I have an understanding that if the Nicaraguan joint resolution be not passed by the House, and signed by the President, the Senate conferees will not bring back this appropriation. I think that was the understanding.

Mr. CURTIS. That statement has twice been made on the floor.

Mr. DILL. I merely wanted to be sure of that.

Mr. WHEELER. That statement has been made several times.

The PRESIDING OFFICER. Is there objection to the unanimous consent agreement proposed by the Senator from Kansas?

Mr. THOMAS of Oklahoma. Mr. President, I have three amendments that I desire to offer to this bill. If these amendments should be accepted, they will take no time other than the time required to offer them. If objection is made to them, I desire to have some time.

Mr. HEFLIN. The Senator has five minutes.

Mr. KING. The Senator has five minutes on each one of them.

Mr. THOMAS of Oklahoma. Otherwise, I shall have to object. For one of my amendments five minutes would not suffice.

Mr. SMOOT. Mr. President, is not the amendment to which the Senator has reference legislation?

Mr. THOMAS of Oklahoma. It is not legislation. It is a most important matter, recommended by the Budget and by the various departments of the Government. It affects the American Indians. I am not going to agree to any proposition that will take away my rights on the floor.

Mr. NORRIS. Mr. President, let me suggest that the Senator from Kansas modify his proposal by making an exception giving

to the Senator from Oklahoma 10 minutes instead of 5 on his amendments.

Mr. THOMAS of Oklahoma. I think these amendments will be accepted. They should be accepted. If they are not accepted I want time to present them. They are most important.

Mr. SMOOT. Are they the ones that the Senator presented to the committee?

Mr. THOMAS of Oklahoma. Two of them are.

Mr. SMOOT. We could not accept those except by vote of the Senate. I am perfectly willing to have a vote of the Senate on those amendments, like any others.

Mr. THOMAS of Oklahoma. Mr. President, one of the amendments relates to a hospital recommended by the Indian Bureau, recommended by the Budget Bureau, passed by the House of Representatives, passed by this body, and then a difficulty arose in the conference committee on the regular Interior Department appropriation bill. This body receded, and the item is dead. I desire to reoffer that amendment; and I can not make any agreement now that will limit me in the presentation of the facts and figures that I have in favor of that amendment.

Mr. NORRIS. The Senator would not have any trouble in convincing the Senate in regard to that if we have once agreed to the amendment.

Mr. THOMAS of Oklahoma. That is what I said, that there should not be any trouble about it; but there has been.

Mr. WARREN. Mr. President, I think the Senator from Oklahoma may safely assume that as kindly attention as the circumstances permit will be given to every one of his amendments.

Mr. THOMAS of Oklahoma. I will say to the chairman of the committee that I am sure of that; but if we agree to a time to vote upon this proposition I shall be denied the opportunity to make any suggestions or offer the evidence that I have in support of my amendments.

Mr. CURTIS. Mr. President, I understand that the Budget Bureau and the President have recommended the hospital amendment since it was acted upon in the Senate. If so, I should not think there would be any objection at all to it.

Mr. THOMAS of Oklahoma. The only question is over the source of the funds.

Mr. SMOOT. Of course the Senate has already acted upon it once.

Mr. NORRIS. And agreed to it.

Mr. SMOOT. In other words, the Senator desires that that hospital shall be built by the Government instead of out of the funds of the Indians; and all other hospitals in the same position as those that the Senator is asking for have been built out of the Indian funds.

Mr. NORRIS. Mr. President, let me make a suggestion to the Senator from Kansas. The Senator from Oklahoma evidently has an amendment that he is in earnest about, and he desires an opportunity to present it; and, of course, in all fairness he ought to have an opportunity to be heard.

Mr. CURTIS. I am perfectly willing.

Mr. NORRIS. As long as we are getting an agreement that will permit a vote on the amendment that is pending here now, why should not the Senator from Oklahoma be allowed to present his amendments? Why not make an exception of the Senator from Oklahoma?

Mr. CURTIS. I should be willing to make an exception; but he has 30 minutes.

Mr. BARKLEY. Mr. President, I have been here all night, waiting patiently to offer in good faith an amendment to this bill which I can not discuss in five minutes.

Mr. NORRIS. Then the Senator ought to have more time. I do not think anybody who has an amendment to offer in good faith ought to be deprived of reasonable time in which to present it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator about how much time he thinks he would need to present his views in support of the proposed amendment?

Mr. BARKLEY. It is difficult to say, because questions might be propounded that would consume time. I had thought that it might take, under those conditions, 30 minutes. I am anxious to get a vote on the bill. I do not want to delay it for a moment.

Mr. KING. Mr. President, let me make an appeal to my brethren here. It is quite obvious that unless this bill goes through quickly we will not get it back to the House in time to have action taken before adjournment. It does seem to me, therefore, that those who have amendments, no matter how important, ought to be willing to restrict the time within which to present their arguments, because if we take too long a time it is obvious that we will not pass the bill, and we will have to adjourn and will get nothing. I beg Senators who have amendments to bear in mind that phase of the matter.

Mr. NORRIS. I suggest that the Senator from Kansas, in his unanimous-consent proposal, allow the Senator from Kentucky and the Senator from Oklahoma, say, 15 minutes on their amendments, if that will be satisfactory.

Mr. CURTIS. That will be satisfactory to me.

Mr. BARKLEY. Make it 20 minutes.

Mr. CURTIS. That is all right.

Mr. SMOOT. So far as the amendment of the Senator from Oklahoma is concerned, it is not a question of the Senate; it is a question of the House. I am perfectly willing to accept the hospital amendment of the Senator from Oklahoma and let it go to conference; but if we can not hold it in the conference I do not want him to feel that we have violated any understanding with him.

Mr. THOMAS of Oklahoma. On that proposition I am going to make such a record here, when I get the time, that the Senator will not be willing that this body recede from that amendment.

Mr. SMOOT. I am not going to have the bill fail on that amendment or any other if I can help it.

Mr. CURTIS. Mr. President, if the Senators mentioned are given 20 minutes each on their amendments, we will still have time left. I therefore ask unanimous consent that we vote on the pending amendment not later than 11.15 a. m., that the Senator from Kentucky [Mr. BARKLEY] have not to exceed 20 minutes on his amendment, the Senator from Oklahoma [Mr. THOMAS] not to exceed 20 minutes on each of his amendments, and that we vote not later than 1.15 p. m.

Mr. NEELY. And that no other Member of the Senate speak more than five minutes.

Mr. TRAMMELL. Mr. President, I desire to consent to almost any reasonable suggestion; but under that plan practically no other Senator will have any opportunity to offer an amendment or explain it. The Senator from Oklahoma has three amendments, as I understand. He will be allowed to speak 20 minutes on each one.

Mr. CURTIS. One of them will be accepted.

Mr. SMOOT. He will have 20 minutes on one, and 5 minutes on the other two.

Mr. NORRIS. That will give to the Senator from Oklahoma and the Senator from Kentucky combined, if one amendment is accepted, an hour; so the time ought to be extended a little.

Mr. TRAMMELL. We only have a little over an hour.

Mr. CURTIS. I extended the time to 1.15, which would give another hour for the other Senators.

Mr. TRAMMELL. There are several committee amendments that have not been disposed of.

Mr. CURTIS. They will not require any discussion.

Mr. TRAMMELL. I do not know whether they will or not.

Mr. NEELY. Mr. President, if this matter is not settled very soon I am going to insist on the regular order. It is useless to wait until 1 o'clock to-morrow to try to find out what we are going to do if everybody wants to stay here all night.

Mr. TRAMMELL. Nobody wants to stay here all night; but there are some Senators who do not want to be precluded from even offering an amendment and explaining it. Certain Senators insist on 20 minutes each or 15 minutes each; and I do not think a Senator who is willing to take only 5 minutes should be precluded from an opportunity of offering his amendment.

Mr. CURTIS. He ought not to be.

Mr. TRAMMELL. That is all I am asking for—about five minutes.

Mr. CURTIS. There will be one hour after the other Senators have exhausted their time.

Mr. NEELY. Mr. President, I ask the Senator from Kansas if he will not make one more modification of his request for the purpose of providing five minutes for the Senator from Florida [Mr. TRAMMELL]?

Mr. REED of Pennsylvania. Five minutes for any Senator who offers an amendment. That is the fair way to do.

Mr. NEELY. That might make it impossible to vote at 1.30.

Mr. REED of Pennsylvania. I have an amendment that involves $14,000,000, and all I ask is five minutes.

Mr. SMOOT. By making it 1 o'clock we would have ample time to take care of all that is said about any amendment, and more, too. If Senators can confine themselves to five minutes, outside of the exceptions that have already been made, we can get through easily by 1 o'clock; and I do not think we ought to run beyond that time.

Mr. CURTIS. One fifteen.

Mr. HEFLIN. That is the proposition. Is there objection to it?

Mr. CURTIS. I ask unanimous consent that the Senate recess until 11 o'clock a. m.; that there be a vote upon the pending amendment not later than 11.15; that then there be allowed to

the Senator from Oklahoma [Mr. THOMAS] 20 minutes on one amendment and 5 minutes on each of the other two amendments; that there be not to exceed 20 minutes allowed to the Senator from Kentucky [Mr. BARKLEY], 5 minutes to the Senator from Florida [Mr. TRAMMELL], 5 minutes to the Senator from Pennsylvania [Mr. REED]——

Mr. SWANSON. Five minutes to me.

Mr. CURTIS. Five minutes to the Senator from Virginia [Mr. SWANSON], and that we vote on the bill and all amendments pending and all amendments offered not later than 1.15 p. m. to-day.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Why not make it 1 o'clock?

Mr. HEFLIN. One fifteen.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered into, and the Senate stands in recess until 11 o'clock a. m.

RECESS

Thereupon, at 2 o'clock and 40 minutes a. m., Thursday, February 28, the Senate, under the unanimous-consent agreement, took a recess until 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 27 (legislative day of February 25), 1929

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Archibald Henry Sunderland, Coast Artillery Corps, from February 19, 1929.

To be lieutenant colonel

Maj. Clarence Self Ridley, Corps of Engineers, from February 19, 1929.

To be majors

Capt. John Theodore Pierce, jr., Cavalry, from January 22, 1929.

Capt. Vincent Bargmant Dixon, Air Corps, from January 22, 1929.

Capt. George Macdonald Herringshaw, Quartermaster Corps, from January 23, 1929.

Capt. Constant Louis Irwin, Infantry, from January 24, 1929.

Capt. Thomas Forrest Limbocker, Cavalry, from February 1, 1929.

Capt. Wilmer Stanley Phillips, Coast Artillery Corps, from February 1, 1929.

Capt. Leven Cooper Allen, Infantry, from February 2, 1929.

Capt. Cornelius Martin Daly, Cavalry, from Februay 11, 1929.

Capt. Richard Brogdon Trimble, Cavalry, from February 11, 1929.

Capt. Arthur Sandray Harrington, Field Artillery, from February 19, 1929.

To be captains

First Lieut. John Orn Roady, Infantry, from January 22, 1929.

First Lieut. Abraham Lincoln Bullard, Coast Artillery Corps, from January 22, 1929.

First Lieut. Clarence Dixon Lavell, Field Artillery, from January 23, 1929.

To be first lieutenants

Second Lieut. John Ismert Hincke, Coast Artillery Corps, from January 22, 1929.

Second Lieut. Fred Arley Ingalls, Air Corps, from January 22, 1929.

Second Lieut. Raymond Thomas Beurket, Field Artillery, from January 23, 1929.

MEDICAL CORPS

To be colonels

Lieut. Col. Charles Franklin Craig, Medical Corps, from February 18, 1929.

Lieut. Col. Robert Hamilton Pierson, Medical Corps, from February 18, 1929.

PROMOTIONS IN THE NAVY

MARINE CORPS

First Lieut. Sherman L. Zea to be a captain in the Marine Corps from the 6th day of September, 1928.

First Lieut. Frank B. Geottge to be a captain in the Marine Corps from the 2d day of January, 1929.

Second Lieut. Caleb T. Bailey to be a first lieutenant in the Marine Corps from the 22d day of December, 1928.

Second Lieut. Clarence J. Chappell, jr., to be a first lieutenant in the Marine Corps from the 16th day of January, 1929.

Corporal Louis M. Heinrichs to be a second lieutenant in the Marine Corps for a probationary period of two years from the 30th day of January, 1929.

POSTMASTERS

ALABAMA

John F. Harmon to be postmaster at Troy, Ala., in place of W. C. Starke, deceased.

ALASKA

George Warner to be postmaster at Valdez, Alaska, in place of G. W. Robbins, resigned.

CALIFORNIA

Grove K. Ketchum to be postmaster at Burbank, Calif., in place of L. M. Rothenburg. Incumbent's commission expired December 17, 1928.

Clayton C. Troxel to be postmaster at Riverside, Calif., in place of G. A. Herdeg, deceased.

GEORGIA

Henry F. Bullard to be postmaster at Cochran, Ga., in place of H. F. Bullard. Incumbent's commission expires February 27, 1929.

Rosa L. Lindsey to be postmaster at Irwinton, Ga., in place of R. L. Lindsey. Incumbent's commission expires March 3, 1929.

Lansing B. LeRoy to be postmaster at Tignall, Ga., in place of L. B. LeRoy. Incumbent's commission expired January 5, 1929.

INDIANA

William Endicott to be postmaster at Crawfordsville, Ind., in place of L. W. Otto, deceased.

William A. Lewis to be postmaster at Elwood, Ind., in place of F. D. Seeley. Incumbent's commission expired December 12, 1928.

IOWA

John M. Wright to be postmaster at Eldon, Iowa, in place of A. W. Moore, deceased.

Edgar M. Rhodabeck to be postmaster at Missouri Valley, Iowa, in place of W. S. Peterson, removed.

KANSAS

Nora E. Stiers to be postmaster at Uniontown, Kans., in place of A. A. Stiers, deceased.

KENTUCKY

Jackson P. Crain to be postmaster at Jackson, Ky., in place of H. C. Hurst. Incumbent's commission expired May 14, 1928.

MARYLAND

Lewis J. Williams, to be postmaster at Bel Air, Md., in place of W. L. Barnes. Incumbent's commission expired January 10, 1929.

MICHIGAN

Charles R. Foote to be postmaster at Alto, Mich., in place of M. A. Watson, resigned.

MISSISSIPPI

Walter W. Holmes to be postmaster at McComb, Miss., in place of W. W. Holmes. Incumbent's commission expired February 16, 1929.

Johnnie L. Posey to be postmaster at Philadelphia, Miss., in place of J. L. Posey. Incumbent's commission expired February 16, 1929.

NEW HAMPSHIRE

Ernest D. Royce to be postmaster at Somersworth, N. H., in place of C. E. Winn, removed.

NORTH DAKOTA

Johanes Folstad to be postmaster at Goldenvalley, N. Dak., in place of M. B. Engbrecht, resigned.

SOUTH CAROLINA

A. MacLean Fletcher to be postmaster at McColl, S. C., in place of J. C. Graham, removed.

SOUTH DAKOTA

Charles S. Hight to be postmaster at White River, S. Dak., in place of J. E. Toft, removed.

TEXAS

William W. McChristian to be postmaster at Alba, Tex., in place of J. H. Loyd, removed.

UTAH

Horace E. Day to be postmaster at Fillmore, Utah, in place of H. E. Day. Incumbent's commission expires March 3, 1929.

WISCONSIN

John I. Edwards to be postmaster at Hazel Green, Wis., in place of J. I. Edwards. Incumbent's commission expired February 18, 1929.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 27, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Out of the mysterious silences of our breasts, amid the varying currents of the world do we seek Thee, our most gracious Heavenly Father. O Thou who art the inspiration of all that is good and the glory of all that is beautiful, send forth Thy light, reminding us of our place and calling. Do Thou open the windows of our minds that we may receive the spirit and the love of truth, thus turning our weakness into strength. Undergird and uphold our firm belief in the ultimate triumph of the good, for nothing else in equal measure has ever taught us so much how to live. In every situation inspire us to think truly, to speak truly, and to live truly; then our daily lives shall be open books of great and noble creeds. Our prayer is made in the holy name of Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division; and

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 7028. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Wyoming, New Mexico, and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 13593. An act granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill.; and

H. R. 16878. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 264. An act for the relief of Margaret I. Varnum;

S. 2986. An act for the relief of Francis J. McDonald;

S. 3623. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920;

S. 3940. An act granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes;

S. 4274. An act for the relief of James Evans;

S. 5030. An act for the relief of Eva Broderick;

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5091. An act for the relief of Edward C. Dunlap;

S. 5245. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 5307. An act equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States;

S. 5346. An act to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 5379. An act to authorize the disposition of certain public lands in the State of Nevada;

S. 5503. An act to amend section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended;

S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia;

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes;

S. 5676. An act to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5717. An act for the relief of the State of Nevada;

S. 5758. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

S. 5787. An act for the relief of the estate of C. C. Spiller, deceased;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

S. J. Res. 185. Joint resolution to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.; and

S. J. Res. 202. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist which is not covered by regulatory action of the Department of Agriculture, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1577) entitled "An act to add certain lands to the Boise National Forest, Idaho," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. CAPPER, and Mr. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the following titles:

S. 1338. An act for the relief of James E. Jenkins;

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4858) entitled "An act for the relief of T. L. Young and C. T. Cole," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAPPER, Mr. NYE, and Mr. STEPHENS to be the conferees on the part of the Senate.

OSAGE INDIANS OF OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma and for

other purposes," and ask unanimous consent to agree to the Senate amendments.

The Clerk read the title to the bill.

Mr. SPROUL of Kansas. Reserving the right to object, what are the amendments?

Mr. LEAVITT. They have been in the RECORD for two or three days.

Mr. SPROUL of Kansas. Then I object if I can not get the information.

Mr. LEAVITT. Mr. Speaker, I move to agree to the Senate amendments.

The SPEAKER. The gentleman from Montana moves to take from the Speaker's table the bill S. 2360 and agree to the Senate amendments.

The motion was agreed to.

ADDITIONAL JUDGES FOR EASTERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I call up the conference report on H. R. 14659, an act to provide for the appointment of two district judges of the District Court of the United States for the Eastern District of New York, and ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14659) entitled "An act to provide for the appointment of two additional judges for the District Court of the United States for the Eastern District of New York" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1, and also recede from its amendment to the title.

GEO. S. GRAHAM,
HATTON W. SUMNERS,
F. H. LAGUARDIA,
Managers on the part of the House.

WM. E. BORAH,
C. W. WATERMAN,
T. J. WALSH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14659) submitted the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate receded from its amendment and the bill stands agreed to by the conferees as it passed the House.

GEO. S. GRAHAM,
HATTON W. SUMNERS,
F. H. LAGUARDIA,
Managers on the part of the House.

The conference report was agreed to.

UNITED STATES COURT OF CUSTOMS APPEALS

Mr. GRAHAM. Mr. Speaker, I call up another conference report, on the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

GEO. S. GRAHAM,
SAMUEL C. MAJOR,
ANDREW J. HICKEY,
Managers on the part of the House.

G. W. NORRIS,
C. W. WATERMAN,
T. J. WALSH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6687 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate receded from its amendments, and the bill stands agreed to by the conferees as it passed the House.

GEO. S. GRAHAM,
SAMUEL C. MAJOR,
ANDREW J. HICKEY,
Managers on the part of the House.

The conference report was agreed to.

GROVER M. MOSCOWITZ

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution, reported from the Judiciary Committee, which I send to the Clerk's desk.

The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 431) providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York

Whereas certain statements against Grover M. Moscowitz, United States district judge for the eastern district of New York, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Therefore be it

Resolved, etc., That EARL C. MICHENER, J. BANKS KURTZ, C. ELLIS MOORE, ROYAL H. WELLER, and HENRY ST. GEORGE TUCKER, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they are hereby, authorized and directed to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York, and to report to the Committee on the Judiciary of the House whether in their opinion the said Grover M. Moscowitz has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said special committee have power to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House until adjournment sine die of the Seventieth Congress and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House of the Seventy-first Congress.

SEC. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however,* That the total expenditures authorized by this resolution shall not exceed the sum of $5,000.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, the Rules of the House of Representatives specifically require that a resolution of investigation shall be referred to the Rules Committee of the House. All the Speakers have strictly adhered to that proposition. Now, if this resolution is allowed to go through by unanimous consent the trouble that will arise is this: There are several other important committees of the House that desire the right to report resolutions of investigation where they have jurisdiction over the subject matter involved. In order to maintain the prestige of the rules of the House and the proper procedure of the House I shall be constrained to object to this going through by unanimous consent. But if the Speaker considers it important enough so that it can not wait over another day, I do not feel that the Rules Committee has been slighted if he recognizes the gentleman from Pennsylvania to move to suspend the rules and pass the resolution. But as far as allowing it to go by unanimous consent I can not do so, and I notified the gentleman from Pennsylvania last week that if another resolution of a similar character was called up I should object.

The SPEAKER. The Chair is prepared to recognize the gentleman from Pennsylvania to move a suspension of the rules.

Mr. GRAHAM. Mr. Speaker, I do not wish it to be taken that I assent to the proposition made by the chairman of the Committee on Rules. I still adhere to the view which I have held and which I expressed on the floor of the House about the reference of everything pertaining to impeachment matters to the Committee on the Judiciary, but as the Chair has recognized

me to make the motion to suspend the rules, I do so now. Mr. Speaker, I move to suspend the rules and pass the joint resolution.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the joint resolution which has just been read. Is a second demanded?

Mr. CELLER. Mr. Speaker, I demand a second.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania is entitled to 20 minutes and the gentleman from New York to 20 minutes.

Mr. GRAHAM. Mr. Speaker, I shall take only a couple of minutes. The purpose of this resolution is to make a preliminary investigation. The committee has not come to any conclusion upon the subject of the conduct of this judge, but as there are only a few days left before the House dies, it is necessary that this committee, if it is to do its work and be efficient, should be continued beyond the expiration of this present session of Congress. This resolution is simply to authorize an examination of witnesses under oath and to preserve the committee in being after the final adjournment of the House.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. BRIGGS. Is this resolution similar to the one which we passed a few days ago in respect Judge Winslow?

Mr. GRAHAM. It is exactly the same, except that the committee will consist of five instead of seven members, owing to a necessity among the membership of the Committee on the Judiciary.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. O'CONNOR of New York. I am in sympathy with the resolution; but I call this situation to the attention of the gentleman. When we adjourn does the gentleman understand that the Committee on the Judiciary will be appointed before next December?

Mr. GRAHAM. I have no understanding about that at all.

Mr. O'CONNOR of New York. If it is not going to be appointed—if, as I understand, only the Committee on Ways and Means, the Committee on Appropriations, and a few others are to be appointed, and this investigation is begun by this subcommittee, that subcommittee, under the resolution, will be required to report back to the full committee, which will not be in existence. If it should be found that this particular judge is not worthy of being continued on the bench, then there is no Judiciary Committee to which to report. I suggest to the gentleman that he try to have the Committee on the Judiciary appointed at least on the reconvening of Congress in the special session. Otherwise we might have a judge on the bench for six or seven months who, the subcommittee believes, should not be there.

Mr. GRAHAM. I entirely agree with the gentleman as to his suggestion about the committee, but that matter is not now before the House.

Mr. O'CONNOR of New York. No; but I call it to the gentleman's attention.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. DICKSTEIN. Will the gentleman explain to the House how these proceedings were brought about, and whether or not the charges against Judge Moscowitz are similar to the charges against Judge Winslow?

Mr. GRAHAM. No; I can not go into that explanation now.

Mr. CELLER. Mr. Speaker, ladies, and gentlemen of the House, this is indeed a very important resolution, and I demanded a second in order that I might have an opportunity to briefly explain its import to the House. I am not opposed to the resolution. When these charges were made against this judge of the eastern district, he courageously, as a judge who is fearless and honest, met the issue and demanded of this House a complete and thorough investigation.

Mr. SOMERS of New York. Mr. Speaker, will the gentleman yield?

Mr. CELLER. In a few moments. Furthermore, he said that he would not hide behind any technical considerations whatsoever, but would give the fullest cooperation to any committee of this House. He felt that the value of his service in the future, the dignity and honor of his office, and the respect due to the judiciary in general, would be seriously impaired unless there be a thorough and quick investigation of these charges. As far as I am personally concerned, as a Member of Congress from the district where this judge presides, I personally feel that these charges are palpably and manifestly false. They spring from the mind of a disgruntled, dissatisfied litigant, and if the Committee on the Judiciary is going to occupy its time with the consideration of appeals of that sort from dissatisfied and chagrined litigants, then that committee will not be able to function properly, and it will be doing nothing more than listening to and considering such appeals.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Not until I have made a brief statement. What is the situation in this case? Here we have the bankruptcy of a man named Levine, in Brooklyn. Just a few days before he was adjudged a bankrupt, he took out of his estate $100,000. What did he do with it? It was the duty of the receiver or the trustee and those representing the court and the creditors to find out.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. GRAHAM. Why does the gentleman interpose an objection, when the judge himself has written a letter asking that the investigation be made, and when only an investigation will clear his name?

Mr. CELLER. Mr. Speaker, the distinguished gentleman from Pennsylvania knows that after this is all over and the judge has been cleared we will never know any more about why these charges arose or whence they came, and I want now, before the event, to tell the House something of this situation, in order that the House may know it thoroughly and be guided in its future conduct in matters of this sort.

This judge is entitled to some public explanation of these charges. We only hear one side. There should be an investigation, undoubtedly, but I am going to see to it that this judge has some explanation made now, so that you might suspend your judgment as to his guilt or innocence. Not only you gentlemen are involved in the House but the whole country is involved and the dignity of the Federal court is involved. We ought to know something about this situation. When we go back to our homes after March 4 we will only have in our minds the idea that this judge was attacked. When any man attacks a Federal judge it is just like hitting an opponent when his hands are tied behind his back. He can not come here and defend himself. Some one must defend him in his stead.

Mr. SOMERS of New York. Mr. Speaker, will the gentleman yield there?

Mr. CELLER. Yes.

Mr. SOMERS of New York. Possibly the gentleman does not know, but this judge was acquainted with some of these charges, most of them, before they were presented to the House; and he was given 24 hours in which to ask for an investigation himself, and he failed to do it.

Mr. CELLER. I hardly think it is incumbent on a member of the Federal judiciary to take a challenge of that sort from a Member of the House. He says he is in favor of the investigation and wants the investigation to proceed with all due speed.

Now, let us look into this matter of the $100,000 which was filched from the creditors. The bankrupt committed suicide. His sons were summoned for examination. They were two law students, examined by a special commissioner appointed under the bankruptcy statutes, section 21A. Let me give you something of what transpired before that special commissioner. These two young men were law students, and knew the nature of an oath and had knowledge of their father's estate. They were the logical persons to give testimony to aid the administration of the bankrupt's estate, especially since the bankrupt was dead. Instead of aiding, these young men hindered and obstructed the course of administration. They first disregarded the summons to appear. Then when threatened with contempt and did appear before the special commissioner, Judge Isaac Franklin Russell, they either were evasive or lied. The special commissioner was a former judge of special sessions in New York. I believe he is a trustee of New York University, a very distinguished jurist. Here is a sample of the contemptuous conduct of these young law students: The commissioner asked this young man Levine, "Where were you on Friday night?" He answered, "I do not remember." Then he asked him, "What time did you get home Friday night?" His answer was, "I do not remember." The next question was, "Did you make deposits for your father in 1927?" The answer was, "I do not remember." The next question was, "Did you write out a check for $20,000 on your father's account?" The answer was, "I don't remember." To practically every important question put to this young law student he said, "I don't remember." In that way he thwarted the purpose of the bankruptcy examination. He thus encouraged certification of contempt charges.

Now, what would you, as a special commissioner, what would you, as a judge of the United States district court, do to men of this type?

This judge as special commissioner certified these young men for contempt because their conduct undoubtedly was contumacious and contemptuous of the dignity and honor of the court; and when the proceeding came before the district court he accepted the conclusion of law and fact of the special commissioner, a distinguished judge, and found these boys in contempt. That is why they come here now, because they were found in contempt because of their contumacious conduct, and make this charge against this judge. Thus in examining these charges, consider, please, who made them. And furthermore——

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. SNELL. I understand you are not opposing the investigation. You want it?

Mr. CELLER. Yes; but I want this House to understand something of the facts.

Mr. SNELL. You are not trying the man?

Mr. CELLER. No; I am not trying the man. I want to give you a bird's-eye view of this matter—give you something of my view, namely, that these charges are manifestly false and should not ground any action of reasonable men.

Mr. SNELL. Is not the gentleman——

Mr. CELLER. I refuse to yield further.

Furthermore, gentlemen, there was a composition or settlement with creditors in this case. In proceedings before the United States district court in which this judge presided, in addition to Judge Isaac Franklin Russell, the special commissioner, there was Judge Edwin L. Garvin, a former United States district judge, who was predecessor of this very judge as trustee. In addition to that we had a county judge there, Reuben L. Haskell, who represented these Levine brothers, and another lawyer by the name of Duberstein, who likewise represented the boys; and in this composition agreement it was agreed by all parties that there would be a settlement, and on the strength of that settlement the boys were to be purged of their contempt. In other words, all parties interested requested Judge Moscowitz to purge these boys of contempt because they had finally agreed to help the creditors. The judge complied with the request.

Now, mind you, if this judge is guilty of any of the charges in that palpably false affidavit by this chagrined and dissatisfied and disgruntled litigant, do you not say there must have been a conspiracy between Judge Russell and the Hon. Edwin L. Garvin, trustee of the estate, and Judge Reuben L. Haskell to hunt and hound these young men? It is quite inconceivable that all these judges were arrayed and banded together to drive these youths. It is utterly impossible of conception to any reasoning and reasonable man that all these judges were in some sort of conspiracy to hurt these two lads who come here now and complain.

Mr. GRAHAM. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. CELLER. I yield to the chairman.

Mr. GRAHAM. Is it not a fact that you are stating to the House matters which are not before the committee or which have not been presented to the committee, and in addition to that the point in this case, it would appear now, is this: That whether other judges participated or not, there was undoubtedly a conspiracy among a group of lawyers to rob an estate. Now, the question is: Was the judge acquainted with the facts and did he participate in that conspiracy? That is the inquiry the committee desires to make.

Mr. CELLER. I will say to the gentleman unqualifiedly, no. I have known this judge for many years, and I believe him to be an upright and honest judge, and in order that he might get fair consideration, not only by the Members of this House but by the public in general, I make this statement—because, as I said before, after this blows over you will hear nothing more of the matter, and the man stands accused and condemned prior to trial in the mind of the public, and even after trial usually the public prints only carry a very small notice with reference to the established innocence of the man previously condemned.

For that reason I come here in the House, under my right as a Member of the House, to proclaim what I know about this case and repeat what I said before the Judiciary Committee yesterday. As to whether there was some sort of a conspiracy or banding together upon the part of the attorneys to mulct an estate I will say this: To my mind the fees allowed in that estate were large, larger, undoubtedly, than should have been allowed, but any of you gentlemen who are familiar with bankruptcy practice must be aware of the fact that the referee in bankruptcy usually fixes the fees and not the judge. I am of the opinion, although I am not certain about it, that the referee fixed the fees in this case, but if the referee did not fix them in this case there is nothing in the affidavit and there is nothing in the proof brought before the Judiciary Committee that this judge had anything whatsoever to do with the fixing of the fees, and for that reason I say unqualifiedly to the gentleman from Pennsylvania, the distinguished chairman of this committee, that there is nothing remotely approaching guilt on the part of this judge with reference to the fixing of these fees or any other fees. This I will say, however, that the United States district judges, not only in New York and Brooklyn but elsewhere, are all victims of a very vicious system whereby Federal patronage in the form of receiverships and special masterships is parceled out along political lines. That is the difficulty. If you are going to investigate, conduct a general investigation. Do not fire your ammunition upon one judge in Brooklyn, and do not train your guns particularly on him. Investigate them all, because if he is guilty in that regard they are all guilty in that regard, with reference to parceling out receiverships in return for political favors. That is the only sin, if there is a sin, as far as Judge Moscowitz is concerned. I do not believe, however, that that is indeed a sin because it has been done for the last 100 years, ever since we have had a Federal judiciary.

That vice is inherent in our Federal judiciary system, and you may not be able to prove that any one particular judge or any array of judges are necessarily guilty of moral turpitude or dereliction of duty because they have followed the precedents that have been ingrained into the Federal judiciary system for these last 100 years, namely, to recognize political friends and favorites in receiverships.

Now, gentlemen, I ask you, and I ask the public throughout the country, to suspend judgment upon this man until he has been heard. Do not prejudge him. That is why I stand up here this morning. That is why I demanded a second on this resolution, and for no other reason did I demand a second. I thank you.

The gravamen of these charges is that this judge permitted a group of lawyers to milk an estate by a corrupt use of the power of finding a man in contempt. That a charge of contempt was more or less trumped up against these young Levines to force them to find property to bring into the bankruptcy estate in order to settle with creditors and provide fat fees for lawyers. The charges are not backed up by any evidence of probative value. All we have is inference and innuendo in an affidavit from one of these Levines. If a judge must be put to all this trouble and difficulty on such grounds, I say we had better shut up shop.

I shall not oppose the resolution.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The time is in the control of the gentleman from New York, and the gentleman from New York has three minutes remaining.

Mr. CELLER. Mr. Speaker, I yield the gentleman from New York [Mr. DICKSTEIN] three minutes.

Mr. DICKSTEIN. Mr. Speaker and Members of the House, I am not going to address myself to the facts, as they were properly stated by the gentleman on this side. We are not here to try Judge Moscowitz, yet I, for one, am not going to ask you not to investigate.

The point in my mind—and a very serious point—is, how these proceedings were brought about. It seems to me that they are not founded upon any law or upon any rule of the House. The mere filing of an affidavit by an individual, as in this case, should not result in putting the machinery of this House into such form as to bring before it a resolution of investigation. The judiciary, in my opinion, should be thoroughly safeguarded, so that if a charge is made, it should come from some one in authority or some one of responsibility. Otherwise a bad precedent is established, and if such a precedent is followed, then all that is necessary in order to bring about a procedure of this kind is to have some person who happens to feel he has not received the judgment he expected to receive, file an affidavit with the Speaker, and the machinery is then put into operation.

I contend that that, as a matter of law, is unconstitutional. I further contend that this is not a privileged resolution and that there is in reality nothing before the House for that body to consider in this connection. I tell you, gentlemen, this resolution, which seeks to have the Judiciary Committee function in an investigation against Judge Moscowitz, was not filed by any bar association, nor by any Member of Congress, but was filed by an individual.

Mr. SOMERS of New York. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SOMERS of New York. This affidavit was filed with the Speaker of the House and was backed by a Member of Congress.

Mr. DICKSTEIN. But the Member of Congress himself does not make the charges. The Member of Congress in this case was simply a messenger boy for somebody in his county to bring the affidavit from the county of Kings, N. Y., and file it with the Speaker of this House.

Mr. SOMERS of New York. But the Member of Congress lent his name to the proceedings.

Mr. DICKSTEIN. If a Member of the Congress will stand up here and tell me he is sponsoring these charges or that he makes the accusations, I withdraw the objection.

Mr. SOMERS of New York. Mr. Speaker, I am sponsoring these charges, I am making these accusations, and I stand responsible for them. [Applause.]

Mr. DICKSTEIN. Since the gentleman from New York is willing to carry the burden of the charge, and says that he is making these accusations and stands responsible for them, far be it from me to question him any further. Let him carry the burden.

The SPEAKER. The time of the gentleman from New York has expired.

The question is on the motion of the gentleman from Pennsylvania [Mr. GRAHAM] to suspend the rules and pass the joint resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15524) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital, and I ask unanimous consent that it may be considered.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARRETT of Texas. Reserving the right to object, Mr. Speaker, I would like to present a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Texas. What has become of our unfinished business under the rule of yesterday?

The SPEAKER. It is pending, and the motion may be made at any time. It is in order, but it is in the discretion of the gentleman in charge of the bill.

Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $7,000,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for acquiring and developing, except as in this section otherwise provided, in accordance with the provisions of the act of June 6, 1924, entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," as amended, such lands in the States of Maryland and Virginia as are necessary and desirable for the park and parkway system of the National Capital in the environs of Washington. Such funds shall be appropriated as required for the expeditious, economical, and efficient development and completion of the following projects:

(a) The George Washington Memorial Parkway, to include the shores of the Potomac from Mount Vernon to a point above the Great Falls on the Virginia side, except within the city of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side, except within the District of Columbia, including Analostan Island, and including the protection and preservation of the natural scenery of the Gorge and the Great Falls of the Potomac and the acquisition of that portion of the Chesapeake & Ohio Canal: *Provided*, That the Mount Vernon Memorial Highway, authorized by the act approved May 23, 1928, shall, upon completion, if constructed on the river route, be maintained and administered as a part of said parkway, as provided in said act for other lands acquired by the said commission. Said commission is authorized to occupy such lands belonging to the United States as may be necessary for the development and protection of said parkway and to accept the donation to the United States of any other lands by it deemed desirable for inclusion in said parkway. As to any lands in Maryland or Virginia along or adjacent to the shores of the Potomac within the proposed limits of the parkway that would involve great expense for their acquisition and are held by said commission not to be essential to the proper carrying out of the project, the acquisition of said lands shall not be required, upon a finding of the commission to that effect. Said parkway shall include a highway from Fort Washington to the Great Falls on the Maryland side of the Potomac: *Provided*, That no money shall be expended by the United States for this project until the National Capital Park and Planning Commission shall have received definite commitments from the States of Maryland and Virginia, or political subdivisions thereof, or from other responsible sources for one-half the cost of acquiring the lands in its judgment necessary for said project, other than lands now belonging to the United States or donated to the United States, and one-half the cost of construction of necessary highways on the Maryland side of the Potomac, and any necessary highway to connect the Highway Bridge, the Arlington Memorial Bridge, and the Key Bridge on the Virginia side: *Provided*, That in the discretion of the National Capital Park and Planning Commission, upon agreement duly entered into by the States of Maryland and Virginia or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of one-half of the cost thereof without interest within not more than five years from the date of any such expenditure.

(b) The extension of Rock Creek Park into Maryland as may be agreed upon between the National Capital Park and Planning Commission and the State of Maryland or any political subdivisions thereof, for the preservation of the flow of water in Rock Creek, and in the discretion of the National Capital Park and Planning Commission the extension of the Anacostia park system up the valley of Indian Creek, the Northwest Branch, and Sligo Creek, as may be agreed upon between the National Capital Park and Planning Commission and the State of Maryland or any political subdivisions thereof: *Provided*, That in the acquisition of lands for the purposes of this paragraph one-third of the cost thereof shall be borne by the United States and two-thirds by the State of Maryland or other public or private source: *Provided further*, That in the discretion of the National Capital Park and Planning Commission upon agreement duly entered into by the State of Maryland or any political subdivision thereof to reimburse the United States, as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of two-thirds of the cost thereof without interest within not more than five years from the date of any such expenditure. The title to the lands acquired hereunder shall vest in the United States, but the development and administration thereof shall be under such local authority as shall be approved by the National Capital Park and Planning Commission and in accordance with regulations approved by the National Capital Park and Planning Commission. The United States is not to share in the cost of construction of roads in the areas mentioned in this paragraph, except if and as Federal-aid highways, but such roads, if constructed, shall be with the approval of the National Capital Park and Planning Commission and in accordance with plans duly approved by said commission.

SEC. 2. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the States of Virginia or Maryland for the purpose of carrying out the provisions of this act, such proceedings shall conform to the laws of the State affected in force at that time in reference to Federal condemnation proceedings. No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

SEC. 3. Whenever the use of the Forts Washington, Foote, and Hunt, or either of them, is no longer deemed necessary for military purposes they shall be turned over to the National Capital Park and Planning Commission, without cost, for administration and maintenance as a part of the said George Washington Memorial Parkway.

SEC. 4. There is hereby further authorized to be appropriated the sum of $16,000,000, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the acquiring of such lands in the District of Columbia as are necessary and desirable for the suitable development of the National Capital park, parkway, and playground system, in accordance with the provisions of the said act of June 6, 1924, as amended, except as in this section otherwise provided. Such funds shall be appropriated in the fiscal year 1931 and thereafter as required for the expeditious, economical, and efficient accomplishment of the purposes of this act, and shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia, as follows, to wit: $1,000,000 on the 1st day of January, 1931, and $1,000,000 on the 1st day of January each year thereafter until the full amount expended hereunder is reimbursed without interest.

With the following committee amendments:

Page 2, line 15, after the word "Columbia," strike out the words "including Analostan Island, and."

Page 2, line 19, after the word "Canal," strike out the balance of line 19 and all of lines 20, 21, 22, 23, and 24, and insert in lieu thereof

the following: "The title to the lands acquired hereunder shall rest in the United States, and said lands, including the Mount Vernon Memorial Highway authorized by the act approved May 23, 1928, upon its completion, shall be maintained and administered by the Director of Public Buildings and Public Parks of the National Capital, who shall exercise all the authority, powers, and duties with respect to lands acquired under this section as are conferred upon him within the District of Columbia by the act approved February 26, 1925; and said director authorized to incur such expenses as may be necessary for the proper administration and maintenance of said lands within the limits of the appropriations from time to time granted therefor from the Treasury of the United States, which appropriations are hereby authorized."

Page 4, line 2, after the word "for," insert the words "lands for any unit of."

Line 5, strike out the word "States" and insert the word "State" and in the same line strike out the word "and" and insert the word "or."

Line 8, strike out the words "said project" and insert in lieu thereof "such unit of such project deemed by said commission sufficiently complete."

Line 11, strike out the words "and one-half the cost of" and insert the words "*Provided further*, That no money shall be expended by the United States for the."

Line 14, strike out the word "and" and insert the words "nor for."

Line 16, after the word "side," insert the words "until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources, for one-half the cost of that portion of said highways lying within any such unit of the project."

Line 24, strike out the word "States" and insert the word "State," and in the same line strike out the word "and" and insert the word "or."

Page 5, line 2, after the word "lands," insert the words "and the construction of such roads in any such unit."

Line 14, after the word "of," insert the words "the Anacostia River."

Line 16, after the word "Creek," insert the words "and of the George Washington Memorial Parkway up the valley of Cabin John Creek."

Line 20, after the word "*Provided*," strike out the balance of line 20 and all of lines 21, 22, and 23, and insert in lieu thereof the following:

"That no money shall be expended by the United States for lands for any such extensions until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or one or more political subdivisions thereof or from other responsible sources for two-thirds the cost of acquiring the lands in its judgment necessary for such unit of said extensions deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States:"

Page 6, line 14, after the word "lands," insert the words "in any such single unit of any such extension."

Page 7, line 17, after the word "the," strike out the words "National Capital Park and Planning Commission" and insert in lieu thereof the words "Director of Public Buildings and Public Parks of the National Capital."

Page 8, line 5, strike out the word "in" and insert in lieu thereof the word "for."

Line 10, strike out the words "1st day of January" and insert in lieu thereof "30th day of June."

Line 11, strike out "1st day of January" and insert in lieu thereof "30th day of June."

Line 13, after the word "interest," insert the words "The National Capital Park and Planning Commission shall, before purchasing any lands hereunder for playground purposes, request from the Commissioners of the District of Columbia a report thereon."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOAD-LINE LEGISLATION

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report of the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

The Clerk read the conference report.

(For conference report see proceedings of the House of February 26, 1929, p. 4450.)

Mr. ABERNETHY and Mr. WHITE of Maine rose.

Mr. ABERNETHY. Mr. Speaker, I desire to make the point of order that the report contains matter not the subject of difference between the two Houses, and I call the Chair's attention to section 9, which says this:

The Secretary of Commerce is directed to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade on the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report.

I am a member of the Committee on the Merchant Marine and Fisheries and was one of the proponents of the exceptions that were contained in section 9 as the bill passed the House. I was not on the conference committee, but I feel that the conference committee has gone out of its way, and by an agreement have stricken out section 9 as it passed the House and have inserted section 9 as I have heretofore read. I want the Chair and the House to hear this. The new section proposes that the Secretary of Commerce shall make a comprehensive study of this matter and prepare a bill and report it to the December, 1929, session of the Congress. Neither the Senate nor the House ever considered any such thing, and it does seem to me that this is entirely foreign to what either House considered. We are asking somebody who is not even a Member of the Congress to prepare a bill and send it back here for us to pass it at the next Congress, and I cite, Mr. Speaker, in support of the point of order, House Manual, paragraph 540; Hinds' Precedents, sections 6409, 6410, 6414, 6416; and the CONGRESSIONAL RECORD, Sixty-second Congress, first session, page 7427, and Sixty-third Congress, page 5208.

Now, Mr. Speaker, because of the legislative situation here, it does seem to me that when the conferees bring back matter entirely foreign to what either House has considered it is going far afield.

Mr. WHITE of Maine. Mr. Speaker, the bill as it came from the Senate dealt only with vessels in foreign trade. As passed by the House it dealt not only with vessels in foreign trade but it dealt specifically with vessels in the coastwise trade, making exception, however, of certain vessels in the coastwise trade which otherwise would be within the terms of the bill, and excluding also vessels on the Great Lakes, whether foreign or coastwise.

The conferees have omitted from the bill the House provision which covered coastwise vessels, and we have requested the Secretary of Commerce to make a study of load-line legislation with respect to coastwise vessels and with respect to vessels in trade on the Great Lakes, and report to Congress and transmit to Congress a tentative draft of a bill. It seems to the conferees that a request for the recommendation as to these matters was clearly within the province of the conferees.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

Mr. CHINDBLOM. The gentleman does not insist that the action of the House included anything with reference to the Great Lakes—I think that is foreign matter.

Mr. DAVIS. Mr. Speaker, first, with respect to the suggestion by the gentleman from Illinois [Mr. CHINDBLOM], I wish to state that the amendment to the Senate bill adopted by the House did in general terms not only include coastwise, but also vessels operating on the Great Lakes, by the amendment striking out the word "foreign" in the first section, and by an amendment striking out the word "salt" and inserting the word "sea," so as to make it "sea water" instead of "salt water." With the exception of section 9, which is in controversy, the House bill made the load line law applicable to all vessels of over 250 tons, whether they were in the foreign trade or the coastwise trade or on the Great Lakes.

Section 9 excludes from the provisions of the act vessels operating exclusively on the Great Lakes, still leaving within the provisions of the act vessels on the Great Lakes which go into the Atlantic Ocean.

It also excluded from the provisions of the act certain types of coastwise vessels, to wit, barges which would otherwise come within the provisions of the law, and lumber schooners operating between points in the United States and contiguous territory.

Now, the House yielded on that amendment. In other words, the conferees agreed to an amendment striking out section 9, with an amendment, which is now in the conference report and which deals with the identical vessels which were dealt with in the original section 9, which was a House amendment. Instead of applying the load line to all vessels in coastwise and Great Lakes trade, except those named in section 9, it strikes out section 9 with an amendment which directs the Secretary of Commerce to make a study of the application of the load line to these classes of vessels and make a recommendation to the next Congress.

It is germane not only to the subject matter in the bill, but to the specific matters dealt with in section 9, to which this is an amendment. I think it is clearly not subject to a point of order.

Mr. CHALMERS. Mr. Speaker, I differ with the gentleman from Tennessee [Mr. DAVIS]. It seems to me that the conferees on the part of the House and the Senate are attempting here to write a new bill. I have in my hand the original Senate bill as it passed the Senate and the House bill as it passed the House. The House put in the bill section 9, exempting the Great Lakes from the provisions of the act. The conferees are attempting to write a new bill and put into the conference report new matter that they did not have any authority to do under the Senate or the House bill. I claim that the conference report is clearly out of order. I think that matter of this kind and of this importance, that takes in the great interests of shipping on the Great Lakes, ought to be considered by a committee before we attempt to write a law on this subject. I do not think the conferees ought to attempt to write a law here until it has been considered by the proper committee.

Mr. WHITE of Maine. Mr. Speaker, a question has been raised as to whether there was anything about the Great Lakes in either the House or the Senate bill. The bill as it passed the Senate provides for a foreign voyage by sea. A decision of the United States Supreme Court holds in terms that the Great Lakes, within the contemplation of the navigation laws of the United States, are at least for certain purposes seas, and that a voyage on the Great Lakes is a voyage by sea, and a foreign voyage by sea, of course, therefore, may be a voyage from a port in the United States to a port in Canada on the Great Lakes.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. CHALMERS. We do not question but that the Great Lakes are inland seas, but the question that we are raising is the fact that the conferees are attempting to write new matter into the conference report, and it seems to me that it is clearly subject to the point of order.

Mr. WHITE of Maine. Mr. Speaker, I contend that the Senate bill applied to a foreign voyage upon the Great Lakes. The House bill excluded the Great Lakes from the application of the load line law either in voyages between ports of the United States or to any foreign port. The conferees have stricken from the bill the reference to the Great Lakes, except as we have provided for a study of the load-line legislation on the Great Lakes, as in the coastwise trade, and it seems to me clear that what we have done falls within the extremities of the House and Senate bills.

Mr. CHALMERS. The conferees have stricken out the House amendment, section 9, and have written a new amendment that is not in either the Senate bill or the House bill.

Mr. WHITE of Maine. It was not in either bill in precise language, but the subject of load lines upon the Great Lakes was covered by the Senate bill.

Mr. DAVIS. Mr. Speaker, the conferees have agreed upon and report another amendment to section 1 of the bill. In other words, we receded on the House amendment striking out the word "foreign" with certain amendment to the same section specifically "excepting the Great Lakes" from the provisions of this bill. If the other is new matter, this is new matter also.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr DAVIS. Yes.

Mr. CHALMERS. The gentleman does not claim, because I know he is a good parliamentarian, that you can strike out the section put in in the House and write a new section in place of it which has not been considered by the committee.

Mr. DAVIS. I say that you can strike out a section with a germane amendment in lieu, and that is what we have done.

Mr. CHALMERS. I claim that the conferees have put in extraneous, outside matter.

Mr. CRAMTON. Mr. Speaker, it is a little difficult in discussing this report to ignore the statement of the conferees, although under the parliamentary rules the statement is not subject to the point of order. It is certainly an innovation that the conferees should have the assurance to adopt a set of resolutions and report them to the House laying down the future policy of the Government. However, that is not subject to the point of order.

The gentleman from North Carolina [Mr. ABERNETHY] in my judgment is entirely correct in his point of order. The conferees, when they took up the amendment of the House to the Senate bill, did not have before them the entire bill. They are not authorized to report back amendments simply because they are germane to the bill. They must be germane to the amendment for which they are to be substituted. That is to say, the conferees on this bill, when they were considering section 9, could only agree upon an amendment to section 9 which would be germane to section 9 and within the limits of disagreement. Section 9, as it passed the House, simply excluded vessels on the Great Lakes and other schooners and barges from the operation of this law. The amendment that is agreed upon by the conferees is not germane to that section 9. It brings in matters that were not in disagreement. It brings in new matter entirely. That is to say, it directs the Secretary of Commerce to take certain action. There is nothing in this section as passed by the House about any activity by the Secretary of Commerce. There is nothing in section 9 as it passed the House about any investigation of the subject by anybody, and hence the provision of the conferees directing an investigation of an important question with a report at a specified time, is not germane to section 9 and was not within the scope of the work of the conferees, and the point of order should be sustained.

Mr. LEHLBACH. Mr. Speaker, one bill provided for a load line for ships in foreign voyages, exclusively. The bill as it passed the House included the coastwise trade, but by section 9 excluded certain types of vessels from coastwise load-line legislation, which was one of the points in difference. What the conferees did was, in place of excluding them from coastwise legislation, to direct a certain official, to wit, the Secretary of Commerce, to give us information as to the coastwise proposition generally, which was in difference, and whether there should be distinctions of certain types of vessels, which is expressed in the substitute for section 9, in regulating coastwise legislation. Thereupon all coastwise load-line legislation was eliminated by the conferees. It is both pertinent to the section and to the bill.

The SPEAKER. The Chair realizes the gravity of outlawing a conference report at this stage of the session, but the Chair is called upon to decide whether the conferees have exceeded their power in putting in the amendment referred to. Section 9 of the House amendment provides:

SEC. 9. This act shall not apply to vessels operating exclusively on the Great Lakes or to barges otherwise coming within the provisions of this act or to lumber schooners operating to and from territory contiguous to the United States.

The Senate disagreed to that.

The conferees have brought in an amendment directing the Secretary of Commerce to make a comprehensive study of those lines. The Chair can not see in either the Senate bill or the House amendment any proposition that would direct the Secretary of Commerce to make an investigation. The House evidently never thought of it, and the Senate evidently never thought of it. While it might be vaguely germane to the purposes of the bill, the Chair thinks it is entirely new matter, never contemplated by either body. The Chair thinks the conferees exceeded their authority. Therefore the Chair feels constrained to sustain the point of order.

RADIO CENTER AT BOLLING FIELD

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13931, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 13931, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, District of Columbia.

The Senate amendments were read.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am now advised that these items that were added by the Senate have come to Congress with the approval of the department and with the approval of the Budget, and have been reported to the House by the proper committee. In these closing days we have to cut some corners. I shall not object to the consideration of the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

Amend the title.

BATTLE FIELD OF MONOCACY, MD.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11722, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 11722, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 11722) to establish a national military park at the battle field of Monocacy, Md.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

Amend the title.

MUSCLE SHOALS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 8305.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORIN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following report of the Committee on Military Affairs:

[H. Rept. 2564, pt. 2, 70th Cong., 2d sess.]

MUSCLE SHOALS

Mr. MORIN, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 8305):

H. R. 8305 should not be agreed to because of serious objections to the measure. As Congress under the Constitution has unlimited power in the disposition of public property, no court could reform or relieve the Government from a foolish or unwise contract directed by Congress itself relative to the disposition of public property. Hence this contract should be clearly understood and carefully studied, as once enacted into law the Government is without redress.

In preparing the following information for the House, data and information from the War Department, Federal Power Commission, and others in various official documents submitted to Congress and in hearings before various committees are referred to for facts and figures so that Congress may have the benefit of information from official sources.

THE PROPOSAL HAS BEEN REJECTED FIVE TIMES

It is interesting to note that in reporting H. R. 8305 favorably that, of the 21 members of the Committee on Military Affairs only 12 were actually present, and of these only 10, not a majority, voted for a favorable report. This is especially significant in view of the fact that since the proposal has been before Congress it has been rejected by congressional committees on five different occasions, first by the Joint Congressional Committee, once by the Senate Committee on Agriculture, and three times by the House Military Committee.

AN UNWISE CONTRACT

This report states my objections to the pending measure and discusses each objection. I also offer a substitute bill which, if accepted, will serve all the purposes of Muscle Shoals, be in accord with the views expressed by Secretary of Agriculture Jardine (Muscle Shoals hearings, Military Committee, 1927, p. 1042), will do no violence to the national policy expressed in the Federal power act, avoid favoritism, and require no further appropriations for additions to the Muscle Shoals project.

Under the bill as drafted the rights of the Government and the lessee are in sharp contrast. The obligations of the Government are fixed and determined, the obligations of the lessee are vague and shadowy. There are no provisions protecting the rights and interests of the Government, while the rights and interests of the lessee are fixed and determined.

For example, assuming that within the first 10 years the Government performed all of its agreements as to the construction of Dam No. 3 and Cove Creek Dam at a cost estimated to be $88,576,222, the lessee during all that period would have paid to the United States only the limited rentals accruing during the first 10 years of the contract, i. e., $200,000 for 6 years and $1,250,000 per year for the next 4 years, a total of $7,200,000, this being the rental for Dam No. 2 and other existing property. No rentals for Dam No. 3 would accrue until after its completion. In exchange for this payment of $7,200,000 during the first 10 years of the contract the lessee would have available for its use or sale the total present power output of the existing hydroelectric and steam plants, for which a contract can be entered into bringing an average return of $2,000,000 annually, or $20,000,000. There is no legally enforceable requirement that the lessee make any relatively large investment in properties passing to the United States in the event of termination for default. The maximum amount required is but $10,000,000. Hence, the lessee may commit any gross and willful default after 10 years of operation and legally escape with several million dollars profit without recourse by the Government.

In the light of sound business procedure, which should govern the administration of public property the same as if it were privately owned, no board of directors of a private corporation with due regard to the interest of its stockholders would seriously consider imposing obligations upon the corporation that are sought to be placed on the United States by the terms of the Air Nitrates Corporation offer.

OBJECTIONS

The proposed lease is unsatisfactory and inadequate for the following reasons:

1. National defense does not demand nor justify the further expenditure of public funds, approximating $88,576,222, for new dams, power plants, and power facilities at Muscle Shoals. (For estimates of cost see H. Doc. No. 185, 70th Cong., pp. 77–99.)

2. The lease contains no binding guaranty to engage in quantity production of fertilizer. It assumes no obligation to produce fertilizer at competitive prices. The company engages to manufacture fertilizer only on condition that it makes a profit. Failure to manufacture fertilizer in commercial quantities, at competitive prices, with or without profit, would not forfeit the lease.

3. The lessee will be the exclusive beneficiary of tremendous blocks of power for its private use developed at public expense, free of restrictions and regulations of the water power act. This is a subsidy favorable to one corporation engaged in business in competition with other citizens and corporations.

4. The contract proposes inadequate payments for power and for valuable properties for private use and private gain, amounting to about 2½ per cent annually without obligation that it will be used for fertilizer manufacture or made available for public service.

5. While the United States must agree to spend an amount estimated at $88,576,222 additional on Muscle Shoals in order to accept the contract, under the recapture clause, it must spend the further sum of $40,000,000 to $50,000,000 to recover its properties if fertilizer production is suspended because of failure of the lessee to produce it successfully.

Total expenditures

EXPENDITURE TO DATE

Nitrate plant No. 1 (1,900-acre reservation)	$12, 887, 941. 31
Nitrate plant No. 2 (2,300-acre reservation)	67, 555, 355. 09
Wilson Dam and power plant	47, 000, 000. 00
Total cost to date (not including maintenance charges	127, 443, 296. 40

ADDITIONAL EXPENDITURES

Additions to Dam No. 2	8, 000, 000. 00
Dam No. 3	43, 035, 579. 00
Cove Creek, in State of Tennessee, 300 miles above Muscle Shoals	37, 540, 643. 00
Total	88, 576, 222. 00
Grand total investment	216, 019, 518. 40

[NOTE: The above statement of cost of nitrate plants No. 1 and No. 2 are taken from the report of the Secretary of War to the Speaker of the House and appear on page 5, Muscle Shoals hearings, Military Affairs Committee, House of Representatives, 1922. The cost of Dam No. 2 to date is quoted from an Army engineer's statement in the War Department 1930 appropriation bill hearings, House Appropriations Committee, page 188. The proposed expenditures to be made under the bill H. R. 8305 are taken from War Department estimates, House of Representatives Document No. 185, Seventieth Congress, first session, pages 77 and 99.]

OBJECTIONS DISCUSSED

1. National defense does not demand nor justify the further expenditure of public funds, estimated by Government engineers at $88,576,222 for new dams, power plants, and power facilities at Muscle Shoals. (For estimates of cost see H. Doc. No. 185, 70th Cong., pp. 77 and 99.)

Confronted with the desire, if not the necessity, to protect the taxpayer from profligate expenditure of public funds, it is impossible to reconcile the views of the Reece report No. 2564 with an imperative necessity to pour into the Muscle Shoals situation more public funds for the construction of additional power plants, bringing the total investment at that development to at least $216,019,518.40. Testimony before the committee by representatives of the War Department is to the effect that the use of Muscle Shoals for the manufacture of nitrates for national defense is not so important as in 1916, when the act creating Muscle Shoals was passed. They have repeatedly testified that if the Muscle Shoals plant were not in existence there would be no occasion at this time to construct nitrate plants for the production of explosives. Two years ago General Williams, Chief of Ordnance, testified before the Military Affairs Committee in response to a question by Mr. WAINWRIGHT for his views of the necessity of maintaining Muscle Shoals as an element of national defense, as follows:

"I think I will start my statement by going back to the beginning of the war, in 1914, and I will call to the attention of the committee the fact that overseas transportation, in so far as Germany was concerned, was cut off very soon after the war opened in 1914.

"Germany, at the beginning of 1914, had nitrogen-fixation plants of a total capacity of 19,000 tons of nitrogen per year. They had four plants, one using the Haber process, with a capacity of 8,000 tons, and three using the cyanamide process, which had a capacity of 11,000 tons of nitrogen.

"Bear in mind the fact that Germany fought the war for four and a half years, and for four years of that time, anyway, the importation of sodium nitrate, which was essential for making nitric acid, was cut off.

"Now, let us go to the existing conditions in the United States as of to-day. As of to-day, there are eight plants in the United States using various modifications of the Haber process that have a total annual capacity of 30,000 tons of nitrogen * * *.

"In other words, there exists in the United States to-day a total capacity of 78,000 tons of fixed nitrogen per year, which is almost four times the capacity that existed in Germany at the beginning of the war. Germany fought the war.

"The inevitable conclusion from that, to my mind, is that in so far as the fixation of nitrogen alone is concerned the United States to-day is very well off; and if we compare the condition of the United States to-day with that existing in 1914 before the war, we are many, many times better off than we were in 1914 * * *.

"The essential part of nitrate plants Nos. 1 and 2 at Muscle Shoals, as of to-day, and in so far as national defense is concerned, is in their oxidation plants for the conversion of the ammonia into nitric acid. We can go out into the market and buy ammonia without any trouble at all and put it into these oxidation plants, and they are valuable and very essential to the national defense to-day.

"How long they will remain as essential as they are to-day depends entirely upon the commercial production of the oxidation of the ammonia into nitric acid." (Muscle Shoals hearings, Military Affairs Committee, vol. 2, 1927, pp. 1055, 1056.)

In March, 1928, Major Miles, representing the Ordnance Department, in response to a question by the chairman of the importance of Muscle Shoals from the national-defense standpoint, testified as follows:

"The CHAIRMAN. Then you think it would be advisable to keep them there in a stand-by condition?

"Major MILES. Yes, sir; to keep them in a stand-by condition until such time as the synthetic industry has reached the point where it can produce nitric-acid plants more quickly than we can bring in the nitrate plant from stand-by into real operation.

"The CHAIRMAN. Would you say there is the same need for nitrate preparedness to-day that existed when the section 124 of the national defense act was enacted?

"Major MILES. No, sir; I do not think so. The synthetic process has placed us in a position which, in a few years, will make us independent of the Chilean nitrates for commercial needs; and it would greatly facilitate the production of nitric acid and other nitrates in case of war, so that I do not think we are in the same position at all.

"The CHAIRMAN. Then Muscle Shoals would not be so important as a national-defense proposition when this development has arrived at what you expect it will produce?

"Major MILES. No, sir; I think that is true * * *.

"Mr. JAMES. How long will that be?

"Major MILES. Probably it will be within the next 10 years. The production of synthetic ammonia, per annum, now is around 30,000 tons, and it will go to 84,000 tons by the end of this year, which gives you some idea of the rate at which the industry is increasing." (Muscle Shoals hearings, Military Affairs Committee, 1928, pp. 442, 443.)

In the light of this expert evidence by War Department officers it is submitted to the judgment of Members of the House that national defense does not justify the United States in turning valuable properties over to the exclusive use of the lessee or to expend additional large sums to induce the lessee to maintain the nitrate plants in stand-by condition or for the period remaining when they will have become unnecessary for national-defense purposes. Indeed, the proposed lease contemplates their maintenance in equivalent condition for national defense only until the Congress shall declare such maintenance is no longer necessary; neither does it clearly set forth whose duty it is to replace machinery or equipment which 50 years of active operation will entirely wear out.

2. The lease contains no binding guaranty to engage in quantity production of fertilizer. It assumes no obligation to produce fertilizer at competitive prices. The company engages to manufacture fertilizer only on condition that it makes a profit. Failure to manufacture fertilizer in commercial quantities at competitive prices, with or without profit, would not forfeit the lease.

LIMITED QUANTITY OF FERTILIZER TO BE PRODUCED

In consideration of turning over tremendously valuable properties to the lessee, representing an eventual investment of Government funds of more than $216,000,000, it agrees to manufacture and sell fertilizer to farmers, beginning with a small amount and increasing only as and when it is purchased by the farmer on condition that it is able to do so and make a profit of 8 per cent. (Art. F, subsec. 1, p. 16.) In event the lessee's cost of production plus the stipulated profit, or in event the quality or grade of fertilizer should be such that the farmer does not buy the entire output of the first unit, the lessee is permitted to suspend production by retaining in storage fertilizer containing only 2,500 tons of nitrogen. (Art. F, p. 20.)

The lessee agrees to produce at plant No. 2 or at its option, at other plants it may provide, "ammonium phosphate or other nitrogenous concentrated fertilizer * * * in the form of ammonia and/or phosphoric acid and/or potash."

The contract recites that—

"production of such concentrated fertilizer will be commenced at said United States Nitrate Plant No. 2, by using the cyanamide process." (Sec. F, subdivision 1, p. 16.)

It is impossible to state positively how much nitrogen for fertilizer purposes the lessee is obligated to make. The lessee agrees that not later than the third year of the leased term the first unit will be operated at full capacity for production of fertilizer, but does not say how long this operation will continue. Possibly one day at full capacity would satisfy the obligation as written. Nor is there anywhere in the proposed lease a definite provision that the lessee will produce the amount that would be represented by the first unit working at full capacity for one year. The obligation is only to retain in storage at least 25 per cent of the annual capacity of the first unit. Suppose slightly more than 25 per cent is manufactured. The overhead charge, for example, on 30 per cent is much more per pound that 100 per cent. It is possible that the cost of this 30 per cent would be so high it could not be sold in competition with existing fertilizer. What happens? Apparently provision is made for crediting to the cost of the fertilizer the profits from the power made available by the suspension of fertilizer production. However, this is not definitely stated, neither is it stated what amount of fertilizer is meant, although it is presumed to be the amount in storage. The contract as written would permit charging against this fertilizer in storage all the continuing items of cost recited in the contract (covering several pages). These additional costs would constantly increase the book value of the fertilizer held in storage and consequently prevent it ever becoming salable in open-market competition. This would reduce the contract at once to a mere power proposition, in which the Government is to get only $200,000 a year for the first six years and then approximately $1,285,000 a year. Deferred payments of $1,085,000 a year are not collectible until the end of the thirty-fifth year, and it is submitted that in case the lease is terminated before the thirty-fifth year it is probable that these deferred payments would be uncollectible.

Initial production is limited to fertilizer containing 10,000 tons of nitrogen until such time as the full 10,000-ton output has been marketed at cost plus 8 per cent for each of three successive years, whereupon another step up of 10,000 tons will be produced by installing an additional unit. Until the full output of 10,000 tons capacity in the first instance and of 20,000 tons capacity in the second instance has been sold for each of three successive years, respectively, fertilizer production will remain at 10,000 tons or at 20,000 tons annually, as the case may be, and so on up to a maximum of 50,000 tons. Production would never exceed, however, 20,000 tons until the United States has completed and turned over to the lessee the Cove Creek project. Under the most favorable conditions, fertilizer production can not attain the maximum output until after 15 years. However, to do this the full output of each proceeding unit must be sold each year for three years in succession before the obligation attaches to install an additional 10,000-ton unit.

If, however, at any time, the market does not absorb in any year the then capacity output, the lessee is permitted to suspend fertilizer production in which case it would continue in the undisturbed enjoyment of the property and the power by retaining in storage sufficient fertilizer to contain only 2,500 tons of nitrogen. (Sec. F, p. 16.)

COST-PLUS PROPOSITION

The contract is therefore purely a cost-plus proposition, so far as fertilizer production goes, with the control of two factors essential to the success of the fertilizer program in the hands and under the exclusive jurisdiction of the lessee. These factors are the character or quality of fertilizer produced and the manufactured cost, plus 8 per cent, at which it would be offered to the farmer. The so-called farmer board has no power to regulate or control these two important elements necessary for successful fertilizer production at Muscle Shoals. Their authority is limited solely to an ascertainment of the fact that the price offered the farmer does not exceed the items of cost which the lessee is permitted to include. (Subdivision 5, pp. 50–51.) The ability of the lessee to produce fertilizer at competitive prices, including the stipulated profit, for each year, over a period of 50 years, is the only assurance that it will ever be to the interest of the farmer to buy Muscle Shoals fertilizer. In this connection the attention of Members of the House is called to the provisions of the contract (subdivision 2 of sec. 5, beginning at p. 37) which carefully enumerates every possible or imaginable item of production on which the lease stipulates a profit of 8 per cent. Careful reading of this provision must impress anyone that fertilizer production is so hedged about with conditions that it can not be asserted, from any section of the

contract itself, that fertilizer production after the first year is assured beyond 2,500 tons of nitrogen in storage.

CHEAPER METHODS AVAILABLE

Contrary to the situation in 1918 when nitrate plant No. 2 was built to use the cyanamide or power-using process, then the most modern method, the industrial fixation of nitrogen has made great progress since that time. The almost universal method being installed in new plants is the synthetic process requiring only small amounts of power. According to testimony before the committee by representatives both of the Ordnance Department and the Department of Agriculture, the synthetic process is now accepted as the cheapest, which accounts for the fact that 75 per cent of the present world's output of nitrogen fixation is obtained through that method. In the United States plants are in operation producing several thousand tons annually built within the last four or five years although at the time the Muscle Shoals plants were built there were no nitrogen plants of any consequence in operation within the United States. According to recent testimony before the committee as well as from current reports in the press and in trade journals, the new plant at Hopewell, Va., is supplying nitrogen in the form of liquid ammonia in large quantities for fertilizer use in competition with other sources of supply even though it has been in operation for only a short time and only the first units are in production.

The lessee does not agree to employ the power-using or cyanamide process if it sees fit to go to some other process. The following is from the testimony of Mr. Bell, president of the company, before the committee:

"I think I get what you are trying to develop. It neither requires us to produce by the cyanamide process during the entire term of the lease, nor does it require us to produce at plant No. 2 should we choose to produce at plant No. 1. In other words, we have been very careful to provide that if we find the cyanamide process in our opinion not the most advantageous process to use, we shall be perfectly free to produce by any other process we see fit." (Muscle Shoals hearings, Military Committee, 1927, pp. 704–705.)

COVE CREEK AND DAM NO. 3 NOT NEEDED FOR FERTILIZER PRODUCTION

Advocates of the bill insist that additional power is needed to manufacture fertilizer containing 50,000 tons of nitrogen sufficiently cheap to attract the farmer market and that in order to employ the electric-furnace method for the necessary amount of phosphoric acid 180,000 horsepower will be required in addition to 100,000 horsepower for ammonia through the cyanamide process. This is urged as the reason for building Cove Creek and Dam No. 3, although it is admitted that chemical engineers differ as to the economy of the electric-furnace method compared with the wet method now successfully employed by the Cyanamid Co. Mr. Bell, testifying before the committee, has never stated unqualifiedly that his company will abandon the present method and employ the electric-furnace method for making phosphoric acid for which the 180,000 additional horsepower is demanded in the bill. In the light of testimony before the committee, it is apparent that when it is more profitable to use this enormous amount of power for private industrial purposes instead of using it through the power-using methods for making fertilizer the lessee will turn to the processes requiring the smallest amount of power and thus release for private use large quantities of cheap power for private manufacture without violating any of the terms of the contract.

The following is from the testimony before the committee:

"I see what you mean, and I think that is true. I had not thought of it in that way, * * * but we did want to preserve elasticity, over a period of as long as 50 years, on the question of whether we should operate by the cyanamide process instead of the synthetic process, and contemplating the possibility that we might want the synthetic process there in plant No. 1, we did not guarantee to do it at plant No. 1 (No. 2). I believe you are right. I had not thought of it from that point of view." (Muscle Shoals hearings, Military Committee, 1927, pp. 670–671.)

On the question of using the electric-furnace method, Mr. Bell testified as follows:

"Mr. JOHNSON. If you do not use the electric-furnace method, then there would be another saving of power.

"Mr. JAMES. Then what would you use?

"Mr. BELL. Oh, the present wet method of producing phosphoric acid requires no power, relatively.

"Mr. JOHNSON. In that event, you would have another 180,000 horsepower?

"Mr. BELL. Well, it would not be quite that much, but we will consider it as 180,000 horsepower which we could use for any of those purposes.

"Mr. JAMES. Would you consider a provision by which any saving could be dedicated to fertilizer?

"Mr. BELL. No; I do not want to do that." (Muscle Shoals hearings, Military Committee, 1927, p. 832.)

NO OBLIGATION OR INCENTIVE

There is no obligation to employ the most economical process nor is there any incentive to engage in fertilizer production to the exclusion of manufacturing other products. It is no answer to this assertion by friends of the bill that the lessee can not abandon fertilizer production if it is to its advantage because it would forego the return upon its investments in fertilizer plants since plants for fertilizer production may likewise be employed for manufacturing other chemicals and electrometals which the lessee and its associates propose to manufacture at Muscle Shoals. The contract contains no provision requiring the lessee to employ the nitrate plants or the plants it may construct exclusively for fertilizer production.

3. The lessee will be the exclusive beneficiary of tremendous blocks of power for its private use developed at public expense, free of restrictions and regulations of the water power act and free from taxation by State authorities. This is a subsidy favorable to one corporation engaged in business in competition with other citizens and corporations.

Section G, page 54, invests the lessee with exclusive control of power obtained from the power plants not used in the production of fertilizer or for operation of navigation facilities. It permits the use of power for the production of electrochemicals and electrometals, or for any other private operation by the lessee, by the American Cyanamid Co., or by a subsidiary of either of said companies, and by the Union Carbide Co. While it recites the manner of sale of whatever power the lessee may see fit to sell to the public for general industrial or commercial use, it does not require the lessee to sell any portion of the power for public consumption.

While the lessee indicates a purpose to devote power to the manufacture of products necessary or valuable in national defense, there is no obligation that the power be so used.

The following is from testimony of the president of the company before the Military Committee:

"Mr. JOHNSON. This whole section G, Mr. Bell, of course, applies to the power covering the entire premises, not only at Muscle Shoals but the Cove Creek Dam and Dam No. 3?

"Mr. BELL. Yes.

"Mr. JOHNSON. And the provisions here about distribution for general domestic, industrial, and commercial use, and the provision for entering into contracts for the construction of transmission lines, with that view in mind, only provides the manner in which it should be distributed in case you decide to distribute?

"Mr. BELL. Yes.

"Mr. JOHNSON. But does not compel any distribution?

"Mr. BELL. No." (Muscle Shoals hearings, Military Committee, 1927, p. 841.)

PURPOSE TO USE POWER FOR PRIVATE OPERATION PERMITTED

Representatives of the lessee frankly admit the purpose to engage in the manufacture of various products other than fertilizer. In a letter addressed to the Joint Committee on Muscle Shoals in 1926 the company explained its purpose to build at Muscle Shoals, in event its offer is accepted, industrial operations, but that if the Congress, in accepting its offer to make fertilizer, should "restrict the company's operation in other fields, either as to character or profit, the company will be unable to proceed with the plan above outlined under such restrictions." (H. Doc. No. 980, 69th Cong., 1st sess., p. 174.)

The company stated to the committee that it has already contracted with the Union Carbide Co. to sell to that company not exceeding 50,000 horsepower, at not exceeding $17 per horsepower, for the private use of the Union Carbide Co.

VALUE OF POWER SUBSIDY

In view of the admission to use power for private operation, it is important to know something of the quantity that would pass into the possession of the lessee for half a century and its value. It would have exclusive control of power-generating plants, constructed at Government expense, according to the testimony of Army engineers (Muscle Shoals hearings, Military Committee, 1928, p. 258), or 1,165,000-horsepower capacity. In addition, it would have the power from three additional dams of about 130,000-horsepower capacity constructed at its own expense under the Federal power act, or a total of 1,295,000-horsepower capacity.

According to the report of the Federal Power Commission in 1926, this capacity would be nearly one-half the horsepower capacity then installed in the States of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Kentucky, and in output of electrical energy would be more than half the total power output at that time from all sources in these six Southern States. Indicating the value of this power, measured by its market price, after deducting the probable amount that would be used for fertilizer production, the Power Commission estimated that the average annual profit to the lessee would be about $7,750,000 annually. (S. Doc. 209, 69th Cong., 2d sess.) By referring to a recent analysis made by officers of the Power Commission (hereto attached as Exhibit A) of rental payments by the lessee under the so-called recapture clauses, an appreciation may be obtained of the tremendous volume of power that would come into possession of the lessee in comparison with the small payments therefor.

VIEWS OF SECRETARY HOOVER ON VALUE OF POWER

Hon. Herbert Hoover, while Secretary of Commerce, stated to the joint committee:

"Now, it is my belief and the belief of men in the Department of Commerce that that plant equipment, as it stands to-day, with the addition of some more generators, is worth to any lessee as a power business a minimum of $2,500,000 a year net to the Government, and with the additional power that will come down automatically as a result of the development of upper river it might be worth a million dollars more." (Joint committee hearings, 1926, pp. 111–112.)

If these values are even approximately correct, which no one has disputed, they expose the extent of the annual subsidy that will be conferred on the lessee, and doubtless furnish the real reason why the committee has been unsuccessful in securing a satisfactory recapture clause which members of the committee earnestly endeavored to obtain based on the simple condition that if the fertilizer program fails the power plants as well as the nitrate plants would promptly revert to the United States.

Subsidized by the Government with this tremendous block of power at a cost less than it can be otherwise purchased or generated, these companies would be able to establish an industrial empire in whatever character of business they chose to engage and for a period of 50 years could defy any form or manner of competition or of State control.

FEDERAL WATER POWER ACT NULLIFIED

The three large water-power plants constructed at the expense of the Government, totaling 1,165,000 installed horsepower capacity, are to be free of any of the regulations or restrictions of the Federal power act. In addition, the company is granted an exclusive license to construct three water-power plants in the State of Tennessee, but without the requirements, imposed on other licensees, to contribute to the owners of storage reservoirs or other headwater improvements for benefits received from such headwater improvements. (Art. U, p. 75.) In addition to the above, the lessee and all subsidiaries or subtenants escape local taxation for all activities which are located on Government reservation, and if expenditures are anywhere near the amount indicated in the hearings will aggregate a large saving in taxation alone. One State, whose Representatives in Congress urged the development at Muscle Shoals with the utmost vigor, and still do, has protested such action, having already instituted a suit in the Court of Claims against the United States in which suit demand is made for $173,000 tax on the sale of power by the Government at Wilson Dam during the calendar year 1926. This becomes exceedingly important when it is considered that many power sites in the State of Tennessee will be affected by this contract and that State has already served notice of its attitude. (Hearings before Military Committee, not printed.)

This exemption from contribution to upstream improvements in favor of the lessee is not only for the term of the lease, but perpetually as to its own properties. The provision in Paragraph U of the cyanimide bill (H. R. 8305) would exempt the subsidiary corporation, which is to be given a license for three power sites on the Tennessee River, from payment to the United States of headwater improvement charges for the period of its license.

Section 15 of the Federal water power act provides for an offer of a new license to the original licensee at the end of the 50-year period if the properties are not recaptured. It provides that the proposed new license shall be on reasonable terms. That would probably make it possible for the licensee to contend that the proposition of headwater charges would be unreasonable and permit him to decline to accept the license offered, in which event the United States would be required to continue the original license in effect from year to year until it offered something satisfactory to the original licensee or found a new applicant for the site, to whom it may issue license. Under these conditions it is probable that there would be no way of compelling the original licensee to pay headwater charges even after the expiration of 50 years.

The United States further agrees to impose the restriction on future dams on the Tennessee River and each of its tributaries, whether built by the United States or by private parties, that their construction and operation will not "materially impair or detract from the full use and enjoyment" by the Air Nitrates Corporation of the water-power plants under its control. (Art. I, p. 59.) However, the contract contains no provision that if by reason of such construction the company is benefited at Muscle Shoals that equitable contribution will be made, although such payment is required of other licensees of the Federal Power Commission.

The meaning and effect of this provision is not altogether clear, but if enacted would undoubtedly require the Federal Power Commission to place this limitation in all future permits on the Tennessee River and its tributaries. It may mean that every future improvement on the Tennessee River and its tributaries must be operated to the satisfaction and for the benefit of the lessee of Muscle Shoals, and that that lessee could control as to when the waters are to be impounded and when they are to be released. If this is the true meaning of the clause, then so far as Congress can legally do so it will have granted to the lessee of Muscle Shoals a monopoly of the entire Tennessee watershed. Inasmuch as hydroelectric development demands large capital investment, capital can not be invested safely in such enterprises if the control of the works is subject to the whim and vagaries of a possible hostile downstream proprietor. What effect would this provision have on water-power development in the territory affected?

4. The contract proposes inadequate payments for power and for valuable properties for private use and private gain, amounting to about 2½ per cent annually without obligation that it will be used for fertilizer manufacture or made available for public service.

Payments proposed by the lease are as follows: For Wilson Dam, 4 per cent per annum on its cost ($47,000,000), less about $17,000,000 (art. A, subsec. 1), and a like rental on the cost of two additional dams and power plants (Dam No. 3, with an installed capacity of 250,000 horsepower, and Cove Creek, with an installed capacity of 200,000 horsepower). The United States is required to build these additional dams and power houses (art. A, subsec. 2, and art. T, subsec. b), at an estimated cost of $43,035,579 for Dam No. 3 and $37,540,643 for Cove Creek, and to spend $8,000,000 for new units at Wilson Dam. The rental to be paid for Wilson Dam for the first six years, with the exception of $200,000 annually, may be deferred by the lessee to the thirty-fifth year and thereafter paid in 15 annual installments. The amount of rental at 4 per cent per annum on the new dams and power plants is limited to $26,500,000 for Dam No. 3 and to $20,000,000 for Cove Creek, only $46,500,000, regardless of the fact their ultimate cost is estimated by Army engineers to be $80,576,222. The bill provides for no rental whatever for the steam power plant at nitrate plant No. 2, which cost over $12,000,000. In event Cove Creek is not built within 10 years, the rental on Dam No. 3, in the nature of a penalty therefor, would be reduced to 2 per cent on $26,500,000 until Cove Creek is completed. These new plants to be built by the United States will approximately double the water-power output at Wilson Dam without obligation on the lessee to pay increased rental therefor.

The lessee agrees to pay the further sums of $35,000 annually in the case of Dam No. 2, of $20,000 annually in the case of Dam No. 3, and of $50,000 annually in the case of Cove Creek for repairs and maintenance. It would also pay approximately $38,000 annually in the case of Dam No. 2, $26,000 annually in the case of Dam No. 3, and $20,000 annually in the case of Cove Creek as a so-called amortization payment which amounts the United States is expected to set apart and compound annually for a period of 100 years for the alleged purpose of amortizing its investment in Muscle Shoals. Mathematically these amortization payments of about $84,000 annually must be continued and compounded each year for 100 years in order to amortize the investment. The lessees agree to pay for 50 years.

INTEREST RETURN ONLY ABOUT 2½ PER CENT PER ANNUM

Under the offer the total investment of the United States will be more than $216,000,000. The present investment in power plants at Muscle Shoals is about $54,500,000. (Muscle Shoals hearings, Military Committee, 1928, p. 258.) The most recent official estimate of the cost of new structures, including navigation facilities, is $43,035,479 for Cove Creek, $37,540,643 for Dam No. 3, and $8,000,000 for new units at Dam No. 2. (H. Doc. No. 185, 70th Cong., 1st sess., pp. 77 and 99.) This amounts to $143,076,232 to be invested in power plants by the Government.

According to an analysis of H. R. 8305 made by Major Coiner, of the office of the Chief of Engineers, on a basis of cost less than the above estimate, the annual return for the use of these properties would be the equivalent of 1 per cent per annum if compounded annually. In the same analysis and on the same basis of cost he reported the annual return on the cost of power projects alone would be the equivalent of only about 2.6 per cent per annum. (Muscle Shoals hearings, Military Committee, 1928, pp. 427–429.)

OFFER TO PAY MORE FOR MUSCLE SHOALS POWER PENDING

That the above payments for power are grossly inadequate and that the estimate of Hon. Herbert Hoover, when Secretary of Commerce, was accurate and reasonable is shown by a recent offer from Power Transmission Co. to the War Department. This offer was submitted in response to a letter from the Secretary of War in July, 1928, requesting to be advised what arrangement could be made under the present temporary situation to increase the revenue from sale of power at Muscle Shoals. For the power output at Wilson Dam and for the right to use the steam plant at nitrate plant No. 2 it proposes a guaranteed minimum of $1,360,000 for the first 16 months, $1,720,000 for the next 12 months, and $2,220,000 for each subsequent year for a period of five years, with adequate bonded security. The contract provides that it may be canceled at any time or any portion of the power may be withdrawn at any time before the expiration of five years upon 18 months' notice in order to afford the purchasers opportunity to provide power in substitution.

These payments, which exceed by $1,000,000 annually the rental proposed by the Air Nitrates Corporation for Muscle Shoals power, are the yardstick by which its value may be accurately measured. Attention is invited to the fact that this is for power at Wilson Dam alone.

LOSS OF PROFIT FROM POWER RELEASED FROM FERTILIZER PRODUCTION NO PENALTY

Emphasis is placed by supporters of the bill on the provision that profits from power released from fertilizer production through sus-

pension must be applied to the credit of fertilizer. Since it is admitted that only a portion of the power will be employed directly in fertilizer production, which is especially true if nonpower-using methods are adopted, it follows that the profit on power released by such suspension will be small and perhaps insufficient to counterbalance interest accruing during such suspension under article 5, paragraph 2, subdivisions (h) and (i).

In this connection it should be remembered that the company declined to incorporate an amendment providing that profits from power not used for fertilizer should be under the control of the Government. The following is taken from the testimony before the Military Committee:

"Mr. JOHNSON. * * * In case you were to begin operations under the cyanamide process, and maybe in 5 years or 10 years would decide that you were going to produce under the synthetic process, if the statements about the power required are true, that would release three-quarters of the power. This lease is undoubtedly drawn from the company's standpoint upon the view you are going to require the power necessary under the cyanamide process. Now, if that contingency should arise, what would be done under the amount of power that would be saved by the use of the synthetic process? Would the profits from that go to the Government?

"Mr. BELL. No; they would not. * * *

"Mr. JOHNSON. Would you have objection to an amendment to that effect?

"Mr. BELL. We would." (Muscle Shoals hearings, Military Committee, 1927, pp. 706–707.)

5. While the United States must agree to spend $88,576,222 additional on Muscle Shoals in order to accept the contract, under the recapture clause it must spend the further sum of $40,000,000 to $50,000,000 more to recover its properties if fertilizer production is suspended because of failure of the lessee to produce it successfully.

INVOLVED RECAPTURE CLAUSE

In order for the United States to accept the contract it must expend large additional sums on Muscle Shoals, estimated at $88,576,222. In order that the Government may recover these valuable properties under the recapture clause it must spend the further sum, $40,000,000 to $50,000,000, according to the testimony of representatives of the lessee, in reimbursement of the investments of the lessee and its tenants and subtenants, including the Union Carbide Co., for whatever amounts that may have been expended for any purpose on additional structures, additions, extensions, and improvements.

The recapture clause provides that in event fertilizer production is suspended "for as much as 18 months in the aggregate during any period of 36 months" but not sooner than 15 years and not then unless the Cove Creek Dam has been built by the United States and turned over to the lessee can the properties be recaptured either in whole or in part.

If production shall suspend for an aggregate of 18 months out of 36, the farmer board "may within 60 days" certify to the Secretary of War that in its opinion "it is reasonably to be expected that the suspension" will be permanent. Whereupon the Secretary of War and the lessee shall each select an arbitrator and a Federal judge shall select a third arbitrator. These arbitrators shall hear the parties and determine "whether or not in their opinion under all the circumstances it is reasonably to be expected that suspension of the commercial production of such concentrated fertilizer by the lessee will be permanent." If they so find they shall certify the fact to the Secretary of War, who in turn will notify the Congress. Whereupon the Congress, by joint resolution, must elect which one of three alternatives it will pursue. Failure of Congress to so elect permits the Secretary of War to make such election. The alternatives are:

1. Abandon the plan of fertilizer production, permit the lessee to retain the properties for private use and collect additional rental, not less than 4 and not more than 5 per cent.

2. Recapture only the nitrate plants upon reimbursing the lessee for whatever investments it has made in additional plants, extensions, and improvements for the manufacture of fertilizer. Should the United States then desire power for future operation of the recaptured nitrate plants it must at that time elect the amount of power, both primary and secondary, it expects to use from the power plants retained by the company for each year for the remaining period of the lease, but not to exceed 100,000 horsepower if Cove Creek has not been built, and not to exceed 200,000 horsepower if Cove Creek has been built. The United States must pay until the expiration of the lease the lessee's cost of generation for such power it engaged, whether delivery of the same is actually taken or not. (Muscle Shoals hearings, 1929, p. 68.)

3. Recapture the entire properties by paying "the lessee and each of its subtenants the amount of the actual investment of the lessee and its subtenants" theretofore expended in plants, buildings, machinery, extensions, etc., of every character, whether for fertilizer production or for private use located on the leased properties.

The very lengthy and involved recapture provisions by which the United States may secure either a small increased rental or repossess Muscle Shoals, either in whole or in part, in case of an alleged permanent suspension of fertilizer production, comprising 15 pages of the bill, resolve every contingency in favor of the lessee. In effecting either of these alternatives the adjustments are indeterminate and subject to the rulings of a board of arbitrators and the benefits which would accrue to the United States are very doubtful. One provision illustrates how the interest of the lessee is carefully guarded. Under the additional rental alternative the lessee may at any time, in its discretion, restore the contract by resuming fertilizer production. The effect of this provision is to preclude the United States from making other disposition of the nitrate or fertilizer plants though standing idle. Furthermore the United States must assume the difficult burden of convincing the arbitrators that "under all the circumstances it is reasonably to be expected" that the suspension will be permanent before it can exercise either of the three recapture alternatives. While the bill recites that the finding of the arbitration board may be certified by two members, the section is not clear that the findings must not be concurred in by all three (p. 23, line 22, to p. 24, line 7).

The attention of Members of the House is directed to the recapture clause (beginning at p. 21) by which the Congress of the United States, the Secretary of War, and members of the Judiciary, including members of the United States Supreme Court, are required to comply with a maze of specific detailed conditions, each within stated limitations of time, in order that the United States may protect its property rights. It is submitted that this unprecedented procedure required of the United States is beneath the dignity of the sovereign.

In so far as the recapture of the nitrate plants in time of war is concerned (art. E, subsection 3, p. 15), the attention of the House is invited to the fact that under the decision of the courts the term "just and reasonable compensation" includes the enhancement due to war conditions, and therefore this clause is susceptible of meaning that if the Government did take this property for war purposes that the lessee would be entitled to remuneration for the enhancement in the price of nitrogen caused by the war condition.

While the United States was building the plant at Nitro, some worthless farm land was purchased for less than a thousand dollars. The purchaser contemplated building bungalows to accommodate the workers for the plant. Before any real development work had been done, the farm was taken over and made a part of the Nitro project. The purchaser recovered $100,000 damages as "just and reasonable compensation." (5 Fed. 2d 99.)

That the market value with the enhancement caused by war conditions is the guide is shown in United States *v.* New River Collieries Co. (276 Fed. 690; affirmed 262 U. S. 341); Dester & Carpenter *v.* Davis (281 Fed. 385); Prince Line (Ltd.) *v.* United States (283 Fed. 535).

PLAN FOR DISPOSITION OF MUSCLE SHOALS RECOMMENDED

It is the view of the chairman of the committee that the property at Muscle Shoals should be turned over as it stands to the Agricultural Department with authority to use the property as an experimental station for the development of processes and for experimental operation of plants in the manufacture of nitrates for war-time use or for fertilizer by the most economical method. That the result of these experiments be made known to the public and to citizens of this country engaged in the manufacture of fertilizers for production by private initiative. In addition, provision should be made for practical experiments in the use of fertilizer at experimental farms throughout the country where the farmer could learn at first hand how to use these fertilizers, manufactured as the result of the processes developed by the experiments at Muscle Shoals.

As for the power developed at the existing plants, a sufficient quantity should be allocated for use for the purposes stated above and the remainder sold or leased under contracts that will secure the maximum return to the Government from the sale of such power.

If this plan is followed, the Government will comply with the provisions of the national defense act by maintaining the plants in satisfactory condition for immediate use in time of emergency, will help the farmer not only in securing needed fertilizers but teach him the use of the same to the best advantage, and make possible the Government assisting in the building up of a standard industry by its citizens.

The following bill, proposed by the chairman of the committee, if enacted into law, will accomplish these results:

A bill to safeguard national defense; to authorize, in aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms, and for other purposes

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to construct, maintain, and operate, or cause to be constructed, maintained, and operated, experimental plants of modern type and design on the property of the United States at Muscle Shoals, Ala., and in his discretion at other places in the United States, suitable for the manufacture of nitrates and other fertilizers with a view to promoting production of concentrated fertilizer, to lessening its cost to consumers, and to providing additional facilities for the manufacture of explosives or other munitions of war in periods of emergency.

That the Secretary of Agriculture, for the purposes of this act, may take over plant No. 1 at Muscle Shoals, together with such buildings, equipment, material, or other properties either at plant No. 1 or plant No. 2 necessary for the construction, maintenance, and operation of such a plant.

SEC. 2. That the Secretary of War is hereby authorized to lease for not to exceed 20 years the power-generating properties of the United States at Muscle Shoals, Ala., including the steam power plant at nitrate plant No. 2. In event the Secretary of War is unable to secure a satisfactory lessee within a reasonable time, he is authorized to operate the said power plants and to contract for the sale of power for a period not to exceed 20 years: *Provided*, That in a lease or in a contract for sale of power reasonable provision shall be made for taking over by the United States when in the opinion of the President the national welfare or safety requires.

That in any lease hereunder, or in a contract for sale of power, it shall be the purpose to secure the largest reasonable net return with due regard for the purposes of this act, but not less than 4 per cent per annum of the reasonable value of the properties so used, and, as near as may be, to secure equitable allocation of Muscle Shoals power between local industrial developments and distribution, under adequate public regulation to sections within transmission or relay distance of the plants. Such leases or contracts for sale of power shall provide that upon reasonable notice the United States may, at any time after the expiration of 10 years, cancel any contract for sale of power or recapture the leased property, and, in the event the United States exercises such right, it shall pay to the lessee the reasonable value of any improvements which may be made by the lessee with the approval of the Secretary of War. If not recaptured or the contract canceled, such lease or contract shall provide for readjustment of charges at the end of each 10-year period. In the disposition of power or power facilities adequate provision shall be made for necessary power for use by the Secretary of Agriculture for the purposes of this act and for lighting and operation of locks and dams or other facilities maintained or used by the United States at Muscle Shoals.

SEC. 3. That the Secretary of War is authorized to lease or sell nitrate plant No. 2 or such portions thereof as may not be needed for the purposes of this act.

SEC. 4. That the money received for lease of such plants or for sale of power under this act, less the expense of operation, maintenance, and upkeep, shall be paid into the Treasury of the United States as a special fund, until otherwise directed by Congress, for use by the Secretary of Agriculture, as the same shall be annually appropriated by Congress, for scientific research, investigation, experimentation in improving fertilizers, fertilizer practice, and soil management, including experimental operation of plants in cheapening fertilizer production and its sale, distribution, and demonstration use on farms in different sections of the United States, it being the purpose of this act to provide for investigations and experiments to determine the most practical and economical methods for the commercial production, distribution, and use of high-grade concentrated fertilizers and other soil amendments and their relation to soil management, in order that the most modern developments in relation to the fixation of nitrogen and the production of other fertilizer ingredients and chemicals or other products useful for national defense and fertilizer shall be made available to the people of the United States for such purposes.

It shall be the duty of the Secretary of Agriculture to so regulate the price and distribution of the products sold from plants experimentally operated for use as fertilizer that the farmer may obtain the same at the lowest net cost but, if possible, for an amount sufficient to pay the cost of production, including a reasonable interest return on amounts invested in plants and equipment constructed from the special revenue fund herein created.

SEC. 5. That for the purposes of this act the Secretary of Agriculture may, in his discretion, engage the services and facilities of skilled, unskilled, and scientific experts or persons, firms, companies, or corporations experienced in the production or marketing of fertilizer or fertilizer ingredients or other similar products, and may utilize the various agencies of the Department of Agriculture, in cooperation with such private agencies as he may approve, and also may detail for the purpose expert personnel or other employees of the Department of Agriculture.

SEC. 6. That the sum of $2,000,000, or so much thereof as may be necessary, not otherwise appropriated, is hereby authorized to be appropriated for the purposes of this act from the Treasury of the United States, to be returned to the Treasury from the special fund herein provided for: *Provided*, That said appropriations shall not become available to the Secretary of Agriculture until the Secretary of War shall have certified to the Treasurer of the United States that a lease or a contract as herein provided has been made and guaranteed by a surety bond.

SEC. 7. That the Secretary of Agriculture and the Secretary of War shall each submit annual reports to Congress of operations and results obtained and of receipts and disbursements.

SEC. 8. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

APPENDIX

MEMORANDUM ON PROPOSED "RECAPTURE ALTERNATIVES"

(As set out in letter of American Cyanamid Co. of January 19, 1929, to chairman House Committee on Military Affairs. By O. C. Merrill, secretary Federal Power Commission)

Under the provisions of article F the lessee proposes to produce fertilizers at nitrate plant No. 2 and/or at nitrate plant No. 1 and/or at other plants near by which the lessee may construct at its option, such fertilizers to contain at least 40 per cent of plant food in form of ammonia, phosphoric acid, or potash. Production is to commence at plant No. 2 by the cyanamide process, and the lessee agrees that within two years it will—

(1) Make such alterations in said plant as it may find necessary.

(2) Build on Government land a phosphoric acid and an ammonium phosphate plant to produce—

(3) Concentrated fertilizer containing 10,000 tons fixed nitrogen and 40,000 tons plant food.

The first fertilizer unit is to be operated to full capacity not later than the third year of lease. When, thereafter, the lessee succeeds in selling approximately the full output of such unit at cost plus 8 per cent for three successive years, it will on request of farmer board place a second unit of same capacity in operation.

Under the same conditions the lessee will place a third unit into operation if meantime the Government has constructed and delivered to the lessee the Cove Creek Dam and power plant.

Under the same conditions as immediately above the lessee will place a fourth unit in operation and likewise a fifth.

All of the above proposals are limited by the proviso that no production shall be required so long as fertilizers containing an aggregate of 2,500 tons of fixed nitrogen remain unsold.

If fertilizer production is suspended, any profit from the sale of power made available by such suspension is to be credited to the cost of fertilizer production; such credit, however, is not to be made if the lessee pays additional rental under alternative (A) hereinafter discussed.

The above are provisions of paragraph (1) of article F of H. R. 8305. Beginning with the words "*Provided, however,*" on the third line from the bottom of page 5 of American Cyanamid Co.'s letter are 13 pages of new matter proposed to be added to paragraph (1) of article F and which would be inserted at the end of the first paragraph of page 20 of the House print of H. R. 8305. The added language covers three proposed alternatives, which are to be available to the United States in event of permanent suspension of fertilizer production by the lessee. These are:

(A) Additional rental alternative; (B) fertilizer recapture alternative; (C) total recapture alternative; and are subject to the conditions and limitations prescribed, to become effective for acceptance by the United States if the production of concentrated fertilizer is suspended for as much as 18 months in any consecutive 36 months' period. None of these alternatives becomes effective, however—

(a) Unless Cove Creek Dam and power house are built by the United States and delivered to the lessee; or

(b) Unless the United States Supreme Court shall forbid its construction as without constitutional authority; and

(c) Until 15 years after delivery to the lessee of all existing Government property at and in the vicinity of Muscle Shoals, consisting (with minor exceptions) of the following:

	Cost
Nitrate plant No. 1	$12,888,000
Nitrate plant No. 2	55,229,000
Steam plant	12,326,000
Waco quarry, etc	1,273,000
Dam No. 2 (excluding locks)	43,388,000
Total cost to date	125,104,000

(d) Unless a majority of the President's appointees on the farmer board shall, within 60 days after the expiration of such 36 months' period, file a certificate with the Secretary of War that it is their opinion that the suspension of commercial production will be permanent; and if they so find;

(e) Unless a board of arbitration after hearing shall likewise reach the conclusion that such suspension will be permanent; and

(f) If (b), (c), and (d), together with either (a) or (b), are fulfilled, until 60 days after the next succeeding adjournment of a session of Congress.

Selection of an alternative must be on certificate of the Secretary of War and must be served on the lessee within the last-named 60-day period.

ALTERNATIVE (A)

The "additional rental alternative" provides for payment to the United States annually of an amount to be determined by a board of arbitration as "the fair annual rental value of the demised premises, less all sums provided by other provisions of lease to be paid by the lessee as rental," such "fair annual rental value" in no event to be less than 4 per cent or more than 5 per cent of the following:

(1) The cost, less $16,282,000, of Dam No. 2, power plant and accessories, locks, and navigation facilities.

(2) The cost, less $6,000,000, of Dam No. 3, power plant and accessories, locks, and navigation facilities.

(3) The cost, but not exceeding $20,000,000, of the Cove Creek project less locks and navigation facilities.

The estimated costs and the amounts upon which the original and the additional rentals would be paid are as follows:

	Estimated cost completed without locks	Amount on which rental to be paid	Difference
	1	2	3
Dam No. 2	$51,673,000	$40,306,000	$11,367,000
Dam No. 3	34,875,000	30,875,000	4,000,000
Cove Creek	34,140,000	20,000,000	14,140,000
Total	120,688,000	91,181,000	29,507,000

Upon the items specified immediately above the lessee is required by the existing provisions of H. R. 8305 to pay (subject to certain deferments during the early years of the lease) annual rentals of 4 per cent. Alternative (A) would, therefore, in return for a further payment by the lessee of not to exceed 1 per cent upon the amount above listed in column 2, free the lessee from any further obligation to produce fertilizer, and would leave it in possession of the entire power and nitrate properties, with no restrictions whatever upon its right to use all the power developed for any purpose it might choose.

Since the original plus additional rentals under alternative (A) are not to exceed 5 per cent on the items in column 2, and since such payments would be less than 4 per cent of the items in column 1 which represent the actual cost of the hydroelectric properties without locks or navigation facilities, and since no rental at all is to be paid for the $12,326,000 invested in the steam plant (or for the $69,390,000 invested in nitrate properties), the maximum rentals that would be payable in any year with alternative (A) in effect would be less than 3¼ per cent on the actual cost to the United States of the power properties alone without locks or other navigation facilities; and the maximum "additional rentals" would amount to slightly more than two-thirds of 1 per cent upon the entire power properties.

Since the total rental payments under alternative (A) for the use of the power properties would be from 2 to 3 per cent less per annum than the company would have to pay for interest alone had it built the properties at its own expense, the use of the words "the fair annual rental value of the demised properties" can hardly be deemed to have any real meaning.

The additional rentals are not to begin to accrue until 30 days after the certificate of the Secretary of War. Since the long-drawn-out procedure for determining whether any one of the alternatives may be exercised might readily be prolonged for two or three years, during which time the lessee would have the option of electing to resume operations, and thereby effecting a stay to all proceedings, and since if resumption of production should again cease the proceedings would have to be started anew, it would appear possible for the lessee by alternately resuming and ceasing production to maintain its original status with only intermittent production. Since, however, the additional payments, which would not exceed $1,000,000 per annum, would secure the release to the lessee of several hundred million kilowatt-hours of energy otherwise obligated for fertilizer production and would relieve the lessee of all subsequent liabilities for fertilizer production, the exercise of this alternative by the Secretary of War would, unless fertilizer production and sale should be profitable of itself, appear to be distinctly advantageous to the lessee.

While the language covering the right to resume operations and to stay proceedings is written into the paragraphs covering alternative (A), it is not clear from the general language used that it might not likewise be held to apply to the other alternatives.

ALTERNATIVE (B)

Fertilizer recapture: If the Secretary of War elects alternative (B), provision is made for the selection of a firm of certified public accountants who will—

(a) Make an inventory of all properties built or acquired by the lessee for the production or shipment of fertilizers.

(b) Determine the investment of the lessee in such properties.

(c) Determine how much depreciation on such properties has been charged to the cost of fertilizer production.

(d) File with the Secretary of War certificate showing such investment less such depreciation.

In order for action under this alternative to be effected the United States must make payment "in cash" of the amount so certified within 90 days of the filing of the certificate. While it is not definitely so stated it would appear that failure to make this payment within the 90 days would void not only alternative (B) but would also make any other action by the Government impossible. To make such payment for the properties would, of course, require an appropriation by Congress. Ninety days might be a short time for action even if Congress were in session and if it were not in session might make any action impossible.

If purchase of the nitrate properties of the lessees is effected, the lessee is obligated to sell to the United States such amount of power, up to specified limits, as may be requested by the Secretary of War within the same 90 days after filing of inventory.

If Cove Creek has been built and delivered to the lessee the maximum amount that the Secretary may demand is 200,000 horsepower-years; otherwise the maximum is 100,000 horsepower-years. The amount that the lessee is obligated to deliver, whether of primary or of secondary power, must, when original demand is made, be specified for each year of the unexpired term of the lease, can not be changed thereafter, and must be paid for whether used or not. That is, if the alternative should be exercised at the end of the 15 years, the Secretary would be required to contract for specific amounts of electric energy for each of the succeeding 35 years of the lease, could get no more in any year than as originally specified, and would have to pay each year for the amount thus contracted for, even though fertilizer production might have been abandoned.

The price to be paid by the Secretary is "the cost of such power, computed as provided in subdivision (2) of this article F." Such cost prorated to the amount of power purchased is to include with respect to the entire power properties:

(a) All expenses of administration.

(b) All rentals.

(c) All payments, or expenses, paid or accrued, by the lessee for (1) maintenance and operation of dam, power houses, locks, and other navigation facilities; (2) interest, if any, on Government's investment in power and navigation properties; (3) amortization, if any, of same properties.

(d) Contributions of power for operation of locks.

(e) Interest on lessee's investment in power properties.

(f) Amortization of the same.

(g) Depreciation upon the same.

(h) Cost of production of steam power to supplement hydro power.

(i) Cost of maintaining auxiliary steam plants in stand-by conditions.

(j) Cost of any power purchased to supplement hydro power.

(k) Any other items which have been overlooked, or can not be included, in (a) to (j), inclusive.

The estimated average annual output of Dams Nos. 2 and 3 when completed and with the steam plant increased to 120,000 horsepower of installation and used only as an auxiliary is 3,550,000,000 kilowatt-hours. With Cove Creek added the estimated average annual output is 4,490,000,000 kilowatt-hours. The maximum amount which the Secretary of War may demand under alternative (B), if Cove Creek is not built, is 100,000 horsepower-years, which is equivalent to 653,500,000 kilowatt-hours, or only 18½ per cent of the average annual energy available. The maximum amount which the Secretary may demand if Cove Creek is built is 200,000 horsepower-years, equivalent to 1,307,000,000 kilowatt-hours, or 29 per cent of the average annual energy available. Under alternative (B), therefore, the lessee would be fully recompensed for (a) all investments made in nitrate properties; and (b) the entire cost of power delivered, or contracted and not delivered, to the Secretary of War; it would be relieved of any further responsibility for nitrate production; and, for the payment of rentals averaging less than 3 per cent on the Government's investment in the power properties, and with an investment of its own in such properties of some $5,400,000, would have complete possession of such properties and would have left for its own unrestricted use 2,896,500,000 kilowatt-hours per annum, if Cove Creek is not built and 3,183,000,000 kilowatt-hours per annum, if Cove Creek is built, all at an estimated average cost of less than 2 mills per kilowatt-hour.

Unless fertilizer production and sale would be of itself a profitable undertaking, the exercise of this alternative by the United States would appear to be distinctly advantageous to the lessee.

ALTERNATIVE (C)

Total recapture alternative: As indicated by the provisions of article 6 and of paragraph (3) of article H of H. R. 8305, it is the intention that the lessee will use or sell power not required by it in fertilizer production for electrochemical or other manufacturing operations, such operations to be conducted by the lessee or by allied or subsidiary corporations, or subtenants; and that the manufacturing plants for such purposes will be located on the "leased premises."

By the provisions of alternative (C) it will be necessary for the United States, if it wishes to secure possession of its own plants and properties, not only to recompense the lessee for all capital costs less depreciation incurred by it for any purposes in connection with the power and nitrate plants, but also to purchase at cost less depreciation all manufacturing plants and equipment placed on the "leased premises" by the lessee, by its allied or subsidiary corporations, or by its subtenants, all community or service plants, and all structures or improvements of every kind and character, regardless of their value or lack of value to the United States.

Since no alternative proposal is made that in case of total recapture the United States may continue to supply the power by means of which such manufacturing plants might continue in operation, it must be

assumed that the requirement of purchase of all such properties by the United States as a condition of recapture of its own properties is intended to prevent, as it would in fact prevent, the exercise of alternative (C) by the Secretary of War.

As in the case of alternative (B) elaborate machinery is provided for determining the amount to be paid by the United States in event of recapture, and only 90 days is allowed after the date of determination for action by Congress, and for the payment "in cash" of the amount involved. Under all the circumstances it is believed that alternative (C) must be ruled out as of no practical value or effect.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 23, 1929:

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 11510. An act for the relief of Montana State College;

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case;

H. R. 13199. An act authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90, at Muskogee, Okla.;

H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; and

H. J. Res. 418. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

On February 25, 1929:

H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;

H. R. 16422. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucie Scarbarough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of $1.25 per acre; and

H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes.

On February 26, 1929:

H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad;

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 10191. An act for the relief of G. J. Bell.

H. R. 10304. An act authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service;

H. J. Res. 425. Joint resolution providing for an investigation of Francis A. Winslow, United States district judge for the southern district of New York;

H. R. 8551. An act to create an additional judge in the district of South Dakota;

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 10374. An act authorizing the acquisition of land and water rights for forest-tree nurseries;

H. R. 11285. An act to establish Federal prison camps;

H. R. 12811. An act to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina;

H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes";

H. R. 16270. An act to revise and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.;

H. R. 16524. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.;

H. R. 16920. An act authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.

On February 27, 1929:

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes.

OUACHITA NATIONAL PARK, ARK.

Mr. HILL of Washington. Mr. Speaker, by direction of the Committee on the Public Lands, I ask unanimous consent to take from the Speaker's table the bill S. 675 and pass it, a similar House bill being on the House Calendar.

The SPEAKER. The gentleman from Washington calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 675) to establish the Ouachita National Park in the State of Arkansas.

Mr. COLTON. Mr. Speaker, I make the point of order that this is not a privileged matter. The bill is not properly on the House Calendar; that is, the bill reported by the Public Lands Committee is not properly upon the House Calendar.

I am sure, Mr. Speaker, that you are acquainted with the provisions of paragraph 729 of the House Manual, which provides that a bill that appropriates either money or property of the United States directly or indirectly should be upon the Union Calendar. The only question, then, is: Does this bill appropriate either money or property of the United States?

The Chair will bear in mind that that appropriation may be made either directly or indirectly. I call the attention of the Chair to the provisions of the House bill on two points. I am referring now to the bill H. R. 5729, which reads as follows:

That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated, set apart, and established as a public park for the benefit and enjoyment of the people, under the name of the Ouachita National Park, the tract of land in the State of Arkansas particularly described by and included within metes and bounds as follows, to wit:

Now, Mr. Speaker, it may sound academic to define the word "appropriated," but it means to set apart for a particular purpose, to the exclusion of other purposes. In express terms this bill does that. In this particular case the lands are now embraced within a forest reserve. They are, in other words, liquid assets of the United States, where the timber may be sold and the lands used for commercial purposes. This sets them apart as exclusive for a particular use, and comes squarely, in my judgment, within the definition of the word "appropriated."

But, Mr. Speaker, there is an even stronger point than the one to which I have referred. If you will notice, section 3 of the bill refers in express terms to the act of August 25,

1916, which is the basic act for the creation of the national-park system.

Now, it is a well-known rule of statutory construction that if one law in express terms refers to another law and makes the provisions of the first statute apply to the second one, the two must be construed together.

In this particular case the bill now on the calendar and up for consideration expressly refers to the general act creating the park system and makes the provisions of that general act applicable to this bill, and, therefore, the two must be construed together. The act of August 25, 1916, which is expressly made a part of this act, authorizes the Secretary of the Interior to employ whatever help he needs in the administration of a park. In other words, it is a general authorization act for the use of money, and the bill under consideration places the administration of this park under the direction of the Secretary of the Interior. The act of August 25, 1916, confers upon the Secretary of the Interior the right to incur necessary expenses in the administration of the act, to employ help, to sell timber, to remove timber, and do whatever is necessary for the proper administration of a park.

This bill is bottomed upon that one. This act, if enacted into law, could only be construed in conjunction with the general authorization act and is clearly, Mr. Speaker, an act appropriating property and money of the United States.

For the reason that the bill appropriates and sets apart exclusively a great area of land now belonging to the United States, it not only indirectly but directly appropriates property of the United States. Moreover, by making direct reference to the act which authorizes the use of money, it appropriates money indirectly to be used by the Secretary of the Interior; and because it does appropriate property and money of the United States, it should be upon the Union Calendar and not upon the House Calendar.

I take it the Speaker is, of course, bound by the decisions of the House which have heretofore been made. I am not unmindful that the House on a bill somewhat similar to this overruled the Speaker, but the Speaker will recall that it was contended in that case by those who disagreed with the position the Speaker took that the appropriating words must appear upon the face of the bill. I call the attention of the Speaker to the difference between that ruling and the measure now before the House for consideration. This bill in express language does refer to and makes a part of it another act, which is clearly an authorization for an appropriation, so it is a direct authorization for an appropriation in this case in express terms; and, as I have pointed out, the act before the Speaker is bottomed upon an act that no one would question should be on the Union Calendar if it were before the House in the first instance.

For these reasons I submit that the point is well taken, that this is not a privileged matter, and this bill should be upon the Union Calendar and not upon the House Calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, this is, of course, not a new question, but it has arisen upon what I suppose is insisted to be a new state of facts. I respectfully submit to the Chair that under the precedents fixed both by the rulings of Speakers and in one case at least by the House itself, the real test of parliamentary legitimacy is whether the bill upon its face shows an expenditure of public funds or a disposition of public properties other than a mere transfer from one jurisdiction to another.

The first suggestion offered by the gentleman from Utah, it seems to me, is not well taken, namely, that this is improperly on the House Calendar because of the fact that the Senate bill, similar precisely, as I understand, to the House bill as amended, transfers certain lands from the Forestry Service to the Park Service. That, Mr. Speaker, is merely a transfer from one department of the Government to another of property which the Government already owns and is not a disposition of public property in the sense contemplated by the rule.

Mr. COLTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. COLTON. The point went further than that. I maintain that it sets apart for an exclusive purpose lands that are now subject to disposal.

Mr. GARRETT of Tennessee. Well, I do not understand that forestry lands are subject to disposal. The gentleman says the timber can be sold from them. That is the extent of it, is it not?

Mr. COLTON. Oh, no; homesteads may be made upon forest reserves and mineral locations may be made.

Mr. GARRETT of Tennessee. Oh, well, that would not affect the fundamental proposition involved here. If the Congress sees fit prior to any homestead having been set apart to transfer these lands now belonging to the Government, with all their appurtenances, from one department of the Government to another, I do not think the rule would apply as insisted by the gentleman from Utah.

Now, as to the second suggestion offered by the gentleman from Utah, directing attention to the section of the bill specifically referring to the provisions of the act of August 25, 1916, I think there is a ruling directly in point which is adverse to that contention. On the 24th of August, 1921, a bill was called up by Mr. Sinnott to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes.

The gentleman from Massachusetts, Mr. Walsh—who will be remembered as one of the excellent parliamentarians of the House, but on this occasion proved to be wrong—made the point of order that that bill was improperly on the House Calendar and stated that it appeared upon its face to be a charge upon the Treasury. Then he proceeded to argue that the taking of additional lands would necessarily, by inference, increase the expense of the maintenance of the park. Mr. Speaker GILLETT made a very brief ruling, as follows:

> The Chair thinks that ceding lands to the Government is not a charge on the Government. The Chair overrules the point of order.

Now, the point is, Mr. Speaker—and it was not fully covered by the ruling of Mr. Speaker GILLETT—that the argument there made was that while in that bill there was no specific reference to the general park act by date, yet lands ceded and becoming a part of a park or, I mean, lands acquired in any way and becoming a part of a park, pass, for administration purposes, under the park act and add to the maintenance expense. That was the gravamen of the argument of the gentleman from Massachusetts, and I respectfully submit that that case is in principle precisely on all fours with the case at bar.

Mr. COLTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. COLTON. I call the attention of the Speaker and the gentleman from Tennessee to this distinction. In this case the express reference is made to the general act creating the Park Service, and that act expressly authorizes the incurring of expenses. So it is not altogether a question of land involved; it is a question of the act authorizing expenditures, and that act made a part of this act by express reference.

Mr. GARRETT of Tennessee. I think, Mr. Speaker, that the fact that a specific reference is made to the act does not distinguish it in principle from a bill which we all know, without any specific reference, would bring a particular parcel under the jurisdiction of the parks in the national park system.

This was a ruling by the Chair. I can quote older rulings. I know the Chair is familiar with them.

Hind's Precedents, volume 4, paragraph 4809:

> A bill which might involve a charge upon the Government that does not necessarily do so, need not go to the calendar of a Committee of the Whole.

Again, section 4810:

> A bill that may incidentally involve expense to the Government, but does not require it, is not subject to the point of order that it must be considered in Committee of the Whole.

Paragraph 4811:

> To require consideration in Committee of the Whole a bill must show on its face that it involves an expenditure of money, property, and so forth.

Paragraph 4818:

> Where the expenditure is a mere matter of speculation, the rule requiring consideration in Committee of the Whole does not apply.

These are all rulings by different Speakers of the House, but there is a ruling by the House itself. On January 6, 1927, this question arose upon a bridge bill in which it was proposed to add the heads of two departments other than the War Department to the commission to take some action relative to a bridge out in Oregon or Washington, or somewhere in that section. The gentleman from Oregon, Mr. Sinnott, made the point of order that that bill was not on the proper calendar. It was debated at some length. The Chair made a ruling to the effect that the Chair would take judicial knowledge, so to speak, of the fact that expenses might be engendered by the addition of these two officials in the way in which they were brought into the program by that bill—I do not recall now just how it was—and so sustained the point of order after there had been a very good tempered and a very elaborate argument here before a very full House, as I now remember. Thereupon an appeal was respectfully taken from the decision of the Chair and the House in as quiet a moment as I have ever known it to be in and with

as large an attendance as I have ever known it to have in passing upon a point of order, failed to sustain the decision of the Chair.

I think this is thoroughly analogous in principle to the case now before the Chair, and I respectfully submit that the point of order is not well taken.

Mr. CRAMTON. Mr. Speaker, the gentleman from Utah [Mr. COLTON] has presented an argument in support of his point of order that covers the ground so well that I have not in mind to take more than a couple of minutes on the matter. But I do feel it is a matter of so much importance that the fundamental principles underlying the rules ought to be emphasized.

First, I would like to raise this question as to the precedent——

Mr. GARRETT of Tennessee. Will the gentleman yield just a moment?

Mr. CRAMTON. Yes.

Mr. GARRETT of Tennessee. I want to call attention to one other case. When the Shenandoah National Park bill was brought in—I have not the page of the RECORD before me—the very argument was made then that has been made by the gentleman from Utah now.

Mr. CRAMTON. Was a point of order raised on that bill?

Mr. GARRETT of Tennessee. Yes; the point of order was made, but let me say, in fairness, that the Chair did not pass upon the merits of that question. The Chair held that the point of order came too late, so that he did not rule upon that precise matter, but the argument was made then just as it is being made now.

Mr. CRAMTON. As to the precedent cited by the gentleman from Tennessee with reference to the Hot Springs National Park, as I caught the reading of the title of that bill, it was a bill to accept the cession of exclusive jurisdiction over the park.

Now, Mr. Speaker, that is an entirely different question from a bill accepting cession of lands within a park.

Mr. GARRETT of Tennessee. If the gentleman will permit, he is in error about that. It was to accept lands that were within a park.

Mr. CRAMTON. The gentleman, when he read the title of the bill, referred to acceptance of a cession of exclusive jurisdiction.

Mr. GARRETT of Tennessee. It was to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park.

Mr. CRAMTON. Mr. Speaker, that is not a cession of lands at all. The lands did not come from the State of Arkansas, but, in accordance with the practice in many parks, the State cedes jurisdiction over them. That is not ownership that they are ceding. It is simply the right to administer law over that area.

The Supreme Court of the United States within the week has made a decision with reference to such cession of jurisdiction, and the precedent cited by the gentleman from Tennessee, of course, would have no weight because it does not apply to a kindred proposition. The ceding of title to lands is entirely different from the cession of jurisdiction of a State to administer laws over a certain area.

What I want to emphasize is this: The rule says that we must go into Committee of the Whole House on the state of the Union—for that purpose the bill goes to the Union Calendar—"on bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property."

The purpose of that is that we will not lightly impose taxes upon the people or take money or property of the Government and devote it to any particular purpose without giving the representatives of the people gathered here an opportunity to scrutinize that proposed expenditure and make sure of its wisdom. Hence we are required to consider it in Committee of the Whole, where you have debate, discussion, and opportunity for amendment. When it comes up on the House Calendar that opportunity does not exist. I want to urge on the Speaker the fundamental importance of not restricting that public protection of the Public Treasury.

Now, there have been unfortunate decisions—the one referred to as the Bridge case. The argument of the gentleman from Tennessee carried out to its length would mean that the Speaker must cease to have any knowledge of anything except to read some words in the bill. I do not admit that the House accepted that view, but when the House does accept that view, when we get to the point where a bill may go through here at a whirlwind speed without going to the Union Calendar that does mean a great expenditure from the Public Treasury, and does not say in so many words on the face of it that there is going to be an expenditure—in other words, when it gets so that the Speaker can not take notice of that which is really apparent from it, although not expressly stated, then we have lessened the safeguards of the Treasury.

This bill, if it becomes law, does not become effective until the private lands are ceded to the Federal Government. However much there is of the public land does not appear on the face of the bill, but the Speaker knows that we are not now administering these private lands. The Speaker knows from the face of the bill that this bill does not become effective until the lands are ceded to us. The Speaker knows from section 2 that when the private lands are ceded to the Federal Government, that the administrative protection and promotion of those lands become a responsibility and a financial obligation of the Federal Government.

There is no such financial obligation now as to these private lands. There is that financial obligation under this bill when the law becomes effective. Therefore it does show on the face of it that it is indirectly an appropriation of public funds, and if we are to properly safeguard the Treasury there needs to be a construction of this rule that will make it effective. Under such a construction of the rule it seems to me that the point of order is well taken. On the other hand, the doctrine that has been urged by the gentleman from Tennessee, if that becomes the parliamentary law of this body, then it will become very necessary that we have a change in our rules, otherwise there is lacking proper protection for the Treasury.

Mr. COLTON. Mr. Speaker, one further thought in answer to what the gentleman from Tennessee [Mr. GARRETT] has said. It is my position that by reference to the act of August 25, 1916, you make that act a part of this measure and thereby indirectly you make an authorization for an appropriation whenever you make the provisions of that act applicable to this act. It may be distinguished from the ruling on the bridge bill because in that case there was no direct reference as in this case where indirectly at least another statute is made a part of this bill.

I may say in conclusion, Mr. Speaker, that as the gentleman from Michigan [Mr. CRAMTON] has pointed out, if the House did err, and proceeded to make a wrong ruling, we ought to be given a chance to correct it. In other words, if we erred once, we ought to be allowed to repent and correct that error. I think this act itself brings forcibly to the House the necessity of a ruling that the Speaker himself may take judicial notice of some things that are within the purview of the Speaker and even of all of the Members of the House. It is no argument that because we have heretofore made an error we ought to continue to perpetuate that error. However, I maintain that by reason of the direct reference to a statute which authorizes an appropriation this bill should be on the Union Calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. GARRETT of Tennessee. Of course the gentleman understands that I do not concede that the House made an error. I think the House held in accordance with the precedents. I have no doubt the Speaker has the cases before him. I could give the gentleman a number of cases. The general principles were stated in the rulings which I read. I did not state the facts of those particular cases, because I am sure the Speaker has them before him. One of the early rulings cited was on a bill to change a judicial district in some way. Mr. Speaker Carlisle overruled the point of order and held that possible expense thereunder was too remote. Another one of the cases in which one of the precedents cites is laid down was the bill providing 8-hour days for letter carriers. A point of order was made that it should go to the Union Calendar, because it necessarily, as everybody knew, would increase the expenses. They would have to increase the number of clerks. However, that did not show on the face of the matter.

Mr. COLTON. But, Mr. Speaker, I am trying to distinguish. In this case we are not left to an inference. I recognize that all of the rulings that the gentleman from Tennessee has cited hold to the doctrine that it must show upon its face. I maintain this does so show upon its face by directly referring to a bill that authorizes an appropriation and expenditure. It is itself an indirect authorization in this measure.

The SPEAKER. The Chair is prepared to rule. Were it not for the decision cited by the gentleman from Tennessee [Mr. GARRETT] and others, wherein the House decided the question, the Chair would feel himself in some doubt about this bill, as he did on the bridge bill. With all due humility, the Chair still thinks that he was right in his decision in that case, although he bows, of course, to the combined wisdom of his colleagues in the House. The Chair believes that some day this decision of the House is going to come up to plague us, but for the time being he feels bound by it, and he feels that this case is on all fours with it.

May the Chair revert for a moment to that bridge bill? In the first place, unlike any other bill the Chair has ever seen, the bridge was to be completed under the jurisdiction of three different Cabinet Secretaries. There was in it a provision as follows:

The said Secretaries, acting jointly, are empowered and if requested to do so are directed to hold public hearings for full and complete determination of said precedent requirements.

The Chair thought at that time, and he still thinks, that this provision shows on its face that certain charges on the Treasury were bound to follow from the passage of the bill. Of course, nobody contends now that these charges did not follow. A letter read into the RECORD by the gentleman from Oregon from the War Department called specific attention to the expenditure that would have to be made, but the decision of the House went to the full extent of holding that in determining whether a bill involves an expenditure the Chair is confined to the face of the bill itself, and not to facts which may have come to his knowledge from any other source, no matter how authentic.

The Chair has before him a letter received to-day from the War Department, as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 26, 1929.

The SPEAKER HOUSE OF REPRESENTATIVES.

SIR: In reply to telephonic request, it is estimated that the expenses incurred in connection with the investigation of the Longview Bridge across the Columbia River amounted to $1,650.

This estimate includes costs of hearings by representatives of joint commissions of the Departments of War, Agriculture, and Commerce at Portland, Oreg., and Longview, Wash., the hearing in Washington at the office of the Secretary of War, the travel expenses of engineers sent to bridge site to observe tests of foundations, incidental expenses, and miscellaneous office expenses at Portland, Oreg., and Washington, D. C. In addition to the above expenses the cost of the services rendered by Government employees in this connection may be estimated at $1,250.

Further additional expenses in connection with the investigation will probably not exceed $25, and salaries for additional time to be spent on the investigation by Government employees are estimated at $400.

Very sincerely,

HERBERT DEAKYNE,
Brigadier General, Acting Chief of Engineers.

It appears to the Chair that this result was entirely obvious on the face of the bill itself. But under the decision of the House the Chair was not permitted to use such practical knowledge as he might have of the situation, no matter how authentic it might have been.

The gentleman from Tennessee [Mr. GARRETT] in his argument at that time, after the Chair had stated that in his opinion it was obvious that that would cost money and that he knew from hearing a letter read from the Secretary of War that it would cost money, said:

Mr. Speaker, take my own situation. The Chair speaks of the knowledge that the Chair has of the controversy. The Chair, I know, is perfectly familiar with it. Now, I am not. It may be that inasmuch as there have been various publications in the papers in connection with this bill that I ought to have known more of it, but all I know of the matter, except what has been developed here this morning, I derive from the reading of the bill itself and from the bill only, and I dare say that every Member of the House who has not had personal touch with the situation, such as naturally comes to the Chair, derives his information from the bill, and the bill does not show upon its face the fact that expenditures will be engendered.

In other words, as the Chair understands, it was the position of the gentleman from Tennessee that ignorance upon his part, which would lead to a parliamentary conclusion such as he contended for, was better than information on the part of the Chair which might lead to a different conclusion. The Chair may be permitted an illustration rather more personal in its nature. If the Chair should receive a written invitation, say, from the gentleman from Texas [Mr. GARNER] to indulge in a friendly game of cards, the gentleman from Tennessee [Mr. GARRETT] would not permit the Chair to make use of information gathered from sad experience in the past that a charge upon his personal treasury would inevitably follow. [Laughter.] That is the exact effect of the decision of the House heretofore rendered.

The Chair thinks that he is bound by that decision, that he must examine the face of the bill alone, and not use any discretion or judgment or knowledge or information of any kind. The Chair, therefore, overrules the point of order.

A FAREWELL

Mr. BERGER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BERGER. Mr. Speaker and fellow Members, owing to the illness of Mrs. Berger, I have to leave the city this afternoon. I can not leave without expressing my sincere thanks for your uniform courtesy and kindness in these latter years, after you had excluded me twice before. [Applause.]

I also want to express at this time my thanks for the fair treatment I received at all the executive departments, and especially in the Department of Labor. I hope that Mr. Hoover will see fit to retain that fine gentleman, Mr. James J. Davis, in the job he now holds as Secretary of Labor. [Applause.] And I hope, too, that Mr. Harry E. Hull, Commissioner General of Immigration, will be retained for his splendid service in that position. Mr. Davis is a true and living example of what immigration can do for our country. He is an immigrant from Wales. Surely he is a benefit to the Nation. [Applause.]

That is all I have to say, and I thank you, one and all. [Applause.]

OUACHITA NATIONAL PARK, ARK.

Mr. COLTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COLTON. I understand the gentleman from Washington [Mr. HILL] will have control of the time. I desire to ask him what is the time that may be used by this side?

The SPEAKER pro tempore. The gentleman from Washington will have one hour, from which he can yield time, and at the end of the hour he can move the previous question.

Mr. COLTON. I want to ask if any time will be allotted to the opponents of the bill?

Mr. HILL of Washington. Mr. Speaker, I want to inquire if I can yield a portion of that time to the gentleman from Utah without waiving any right of myself to control the balance of the time?

The SPEAKER pro tempore. The gentleman can ask unanimous consent.

Mr. HILL of Washington. I ask unanimous consent, Mr. Speaker, that of the hour allotted for debate on this bill one-half may be controlled by the gentleman from Utah and one-half by myself, and at the end of that time the previous question may be considered, as ordered.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to yield for debate only to the gentleman from Utah [Mr. COLTON] 30 minutes, and at the end of one hour the previous question may be considered, as ordered on the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 675) to establish the Ouachita National Park in the State of Arkansas

Be it enacted, etc., That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated, set apart, and established as a public park for the benefit and enjoyment of the people, under the name of the Ouachita National Park, the tract of land in the State of Arkansas particularly described by and included within metes and bounds as follows, to wit:

All lands included within the exterior boundaries of that part of the Ouachita National Forest being in the following land divisions and subdivisions: Sections 35 and 36, township 2 south, range 31 west; east half township 3 south, range 31 west; sections 1, 2, 12, 13, and 24, township 4 south, range 31 west; township 3 south, range 30 west; north half of township 4 south, range 30 west; sections 19, 20, 21, 22, 23, 24, 27, and 28, township 4 south, range 30 west; south half of township 3 south, range 29 west; sections 17 and 18, township 3 south, range 29 west; north half of township 4 south, range 29 west; sections 19, 20, 21, 22, 23, 24, 25, and 26, township 4 south, range 29 west; south half of township 3 south, range 28 west; township 4 south, range 28 west; sections 1, 2, 3, 4, and 5, township 5 south, range 28 west; south half of township 3 south, range 27 west; township 4 south, range 27 west; sections 1, 2, 3, 4, 5, and 6, township 5 south, range 27 west; sections 31 and 32, township 3 south, range 26 west; sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, and 33, township 4 south, range 26 west; sections 4, 5, and 6, township 5 south, range 26 west; sections 7, 18, and 19, township 4 south, range 25 west; all of said lands being in the State of Arkansas and west of the fifth principal meridian in said State.

SEC. 2. That the administration, protection, and promotion of said Ouachita National Park shall be exercised under the direction of the

Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes."

SEC. 3. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That this act shall become effective to create the area herein described as a national park only when the title to all of the lands within such area and now privately owned shall have been vested in the United States, and the Secretary of the Interior is hereby authorized to pass upon and accept title to said privately owned lands on behalf of the United States: *Provided further*, That the United States shall not purchase, by appropriation of public moneys or otherwise, any land within the aforesaid area, but that such land shall be secured by the United States only by public or private donation.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HILL] is recognized.

Mr. HILL of Washington. Mr. Speaker, I desire to yield to myself five minutes.

The SPEAKER pro tempore. The gentleman from Washington is recognized for five minutes.

Mr. HILL of Washington. Mr. Speaker and gentlemen of the House, this bill proposes to create a national park in what is now the Ouachita National Forest, in the State of Arkansas. The proposed park comprises an area of about 163,000 acres of land. Of this acreage of 163,000 acres, about 35,000 acres are in private ownership and about 128,000 acres are owned by the Federal Government and are within the Ouachita National Park.

The bill provides that before it shall become effective to create the area a national park, all of the land in private ownership shall have been acquired and deeded or donated to the Government, without cost to the Government. Only upon that condition is the bill to become effective; so it is not to cost the Government any money for the acquisition of these private holdings, and the act does not become effective until those private holdings are extinguished and the title vested in the United States Government.

Now, the Park Service and the Forest Service are opposed to this bill. Their principal objection to it is that it does not come up, as they say, to the standard set by the Congress as to national parks. They do not set out specifically in what particular it fails to reach that standard, but they make the point that the main feature of a national park should be its scenic beauty or scenic grandeur, and that all other considerations are incidental and secondary to this primary consideration. I submit to you that this is one of the most scenically beautiful spots in all America. [Applause.]

It rises from the coastal basin and the plane of the Mississippi Valley at a level of about 400 feet above the sea and stands out as a rugged mountainous country, having all the wildness that nature could provide. It towers to a height of 2,700 feet above sea level, rising practically from the sea level. It stands out in that great plain as something unique and it is the only mountain system and has the only mountain peaks between the Appalachian system and the Rocky Mountains. It is one panorama of beauty. As described by the Forest Service itself, it is a jumble of hills with narrow valleys and with beautiful, limpid streams flowing down those valleys. More than two dozen mountain peaks within this area rise to a height of more than 2,000 feet. They are covered with verdure, with trees, and with a vegetable growth that completely covers them. There is a panorama of beauty that is not paralleled in any national park in the United States.

The SPEAKER pro tempore. The gentleman has consumed five minutes.

Mr. HILL of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HUDSON. Mr. Speaker, it seems to me that the legislation before us is of such great importance that there should be a full attendance of the Members of the House, and therefore I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CRAMTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Anthony	Beck, Wis.	Britten	Carley
Auf der Heide	Blanton	Buckbee	Casey
Bacharach	Boies	Bushong	Connolly, Pa.
Beck, Pa.	Bowles	Butler	Crisp
Crowther	Hawley	Lyon	Strother
Curry	Hoch	McClintic	Sullivan
DeRouen	Hudspeth	Maas	Sumners, Tex.
Doutrich	Hull, Tenn.	Mooney	Tillman
Doyle	Jacobstein	Moore, N. J.	Timberlake
Estep	Kent	Oliver, N. Y.	Treadway
Fitzgerald, W. T.	Kindred	Palmer	Underwood
Fulbright	Knutson	Quayle	Updike
Gilbert	Kunz	Rainey	Watson
Glynn	Kvale	Ramseyer	Weaver
Griest	Lampert	Reed, Ark.	Weller
Hadley	Lanham	Sabath	White, Kans.
Hammer	Leatherwood	Sears, Fla.	Wilson, Miss.
Harrison	Leech	Stedman	

The SPEAKER pro tempore. Three hundred and fifty Members have answered to their names. A quorum is present.

Mr. CRAMTON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

LAKE OF THE WOODS ACT

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced today regarding the Lake of the Woods.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SELVIG. Mr. Speaker, in May, 1910, the International Joint Commission was created for the purpose of investigating claims arising out of disputes in connection with boundary waters. To this commission was referred the investigation regarding the damages caused the owners of lands bordering on the Lake of the Woods which is situated along the northern boundary of Minnesota in my district. These damages resulted by reason of raising the water levels in that lake caused by the construction of a dam at Kenora, Ontario. The first dam was built in 1887 and stop logs were placed in 1898. This dam was replaced in 1905 by a new dam. This dam in turn was improved in 1925.

On July 17, 1925, a treaty between the United States and Canada known as the Lake of the Woods treaty was ratified. The purpose of this compact was to provide authority to regulate the level of the Lake of the Woods. It also provided for the acquisition by purchase or condemnation of flowage easements up to elevation 1064 sea level datum upon all lands bordering on Lake of the Woods and tributary streams.

ACTION BY CONGRESS

Congress passed an act (Public, 269, 69th Cong.) to carry into effect provisions of this treaty. I introduced an amendment to this act which was enacted into law on April 18, 1928 (Public, 280, 70th Cong.), providing that any condemnation proceedings instituted for acquisition of flowage easements should be carried on—

in accordance with the constitutional provisions of the State of Minnesota, which provides that private property shall not be taken, destroyed, or damaged for public use without just compensation therefor first paid or secured.

Condemnation proceedings have been instituted and three commissioners were appointed by Federal Judge W. A. Cant, of Duluth. The commissioners are Nels S. Hegnes, William Taber, and E. I. Brandt, all of Minnesota. They have already studied more than half of the 522 claims submitted by the property owners. It is understood that the proceedings with regard to the acquisition of easements are progressing as rapidly as the scope and work involved in the undertaking warrants.

CLAIMS FOR PAST DAMAGES

In the act of Congress (Public, 280, 70th Cong.) above referred to is a section which deals with the claims for past damages. I will place the present provisions of this law in the RECORD in order to make clear the purpose and intent of the amendment to the present act which I have introduced:

SEC. 3. The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all claims for damages caused, prior to the acquisition of flowage easements under this act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing, shall ascertain and determine the loss or injury, if any, that may have been sustained by the respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants, together with a statement in each case of the substantial facts upon which the conclusion is based: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the expiration of 30 days from the date of the passage of this amendatory act, shall not be considered by him and shall be forever barred.

The investigation of claims for past damages submitted by property owners around Lake of the Woods involves a study

beginning at the time the first dam was built in 1887. The International Joint Commission, created in 1910, for the purpose of investigating these claims, recommended in their report that a settlement be made with the claimants. While the claims are being made against the United States, Canada will share in the payment up to one-half of the awards ordered for the flowage easements if the expenditure be incurred before July 17, 1930, five years after the coming into force of the present convention. This is in addition to a payment already made by Canada of $275,000 for protective works and the acquisition of easements.

The treaty provides that the two governments shall each on its own side of the boundary assume responsibility for any damage or injury which may have hitherto resulted to it or to its inhabitants from the fluctuations of the level of the Lake of the Woods or of the outflow therefrom.

TIME LIMIT SET

It should be observed here that the present proceedings with respect to payments for the acquisition of easements should be expedited in order to be completed before July 17, 1930, a year hence. There is no time limit set for the payment of past damages, but it is urged that the payment of these claims be expedited.

Considerable discussion and correspondence have been carried on with respect to the manner of handling the claims for past damages. In this connection I quote from a letter dated February 20, 1929, written to me by Brig. Gen. Herbert Deakyne, Acting Chief of Engineers:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 20, 1929.

Hon. C. G. SELVIG,
House of Representatives, Washington, D. C.

DEAR MR. SELVIG:

* * * * * * *

A total of 495 claims have been presented to the district engineer for investigation and report. Reports have been prepared on 122 of these cases, but all may have to be revised in some elements, depending on the law laid down by the court in the related condemnation cases. Tentative awards, together with a statement of the substantial facts upon which the conclusions are based, are included in these reports. Reports on field examinations, containing information collected by agents of the department and suggestions as to awards, have been compiled in 144 additional cases, but the reports on these have yet to be prepared.

With the exception of one case (that of the claim presented by independent school district No. 12—Warroad High School) no hearings have been given. In the hearing given the Warroad High School, claimants were represented by counsel.

Claimants have not been notified as to the awards recommended, except in the case of the Warroad High School, referred to above. It is not considered desirable to notify the claimants as to probable awards until the facts in each case can be presented and the award passed on by the department. The awards, together with the supporting facts, will be placed before the claimants when the matter is open for hearing, and they will then be given every opportunity to present, either personally or by counsel, orally or in writing, any data or arguments in favor of a different award than has been recommended.

As required by the law, and as dictated by justice and equity, the claimant will have opportunity of refuting statements contained in the district engineer's report and of introducing any evidence he may have at his command to contradict statements regarded by him as incorrect. Any evidence submitted by the claimant will receive careful consideration. Written testimony—and oral testimony, in so far as it is practicable to do so—will be embodied in the final report to be submitted to the Secretary of War. Under the law Congress has reserved to itself final action on these claims; and should claimants be dissatisfied with the final awards recommended by the Secretary of War, they can appeal to Congress for a further hearing by congressional committee.

In addition to the employee referred to in paragraph 2 of my letter of February 8, the employment of another man, who, by relieving pressure at another point, will thus aid in the investigation of these claims, is pending, and a third man is being sought for employment directly on this work. By thus increasing the force engaged in this work, and with reasonable success in collecting data and facts, it is expected that final reports in all cases may be completed within the next 12 months. The securing of facts in many cases is most difficult.

Very respectfully,

HERBERT DEAKYNE,
Brigadier General, Acting Chief of Engineers.

COURT REVIEW OF CLAIMS

I introduced H. R. 17276, on February 26, 1929, which amends section 3 of the amended Lake of the Woods act. This bill provides that the Secretary of War shall file a certified copy of the report of past damages and awards with the clerk of the United States district court, in the district and division of the district in which the lands involved are situated and thereupon the same proceedings shall be had in such court on such report and awards as upon awards of the commissioners in the case of condemnation proceedings for the acquisition of flowage easements.

I introduced this amendment because the claimants should have full and free opportunity to avail themselves of the court procedure in case the award proposed by the district engineers' office is not considered satisfactory.

A thorough study of the proceedings of the International Joint Commission leads me to believe that the members of that commission intended that the settlers whose lands have been overflowed by reason of the higher lake levels should have every opportunity to present their claims under the regular procedure in a court with jurisdiction. This is a measure of justice to which each man is entitled.

The judicial machinery of the land should be made available to these settlers, many of whom, on account of the long delay and innumerable setbacks and discouragements encountered, beginning nearly 30 years ago, are rightfully insistent that Congress by appropriate legislation give them their day in court.

JOINT MEMORIAL BY MINNESOTA LEGISLATURE

The Legislature of the State of Minnesota adopted a joint resolution on February 8, 1929, memorializing Congress to give to the settlers the right to appeal to the court and to give said courts jurisdiction to hear and determine the appeals so taken. This memorial is on file with the Committee on Foreign Affairs.

A study of the Lake of the Woods levels reveals that the first dam raised the water 18 inches, the second dam 3 feet, and at the present time, under the final report of the International Joint Commission, a 5-foot increase in the lake level is allowed.

Many settlers were adversely affected and have suffered losses from these high levels. These losses are now being investigated. Ample and valid reasons for court review of the engineers' findings in regard to past damages have been advanced.

The bill which has been introduced (H. R. 17276) provides that the report of the engineers shall be filed within 90 days after the passage of the act. The bill will be reintroduced next December, which will give the engineers the necessary time suggested in the letter received from the Acting Chief of Engineers for the final report to be made.

OUACHITA NATIONAL PARK, ARK.

Mr. COLTON. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, it is proposed to create a new national park. The Ouachita National Park in the State of Arkansas proposal is urged by people in that vicinity and in that State. The proposal is opposed vigorously by the National Park Service, both under Director Mather and under Director Albright. It is opposed by the United States Forest Service, both under Colonel Greeley and under Major Stuart. It is opposed by the Secretaries of Interior and of Agriculture. It is opposed by the National Parks Association, by the American Civic Association, and all other organizations I am familiar with that are concerning themselves about the proper standards for and use of our national parks. The area concerned is contended by those who are familiar with our national parks and have seen this area to be of an attractive character, suitable for recreational purposes, but not outstanding and not reaching up to present national-park standards. We have municipal parks, county parks, State parks, and national parks. The sole responsibility for maintaining public parks should never be placed on the National Government. The words "national park" in the United States stand for that which possesses such great merit as to scenery that it challenges the attention of the world and by intrinsic interest attracts visitors to the area from all over the world. The name "national park" to-day means something that is outstanding and that challenges admiration. It does not mean that a certain community wants a good commercial investment. It means there is an area there which invites and warrants the inspection of the world, whether it be Yellowstone, with its scientific wonders; whether it be Crater Lake, with its unrivalled blue of the lake in the old crater; whether it be Glacier Park, with the greatest collection of peaks and glaciers anywhere in the world; whether it be Mount Rainier, where a rugged, beautiful, all-the-year-snow-capped peak rises eight or nine thousand feet above all around it; whether it be Yosemite, with the famed Yosemite Falls and Bridal Veil Falls and Half Dome; or the Grand Canyon, great eroded chasm. "National park" is the hall-mark of outstanding merit in natural beauty and interest.

The great question to-day is not just whether we will add one national park to the list, it is whether we will maintain a

standard for national parks that will preserve for these areas the fame that now attaches to the words "national park."

It was not long ago that Lindbergh made that wonderful flight across the Atlantic. The greatness of his achievement joined with his wonderful personality, won the hearts of America, and this House voted to pay him honor, and we voted him a congressional medal of honor. I do not know how many times individuals have been so honored by the Congress, perhaps one hundred times in all our history; but, in any event, to hold a congressional medal of honor—oh, intrinsically it has no great value, but it does mean outstanding accomplishment. But if we were to pass a multitude of bills giving every aviator to-day a medal who was to fly 1,000 miles even in the stress of storm and danger—oh, his accomplishment is commendable, it is interesting, it is worth while; but if we were to give the congressional medal of honor for every such flight, we would cheapen the medal we gave to Lindbergh and the others who hold it.

There is a standard to be maintained and that is what we are appealing to you to-day to do—maintain the national-park standard. [Applause.] If you do not, if you pass this bill on the plea that every State is entitled to a national park, you invite a flood of such bills. If you are going to pass this bill because it means something commercially to a community, that is unfair to the lovers of nature who cherish the name "national park."

I hope this House will consider this with great care, because the standards that have been built up here for years are now under attack. The passage of this bill means a lowering of the standards, a flood of other bills that means a still greater lowering of the standards. [Applause.]

The following reports adverse to this proposal should challenge our consideration. The report of the Secretary of the Interior February 1, 1928, said:

It is shown by the records of this department that the area described in this bill was inspected by representatives of the Forest Service of the Department of Agriculture and the National Park Service of this department on May 7, 1926. From a joint report rendered by the representatives of these bureaus it would appear that this area should not be made a national park for the reason that it contains no distinctive scenic or other features comparable with the standard set for the establishment of national parks, and that the area has nothing of outstanding or national significance which would warrant placing it in a national-park category.

Very significant was the action of the National Conference on State Parks in refusing approval to this bill. In a letter to the House Public Lands Committee March 26, 1928, the following action by this body of disinterested experts, including the report of an inspection of the area by such an expert, was given:

MARCH 26, 1928.

Hon. NICHOLAS J. SINNOTT,
Chairman Public Lands Committee,
House of Representatives.

MY DEAR MR. SINNOTT: The National Conference on State Parks is interested in H. R. 5729, a bill to create the Ouachita National Park in Arkansas since at the time of its 1926 national conference at Hot Springs, Ark., it was asked to pass a resolution favoring the creation of the proposed national park. Believing that it did not measure up to the recognized standard for national parks the conference acted adversely on this request.

At that time the conference had in its service as field secretary Mr. Raymond H. Torrey, of New York. Mr. Torrey was asked to make an inspection and report to the chairman his judgment of the area's possibilities for a national park. His recommendations were as follows:

"My opinion of the portion of the Ouachita National Forest which is proposed as a national park is that it does not measure up to the high standards now set for such preserves. It seems to me it is in good hands in the National Forest Service and such recreational values as it possesses can be developed by that service.

"In scenic values, forest cover, and water resources it is about on a par with some of the larger State parks and forests. It is about on a par with some of the Pennsylvania State forests, for example, and resembles them in elevations and timber, but is not so well watered. It is also like the Allegany State Park in western New York. It is not as good as two large State preserves that come to mind, the Custer State Park in South Dakota and the Adirondack State Park in New York. Several of the State preserves in the Northwest and on the Pacific slope, such as the State forests in Idaho, Washington, and Oregon, the California and Redwood State Parks in California, and the Lake Itasca State Park in Minnesota far surpass it in scenic values and recreational resources.

"The Ouachita National Forest area, if it were now in private hands and were being purchased for public purposes, would be good average State park material. But it is in good hands, and will eventually receive all the recreational development of which it is capable."

In view of the foregoing we respectfully urge that the committee do not report favorably on the bill.

Very truly yours,

NATIONAL CONFERENCE ON STATE PARKS.
STEPHEN T. MATHER, *Chairman.*
BEATRICE N. WARD, *Executive Secretary.*

Mr. Arno B. Cammerer, Assistant Director of the National Park Service, a lover of nature, devoting his life with notable unselfishness and unusual ability to the cause of parks, recreation centers, and conservation, inspected the area and reported:

However, in my opinion, the scenic offerings in this area are not so distinctive or of such a character as should receive recognition for establishment as a national park. There are many other areas of a similar nature and character in other States which compare well with this, and if this area were to receive national-park status, it would set a precedent for other States to insist upon their areas being taken over as national parks as well. Such areas, you have often pointed out, are more suitable for State park creation, and it is my opinion that if the local people of Mena are insistent upon creating a park it should be a State park.

Colonel Greeley, at that time Chief Forester, joined in this adverse report on this area for national-park purposes:

It is our judgment that this area should not be made a national park for the reason that there are no distinctive scenic or other features comparable with the standards set for the establishment of national parks, and that the area contains nothing of outstanding or national significance which would warrant placing it in the national-park category.

We consider it unnecessary for this reason to elaborate on any other objections that might appear to the establishment of the park, even though the area measured up scenically to national-park standards, such as the existence of the large area of private holdings.

The final inspection of the area by the National Park Service was by Roger Toll, one of their ablest and most experienced men, then superintendent of Rocky Mountain National Park and now superintendent of Yellowstone National Park. And his report should convince anyone of the undesirability of this bill. In part he said:

National-park policy: Congress, through the past 50 years, has established a national-park policy, as is evidenced by the existing national parks and also by the many areas that have been proposed as national parks but have not been accepted as such by Congress. Congress has created as national parks those areas that were of outstanding phenomenal character and, with three exceptions, has refused to create as national parks numerous other areas that have been proposed. During the past 20 years, all parks that have been created have been of high standard and exceptional quality. During that period, Congress has rejected all areas that were unsuitable for national parks, even though many of these areas have beauty and attractiveness, but not scenic supremacy.

The Department of the Interior has frequently been called upon to submit to Congress its recommendation as to the suitability of various areas proposed for national parks. In order that these recommendations might conform with the established policy of Congress, the department has tried to put this policy into words and to make its recommendations consistent therewith. It is the policy of the National Park Service and of the Department of the Interior to maintain the standard established by Congress and to recommend as national parks only those areas which have the most remarkable and superlative scenery in the country or other unique features so extraordinary as to possess national interest of the highest order.

Congress has the right at any time to raise or lower the standard that it has set. It may raise the standard by eliminating the national parks of lowest rank or it may lower the standard by adding any number of new areas that are inferior, from a national standpoint, to existing parks.

The people of the country judge the congressional standard for national parks by means of the existing parks, and they have come to feel that the national parks are the Nation's superlative natural attractions, selected because of the unique features they contain or because of their remarkable scenic qualities. People in all parts of the country are confident that a visit to a national park will repay the necessary expenditure of time, money, and effort, even for a long trip. It is believed undesirable to destroy this confidence by establishing a national park that will not repay this expenditure in an equal degree, or that will prove disappointing to those who are familiar with the existing major national parks. Every national park should be worth traveling across the country to see. If an area is not of that quality, it is not of national-park type.

Scenic regions of the United States: Many States comprising "America the beautiful" have areas that equal the Ouachita area in beauty and attractiveness and many States have scenic areas on a grander scale and of a more magnificent type that would be entitled to precedence

over the Ouachita area if future national parks are to be created in order of scenic supremacy.

Geographic distribution of national parks: Congress has not shown an intention of creating inferior national parks in order to secure a uniform geographic distribution of parks throughout the country. Even if the thought of "a national park for every State" were to be given any consideration, Arkansas already has one national park, while 35 States have none.

Relation of national parks to density of population: If the density of tributary population were the primary consideration in the selection of national parks, there are a number of other regions in the United States that would claim precedence over the Ouachita area, on this basis. The use and accessibility of an area are important secondary considerations for a park, but they are secondary, not primary, considerations.

Mountains of the United States: One of the principal features emphasized as an argument for the Ouachita area is its mountains. More than two-thirds of the States in the Union have points of greater elevation than the Ouachita Mountains. This group of mountains is far down on the list of mountain ranges of the country. The State of Arkansas has a number of mountains higher than any in the proposed area.

Controlling features versus incidental features: The decision as to the suitability of an area for a national park rests primarily on the supremacy of its chief feature, usually scenery. All other considerations are incidental. Perfect weather conditions, large tributary population, remarkable accessibility, and other features that may be important assets in determining its recreational use or possibilities, will not make a national park out of a scenically unsuitable area. An area capable of the greatest recreational use, is not necessarily suitable for a national park. The Palisades Interstate Park has greater accessibility, a larger tributary population, and greater volume of visitors and recreational use than any national park, but though it has beautiful scenery, fully equal to that of the Ouachitas, and of greater variety, it is not of national-park type. In some of the national parks, such as Mount McKinley, the recreational use is still very small, but the areas have such scenic qualities as to make them very desirable for national parks.

Proposed Ouachita National Park: The area is in the Ouachita Mountains, a few miles southeast of Mena, Ark. The proposed park has a maximum length of 33½ miles east and west, and a maximum width of 13½ miles north and south. The proposed boundaries include some 163,000 or 170,000 acres.

The proposed park area is primarily a region of hills or mountains of moderate elevation. It is an attractive region, well wooded, has many clear streams, a number of cascades or low waterfalls, and numerous springs.

Arkansas already has a number of attractive recreational areas that offer to the people of southern Arkansas, eastern Texas, Louisiana, and Mississippi an opportunity to reach, with a comparatively short and inexpensive journey, a pleasant region where the temperature is cooler and where they may enjoy life in the open, under conditions superior to their own less favored summer climate. The Ouachita area has considerable possibilities for recreational use and, if developed, would form an important addition to the present recreational attractions of Arkansas.

The area is now a part of the Ouachita National Forest. The Forest Service has made a careful and detailed study of the recreational possibilities of the region, and has made plans for the accomplishment of this development. It would seem that a united effort on the part of the citizens and their Representatives in Congress would be certain to secure the appropriation of funds to continue this development at a faster rate in the future than has been possible in the past and to insure the completion of any reasonable program within a short period.

If the State of Arkansas wishes to expedite this development and give it additional publicity, it could establish a State park in this area to include at first perhaps only a few tracts in the most strategic locations. The State and the Forest Service could well cooperate in the development of this area.

It would seem that the recognition of this area as a State park, and the expenditure of a moderate amount of State funds or the investment by individuals or corporations in the erection of hotels, lodges, or camps, would not only render a public service to the people of the adjacent region but would also bring to the State and the community a revenue from tourist travel far in excess of the required expenditure.

There is a need for municipal parks, for county parks, for State parks, and for national parks. It is not, I believe, the policy of the Federal Government to undertake projects that can and should be carried out by the individual States. There is no important feature in this area that requires conservation by the establishment of a national park. The area is now being administered by the Federal Government, through the Forest Service, primarily for the purpose of conservation of its timber resources, for present and future economic use, and secondarily for recreational use. The Forest Service is ready to develop the recreational use of the area far beyond its present extent. This area is in good hands and through cooperation of the Forest Service, the State, and the community the result that is desired by all may be speedily accomplished.

Even if the area were of supreme scenic quality, the fact that some 35,000 or 43,000 acres within the boundary of the tract are in private ownership presents a serious obstacle to national-park status. The private property, however, does not prevent the further development of the region by the Forest Service, with or without the aid of the State.

The development of the Ouachita area for recreational use, is and should be, regarded with friendly, sympathetic interest, but this development can be adequately provided by the Forest Service, with Federal funds, with or without the aid of the State. Those who are interested in securing the development of this area, have expended money and energy for several years past without results in their efforts to have the area established as a national park. It seems probable that if a fraction of this effort had been directed toward cooperation with the Forest Service, and aiding it in securing necessary appropriations, that the desired development would now be under way at a highly satisfactory rate of progress.

The Ouachita area does not contain features nor scenery on a scale equal to, nor even approaching, the majority of the national parks that have been established by Congress. The area would not add any new feature of importance to the national-park system that is not already represented in a higher degree in the existing parks. In my opinion, the National Park Service can not consistently recommend consideration of this area for a proposed national park.

The Members of this House who have joined in the adverse minority report are devoted conservationists, have a wide familiarity with our national-park system, are men whose judgment in such a matter is unbiased and worthy of special consideration—Representatives COLTON, of Utah; HOOPER, of Michigan; LEAVITT, of Montana; WINTER, of Wyoming; and DOUGLAS, of Arizona. They close their very effective minority report:

The minority believe that a recreational center should be established and maintained in the Ouachita National Forest. In fact, the Forest Service is developing that region rapidly now. During the last year considerable money was spent in road building and in providing conveniences for the traveling public. We believe that this class of service can be and will be better performed by the National Forest Service than the Park Service.

If the Ouachita National Park is created as provided for in this bill, it will be a departure from the long-established practice which has been consistently followed since 1872. It will mean that we shall create parks based upon the theory of local demand or general distribution. This we believe to be a serious mistake. We believe that Congress should either appoint a commission of experts to study this matter or should be governed by the Department of the Interior, which now has charge of the Park Service. It is our belief that no park should be created in the future that is not carefully examined by men thoroughly familiar with the park system and the standard of national parks. In other words, we believe that an architect should be consulted before a building is commenced.

The minority members of this committee stand ready to join in any movement which will more rapidly develop this area in the Ouachita National Forest as a great recreational center, but we do not believe that it measures up to the standard of the national park and therefore should not be created into one.

A report on this proposal worthy of most thoughtful consideration is that by Miss Harlean James, secretary of the American Civic Association. Miss James spent four days in a most careful inspection of this area. She is recognized as an enthusiastic conservationist, an authority of wide reputation on park questions, and her analysis of the proposition is illuminating:

DESCRIPTION OF THE AREA

The Ouachita Mountains near Mena, Ark., are of the mound type, forming groups of broken chains similar to some of the foothills of the Pacific coast; and though some of the rounded peaks reach an altitude exceeding 2,000 feet, they rise from a plateau of considerable height. The view from Eagle Mountain is quite extensive, because it tops the surrounding knobs, but there is no spectacular mountain scenery. Dark, stately pines and brilliantly green hardwoods clothe the slopes with good forest cover. The tops of the mountains are formed of white and colored rock which breaks into beds of small, sharp stones when trails are cut. The timber on the mountain tops is small and straggling. The dogwood was in bloom, and we saw violets, trilliums, and other woods flowers. Almost every intervale between the wooded mountains has been partly cleared and is occupied by cultivated fields and scattered groups of cabins and farm buildings.

From the fire tower on Eagle Mountain we could see the furrows being turned in the fields of the valleys below. Within the borders of the proposed national park the forest roads are literally lined with private holdings, cultivated fields, land cut over by private lumber companies, and privately owned standing timber. The forest roads—which, though narrow, are perfectly traversable in a pouring rain—are

bordered by private land for about two-thirds of their length. Access to many drainage areas containing national-forest land is controlled by private land.

In addition to the very pleasing sylvan and pastoral views from the vantage points of the rounded mountains, the Little Missouri Falls and Standing Rock are points of local fame. The Little Missouri Falls are rather rapids than falls, as the water flows over a series of rocky ledges between banks marked by stone outcroppings partly covered with a straggly growth of shrubs and trees. It is a delightful picnic spot, such as can be found in the headwaters of many of the mountain and hill streams in the United States.

On our drive and tramp to the Standing Rock we found cultivated fields alternating with the wooded banks and rocky ledges of Board Camp Creek. The Standing Rock itself is interesting, having the aspect of a high masonry stone dam across the creek, which might have been partly demolished or possibly left in an unfinished condition—just the right sort of spot to offer an interesting objective for pleasure-seeking parties or solitary ramblers.

The water in the streams of this part of the country presents an oily appearance which is slightly greenish and opaque. The great beauty of the clear sparkling water of the Rocky Mountains is lacking.

Most of the best forests have been cut over. The forest land held by the National Forest Service under its system of harvesting the forest crop is capable of furnishing a good commercial cut every 30 or 35 years on a rotation of tree life of about 140 years. Under the principle of selective cutting the pine forests under the ownership of the United States Government present always a very good appearance, but, of course, even where this form of cutting has occurred the primeval forest and the natural ground cover no longer exist. The shaley character of the soil leaves the pine needles and leaves quite dry even after a heavy rain, adding to the difficulty of protection from forest fires. The local settlers are firm in the belief that burning over their fields will destroy the boll weevil and the chiggers and ticks but their fires often get away from them and cause great damage to the surrounding forest.

On the whole it may be said that the area, in the section which I traversed, contains good cover forest, yet, even as a forest it is far less impressive than many of the forests in the White and Green Mountains in New England, the Adirondacks and Catskills of New York, the Blue Ridge in Pennsylvania, Maryland, and Virginia, the Appalachians in North Carolina and Tennessee, the Rocky Mountains in Colorado, and the Cascade and Coast Range in Washington, Oregon, and California.

WHAT THE PEOPLE HOPE TO SECURE BY CONVERTING THE NATIONAL FOREST INTO A NATIONAL PARK

From accounts in the local newspapers, from statements before the committees of Congress, and conversations with a few local people it would seem that the following advantages are being set forth as sure to follow the establishment of a national park—

(1) It is hoped that 100 miles of hard surface wide road would be built by the National Park Service within the area, though at present these roads would not form links in any important national highway.

(2) It is hoped that the establishment of a national park would bring increased business to Mena and help to rehabilitate it. Mena, a town of some 4,000 inhabitants, lies on the Kansas City Southern road, which runs south from Kansas City to the Gulf. The town was once a division headquarters, but the railroad has moved these headquarters away. I observed in the town of Mena a good many deserted buildings in the business part of the town.

(3) The private owners of cut-over land hope that the consolidation of a national-park area and the elimination of private holdings within it might lead to exchange of cut-over land within the area for standing timberland in other national-forest areas to the north.

(4) Owners of private lands within the proposed park hope that they could develop patronage of camps and inns either on their own land or secure concessions from the National Park Service which would be profitable.

(5) It is hoped that with improved roads, hotel and camping facilities great numbers of visitors would come to the area seeking recreation.

HOW FAR WOULD THESE HOPES BE REALIZED?

In the existing national parks expensive roads have been built only as the number of visitors to the parks justified the expenditures. In most of the parks an admission fee is charged. At the present time there are several very good camping grounds in the Ouachita National Forest area, but they are very little used. A resort hotel built on the mountains north of Mena proved an utter failure and is now crumbling in ruins. As a matter of fact, there is very little camping out in these mountains after June, because of the chiggers and ticks.

As a national park, hunting, trapping, and commercial fishing would be prohibited. The settlers, as they are called, who live within the proposed park grow a little cotton, a little corn, have a few cows and pigs, produce a little garden truck, and depend for the rest of their living on hunting, trapping, and fishing. The sale of pelts of fur-bearing animals brings in each year to these settlers a small cash income. Therefore, even if the area could be made into a national park, there is every reason to suppose that the local people would find that they had paid a very high price for the name of national park. Visitors from other parts of the country might be lured once by advertising, but the scenic attractions, in my opinion, are not sufficient to draw and hold large numbers of visitors from the United States as a whole. Some of those who might come in to the national forest to hunt and fish would not care to come to a national park where hunting was prohibited. Except in the spring, I can hardly believe that many people from other parts of the country would care to camp in the Ouachita Mountains.

The resort hotels in Hot Springs bring large numbers of persons suffering from rheumatism and other ailments. It may be that resort hotels in this area for people in good physical condition would in the future receive patronage, but so far the experiments along this line have proved failures. There is no reason to suppose that the name of national park would fill such hotels. The proposals to enhance the scenery by artificial lakes show a lack of appreciation of what a national park should be. Indeed, a private venture has resulted in the creation of an artificial lake at Bethesda Springs, near Mena; but we could not observe a single building on the cottage sites thus provided.

WHAT WOULD BE SACRIFICED IN GIVING UP THE NATIONAL FOREST?

Under the present policy of the United States Forest Service this area is yielding a good income on a 30-year harvesting cycle, which maintains the steady growth and good appearance of the forest. Of the receipts from timber sales, 10 per cent is returned to the Forest Service for the building of roads within the forest. An additional 25 per cent is returned directly to the State, which in turn distributes it to the counties in which the national forests are located for upkeep of county roads and schools. Under an Arkansas statute three-fifths of this 25 per cent item is expended for the support of the schools within the counties in which national-forest land is located. The money is apportioned to the school districts in proportion to the number of acres of national-forest land lying within the boundaries of each school district. This gives the little country schools amounts which range from $75 to $150 and $300, and in one case as high as $700 a year. An amount as large as the last figure covers far more than 50 per cent of the teacher's annual salary. Some of the mountain schools are maintained very largely by the apportionment received from the national-forest receipts. If this area were made into a national park, about 40 schools would lose this income.

With the closing of the area as a game preserve the economic loss to the community would be quite considerable, and there is very little evidence that the economic gain, even to the few who would share in it, would equal the losses. The creation of limited game preserves within the forests would result in increasing the game.

CONCLUSIONS

My conclusions therefore are—

(1) The area, even if it were in its primeval state, does not qualify as a national park, which should be characterized by natural conditions of scenic beauty and scientific interest of nationally outstanding importance.

(2) In its present state, with many acres of cut-over lands and many more acres being logged under scientific forestry management, with a great number of cultivated farms and private holdings honeycombing the entire proposed park and lining the existing roads, the area as a whole is not suited for a State park.

(3) Under a careful classification of lands for their highest use the management of the land as a national forest seems to promise a more valuable return to the United States and the State of Arkansas than any other feasible use.

(4) In view of the fact that the United States Forest Service recognizes the desirability of restricting timber cutting to areas where there would be practically no conflict between its timber-utilization policies and its plans for recreation purposes, it would seem that all recreation needs can be met without sacrificing the economic income from the thousands of acres of forest land over which only an occasional hiker may roam. Areas such as those surrounding Missouri Falls, Standing Rock, and in Mine Creek would not be cut over under this policy.

(5) The creation of the Ouachita National Park from existing forest lands and cultivated farms would open the door to the inclusion in the national park system of hundreds, if not thousands, of similar areas in all parts of the country. This would result in the weakening of the present national park system and in the administration by the Federal Government of recreation areas which could be much better managed by local authorities.

HARLEAN JAMES,
Secretary American Civic Association.

Scenery can not be made by act of Congress. Passage of this bill will not cause Ouachita to become of world-wide fame or to rival Yosemite or the Grand Canyon. It does tend to lower the standards and invites a flood of other bills to promote local interests while jeopardizing the value of the name "national park."

Mr. HILL of Washington. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LETTS].

Mr. LETTS. Mr. Speaker, ladies, and gentlemen of the House, I am glad to say a few words to-day in behalf of this bill because I have seen the area and am tremendously impressed with it.

I wonder if the Members of this House know that we already have a national park in Arkansas almost contiguous to the territory here described? The Hot Springs National Park is right at hand, and I have felt that in reporting this bill we should have provided that the administration of this park should be placed upon the superintendent already there at Hot Springs.

Talk about something unique, where would you find anything more unique than the Hot Springs of Arkansas?

Mr. CLARKE. Will the gentleman yield?

Mr. LETTS. No; I can not yield until I finish my statement. I am sorry.

The question of standards is urged. Of course, standards are relative according to the interpretation men place on their own experiences. What is standard for one person is not the standard recognized by another man or some other community.

Those who have traveled through the West and have seen the great national parks in the Rocky Mountain region know immediately that this area in Arkansas does not measure up to the Rocky Mountain standard; but here in this vast territory of the Mississippi Valley and the great Southwest and, if I may say so, to the east of that area, nothing can be found to compare with the great Rocky Mountain parks. Now, are we to say that there shall be no national parks unless they are out in one of the Rocky Mountain States? Are we to foreclose against other parts of the country?

I would have preferred rather than to designate this area as a national park to authorize something in the nature of a national recreation area, with a service that would enable the people of this vast area—Texas, Oklahoma, New Mexico, Arkansas, Missouri, Kansas, and all of that extensive country—devoid of anything like the strange beauties of nature found in the Rocky Mountains, to get a full measure of enjoyment out of what they have with roads built by the National Park Service or the Forest Service, permitting the people of those States to go up into these mountains and follow the streams and enjoy camping places provided by the service, and thereby to preserve and make practical and wholesome use of this very unique mountain and wooded area, surrounded by a vast territory that is flat and level and almost devoid of natural changes and breaks which gladden the hearts and eyes of men.

Mr. BOWMAN. Will the gentleman yield?

Mr. LETTS. My thought has always been that we could well afford to make some characterization, something different from that designated as a national park, if you please, and give the people in areas like the Ouachita Mountains the opportunity to enjoy the grandeur of nature that has been placed for them, ever though it does not compare with the areas out West. It means, perhaps, a classification of parks and should involve a policy which meets the requirements of the whole country.

I yield to the gentleman from West Virginia.

Mr. BOWMAN. What are the physical characteristics of this territory?

Mr. LETTS. The physical characteristics are unique in many respects. There are found many varieties of trees and foliage and flowers, and as it is proper to distinguish one area for one thing and another for something else, the Ouachita Mountain area has its distinct charms.

Mr. CLARKE. Will the gentleman yield?

Mr. LETTS. Yes.

Mr. CLARKE. Are not all of these facilities now available under the National Forest Service?

Mr. LETTS. No; there are no suitable roads, there are no camping places provided, and the National Forest Service does not care to render the service it might. Out in the West the Forest Service has done a great deal; it has established camping spots and invites the people to come there, but it is not done in the Mississippi Valley, and the Southwest is entitled to something of this public service. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. COLTON. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona [Mr. DOUGLAS].

Mr. DOUGLAS of Arizona. Mr. Speaker and Members of the House, I shall preface what I have to say in opposition to this bill by the statement that I have not been in the area. I was requested to go with the Committee on Public Lands, of which I am a member, but I felt, and I think quite justly, that unless a person could spend weeks within the area and make a complete examination, do it thoroughly, so as to arrive at an intelligent opinion of his own, it would be infinitely wiser to investigate the report of experts on the subject and examine topographical maps. So what I have to say is not predicated on personal observation, but rather upon observation by those who are considered to be—in fact, are acknowledged to be—experts on the subject.

The issue is not whether there should be a recreational area established in the State of Arkansas. It is not whether this particular area included within the central part of the United States should have a playground. The fundamental issue is, Does this particular area measure up to the standards and requirements of the National Park Service as established by a policy of 50 years' standing?

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will be delighted to.

Mr. JOHNSON of Oklahoma. Has the gentleman ever visited this particular area?

Mr. DOUGLAS of Arizona. I have just spoken about that for about three minutes. The fundamental issue is, Does this particular area measure up to the standards and requirements of a national park?

That leads naturally to the question, What is a national-park standard? What are the requirements for a national park? An area to be set aside as a national park should have in it some distinctive—some scenic—feature of outstanding grandeur, some extraordinary natural phenomenon. I need only cite a few cases, which will probably be more effective in defining national-park standards or requirements than any verbal definition.

The Grand Canyon of Arizona was set aside as a national park, first, because of its extraordinary beauty—remarkable colors in the canyon—and because it is in an example of erosion unequaled in the world.

The Yosemite Park, Calif., was set aside for the general public because, silhouetted against the snow-capped Sierras, there are great granite monoliths rising thousands of feet perpendicularly from the floor of the valley.

The Yellowstone was set aside because of the variegated colors to be found, and because of the unique effects of the action of thermal waters.

I could go on and enumerate the parks—every national park—and cite the existence within each of these parks of some natural phenomenon which is peculiar and extraordinary and not to be found elsewhere.

That, then, is the definition of national-park standards or requirements. A mere demand for a recreational area does not come within the scope of national-park standards or requirements.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I yield to the gentleman.

Mr. STRONG of Kansas. The gentleman speaks of a national-park standard. What is the standard for national parks?

Mr. DOUGLAS of Arizona. I have just been talking about that for three or four minutes.

The question is, Does this particular area measure up to the requirements? What is there in the area? A geologist of the United States Geological Survey has testified that there are sediments, folded and deformed, standing on end. If that be anything extraordinary, then the person who cited them can not have had much experience traveling throughout the country.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. JOHNSON of Oklahoma. Has it not been brought out that there are 57 varieties of trees in this area?

Mr. DOUGLAS of Arizona. I shall come to that in a moment. If sediments standing on end be considered as falling within the requirements of national parks, then I can show every Member in this House at least three areas in my State on the desert where sediments 200 feet or more in thickness are deformed, folded, and standing on end in the middle of a cactus forest. Yet I do not think, nor would anyone else think, that that particular area should be set aside as a national park. It has been claimed that there are 57 or more different flora in this Ouachita area and that because there are that many the area comes up to the requirements of a national park. In a similar area or an area of similar size, on the desert, I can point out over a hundred different flora and yet no one here would contend that any portion of the Great American Desert should be set aside as a national park.

Mr. CLARKE. Mr. Speaker, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. CLARKE. Does the gentleman not think that the very number itself, 57, suggests a variety of pickles more than it does nature's laboratory?

Mr. WILLIAM E. HULL. Mr. Speaker, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WILLIAM E. HULL. Would it not be a good thought to spread these parks out a little bit and put some of them in other parts of the country than the West?

Mr. DOUGAS of Arizona. I am in hearty accord with the theory of setting aside recreational areas scattered throughout the United States, but I am not in favor of passing any legislation which will result in the degeneration of our national-park standards. [Applause.]

What is there, then, within this area? The lowest elevation is between eight and nine hundred feet. The maximum elevation is 2,450 feet. The maximum difference in elevation can not, therefore, exceed 1,550 feet. Surely a rise in elevation of only 1,500 feet, and not an abrupt rise, as indicated by the topographical maps, can not be considered as being an outstanding feature. I submit that the evidence of the experts is adverse to setting this area aside as a national park. There is nothing in the area which distinguishes it sufficiently to justify its being set aside as a national park, and I trust that the House will not pass this legislation. I trust that the House will not set a precedent which will as the years go on result in a complete and thorough degeneration of the national-park standards which have been established through the course of a half century of our history. [Applause.]

Mr. HILL of Washington. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Speaker and Members of the House, I had not thought of saying a word on the pending legislation until a moment ago, and had not asked for time, but as a member of the Public Lands Committee, who attended practically all of the hearings, I just want to make a brief statement concerning this proposed national park bill. I have been amazed at some of the propaganda and misinformation that has gone out against this measure. These untruths were broadcasted by one who never visited this proposed park, a man who knows nothing about it, with the deliberate intention of misleading Members of Congress into voting against this bill. I openly charge that statements in the propaganda sent you against this proposed park are false, and the author knows them to be untrue. I do not refer, of course, to any Member of Congress, but I am speaking of an outsider, who sent this propaganda to you and has declared, among other things, that he was not permitted to be heard before our committee in opposition to the pending bill. As a member of the Public Lands Committee I know our committee heard all who asked to appear for and against the proposed park. I assume that the gentleman who now complains did not wish to testify, else he would have done so. The fact is, he knew nothing about the matter. I know further that the most courteous treatment was given every one who appeared or who desired to do so.

I am not surprised that the able and distinguished gentleman who just preceded me, my good friend from Arizona [Mr. DOUGLAS], is opposed to this kind of legislation. I realize full well that gentlemen who have parks do not desire competition. The gentleman from Arizona evidently believes that the thirty to forty millions of people in the southwestern part of the United States are not entitled to a park; that our people ought to go to Arizona; but may I call attention to the fact that neither the able gentleman from Arizona nor anyone else who has spoken thus far in opposition to this measure has even so much as seen this wonderful spot of scenic beauty. They have never seen those beautiful falls and gazed at those wonderful mountains. No, gentlemen, the opponents who have raised their voices thus far against this bill really know nothing firsthand about it. Yet they come here and tell you that it is not unique. They say it is not standard. The opponents of this measure make much ado about national-park standards. The gentleman from Kansas has asked the opposition to state what a national park is, and it seems they can not agree on what it is or ought to be. Let me suggest that they ought to get their heads together on this overworked and much-abused statement. [Applause.]

Might I not suggest for your consideration that a national-park standard in one part of the country is not at all the standard in another. May I add further in this connection that practically every member of the committee who saw this beauty spot agreed that it is not only standard but that it can be matched nowhere in the country.

I realize full well that certain departments at Washington—and I refer especially to the Forestry Service—is very much opposed to this legislation. I have no quarrel with this or any other department of Government, but I submit for your consideration that the people of the great Southwest, aggregating some thirty to forty millions of people, should be given consideration. Our citizens down Southwest in Arkansas, Oklahoma, Texas, and Louisiana are not jealous of those of you who have parks. But our farmers and wage earners can not possibly go to visit them. The United States Senate has passed this bill unanimously. The Public Lands Committee, after extensive hearings, made a favorable report. I appeal to you not to deprive our people of this park which they want and so richly deserve. [Applause.]

Mr. COLTON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, the people of the southwestern part of the United States are unquestionably entitled to consideration by this House. I believe that they are entitled to a recreation area, but I do not believe it would be wise to put the national park label on everything that is set apart as a recreation area, irrespective of its scenic beauty and its outstanding features that will attract the attention of the world.

For a good many years a national-park policy has been forming. Its development has been slow, and some of the parks created early can hardly be said to conform to the standards which now ought to be maintained. Stephen Mather, for a good many years Director of the National Park Service, appointed first by his college chum, Franklin Lane, Secretary of the Interior in the administration of Woodrow Wilson, is the man most of all responsible for the development of a high standard. It has been my good fortune to be somewhat closely associated with him and to have visited not only areas that are now included under the supervision of the National Park Service but others that were being contemplated. One of the principles involved in the national park policy at the present time is that there ought not to be duplicates. We have the Grand Canyon of Arizona, the greatest example of erosion that is known to the students of the surface of the earth. We have the Yellowstone, with its geysers and hot springs, not paralleled anywhere in the United States. We have the volcanoes in the Hawaiian Islands, we have Mount McKinley in Alaska, we have Glacier National Park, and the Crater Lake Park. Recently we have set apart a most remarkable wooded area where, I believe, the best surviving example of hardwoods found in all of the United States can be found, down in the Great Smokies, where we were told by the botanist of the exposition that there are 108 varieties of hardwood timber.

I believe, from the examination of all the evidence that I have been able to get—photographs, topographic sheets, records of the Forest Service—that there are many places in the United States both in the Appalachian Mountains and in the Rocky Mountains where more impressive and more beautiful mountain scenery is found than in this proposed mountain area.

As a recreational area I would be in favor of it. The National Forest Service sets apart recreational areas, with camps and hotels meeting the requirements of visitors and tourists, I think, in many respects just as well as the National Park Service. The region now under consideration might well be such a recreational area, but it has no great outstanding scenic feature, there is no great outdoor museum to be preserved.

A recreational area for all of the people of the United States? Yes. [Applause.] But if you put the national-park label on this area, if we adopt the principle of selecting national parks in accordance with the idea of geographical distribution, it will not be long until we are considering a bill that is already pending before the committee, to establish a national park in every State of the Union in which a national park does not now exist. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

SELECT COMMITTEE ON CAMPAIGN EXPENDITURES

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that the Select Committee on Campaign Expenditures may have from March 1 to March 3 in which to report.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the Select Committee on Campaign Expenditures may have from March 1 to March 3 in which to report. Is there objection?

There was no objection.

OUACHITA NATIONAL PARK, ARK.

Mr. COLTON. Mr. Speaker, I yield to myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for six minutes.

Mr. COLTON. Mr. Speaker and Members of the House, my interest in this matter lies in my desire to bring the issues

squarely before you in such a way that your decision will decide between two policies. When I shall have done that I shall have performed my duty.

The Government has followed the policy since 1872 of setting apart areas for park purposes because of something distinctive in those areas. Do not confuse distinctive with recreational features. We are asked to embark on a policy of establishing national parks in accordance with geographical location or on some theory of local distribution. If that is the policy you desire, you can register your vote in favor of that policy by voting for this bill. There are now pending in the Public Lands Committee some 12 bills to establish national parks in every State in the Union. If that is the policy to be adopted, we should enact this bill to-day. If not, we ought not to open this Pandora's box and create all these parks. National parks have been created on the theory of preserving something distinctive in nature and not on the theory of local desires.

The question was asked over here, Do we want park areas for the West and not for the Middle West? Not at all. There is one park now in Arkansas, one distinctive and unique area, which is really worthy of preservation as a national park.

But we have not proceeded on that theory of general distribution. We have proceeded on the theory that we would have something inspirational, distinctive, or outstanding. I have been over this area. I have gone through it by automobile, and I have flown over it by airplane. I want to be frank and say two things: First, it is a beautiful wooded area; and, second, the people of that section are entitled to a recreational center. I have offered time and time again to join in a movement to secure an appropriation to create there a great recreational center. But we ought not to label it "national park" if we are going to have the term "national park" mean something distinctive in the United States.

Moreover, the Forest Service is now expending large sums of money in building roads in that area and are spending money in providing camps.

I speak as one who has lived in an area where there are forest reserves, and I assert that the Forest Service can better supervise the recreational features of this area than can the Park Service. The Park Service could undoubtedly preserve the area as a park alone, but the Forest Service can also arrange for recreational features and encourage them just as well as the Park Service. That is all there is to it.

If we want to engage in the policy of selecting parks by reason of geographical location and recreational centers, then we ought to vote for this bill. We can make of it a recreational center without making it a park. If we believe a park should be something distinctive or unique we ought not to put the stamp of approval on this bill and say that national parks shall not mean something distinctive and that those who visit a national park need not expect to see something new and unique. There are beautiful flowers and beautiful trees in this area, and there are mountains, yes; but I do believe honestly, Members of the House, that you can go to a hundred places in the United States and duplicate this area so far as scenic beauty is concerned.

Mr. LETTS. Will the gentleman yield?

Mr. COLTON. For a brief question.

Mr. LETTS. Will not the defeat of this bill give encouragement to the Park Service and the National Forest Service to believe that their policy of excluding everything that does not reach their standard has the approval of this Congress?

Mr. COLTON. I am glad the gentleman asked that. No; it will not, but if their standard is correct it ought to have the approval of Congress. We have always required the examination of an area, either by a commission or have accepted the recommendation of Park Service experts. The Great Smoky area was examined by a commission; the Appalachian Park was examined by a commission, and we have never acted except upon the report of park experts or a commission created by this Congress. We have, in some cases, acted upon the recommendation of the Interior Department. The Interior Department is against this bill and so also is the Department of Agriculture. We have had no commission examine it, and we must decide to-day whether or not we are going to inaugurate an entirely new policy in the creation of national parks.

Are we to embark on a policy of building without plans and without an architect? That is what this means. We should appoint a commission to study the area and make a recommendation. There should be cooperation if we are to build a great park system and we should not create a park without careful consideration and should, as far as possible, work with those whom we intrust the responsibility of administering our parks.

The great civic organizations who are laboring to maintain the standards of our parks are all against this bill. Let us not disregard the recommendation of practically every expert in the country.

The SPEAKER pro tempore. The time of the gentleman from Utah has expired.

Mr. HILL of Washington. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. I wish I had the time and the strength to answer the misleading propaganda that has inspired a lot of telegrams and letters that have come to you gentlemen against this proposal, but I have neither. The man who inspired it has never seen the area. He has issued and sent to each Member of the House a slanderous attack not only upon the committee but upon me, among other things, saying we would not let him be heard. I and one member of the committee objected to his being heard except in person, so that we could question him about the false statements he had made, but we could not get him to appear. But enough about that.

What does this bill do? Is it local? Does it come up to the park standards? That is what you want to know. These are some of the objections.

The people of Louisiana, Texas, Arkansas, Oklahoma, and that area comprising 44,000,000 people do not envy the parks in the States of the gentlemen who signed this minority report, but they say to those gentlemen, "We can not all go out to your national parks in the Rocky Mountains, and you should not be selfish; give us this distinctive beautiful mountain area that is within one or two days' travel of us 44,000,000 people so that in the coming years, when the crush of industry that is sweeping into the Mississippi Valley shall demand that we shall be able to get out not only of the Mississippi Delta and the swamp lands of eastern Arkansas and of Texas and of Louisiana but out of the mills and factories, that those of us who are not able to go and view the bald peaks of the Rockies may go and view these wonderful mountains that are unsurpassed in the world in scenic beauty."

This is admitted by every man who has ever seen them who is impartial. I have been to Nikko, in Japan, and standing on her mountain heights have marveled at the view. I think the only thing comparable that I have ever seen to this Ouachita Mountain Range are the mountains of Nikko in Japan, said to be the most beautiful park in the world.

Oh, no, gentlemen, this is no freak. We have no 5-legged calf which we ask you to make a national wonder. If this had a freak geological formation like the Garden of the Gods, we would have had this made a national monument; but it is an ideal natural park, with beautiful timber and foliage clear to the crest of the wonderful mountains, wonderful stone cliffs, wonderful waterfalls, distinctive of that region, the highest range that lies between the Rocky Mountains and the Appalachians. Compare it with something else? You can not do it. Why, parks in beauty are just like women—they are of different types; no two of them exactly alike; but they are all beautiful. This may not be a Rocky Mountain brunette, but it is a Mississippi Valley blonde. [Applause.]

It is formed of novaculite, the only novaculite formation in the United States or on the American continent, so the United States Geological Survey reports. At the hearing I challenged gentlemen who opposed it to name one distinctive feature of the Shenandoah or of the Smoky Mountains that could not be matched by this area, and they could not do it.

Heights are relative. Two thousand seven hundred and sixty feet is high to those people who come from the swamps of Louisiana and eastern Arkansas and eastern Texas or from the plains of Oklahoma.

Oh, they say, develop it as a recreational area. This has been the red herring that has been drawn across the trail for two years in an effort to defeat this bill. The only development, except a few trails, that has been made has been made by the people of Arkansas in that area. Five dollars and fifty cents was spent out of the funds of the Forest Bureau and that was for a wonderful folder describing the scenic beauty of this range which I wish I had the time to read to you.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HILL of Washington. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. WINGO. Gentlemen, this bill passed the Senate unanimously after two hearings and a hard fight in the Senate committee. All but four or five gentlemen on the Public Lands Committee of the House approved this bill after two years of hard fighting and long repeated hearings. We do not ask it as a local proposition for Arkansas, but Texas, Arkansas, Louisiana, and the whole Mississippi Valley, with this great distinctive mountain range lying just near that great city national park, the Hot Springs health resort, should be given this park.

The gentleman from Utah admits that it is all right and says, "I am willing to give it to you except that I do not want the name park to be used." He is objecting to the name. They simply do not want competition with the parks of Utah, Montana, and Wyoming.

Why, the whole fight has come from two sources, the concessionaires in the national parks in the Rocky Mountains and the timber men who sent telegrams here saying they want the timber in these mountains. We want to preserve this timber and all the natural scenic beauty of the region for future generations, and the way to do it is to transfer it to the Park Service.

Gentlemen, we have won the fight upon its merits. We have made our case after lengthy hearings where the opposition was fully heard. We satisfied the Senate of the United States unanimously. We satisfied the Public Lands Committee of the House of Representatives, all but four Republicans and one Democrat. You can rely upon such a record, can you not, and approve the judgment of the committee after a long fight and a long hearing?

I ask for a vote. [Applause.]

Mr. COLTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLTON. I am sure that the Committee on Public Lands has recommended a bill that is amended. Now, if the previous question is ordered, may we have the bill as amended or will it be on the bill as it was introduced?

The SPEAKER. On the Senate bill.

Mr. WINGO. The Senate bill is exactly as the House committee reported it, line for line. If you vote for this bill it will be the identical bill that the House committee recommended.

The SPEAKER. By agreement the previous question is ordered. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. COLTON) there were 164 ayes and 71 noes.

So the bill was passed.

On motion of Mr. HILL of Washington, the motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

WINDING UP THE AFFAIRS OF THE WAR FINANCE CORPORATION

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5684) to amend the War Finance Corporation act, approved April 5, 1918, as amended.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the bill, as follows:

An act (S. 5684) to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes

Be it enacted, etc., That the War Finance Corporation act of April 5, 1918, as amended be, and the same is hereby, further amended so that at the close of April 4, 1929, the liquidation of the assets remaining at that time and the winding up of the affairs of the corporation thereafter shall be transferred to the Secretary of the Treasury, who for such purpose shall have all the powers and duties of the board of directors of the corporation under said act, as amended. For carrying out the provisions of this act the Secretary of the Treasury may assign to any officer or officers of the United States in the Treasury Department the exercise and performance, under his general supervision and direction, of any such powers and duties. He shall from time to time pay into the Treasury as miscellaneous receipts any moneys belonging to the corporation which, in his opinion, are not required for carrying on and completing the liquidation of its remaining assets and the winding up of its affairs, including reasonable provision for the further expenses thereof. Nothing in the said act, as amended, or this act, shall be construed to affect any right or privilege accrued, any penalty or liability incurred, any criminal or civil proceeding commenced, or any authority conferred thereunder, except as herein provided in connection with the liquidation of the remaining assets and the winding up of the affairs of the said corporation, until the Secretary of the Treasury shall find that such liquidation will no longer be advantageous to the United States and that all of its lawful obligations have been met, whereupon he shall retire any capital stock then outstanding, pay into the Treasury as miscellaneous receipts the unused balance of the moneys belonging to the corporation, and make the final report of the corporation to the Congress. Thereupon the corporation shall be deemed to be dissolved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. McFADDEN, the motion to reconsider the vote by which the bill was passed was laid on the table.

PRINTING HEARINGS ON THE BILLS H. R. 7895 AND H. R. 11806

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Concurrent Resolution 37, providing for the printing of additional hearings during the Sixty-ninth Congress on the question of the stabilization of the price level of commodities, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House Concurrent Resolution 37, and concur in the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. BRAND of Georgia. Reserving the right to object, how many copies have been already published?

Mr. McFADDEN. I understand 2,000, and this provides for 5,000.

Mr. BRAND of Georgia. What was that second provision?

Mr. McFADDEN. That was to increase the number of copies of the last bill. There will be 5,000 copies of each available.

Mr. BRAND of Georgia. When does the gentleman expect to call up the Norbeck bill, proposing an amendment to the Federal farm loan act in respect of loans made to citizens of Porto Rico?

Mr. McFADDEN. If the Speaker will recognize me, I will call it up now, if the gentleman wishes.

Mr. BRAND of Georgia. I do not ask the gentleman to call it up now. I simply want to know when he will call it up. I want the information, if the gentleman will give it to us.

Mr. McFADDEN. I do not want to avoid the question, and I will call it up any time.

Mr. BRAND of Georgia. Will the gentleman call it up to-day or to-morrow?

Mr. McFADDEN. I will attempt to do it to-day.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

Mr. McFADDEN. Mr. Speaker, by direction of the Committee on Banking and Currency I call up from the Speaker's table the bill S. 5302, a similar bill (H. R. 13936) being on the House Calendar and which passed the House January 21, 1929.

The Clerk read the bill, as follows:

An act (S. 5302) to amend the second paragraph of section 4 of the Federal farm loan act, as amended

Be it enacted, etc., That the second paragraph of section 4 of the Federal farm loan act, as amended, is amended to read as follows:

"The Federal Farm Loan Board shall establish in each Federal land bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land bank district. Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this act are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall not exceed the sum of $25,000 to any one borrower and shall be subject to the restrictions and provisions of this act, except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per cent in excess of the rate borne by the last preceding issue of farm-loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years."

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that the bill is not privileged, and I would like to be heard for a moment.

The SPEAKER. The Chair would like to know the exact circumstances.

Mr. BLACK of Texas. This is a Senate bill that increases the loan limit of any one Federal farm loan in Alaska and Porto Rico from $10,000 to $25,000. The House, in a bill which we recently passed, increased the loan limit from $10,000 to $15,000.

Clause 2 of Rule XXIV reads as follows:

But House bills, with Senate amendments thereto which do not require consideration in the Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills, substantially the same as House bills.

Mr. Speaker, the very essence of this bill is the loan limit. The present loan limit for Alaska and Porto Rico under the Federal farm loan act is $10,000. The House Committee on Banking and Currency reported out a bill which the House passed raising that loan limit from $10,000 to $15,000. The Senate bill which the gentleman from Pennsylvania [Mr. McFADDEN] has asked to be called up seeks to increase the loan limit from $10,000 to $25,000. I submit that inasmuch as the very essence of the bill is the amount of the loan limit, the bills are not substantially the same, and, therefore, the Senate bill is not a privileged bill. I feel that the House bill increasing the loan limit for Alaska and Porto Rico from $10,000 to $15,000 for any one farm loan should be adhered to. Those Territories are somewhat remote from the United States, and I feel that we should not be too hasty in increasing the loan limit.

The SPEAKER. The question is as to whether those bills are substantially the same. It occurs to the Chair, although he is not familiar with the circumstances, that the limit of the loan is quite fundamental, and as there is the difference between $25,000 as the limit in one bill and $15,000 in another, the Chair feels that the bills are not substantially the same. The Chair sustains the point of order.

ADDRESS OF HON. GEORGE C. PEERY

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing therein an address delivered by our colleague the gentleman from Virginia [Mr. PEERY] when acting as temporary chairman of the Democratic State convention held in Roanoke, Va., on June 21, 1928.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address, delivered by Hon. GEORGE C. PEERY, temporary chairman, before the Democratic State convention at Roanoke, Va.:

THE SPIRIT OF DEMOCRACY

We meet to-day to take stock of our political situation and to plan for the future. We come together not only as members of a great political party but as citizens of a great State and a great Nation, to deliberate for the good of the Republic. Political unrest is abroad in the land; a limited number, who happen to enjoy special privilege and governmental favor, prosper; while economic distress is the portion of the farmer and unemployment is the lot of many. Corruption has appeared in high places, official integrity is under suspicion, and faith in popular government is being tested and sorely tried.

Government must be administered through the agency of political parties. There are but two major political parties to-day. One of the two must perform this function. In this solemn hour, in the light of past experience and in consideration of the actualities of the present, to which of the two parties may the people of this Republic look for guidance, and to which one should they intrust the administration of the affairs of government? When called to power in the past the Democratic Party has responded with a record of splendid achievement. We confidently maintain that it offers to-day the surest hope for the solution of the problems of the present and for the honest and efficient administration of the Government in the future.

The need for the application of the principles of Democracy to the affairs of our National Government was never greater than it is to-day. In our early history it was a conflict between two theories of government—Jefferson, the founder of Democracy, believed in the rule of the people; Hamilton, the pioneer in Republicanism, believed in the rule of the few. Jefferson advocated the largest measure of local self-government. Hamilton advocated a strongly centralized national government. Democracy demands equal rights for all and special privileges to none. Republicanism stands for a distribution of special privilege to the favored few. It believes in allowing the privileged few, under the processes of law, to exact toll from the many. Jefferson won his fight for popular government and Democracy. But the conflict did not end there. A little later on, and still in his lifetime, it was renewed. An organized and defiant money power sought to perpetuate a banking monopoly upon the people of the Nation; and Andrew Jackson, the crusader from Tennessee, took up the challenge, rallied the legions to his cause, and won another glorious victory in the cause of the people.

But the conflict in other ways continued and is with us with unabated vigor to-day. The proponents of special privilege, like the poor, are always with us. They neither slumber nor sleep. They are as insistent in their demands for special favor to-day as of old. And the call to battle in the cause of the people is as urgent to-day as it ever was in the past.

The Democratic Party is a free party. It is unfettered by embarrassing obligations. It owes no governmental favor to any group or class. It is free from any strangle or under hold. Its animating desire is to protect the interests of the Nation and to insure honest and good government to the people as a whole.

Its record in the past is the surest guaranty of its ability and purpose to give to the American people honest and efficient service in government. We need to look only to the record of recent years.

In the elections of 1912 the American people committed the affairs of our Government to the Democratic Party. Quickly following the accession of our party to power began a record of legislative achievement unexcelled by any like period in all of our history.

Men of wealth and large income had not, in the past, borne their just share of the tax burden. The Democratic Party gave to the country, under proper constitutional amendment, the income-tax law. Under it the principle of the graduated income tax became a permanent part of our national taxing system. As a result, the man of large income contributes proportionally more to the expense of Government than the man of small income.

The business men of our country had suffered from time to time from financial panics. In times past they had been told that there was no such thing as a panic under a Republican administration. But panics occurred and there was no possible chance to pin a Democratic label on them. They were beyond doubt Republican panics under Republican rule. A notable one was the panic of 1907 under a Republican administration. It was aptly termed a bankers' panic. These recurring panics were mainly due to the inelastic and antiquated money system that had prevailed throughout the long years of Republican rule. Complaint had been made and relief had been demanded; but the Republican Party failed to bring to the American people this much-needed relief. The Democratic Party met this issue and solved the problem. Under the leadership of a great Virginian, then a Member of the lower House, later Secretary of the Treasury, and now a United States Senator, the Federal reserve system was enacted into law.

It was enacted in the face of bitter opposition at the hands of the moneyed interests of the country. It is now with general accord acclaimed as one of the greatest pieces of constructive legislation ever enacted into law. It stood the stress of war. And there has been no bankers' panic since that time. For the enactment of this measure into law and the benefits that have flowed therefrom, the American people are indebted to the Democratic Party.

Under the leadership of another great Virginian, our beloved senior Senator, whose influence is probably unexcelled by that of any other Member of that body, the Democratic Party gave to our people the Federal good roads law, which helped to quicken a constructive road-building program throughout the Nation and to bring to the people the comforts and blessings that come with good roads.

During the years of Republican rule the farmer had justly complained that the Government had not placed him upon a plane of equality with the average business man. He could not borrow from national banks upon the security of his land alone, the best and most stable security of all. He had complained at this discrimination, but the Republican Party had brought to him no relief. The Democratic Party met this problem also, and solved it, and the Federal farm loan act was enacted into law. Under it the farmers of our country may borrow from the Federal land banks money at a fair interest rate upon long time and upon the security of their lands alone. This law, given to the farmers by the Democratic Party, helped to deliver them from the oppressions of the usurer and brought to them the belated justice that they deserved.

The Republican Party had not given to the laboring man the recognition that he deserved. There was no official spokesman for him in the official family of the President. The Democratic Party brought to him the recognition that was his due. It created the office of Secretary of Labor, thereby giving to the laboring men of the country a representative in the President's Cabinet.

It also enacted into law the Clayton amendment declaring that labor was not a commodity and freeing it from the provisions and penalties of the antitrust laws.

The Democratic Party has been the steadfast friend of the workingman.

It enacted a law creating the Tariff Commission in order that a scientific study of the tariff schedules and recommendations touching the same might be made by a commission charged with this special duty.

It drove from the National Capital a corrupt lobby which infested the halls of Congress for the purpose of influencing legislation in behalf of special interests.

Many other constructive measures were enacted into law during this period of Democratic rule which proved to be for the good of the country and the betterment of our people.

And throughout this period of Democratic rule and splendid achievement prosperity smiled upon our land. It came not to a privileged few but to all. It came to the business man, to the farmer, and to the laborer. All classes of our people enjoyed its blessings.

And during this period of Democratic administration America was called to face the greatest struggle in all of our history. It was the emergency of war, the greatest war of all time. We held aloof as long as it was possible with due regard to our national honor, but at last we were forced to enter the conflict to help save the civilization of the world. We were compelled to send force to meet force and without stint. The force of American arms was quickly felt. A draft law was passed which included rich and poor alike, and which was enforced with justice and impartiality. The resources of the nation were mobilized with incredible swiftness.

We sent food and fuel, money and ships, to our European allies. In two months after declaring war our soldiers were on the battle fields in France; and a year had scarcely passed until more than 2,000,000 soldiers, the flower of American manhood, had been sent overseas in ships convoyed by the American Navy without the loss of a single life. They brought new hope to the embattled soldiers of England and France. They proved to be the most potent factor in turning the tide in favor of the Allies and in bringing glorious victory to the allied cause.

This period was marked by brilliant and mighty achievement. It stood forth in happy contrast with other previous war periods in our history in its freedom from graft or corruption or scandal on the part of any responsible public officials. The whole record withstood the white light of investigation at the hands of some 50 investigating committees appointed by a later Republican administration, and stands forth an unsullied record of honesty and integrity.

Throughout this period, as in other periods, the Democratic Party demonstrated to the world its fidelity to great principles, sound economics, and honesty in government. It proved its greatness by great achievement. It gave to our country unexcelled leadership. In all those days of emergency, stress, and conflict there was a great pilot in charge of the ship of state who successfully charted our course through the storm of war to victory, and who, by his leadership, brought to America the leadership of the world. Born a Virginian, Woodrow Wilson became one of the world's immortals.

Our people during the war followed him with a fine spirit of unselfishness, self-sacrifice, and splendid idealism. We fought without thought of material reward or hope of enlarged domain.

But after victory came reconstruction; and with it came a spirit of captious criticism that so often follows in the wake of great emergency. Under the spell of its influence the people decreed a change in parties and the Republican Party resumed control in 1920.

And what an unfortunate change it has proved to be! A spirit of materialism asserted itself. Selfishness stalked forth with all its sordid demands. The privileged few renewed their demands for special favor. Efficiency gave way to inefficiency. Honesty was supplanted by corruption and graft in official life. It was not merely bribery, corruption, and inefficiency on the part of subordinate employees and officials of the Government, but it was bribery, corruption, and inefficiency on the part of many high in authority—some of them members of the official family of the President.

The Republican Party of Virginia celebrated St. Patrick's Day by holding its convention in this city on March 17. I read with interest the press reports of its proceedings.

They declared for honesty in government. Not only did they declare for honesty, they demanded honesty. The headlines of their platform in bold black letters were: "Honesty in government is demanded by Virginia G. O. P." I read from the text of the platform adopted and near the head of it appears this sentence: "The American people, regardless of party, expect and demand honest government." And then just a little further on I read this amazing sentence: "The present administration of the Government is one of the cleanest in our history.'

Only two days later a great Republican Senator on the floor of the United States Senate, Senator BORAH, of Idaho, in describing certain conditions under this administration, uttered this burning language:

"It has been said this afternoon that this investigation and the corruption which it has disclosed has no parallel or precedent in our history. I doubt if it has any precedent anywhere; I doubt if anything of the same nature and kind has ever happened in any country. When one takes into consideration the purposes of the transaction, the attack upon the security of the Government itself, the high places in which the transaction occurred, and then the ignoble purpose for which the transaction was carried on, I do not know, Mr. President, of anything like it in the history of this country or of any other country.

"I have, as no doubt we all have, looked upon that scene in Rome painted by her greatest literary genius—the scene when Verres came home from Sicily laden with the wealth of a betrayed and plundered people, threatening senators, bribing judges, and conspiring against the very freedom of the city itself. I have read and reread, as no doubt we all have, the burning words of the most gifted tongue of the most eloquent race in history, Edmund Burke, when he raised Warren Hastings to that eminence of infamy from which he has never descended; for slimy, sordid, drab betrayal of a public trust, relieved of every element of vision or ambition, which sometimes adds fascination to crime, I know of nothing in the history of peculation to be compared in meanness of spirit and vulgarity of purpose with the group of men who met in the "little green house" in the very shadow of the Capitol in 1921 and 1922. There was the beginning of the carrying out of the deals which had been made earlier. Those men were there for the purpose of consummating a transaction which had for its purpose the acquiring of vast interests which belonged to the people of this country and which could only be acquired in violation of every rule of decency and every principle of government integrity."

And what are some of the outstanding cold realities of fact now established?

A Republican Secretary of the Interior, charged with the administration and preservation of the oil reserves of our Government, kept by former Presidents as inviolate for the safety and future defense of our country, was caught bartering them away for a money bribe. When suspicion arose there was no prompt or vigorous action on the part of the administration to ascertain the truth. But there was side stepping and shuffling and an attempt to thwart and suppress the development of the facts. It remained for a great Democratic Senator from the West, in the face of bitter administration opposition, to develop the truth and uncover the infamy. His work and service have been gloriously vindicated by a unanimous decision of the United States Supreme Court, declaring that the leasing of these oil lands was founded in fraud and corruption, and by a decree of that court the fraudulent leases were set aside and the valuable property was restored to the Government.

A Republican Attorney General, against whose appointment the patriotic press of the country protested, but for whom a Republican President vouched his personal assurance of responsibility and efficiency, brought the administration of his department into utter shame and disrepute. Under his connivance the administration of justice in his department was polluted by the slimy hand of the grafter and persons of the underworld. An investigation of this department was forced at the hands of another Democratic Senator, who sought to uncover the truth and place before the American people the facts. In retaliation, agencies of the Department of Justice, under the direction of this Attorney General, were perverted to assassinate and blackmail the character of the very Senator who forced the investigation; but he, too, was vindicated in a court of law and the unfaithful Cabinet officer was driven from office in shame and disgrace. Yet in the face of the startling facts that were uncovered the Executive, instead of booting him out with a righteous indignation, accepted his forced resignation with an expression of regret.

A Republican Secretary of the Navy who allowed the oil reserves to be corruptly bartered away by an associate Cabinet officer, even though he may not have been a part of the criminal conspiracy himself, was found guilty of such inefficiency in office as to demand his removal from office at the hands of an outraged public opinion, and he, too, was driven from office.

A Republican Director of the Veterans' Bureau, a personal friend of the Chief Executive who appointed him to office, was charged with the public trust of managing the funds and property which a grateful Nation had set aside for the care and comfort of wounded and disabled soldiers of the World War and their dependents. He was found guilty in a court of law of embezzling and misappropriating these funds and given a prison sentence for his infamy.

A Republican Custodian of Alien Property, to whom was intrusted the millions in money and property that were seized from aliens during the World War and held in trust by our Government pending a just disposition thereof was likewise found guilty of embezzlement and fraud in connection with his high office.

The Roanoke Republican platform admitted "deplorable breaches of public trust by a few persons." The record up to this time establishes corruption or inefficiency on the part of 33⅓ per cent of the President's Cabinet following the return of the Republican Party to power, the conviction and sentence of the head of the Veterans' Bureau and the Alien Property Custodian for embezzlement and fraud, yet they are pleased to term these "deplorable breaches of trust on the part of a few Republican officials." How much this percentage would have been increased had the patriotic crusaders and leaders in the Democratic Party been given a free hand in the making of these investigations is open to grave speculation.

Soon after the Republican Party under Harding returned to power the country was shocked by the disclosures of a Senate investigating committee as to the huge expenditures of money in a Republican primary election in the State of Michigan. It was proven that at least $190,000 was spent to bring about the nomination of Truman H. Newberry as the Republican candidate for United States Senator from that State. He was on the face of the returns elected; and by a partisan vote was given his seat with apologies. The committee reported that the expenditure of such excessive sums was "harmful to the honor and dignity of the Senate and dangerous to the perpetuity of a free government." Public resentment and indignation were so great against the offending Senator as to later force his resignation from the Senate.

More recent disclosures under the Coolidge administration as to the Republican primaries in the States of Pennsylvania and Illinois make

Newberry a mere piker and the amount expended in his behalf fades into insignificance when compared with the millions expended in these later and more modern Republican primaries in Pennsylvania and Illinois. In Pennsylvania the slush fund exceeded $2,777,000. In Illinois the evidence showed that they distributed nearly a cool million in helping the Republican boys to decide between themselves whom they desired as their candidate for the United States Senate.

And who stood sponsor for these outrageous doings? In Pennsylvania a Republican Secretary of the Treasury, who himself was one of the largest contributors and who openly boasted that such contributions were as virtuous as contributions to a church.

In Illinois the head of the greatest and most powerful Utility Trust in the United States contributed $125,000 to the campaign of the candidate who was then a member of the Public Utilities Commission in Illinois and charged with the responsibility of fixing the power and light rates which his company should be allowed to charge the people of Illinois.

In Pennsylvania the president of a manufacturers' association furnished $300,000 to the campaign fund of one of the Republican candidates.

These are facts of ominous import. Contributions of this character are not made in a spirit of philanthropy or from a sense of public duty. They are made with the very practical idea of securing a "friend at court" and of having a subsidized partisan to assist in the enactment of laws vitally affecting their own interests. They are the price of an underhold for special privilege against the public good.

VARE and Smith were given certificates of election, but so shocking were the disclosures to the public conscience that the Senate of the United States, controlled by a Republican majority, refused to allow them to take their seats in that body. The Senate committee which uncovered the oil frauds followed many devious trails. One of them led to a mysterious corporation, known as the Continental Trading Co. (Ltd.), organized in Canada by Sinclair and a limited number of other high and mighty associates in the oil game. The facts surrounding the transaction were shrouded in mystery. Desperate efforts were made by the parties in interest to suppress the facts. Two of the arch conspirators involved in the transaction, Blackmer and O'Neil, fled the country and sought sanctuary in France. Sinclair, under criminal indictment, refused to talk, and Stewart, the remaining chief conspirator, rather than disclose the truth subjected himself to the penalty of contempt. But the patriotic WALSH followed his quarry with unerring accuracy and relentless zeal.

Sinclair's Continental Trading Co., through a fraudulent purchase and resale of oil, netted Sinclair and his three associates more than $3,000,000 in fraudulent profits. A trail of Sinclair's portion of the loot disclosed that $230,500 in bonds arising therefrom followed a sinister path to the ignominious Fall. Another portion thereof, amounting to $260,000 in bonds, found its way into the National Treasury of the Republican Party.

And through a cryptic memorandum, dug up among the papers of a dead man's estate, containing the four short and significant words "Weeks," "Andy," "Butler," and "Du Pont," it was unearthed that Hays, the former Republican national chairman, after receiving the bonds, had parceled them out to high and mighty Republicans with the request that they dispose of them and contribute in like amount in order to cover up the sinister deal and have it appear that the contributions came from them rather than from the tainted vaults of Sinclair.

When these startling disclosures were uncovered to the public the country witnessed the spectacle of a Republican leader in the United States Senate calling upon members of his party to wash their hands from the stain and taint of fraud and return the tainted money which had been received from the man who had bribed the Cabinet official and despoiled the people of their property and rights, but the call fell on deaf ears, and the stigma and disgrace that came to the Republican Party in accepting such money from such a man, under such circumstances, continues to this day.

This Republican platform of March 17 commended the maintenance and extension of the civil service to promote efficiency in the service; yet it requires but a short memory to recall the fact, now of record in Congress, that under the artful guidance of the skilled political broker who was then and still is the Republican National Committeeman from the State of Virginia, post offices and other Federal offices in Virginia were disposed of, not according to merit even as between Republicans. They were disposed of at auction. But the auctions had to be handled with discretion, for according to the "Dear Ben" letters, also of record, these were very delicate matters; one had to "be very careful" about them in order to avoid "disrepute" and to preserve standing with the people and the administration. When we speak of these unsavory facts our uneasy friends of the opposition reply that guilt is personal and that the Republican Party should not be held responsible for the delinquencies of the individual members of the party. But surely if party responsibility means anything, a political party must be held responsible for the official misconduct and corruption of its own agents, the men whom that party itself, in discharge of its responsibility to the people, elevates to high public office; and where the facts disclose that a group of such men, high within the inner councils of the party, have been guilty of a series of fraudulent transactions and corrupt deals in official life, the American people will not accept the alibi that "guilt is personal," and absolve that party from responsibility and official blame.

Not only do we indict the Republican Party for corruption in high places, we further indict it for the pernicious system of favoritism fostered and practiced by it in the affairs of government.

The recent Virginia Republican platform condemned the recent Lake Cargo coal outrage, but its condemnation was directed against a law that would vest any such power in the Interstate Commerce Commission. The trouble was not in the law, as shown by the recent holding of a Federal court composed entirely of Republican judges, but the trouble arose from the application of political pressure by powerful and financially interested politicians who are within the charmed inner circle of this administration. They sought to pack the commission and effectuate a monopoly of the Lake Cargo coal trade on behalf of Pennsylvania in utter disregard of the rights of the coal producers of Virginia and her sister States, and the administration did not lift a hand to stay the proceeding but became a party thereto.

This administration continues its approval of the exorbitant schedules of the Fordney-McCumber tariff, under which the aluminum and other trusts are enabled to exact millions in tribute from the consumers of America. Rumors of rebellion in Republican ranks come thick and fast from the distressed agricultural sections of the West.

In all recent Republican national platforms the Republican Party has recognized the serious condition of agriculture throughout the country, and for eight long years it has promised relief to agriculture, but the farmer continues in the ditch. The exorbitant tariffs in behalf of the protected and privileged interests continue upon the things he has to buy. Bankruptcy has swallowed many and creeps a little nearer to the remainder with each succeeding year. After eight years of unfulfilled or broken promises to the farmer, it is high time for the Republican Party to either admit infidelity to its promise or inability to fulfill the same.

We condemn this administration for its action in devitalizing the Federal Trade Commission and converting it from an agency for the public good into a subservient instrumentality of the protected interests.

With the record of graft and corruption of this administration and the sinister facts laid bare to the public, can there be any doubt that the people of the Nation, who exalt honor and integrity in public life, will not rise up in their might, rebuke, and drive from power the political party which is responsible for these conditions and which gave high office to the group of men who have betrayed their trust, despoiled our people, and brought ignominy and shame to the Nation? The American people demand honesty in official life. They will be satisfied with nothing less at the hands of any political party in power.

But we are told that whatever may have been the delinquencies of this national administration, and however just the criticism of it may be, the administration has given to the country prosperity and that this should cover a multitude of sins. I have heard from Republican spokesmen on the floor of Congress at each succeeding session the cry of "Prosperity! Prosperity!" Of late years the cry has grown fainter and has found less frequent utterance. A note of discord, increasing in volume, has appeared in the Republican orchestra; and the cry of distress is unmistakably here. To the farmer, the laborer, and the man and woman in the ordinary walks of life the Republican cry of prosperity is like unto the cry of Rachel of old, who cried for her children, and would not be comforted, for they were not.

What are the facts to-day? More than 1,000,000 men out of employment and 3,000,000 more working only part time.

More than 2,000,000 persons have moved from the farms to the cities, towns, and villages each year since January 1, 1922. Hundreds of thousands of farmers have seen their homes and farms sold from them under mortgage or in foreclosure proceedings. Thousands of others have abandoned their farms because they could not make a living on them for themselves and their families.

In the last six years there were 2,944 bank failures as against 746 during the eight years of the Democratic administration.

The coal fields of Virginia are in the throes of depression and distress is the common lot of the producer and the miner.

If there be prosperity in our land to-day it is a spotted prosperity, limited to the favored few. It is not a prosperity that extends to the farmer, the laborer, and the masses of the people.

In happy contrast with the drab and besmirched page in our national life under this Republican administration is the record of Virginia under successive administrations of the Democratic Party. Throughout the long years in which the Democratic Party has administered the affairs of government in Virginia the record is strikingly free from graft or corruption in public office. The men who have been elevated to high office have discharged their duties with honor, integrity, and fidelity. Proud of the splendid part which Virginia played in the founding of the Republic, proud of her glorious history, her splendid traditions and the great contributions which she has made to the cause of liberty and

civilization, we are also proud of the unsullied record which she, under the guidance of the Democratic Party, has made in the cause of civic righteousness and honest government.

The present State administration has been marked by splendid achievement. Good roads are being built. The completion of the highway system is being pushed with vigor. Duplications in office have been abolished. Departments are being consolidated. Modern business methods are being applied in government. Greater economy and efficiency are being achieved and our tax laws are being modernized. The old State, at the border line where North meets South and South meets North at the gateway of the Nation's Capital, blessed by Providence with wonderful natural resources, a fine climate and a hospitable people, is attracting the eyes of America and new capital is coming to her borders. We stand at the threshold of an industrial awakening and an enlarged economic development and industrial prosperity.

With common consent we accord the praise therefor to our modest, virile executive, Harry Flood Byrd, who combines in happy fashion in his dynamic personality the ideals of the old Virginia with the keen business acumen of the new.

And so, fellow Democrats, the Democracy of our State and the Nation stands forth in the sunlight to-day. We are called upon for no apologies. We have nothing to conceal. We are unashamed and unafraid.

The blot of Republicanism, which hung like a pall over the ninth district for many years, was removed six years ago and that great district returned to the Democratic fold to which it rightfully belonged. The Democrats of that district are firmly resolved that they will not suffer it to return to the blight of Republicanism.

Throughout the State the Democratic skies are bright and the path is clear. In the Nation we return to battle to drive out graft and corruption in official life, to abolish special privilege and for a return to the fundamental principles of democracy and the restoration of the rights of the common people.

Are there timid hearts who say there are no outstanding issues? What greater issue can confront us than the issue of honesty and integrity in official life? If the political party to which the people intrust the responsibility of government is not to be held responsible for failure to place in high office in the Government honest men, the doom of our Republic is at hand. Let us sound the battle cry from every hilltop and on every plain to put down graft and corruption and exalt honor and integrity in official life.

Let us demand the dethronement of privilege in high places and the insistence upon equal rights and opportunity to all citizens under the law.

Let us insist that the making of laws and the administration thereof be not controlled by a limited oligarchy responsive to the interests of the privileged few. We need to man our Government with men who believe human rights stand above material things—men who can see beyond the skyscrapers of Wall Street and the smokestacks of Pittsburgh and visualize the needs of the laborer, the farmer, the consumer, and the unorganized common people.

Let us demand a revision of the tariff laws that will make it impossible for monopoly to hide behind them and pick the pockets of the people under the guise of law.

Let us advocate the enactment of such laws and the administration thereof as will enable the farmer to prosper in his own right and will place him on terms of economic equality with those engaged in other business and occupation.

Let us voice unrelenting opposition to the further growth of bureaucracy in the Federal Government at Washington. It crowds the pay rolls, promotes inefficiency, and increases the cost of government with each succeeding year.

Let us demand rigid economy in government to the end that the people who pay may receive a dollar's worth of service for every dollar in taxes paid.

Let us advocate that the energies of America be dedicated to the cause of permanent peace throughout the world, and that the Government of America may be so administered as to regain for her the moral leadership of the world.

Let us fight for a return to the fundamentals of Jeffersonian Democracy which have served as a sheet anchor in the past and are so vital to our needs to-day and are so essential to our national security in the future.

The duty immediately before us is to declare anew the creed of the Democracy of Virginia; to restate the principles for which we stand; and to voice our views upon the outstanding issues of the day. When that is done we will commission a delegation from our number to carry those principles and speak for us in the convention of the national Democracy soon to convene in a city of the South which was named in honor of a native son of Virginia.

Our delegates, bearing the commissions which we shall give them, will meet at Houston with the delegates of the Democracy from the other States of the Union to face the responsibilities and discharge the duties devolving upon a convention of the Democracy of the Nation.

Two major and outstanding duties will confront that body.

The chief of these will be to write a platform and declare the principles for which the Democracy of the Nation stands. Let us expect this duty to be performed with fidelity to the time-honored principles of Democracy and that the platform there to be promulgated will ring true in allegiance to the Constitution and regard for law and law enforcement.

I venture to predict that it will make clear that the sober judgment of the Democracy of the Nation will countenance no assault upon the eighteenth amendment to the Constitution. It was written into the Constitution by the votes of three-fourths of the States of the Union. It can be taken out only through the same solemn sanction and authority; and this will not be done.

The candidate who espouses to lead the hosts of Democracy must do so with Democracy's declaration on this question before him and with the covenant on his part to abide by the same.

And then will follow the duty of selecting from the many great Democrats under consideration the man who, in the composite judgment of the delegates of the convention, will, upon all of the issues now confronting the Nation, best lead the hosts of Democracy in the coming struggle.

We do not know upon whom the choice of leadership will fall. But it will surely fall upon some great Democrat of honor, ability, and integrity; and when chosen he will be entitled to receive the loyal support of the Democracy of this State and of the Nation. Among the number under consideration for the high honor are great men who, like the stars in the heavens, differ the one from the other. They may differ in temperament and training, but all of them are sons of Democracy. They may differ in religion, but all of them worship the one great and common God.

Upon whomsoever the choice may fall, the result must of necessity reflect some difference in religious views; but surely no Democrat on this ground alone could find justification for refusing his support to the nominee of that convention, unless the creed of Democracy and the Constitution of the United States are to be rewritten and the statute of religious freedom, written by the founder of Democracy, is to be blotted from the statutes of Virginia.

And so, when the delegates to be commissioned by us, with all the delegates of the other States of the Union, have deliberated and made a choice, it will then be the duty of one and all to bear aloft the banner of Democracy and help to carry it to victory and triumph.

And let the message then be:

Back to your tents, oh, ye hosts of Democracy. Strike for the old altars and the old fires. Strike to put down graft and corruption in official life. Strike to divorce special privilege from Government. Strike to insure equal and exact justice to all men. Strike to exalt honor and righteousness in the life of the Nation.

NATIONAL-ORIGINS CLAUSE (S. DOC. NO. 259)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Immigration and Naturalization and ordered to be printed.

To the Congress of the United States:

I transmit herewith for the information of the Congress a joint report by the Secretary of State, the Secretary of Commerce, and the Secretary of Agriculture, relating to immigration quotas on the basis of national origin.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 27, 1929.*

PENSIONS

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16878) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table the bill H. R. 16878, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER appointed the following conferees: Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. HAMMER.

ALONZO DURWARD ALLEN

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12793) for the relief of Alonzo Durward Allen, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 12793, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

TO SUPPLEMENT THE NATURALIZATION LAWS

Mr. JOHNSON of Washington. Mr. Speaker, I present for printing under the rules the conference report on the bill (H. R. 349) to supplement the naturalization laws, and for other purposes.

NORTHERN PACIFIC LAND GRANTS

Mr. COLTON. Mr. Speaker, by direction of the joint congressional committee I call up the bill (H. R. 17212) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes, and ask its consideration.

Mr. SNELL. Mr. Speaker, is this a request for unanimous consent?

Mr. COLTON. Mr. Speaker, this is a privileged matter by reason of the resolution creating the joint congressional committee.

Mr. GARRETT of Tennessee. Mr. Speaker, let us have the bill reported.

The Clerk read the title of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, this seems to be a pretty long bill.

Mr. COLTON. It is not a very long bill. The resolution which authorized the creation of this commission and later which extended the life of the commission in express terms made it a privileged matter which could be called up directly by the joint committee.

Mr. GARRETT of Tennessee. My recollection is that a resolution was passed still further extending the time of this commission.

Mr. SNELL. But they got this report in more quickly than they expected, when we extended the life of the commission.

Mr. COLTON. Mr. Speaker, it was thought at the time that we could not get the report ready at this session of the Congress.

Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Utah asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill. Without objection, the Clerk will omit reading the whereases.

The Clerk read the bill, as follows, omitting the preamble:

A bill (H. R. 17212) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes

Be it enacted, etc., That any and all lands within the indemnity limits of the land grants made by Congress to the Northern Pacific Railroad Co. under the act of July 2, 1864, and the resolution of May 31, 1870, which, on June 5, 1924, were embraced within the exterior boundaries of any national forest or other Government reservation and which, in the event of a deficiency in the said land grants to the Northern Pacific Railroad Co. upon the dates of the withdrawals of the said indemnity lands for governmental purposes, would be, or were, available to the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., by indemnity selection or otherwise in satisfaction of such deficiency in said land grants, are hereby taken out of and removed from the operation of the said land grants, and are hereby retained by the United States as part and parcel of the Government reservations wherein they are situate, relieved, and freed from all claims, if any exist, which the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., may have to acquire the said lands by indemnity selection or otherwise in satisfaction of the said land grants: *Provided*, That for any or all of the aforesaid indemnity lands hereby retained by the United States under this act the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, shall be entitled to and shall receive compensation from the United States to the extent and in the amounts, if any, the courts hold that compensation is due from the United States.

SEC. 2. That all of the unsatisfied indemnity selection rights, if any exist, claimed by the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, or by any grantee or assignee of either or both, together with all claims to additional lands under and by virtue of the land grants contained in the act of July 2, 1864, and resolution of May 31, 1870, or any other acts of Congress supplemental or relating thereto, are hereby declared forfeited to the United States.

SEC. 3. The rights reserved to the United States in the act of July 2, 1864, to add to, alter, amend, or repeal said act, and in the resolution of May 31, 1870, to alter or amend said resolution, are not to be considered as fully exercised, waived, or destroyed by this act or the exercise of the authority conferred hereby; and the passage of this act shall not be construed as in any wise evidencing the purpose or intention of Congress to depart from the policy of the United States expressed in the resolution of May 31, 1870, relative to the disposition of granted lands by said grantee, and the right is hereby reserved to the United States to, at any time, enact further legislation relating thereto.

SEC. 4. The provisions of this act shall not be construed as affecting the present title of the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, in the right of way of said road or lands actually used in good faith by the Northern Pacific Railway Co. in the operation of said road.

SEC. 5. The Attorney General is hereby authorized and directed forthwith to institute and prosecute such suit, or suits, as may, in his judgment, be required to remove the cloud cast upon the title to lands belonging to the United States as a result of the claim of said companies, and to have all said controversies and disputes respecting the operation and effect of said grants, and actions taken under them, judicially determined, and a full accounting had between the United States and said companies, and a determination made of the extent, if any, to which the said companies, or either of them, may be entitled to have patented to them additional lands of the United States in satisfaction of said grants, and as to whether either of the said companies is lawfully entitled to all or any part of the lands within the indemnity limits for which patents have not issued, and the extent to which the United States may be entitled to recover lands wrongfully patented or certified. In the judicial proceedings contemplated by this act there shall be presented, and the court or courts shall consider, make findings relating to, and determine to what extent the terms, conditions, and covenants, expressed or implied, in said granting acts have been performed by the United States, and by the Northern Pacific Railroad Co., or its successors, including the legal effect of the foreclosure of any and all mortgages which said Northern Pacific Railroad Co. claims to have placed on said granted lands by virtue of authority conferred in the said resolution of May 31, 1870, and the extent to which said proceedings and foreclosures meet the requirements of said resolution with respect to the disposition of said granted lands, and relative to what lands, if any, have been wrongfully or erroneously patented or certified to said companies, or either of them, as the result of fraud, mistake of law or fact, or through legislative or administrative misapprehension as to the proper construction of said grants or acts supplemental or relating thereto, or otherwise, and the United States and the Northern Pacific Railroad Co., or the Northern Pacific Railway Co., or any other proper person, shall be entitled to have heard and determined by the court all questions of law and fact, and all other claims and matters which may be germane to a full and complete adjudication of the respective rights of the United States and said companies, or their successors in interest under said act of July 2, 1864, and said joint resolution of May 31, 1870, and in other acts or resolutions supplemental thereto, and all other questions of law and fact presented to the joint congressional committee appointed under authority of the joint resolution of Congress of June 5, 1924 (43 Stat. 461), notwithstanding that such matters may not be specifically mentioned in this enactment.

SEC. 6. All lands received by the Northern Pacific Railroad Co. or its successors, the Northern Pacific Railway Co., under said grants or acts of Congress supplemental or relating thereto which have not been earned, but which have been, for any reason, erroneously credited or patented to either of said companies, or its or their successors, shall

be fully accounted for by said companies, either by restitution of the land itself, where the said lands have not passed into the hands of innocent purchasers for value, or otherwise, in accordance with the findings and decrees of the courts. In fixing the amount, if any, the said companies are entitled to receive on account of the retention by the United States of indemnity lands within national forests and other Government reservations, as by this enactment provided, the court shall determine the full value of the interest which may be rightfully claimed by said companies, or either of them, in said lands under the terms of said grants, and shall determine what quantities in lands or values said companies have received in excess of the full amounts they were entitled to receive, either as a result of breaches of the terms, conditions, or covenants, either expressed or implied, of said granting acts by said companies, or either of them, or through mistake of law or fact, or through misapprehension as to the proper construction of said grants, or as a result of fraud, or otherwise, and said excess lands and values, if any, shall be charged against said companies in the judgments and decrees of said court. To carry out this enactment the court may render such judgments and decrees as law and equity may require.

SEC. 7. The suit, or suits, herein authorized shall be brought in a district court of the United States for some district within the States of Wisconsin, Minnesota, North Dakota, Montana, Idaho, Washington, or Oregon, and may be consolidated with any other actions now pending between the same parties in the same court involving the subject matter, and any such court shall in any such suit have jurisdiction to hear and determine all matters and things submitted to it in pursuance of the provisions of this act, and in any such suit brought by the Attorney General hereunder any persons having an interest in or lien upon any lands included in the lands claimed by the United States, or by said companies, or any interest in the proceeds or avails thereof may be made parties. On filing the complaint in such cause, writs of subpœna may be issued by the court against any parties defendant, which writs shall run into any districts and shall be served, as any other like process, by the respective marshals of such districts. The judgment, or judgments, which may be rendered in said district court shall be subject to review on appeal by the United States circuit court of appeals for the circuit which includes the district in which the suit is brought, and the judgment, or judgments, of such United States circuit court of appeals shall be reviewable by the Supreme Court of the United States, as in other cases. Any case begun in accordance with this act shall be expedited in every way, and be assigned for hearing at the earliest practicable day in any court in which it may be pending. Congress shall be given a reasonable time, which shall be fixed by the court, within which it may enact such legislation and appropriate such sums of money as may be necessary to meet the requirements of any final judgment resulting by reason of the litigation herein provided for.

SEC. 8. It shall be the duty of the Attorney General to report to the Congress of the United States any final determinations rendered in such suit or proceedings, and the Attorney General, the Secretary of the Interior, and the Secretary of Agriculture shall thereafter submit to Congress recommendations for the enactment of such legislation, if any, as may be deemed by them to be desirable in the interests of the United States in connection with the execution of said decree or otherwise.

SEC. 9. That the Secretary of the Interior is hereby directed to withhold his approval of the adjustment of the Northern Pacific land grants under the act of July 2, 1864, and the joint resolution of May 31, 1870, and other acts relating thereto; and he is also hereby directed to withhold the issuance of any further patents and muniments of title under said act and the said resolution, or any legislative enactments supplemental thereto, or connected therewith, until the suit or suits contemplated by this act shall have been finally determined: *Provided*, That this act shall not prevent the adjudication of any claims arising under the public land laws where the claimants are not seeking title through the grants to the Northern Pacific Railroad Co., or its successors, or any acts in modification thereof or supplemental thereto.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me a moment?

Mr. COLTON. Yes.

Mr. GARRETT of Tennessee. I think you have a number of whereases in the bill. Is it necessary to the sense of the bill, the way it is worded?

Mr. COLTON. I think it is not. It was put in in order to assist in passing the bill.

Mr. GARRETT of Tennessee. It is very unusual, of course, to put whereases into a law.

Mr. COLTON. I ask unanimous consent, Mr. Speaker, that the whereases be stricken out.

The SPEAKER. The gentleman from Utah asks unanimous consent that the whereases be stricken out. Is there objection?

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

Mr. GARRETT of Tennessee. Mr. Speaker, this is a pretty important matter which has been disposed of here. It has required long and ingenious labor to arrive at the conclusions that have been arrived at, as expressed in this bill. I think it would be well for some Member familiar with the measure to ask unanimous consent to put into the RECORD, for the benefit of those who are to come after us here, a statement of what this is. I suggest that to the chairman.

LEAVE TO ADDRESS THE HOUSE

The SPEAKER. The Chair is informed that there is a special order permitting the gentleman from Nebraska [Mr. NORTON] to speak for 15 minutes. Does the gentleman from Nebraska desire to speak at this time?

Mr. GARRETT of Tennessee. I ask unanimous consent, Mr. Speaker, that the gentleman from Nebraska may have the same opportunity to-morrow.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Nebraska [Mr. NORTON] may have the same opportunity to speak to-morrow. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. It will be in order to-morrow?

The SPEAKER. Yes.

EDUCATIONAL ORDERS FOR MUNITIONS

Mr. MORIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 450) to amend section 5a of the national defense act.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 450) to amend section 5a of the national defense act.

Mr. WOOD. Mr. Speaker, would a motion be in order to lay the bill on the table?

The SPEAKER. No. It has not been read. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 450.

Mr. LAGUARDIA. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

Mr. MORIN. Mr. Speaker, I demand the yeas and nays.

Mr. BEGG. Mr. Speaker, is the vote to be on the motion to go into the Committe of the Whole or on the demand for the yeas and nays?

The SPEAKER. On this division the ayes are 25 and the noes are 105.

Mr. MORIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Those favoring taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Fifteen Members have arisen, not a sufficient number. The motion to go into the Committee of the Whole is rejected.

AMENDMENT OF THE NATIONAL PROHIBITION ACT

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged report, House Resolution 343.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 343

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2901, an act to amend the national prohibition act, as amended and supplemented. That after general debate, which shall be confined to the act and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the act, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment the committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and the amendments thereto to final passage without intervening motion, except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, this resolution provides for the consideration of the Jones-Stalker bill. As I understand it, this legislation simply increases the maximum penalties which may be imposed on violators of the national prohibition act. As I understand it, it is approved and asked for by the Department of Justice. Therefore, it is being presented here at this time.

I reserve the balance of my time. Does the gentleman from North Carolina [Mr. POU] desire time?

Mr. POU. I would like to use 20 minutes.

Mr. SNELL. I shall have an hour, and I will give the gentleman all he wants.

Mr. Speaker, I yield to the gentleman from North Carolina 30 minutes to do with as he pleases.

The SPEAKER. The gentleman from North Carolina [Mr. POU] is recognized for 30 minutes.

Mr. POU. Mr. Speaker, I yield to the gentleman from New York [Mr. O'CONNOR] 30 minutes.

The SPEAKER. The gentleman from New York is recognized for 30 minutes.

Mr. O'CONNOR of New York. Mr. Speaker, there is a general pretension here that this is most important legislation. In the closing few days of the second session of the Seventieth Congress the most important piece of legislation that can be conceived of for action is the so-called Jones-Stalker bill, which has been pending in this House, I believe, for four or five years and which has been the subject of a great deal of propaganda on letterheads of the Anti-Saloon League and similar organizations. There is no unfinished important legislation pending in this Congress equal in importance to the country such as this! Farm relief, Muscle Shoals, and many other measures fade into insignificance when compared with this overwhelmingly important piece of legislation! What happens with respect to this bill will determine the fate of the Nation! Every babbler on every main street in the country is watching this Congress to see what it does with this bill. The Rules Committee considered the measure of such great importance as compared with dozens of proposals still pending before that committee that it set aside practically a whole day for its consideration.

Many people are acquainted with my determined opposition to prohibition and all measures related to it. This bill will not solve the distressing problems arising out of prohibition. You are going to be told the bill is demanded by the Department of Justice; that this bill is the only solution of that greatest of evils existing in the Nation to-day. Of all the voluminous plans submitted to Mr. Durant this one plan of "increased penalties" is going to solve the entire problem. All you have to do when you have an evil is to increase the penalty to be inflicted on the evildoer and, presto change, you solve the whole thing.

Now, gentlemen, many of you are lawyers. I do not know how a lawyer on the Judiciary Committee or in the House can approach this kind of legislation with a straight face and really advocate its passage. The spirit behind this bill is still that same old spirit that pervades the whole question, the spirit of the witch burner, the spirit of Puritanical zealotry, the survival of the old Anglo-Saxon period of cruel and inhuman punishment as the solution of wrongdoing.

Now, as I started to say, I am, it is well known, against prohibition. I am against the eighteenth amendment. I abhor it. I despise it. I have no respect for it. Words would fail me in expressing my disgust and absolute refusal to adhere to the Volstead Act, and I point to this bill in itself as indicative of the malignant, malevolent witch-burning attitude on this question in America to-day.

This bill prescribes a maximum penalty of five years imprisonment and a $10,000 fine for violation of the Volstead law. I say, with firmness in my belief, that if the punishment prescribed in this bill were capital punishment it would pass this House by 300 votes.

Now, what has been the history of all Anglo-Saxon jurisprudence? Why, the crueler and more inhuman the punishment was made the quicker it defeated the very purpose for which it was enacted. Hundreds of laws centuries ago prescribed the death penalty for hundreds of crimes, and judges themselves soon found that the laws defeated the very purpose of their enactment. Not only would not a jury convict—and will not convict to-day under many sections of the Volstead law—but the judges themselves would not convict. The judges themselves wove and conjured all kinds of rules of evidence to avoid conviction. One rule of evidence built up to meet the situation was the rule against "self-incrimination." Another rule was that requiring corroboration, so that some loophole might be found in order to prevent an unreasonable law from being put into effect.

It is going to be said here to-day that it is significant that the wets are against this bill. It will be said that "the arguments you wets make are not sincere because you are against these laws anyway." Well, I am not arguing the cause of the bootlegger, neither are the men who are proposing this legislation concerned about putting bootleggers in jail. Once the bill is passed their job is done. They are only making a gesture back in the direction of their districts that they are "for" prohibition. Probably they intimately know many a bootlegger whom they would not think of confining to jail for five years or fining $10,000. I contend I am just as sincere in my opposition to this bill as the drys who pretend they want it passed.

Of course, the spirit that permeates this entire subject is obvious. I may be just as vehement about it as the drys are.

Nothing that can be said here to-day will have any effect even on the lawyers who are supposed to use their reason on legislation. If this bill did not pertain to prohibition there is not a lawyer here who would hesitate to vote against it. Let us be sincere about it, please. Here in the year 1929, 435 men who have taken an oath that they are all over 25 years of age in order to be admitted as Members of this body, suggest that the penalties in the Volstead Act be increased from a maximum of two years to a maximum in dozens of instances to five years and a $10,000 fine.

You have also in the bill a ridiculous proviso. Why, if you should take out all of the penalties in the bill, if you should provide that the bootlegger go free and still left that proviso in the bill I would never vote for it.

As I said in some remarks I made the other day, that kind of legislation is unworthy of a board of aldermen. In fact, I do not know a board of aldermen that would adopt legislation such as that proviso which says, in effect, that a judge is going to interpret the legislation as he sees fit. Strike it out, I beg of you. Make it harder for the bootlegger, if you will, but do not vote that provision into a law which will go into the libraries of this country for our children to read and for our young law students to read. I ask you lawyers and ex-judges, "Should a provision like that be enacted in a piece of legislation of the Congress of the United States of America?" leaving the whole matter to the discretion of a judge. In one case he will inflict the maximum, and in another case he need not do it, according to his own idosyncrasy. You make him a legislator.

Now, what is going to happen? Under that "proviso" the dry judge—and there are dry judges just the same as there are dry Congressmen—is going to inflict in every instance the maximum penalty, and the wet judge—and there are wet judges—is going to inflict in every instance the minimum penalty. It invariably happens.

Why, we see it happen every day. The visiting judges who come to New York on a joy ride, who enjoy the glamour and the amusement of our city, partake of all we have to give—they get a little extra money, incidentally, and if they come from a so-called dry State, in every instance, in spite of the fact that they are appointed for life, in spite of the fact that they do not have to cater to an electorate, in spite of the fact that they are not subject to chastisement by their constituents, still because of fear of criticism in their districts, everyone of them inflicts the extreme, the severe, the maximum penalty; and, on the other hand, the wet judge from New Jersey, for instance, who goes down to Texas inflicts the minimum penalty.

Is it intelligent legislation to enact a measure like this, and especially in this body, the national legislative body of the United States?

Oh, it will be said that the Department of Justice represented by a lady up there—a lecturer for the Klu Klux Klan—is for this bill. It is her only contribution to a solution of the problem. She says, "Put all these bootleggers in jail and the problem is solved." Some one suggested to me to-day that the Republican Party should not vote for this measure because it would be a serious loss to their party to put all the bootleggers in jail, a loss not only in votes, but in the "sinews of war" which they received in the last election.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. COCHRAN of Missouri. I fully agree with the gentleman's sentiment in reference to this measure——

Mr. O'CONNOR of New York. I thought the gentleman would.

Mr. COCHRAN of Missouri. But I can not let go unnoticed the gentleman's views in reference to the wet judge inflicting the minimum punishment. We have in my district a man who has told me that he is not in favor of the Volstead law, but any man who is brought before him, without exception, where it is shown that a sale has occurred, such a man is sent to jail and must pay a fine besides. [Applause.]

Mr. O'CONNOR of New York. Well, I do not know who he is, and I do not want to cast any aspersions on the particular judge, but he is probably like a lot of other judges of the Federal court. Immediately after sending this great "criminal," this man guilty of this "high treason" against this sacred eighteenth amendment, to jail, he probably retires to his chambers, tele-

phones his favorite bootlegger and participates in violating this "holy" law.

Mr. COCHRAN of Missouri. The one I refer to does not.

Mr. O'CONNOR of New York. Well, so many do it that it is rather a rare case you cite.

The trouble with all this legislation is the hypocrisy behind it, the insincerity which prompts it. Nobody wants the law put into effect—at least no public official. Only demagogues advocate such legislation.

Oh, 20 years from now, as I have often said before, we will not be appropriating even one dollar to enforce the Volstead law. I would not vote for one penny to enforce it now. I would not counsel anybody to even respect the law. It is not worthy of respect. I do not know anybody, or at least not many, who do respect it. Let me remind you that our forefathers, the colonists, the backbone of our Revolution, violated many a law, and not dissimilar to this. I believe that too much can not be said about the hypocrisy behind it all, the spirit of narrowness, the inheritance from the puritanical zealotry, the inflicting on other people punishment that they came here to escape, the most cruel, inhuman ideas about punishment and infliction of punishment for sin and not for crime, the old thumbscrew and the rack. That is the spirit behind all wet legislation. Many men—on both sides—are hypocrites about it all. I, for one, do not propose to be a hypocrite.

The hypocrite finally spits in the wind.

I reserve the balance of my time, Mr. Speaker.

Mr. PURNELL. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. WILLIAMS]. [Applause.]

Mr. WILLIAMS of Illinois. Mr. Speaker, I shall vote for the adoption of the rule bringing this bill before the House for consideration, and I shall also support the bill. My vote for the bill will be cast without reservations, mental or otherwise, and with whole-hearted approval of the provisions of the bill as it is drawn.

The only thing the bill does, or undertakes to do is to increase the maximum penalties that may be inflicted in the Federal courts for violations of the national prohibition act, and the various amendments thereto as the law now stands upon the statute books.

That the present maximum penalties are wholly inadequate for the proper enforcement of the law is denied by no one who is familiar with the situation and who wants to see the law honestly enforced.

The main argument, if not the only argument against this bill, is that the maximum penalties it provides would be excessive in many, and probably a majority, of the cases reaching the courts, and that harsh and unjust punishment might be inflicted for trivial violations of the law.

This argument is based on a lack of confidence in the courts, and on the assumption that judges who administer this law will abuse their discretion to measure the punishment to the gravity of the offense which is necessarily conferred on every judge who administers the criminal law. Judges of Federal courts now exercise that discretion in administering practically every other criminal statute. What sound reason is there for saying they can not be trusted with that discretion in cases arising out of violations of the prohibition laws?

It does not require a lawyer to know that criminal statutes can not be drawn in language accurately describing every shade of the gravity of an offense involved in the violation of a criminal law. Therefore, judges and juries in every civilized country in the world are vested with the discretion—between the minimum and the maximum provided in the law—of inflicting punishment commensurate with the offense as shown by all the facts and circumstances developed in the trial of cases.

No one objects to the exercise of this discretionary power of the Federal courts in the administration of our whole criminal law except in the case of prohibition. Why this tender solicitude for violators of the prohibition laws?

What just ground is there for fear that judges, who, so far as I know, have never abused their discretionary powers in meting out proper punishment within the minimum and maximum penalties prescribed by law to counterfeiters, mail robbers, smugglers, dope peddlers, and other criminals, will abuse their discretion in dealing with violators of the prohibition law?

Does anyone contend that the maximum penalties of this bill are excessive for maximum offenses committed against the prohibition laws? I have heard no one make that argument.

We all know the purpose of this act. It is not intended for the ordinary offender. The law is already adequate to take care of him. These increased penalties are provided for the higher-ups, for the aristocracy of the liquor traffic.

The people are not being fooled by the weeping, the wailing, and the gnashing of teeth now going on over this alleged dangerous grant of power to the courts.

They know Congress is merely providing adequate punishment for brazen and notorious violators of the laws of the United States.

They know further that the opposition to this legislation, in the main, comes from those who are opposed to the eighteenth amendment, who boldly claim it can never be enforced. [Applause.]

I sometimes wonder how long it is going to take some people to learn that the eighteenth amendment is in the Constitution of the United States to stay.

That the people of the United States have definitely made up their minds that intoxicating liquor will never again be sold in this country under the sanction of law.

The claim often made here that prohibition was written into the Constitution by an organized minority acting under the whip and spur of the Anti-Saloon League is utterly without foundation in fact.

The eighteenth amendment was placed in the Constitution because an overwhelming majority of the American people after long years of discussion and thought deliberately made up their minds the only way to deal with the liquor traffic was to smash it—to make it in law what it had always been in fact—an outlaw. [Applause.]

We hear much these days about the admitted evils that have grown up in the administration of prohibition. No one denies that evils exist. But the people have not forgotten the enormous iniquities of the legalized liquor traffic in the days before national prohibition.

They have not forgotten the days when the liquor traffic practically controlled the politics of the country. When it placed its friends in public office. When it insisted on its right to select sheriffs and prosecuting attorneys, and when no man could remain on the police force who was not its subservient tool.

They have not forgotten the days when in many parts of the country no public man could withstand the enmity of the liquor traffic. They have not forgotten the days when one-half of the pay checks of laboring men were cashed on Saturday nights over the bar of a saloon, whose proprietor was usually the political boss of his neighborhood.

It was to free the American people from these intolerable conditions and to destroy forever the strangle hold this enormous curse had on the political and social life of the Nation that the people rose in their might and wrote the outlawry of booze into the Constitution of the United States.

They intend for it to remain in the Constitution. Notwithstanding the noisy claims of a wet minority in the Congress and throughout the country prohibition is not a failure. It has proven itself a blessing and not a curse to the American people. In spite of inefficient enforcement in many parts of the country, in spite of undeniable corruption and betrayal of trust by many who have been charged with its enforcement, great progress, and in many of the States satisfactory progress, has been made in its enforcement.

The country is infinitely better off to-day than it was before national prohibition. Competent observers say prohibition more than any other one thing has contributed to the postwar prosperity and growth of wealth in the United States.

A great European economist said recently that prohibition was fast making America the economic master of the world.

I want to mention one thing more. The statement is often made that there is more drinking now than before prohibition. This is not true. The most reliable statistics obtainable indicate there is now less than 10 per cent the amount of alcoholic drink consumed than before prohibition.

In proof of this, one significant fact stands out like a mountain peak. Before prohibition there were in the United States 77 great Keeley cure institutes, where alcoholic patients were treated. Since prohibition 74 of these institutions have closed their doors for want of patients.

Will some one who thinks there is more drinking now than formerly tell us where our inebriates are now being treated?

Mr. Speaker, prohibition enforcement has encountered many difficulties. The road ahead will not be easy to travel. But the American people have no notion of turning back. [Applause.] As I said before, they are not going to take prohibition out of the Constitution. They are not going to weaken enforcement statutes. They intend to strengthen them wherever necessary, and they are going to demonstrate to all the world their will and their capacity to enforce that which they by their own overwhelming choice have seen fit to write into their Constitution and to make a part of the fundamental law of the land. [Applause.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Speaker and gentlemen of the House, three times I have been a candidate for election as a bone-dry, in a supposedly wet district. I believe in prohibition, and I hope to live to see the day when both its observance and its enforcement are uniform throughout the Nation. [Applause.] At the same time, in the campaigns I have made, I have stated repeatedly that, in my judgment, increase of penalties for the violation was an improper way to approach the enforcement of the law. [Applause.]

The places where enforcement is needed particularly are the great wet sections surrounding our great cities. They are not the places where the prevailing sentiment of the people favors prohibition. What does that mean in a nation built on the grand and petit-jury system? It means that in the sections where enforcement is needed, public sentiment resists enforcement—that in the section where enforcement is less needed public sentiment supports enforcement. Any man who has served on a grand or petit jury, as I have, any man who has practiced law in the courts of this country, knows that the minute you increase the penalty on a law which public sentiment does not strongly favor, you vastly increase the difficulty of securing either indictment or conviction.

The average juror, grand or petit, stands against indictment in the first instance, and conviction in the second instance, if he believes that it is within the power of the judge to award what to him seems an improper or undue sentence.

I have seen this thing worked out in my own State in the days before prohibition when we endeavored to enforce a law for Sunday closing of saloons until it reached a point where it was almost impossible to get an indictment, let alone a conviction, because in part of the fact that the law permitted a prison sentence.

My friends, not only because I have stated this position as a candidate but as a man who believes in prohibition, who wants to see it enforced, who even more wants to see it observed throughout the Nation, I hope that this proposed resolution will not become a law, because I believe that it will embarrass the enforcement of the law in those sections which must vitally need such enforcement. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield three minutes to the lady from New Jersey [Mrs. NORTON].

Mrs. NORTON of New Jersey. Mr. Speaker, I am absolutely opposed to this bill, having a strong conviction that it will create an even greater evil than the present law.

We can not legislate morals; the failure of prohibition demonstrates that this is true.

If the provisions of this bill become law, it will cause the United States Government to go into the building business, for we have not now, and could not build enough jails, to provide the carrying out of the law.

As a result of it, class distinctions would be even greater than they now are, the rich continuing to be protected and above the law, while the poor man would be used to demonstrate the efficient manner in which the law would be enforced.

We are tired of this hypocrisy that is ruining our boys and girls, who are cynically watching the farce.

If this bill becomes a law and is honestly enforced, a large part of the membership of this House, and of the State legislatures throughout the country, might find themselves in a very unhappy and embarrassing position. [Applause and laughter.]

Your son or daughter might be among the first to feel the arm of the law; and for a pint of liquor, he or she might have his or her otherwise useful life ruined.

It is a law that would bring shame and sorrow on many a happy home, and would be a disgrace to the traditions of a free country. I earnestly hope the Members of this House will pause before committing so great a crime as to cause the ruin of any man or woman who would become the victim of so monstrous a law.

Those caught buying or selling liquor would be imprisoned, and the countless thousands all over the land who are indulging in cocktail parties and have underground passage to the source of supply would be immune from the law, as they have been during the past 10 years of farce prohibition.

Another reason for my opposition to the bill is found in the following proviso of the bill:

> That it is the intent of Congress that the court in imposing sentence hereunder should discriminate between the casual or slight violations and habitual sales of intoxicating liquors or attempts to commercialize violations of the law.

"Intent" is an all-embracing word, and could mean anything. I might say that we passed a bill in the last session which was intended to help the Government employees throughout the country, and we all know the construction placed on "intent" in this instance. It is therefore very poor legislation that will permit the use of the word "intent" to govern the meaning of a bill carrying so far-reaching a penalty. [Applause.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, whatever the views on the question of prohibition may be, surely there should be no difference about the plain English wording of the bill now before the House for consideration. The gentleman from Illinois [Mr. WILLIAMS], in support of the bill, made the definite statement that the bill increases the penalty for second and habitual offenders. Every dry advocate in this House is supporting the bill in the belief that this bill increases the penalty for the second and habitual wholesale offender of the law. That is not the case. This bill does not increase by one day the prison sentence now in the existing law. Any statement made to the contrary is made either in ignorance of what is in the bill or for the purpose of deceiving the folks at home.

Mr. MOORE of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. No; not now. Right here is the present law. Here is section 29 of the prohibition enforcement law. I say that it does not increase by one day the prison sentence of the second and habitual offender. Section 29 of the present law reads:

> Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000 or imprisoned not exceeding six months—

And now, listen to this—

> and for a second or subsequent offense shall be fined not less than $200 or more than $2,000 and be imprisoned not less than one month nor more than five years.

Now, look at the bill before you. Oh, you drys, you are either fooling yourselves or you want to fool somebody else. The bill before you provides—

> the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both.

The maximum in the present law is five years. The maximum in this bill is five years. The bill takes away the mandatory prison sentence for the second and habitual offender, and makes it discretionary. You do not increase by one day the prison penalty, because the minimum remains, and it is provided specifically in the bill before us that nothing in the bill shall be construed to repeal the minimum penalties now provided in the law. You have the 5-year maximum penalty in the existing law, and you have the five years here. It is nothing but bunk, and the best proof of the bunk that I can refer you to is the lawyer-like, statesman-like legislative report of the majority in support of this bill. Let me read it to you:

> The Committee on the Judiciary, to whom was referred the bill S. 2901, after consideration reports the same favorably and recommends that the bill do pass.

[Laughter.]

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GRAHAM. Did not the gentleman vote for that report?

Mr. LAGUARDIA. Oh, no. Here is my own minority report.

Mr. GRAHAM. Well, those were all the reasons that we could muster. [Laughter.]

Mr. LAGUARDIA. Absolutely! A Daniel come to judgment! Those were all the reasons the committee could muster. The bill is being jammed through the closing days of the session without that deliberation and study which its highly penal provisions would require. In fact, the very wording and contents of the bill display a confusion of thought, a conflict of purpose, and a departure from orderly legislative procedure. The bill has been described, advertised, and proclaimed as providing additional prison terms for second and habitual offenders of the prohibition law. It does not add one day to the maximum prison term for second and habitual offenders provided in the existing law. It gives to every judge the vehicle to let off the wholesale habitual bootlegger with a mere fine and to impose heavy prison terms on the possessor of a casual half pint. It is discriminatory in its very discretionary provisions. The bill is unscientific in that it does not define the various degrees of the crime for which punishment is provided in the manner accepted and approved by every known system of jurisprudence. It lumps all violations of the law with a wide latitude of punishments from a fine of $1 to $10,000 and from one day imprisonment to five years. Not the offense but the temperament, feeling, favor, whim, spite, caprice, or digestion of the individual judge is the measure of punishment.

The wide range of attitude of Federal judges, the differences in sentences imposed by the various judges throughout the

country are in and of themselves the proof that the policy established in this bill is not only unwise, but dangerous and unjust. Nowhere in the Federal penal laws can be found any such loose and uncertain provisions describing an offense and failure to define the degree of a crime.

As I have just stated, section 29 of the prohibition enforcement law provides that any person violating the law as a second or subsequent offense shall be fined not more than $2,000 and be imprisoned for not more than five years. The present bill increases the $2,000 limit to $10,000, but leaves the maximum prison term exactly where it is. An increased fine will not disturb or perturb the wholesale successful bootlegger. He is not apprehended under existing law, he will not be apprehended if the present bill is enacted into law. It is simply not within the scheme of things to apprehend the wholesaler, the bankers who finance, established corporations that transport, or the wholesale distributors of liquor.

The existing bill would submit, however, any person who has two or more times been apprehended for the mere possession of a hip flash to imprisonment for a term of five years. This is the only class of persons who will suffer under the provisions of this bill. Judges will be quick to impose maximum prison terms on impecunious and helpless individuals in order to make up the total prison years imposed by them when submitting their annual report or making speeches to Anti-Saloon League meetings.

The proviso contained in the first section that "It is the intent of Congress that the court in imposing sentence hereunder should discriminate between casual or light violations and habitual sales of intoxicating liquor or attempts to commercialize violations of the law," is indeed a novel principle in penal laws. Where else in the jurisprudence of any civilized country is a judge directed by the law itself to "discriminate"? If the bill has been properly studied and considered, casual and light violations would have been classified and punishment for such light and casual offenses specifically provided.

The law, as it is written, directs the court not to exercise its judgment, not to extend mercy and mete out justice on the merits but to discriminate. This proviso itself, while no doubt hurriedly written with the best of intentions, is indeed discriminatory. It permits the socially prominent and the financially affluent to entertain and lavishly serve to the limit of human capacity liquor and wines of rare vintage with the risk of obtaining a slight fine, while the unfortunate and obscure who happens to sell two or more glasses of California claret at 10 cents a glass faces a prison term of five years.

Section 2 seems to be the alibi for Members who represent divided districts. By voting for this bill they can justify their stand to the drys by reading section 1 and square themselves with the wets by reading section 2. The bill and the proposition submitted is as inconsistent, as impossible, as ridiculous as prohibition itself. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Speaker, will the gentleman from Indiana yield me a minute?

Mr. PURNELL. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania.

Mr. GRAHAM. Mr. Speaker, our committee had considered the Stalker bill and made a full and complete report upon it. We had only about an hour in which to act when this Senate bill was referred to us, and without multiplying words we put in this short report and gave the House the bill to act on.

Mr. LaGUARDIA. Mr. Speaker, I accept the apology. [Laughter.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker, gentlewomen, and gentlemen of the House, in the brief space of time allotted to me I desire to direct attention to one of the conditions that will follow the passage of this bill. A year ago in your wisdom you appointed a committee to investigate the Federal penitentiaries and other penal institutions of the country. Our committee made a report recently and we found that at the present time there are over 600 inmates of the two prisons—Atlanta and Leavenworth—who are sleeping in basements, cellars, and in the corridors of the prisons. Realizing this very bad condition, I introduced a bill providing for the erection of two new Federal penitentiaries. I made a request of the distinguished chairman of the Committee on the Judiciary to report out the bill. He answered me very courteously and stated that owing to the late period of the session, and so forth, nothing could be done this year.

What is going to happen? You already have overcrowded prisons. You have no new prisons under way. What are you going to do with these men you are going to put away for five years? The only thing that I see that you can do is to establish a tent city somewhere and house them in tents for three or four years until perhaps the prisons are erected; but in the meantime these men, confined in tents, are liable to become afflicted with disease, due to improper housing and sanitary conditions, and perhaps their death might result, but, of course, that means nothing to an ardent dry.

Prisons have never been so full. The different cities and States have served notice on the United States Government that they have no further accommodations for Federal prisoners. This bill will operate to increase the number of such prisoners. All the other criminal statutes of the Government combined call for a far less amount of money to enforce them. In frantic efforts to enforce the law States driven by the bigotry of prohibitionists have inflicted cruel and tyrannical punishments; as in the States of Michigan, a judge sentenced a woman, the mother of 10 children, to prison for life for selling a half pint of gin.

The nine years of prohibition have been nine years of agitation, of outrage, of gross violations of individual rights and open warfare against the citizens. Witness the many incidents that have occurred throughout the country of the shooting to death of innocent men, women, and children on the public highways by Federal prohibition-enforcement officers—committing murder in the sacred name of prohibition.

The forces behind this bill are the same that have been behind similar tyrannical measures during the past nine years. Individual rights, legal procedure, and constitutional protection have been thrown to the winds at the suggestion of the Anti-Saloon League. Without trial by jury injunctions have been freely used, closing buildings and destroying valuable property. They have destroyed Article IV of the bill of rights, which once protected the individual in the security of his home, papers, and effects against unlawful search and seizure. They care nothing for constitutional rights. They would rather have the whole fabric of the Government go down in ruin lest they should be thwarted in their appetite to rule.

Prohibitionists have no regard for well-established rights or well-recognized principles of Government.

Only last week orders were sent to the Congress by two political bishops to vote for the amendment adding $24,000,000 to the prohibition enforcement fund. Many of the Members were in a sorry dilemma; they were between love and duty; love for the Anti-Saloon League and the duty they owed to their party. For the first time in nine years many of them failed to obey the dictates of the political bishops. Now, in the closing days of the session, actuated by a desire to reinstate themselves in the good graces of the political bishops they advocate the passage of this drastic bill.

The gentleman from Ohio [Mr. COOPER] states that the defeat of the Democratic candidate in the presidential election was due to his stand on prohibition. From my knowledge of the gentleman I know that he is far too intelligent a man to believe this. He knows deep down in his heart that the defeat of that candidate was due, not to his stand on prohibition, but to the bigotry and intolerance of the Nation. The help of this same bigotry and intolerance was well used by the gentleman's party in the election. The same bigotry and intolerance would, if it could, deny me and others a seat in this House, or a seat in the Senate, while it would raise its hands in holy horror at the mere thought of intrusting us with the executive power of this Government. This, let me repeat to the gentleman from Ohio, was the cause of the defeat of our candidate, and not his stand on prohibition. Gentlewomen and gentlemen of the House, I want to sleep nights, I don't want to wake up thinking that my vote on this bill was the means of incarcerating in a wretched, overcrowded, insanitary prison any of my fellow men or women of this Nation. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. WHITE].

The SPEAKER. The gentleman from Colorado is recognized for five minutes.

Mr. WHITE of Colorado. Mr. Speaker and Members of the Congress, the nature of this resolution and the character of the report from the Judiciary Committee upon the bill in question (S. 2901) should be sufficient, it seems to me, to impel this body of lawmakers to pause and seriously consider the effect of our jazz rate of speed in disposing of important legislation.

This resolution provides for the immediate consideration of the Senate bill 2901, known as the Jones bill, the "pet" measure of the so-called prohibitionists. A measure which is said to be far-reaching in its scope and effect and yet this special rule, if adopted, permits of but one hour of discussion and consideration of the bill by a body of 435 Representatives of all the people.

I am not unmindful of the fact that proposed legislative measures are supposed to be thoroughly considered by the committee of this House to which they are referred for report after an opportunity has been given proponents and opponents for a full hearing as to the merits and wisdom of the proposed measure.

I am also aware that such procedure seems necessary to progress in a body of so large a membership as has this House. But, fellow Members, it is clear that this procedure has not been followed in this case. On the contrary, 43 Members of this House made a written request of the Judiciary Committee to be heard on the bill in question, but were given no opportunity in that behalf.

This manner of legislating is appalling to me. It is un-American in principle and in my humble judgment can find no approval among unprejudiced people.

Under the Constitution the authority to determine public policy and to enact legislation rests with the Congress, and no authority in that behalf is invested elsewhere. The President does not have this authority, the United States Supreme Court does not possess it, and neither is it lodged in the Department of Justice, nor in the Anti-Saloon League. It belongs to the Congress alone.

How may Congress enact reasonable, sensible, and just laws unless the respective Members thereof in the two bodies of which Congress is composed are permitted to discuss, to criticise, and help mold into shape proposed laws? Without this there is no sure way.

Any law or measure which is formulated and molded into shape by one person or class of persons, seeking a particular end in view, is usually of questionable merit.

It is only through the views and by means of the criticism of those that oppose, as well as of those who favor, a particular measure, course, or remedy, that the best results may be obtained. In other words, a good and workable law may best be molded into shape by and through the composite judgment of all those who make the law.

In fact, many of the defects, imperfections, absurdities, and inequities of the Volstead Act were undoubtedly the result of just such unwise course in the enactment of that law. That law was fostered, molded into its absurd shape and forced through the Congress by the Anti-Saloon League, its agents and emissaries, all having in mind the suppression of and traffic in and use of intoxicating liquors for beverage purposes, and without the benefit of the views and criticisms of those who believe that prohibition and temperance can never exist in the same place at the same time, and who are, therefore, honest advocates of temperance, and necessarily against prohibition.

In my opinion, no Congressman may discharge his duty to his country if he simply acts in the capacity of a rubber stamp and accepts legislation "dished up" to him. Such duty can be performed only after diligent inquiry, investigation, and discussion with other Members of the House, remembering always that one must exercise his own judgment and reach his own conclusions as an officer of the United States acting for the good of the people of the whole Nation.

No claim is made that any hearings were had upon this Senate bill by or before any committee of this House. It is stated, however, that hearings were had before the House Committee on the Judiciary upon H. R. 9588 and that the two bills are in substantial effect the same. In my opinion this claim is not well based.

An examination of the two bills discloses but little if any similarity. If the legislative intent of the Senate bill as therein set forth is the true meaning to be ascribed to that measure, then the purposes of that bill are diametrically opposite to the purposes of the House bill.

The Senate bill expressly reserves and continues the minimum penalties for the first and subsequent offenses as now provided by the national prohibition act while the House bill eliminates them.

The Senate bill declares that it is "the intent of Congress that the court, in imposing sentence" under that law "should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law," while the House bill makes no distinction in that behalf.

Under the law as it now is, first offenders shall be fined in any sum not exceeding $1,000 or be imprisoned not exceeding six months; and second and subsequent offenders thereunder shall be fined not less than $200 nor more than $2,000 and be imprisoned for not less than one month nor more than five years.

Under the Senate bill now under consideration, first offenders shall be fined in any amount not exceeding $10,000 or imprisoned not exceeding five years, or both; second and subsequent offenders thereunder shall be fined in any amount not less than $200 nor more than $10,000 and be imprisoned not less than one month nor more than five years, or both.

Under the House bill first offenders may be fined in any sum not exceeding $10,000 or imprisoned not exceeding five years, or both.

But, be that as it may, I am of the opinion that it will not be claimed that any substantial hearing was had upon either the Senate or House bill. This conclusion is inevitable from the reports submitted. I am advised that heretofore reports upon legislative measures by committees having them in charge contain brief statements of the purposes and objects of the proposed measure, a synopsis of the evidence produced at the hearing, and the conclusion of the committee as to the effect of the bill, if enacted into law.

The body of the report of the House Judiciary Committee accompanying the Senate bill consists of three and one-half lines only and is in the following language:

> The Committee on the Judiciary, to whom was referred the bill S. 2901, after consideration reports the same favorably and recommends that the bill do pass.

Clearly this report is without value and can hardly be said to constitute the basis for intelligent legislation.

The body of the report accompanying the House bill (H. R. 9588) is almost as valueless, and is as follows:

> Mrs. Willebrandt, Assistant United States Attorney, representing the Department of Justice, spoke in favor of the passage of this bill. She testified in brief that in big cities and in large cases where the Volstead Act has been violated that the judges complain that the maximum penalty was too low; that if they could have the discretion, like that given by this bill, to impose the maximum sentence in certain cases against big offenders, they could stop the sale of intoxicating liquor to a greater extent than they can do now, as it is very difficult to convict of conspiracy, but the individual could be convicted and if the maximum penalty was large enough and heavy enough the violators might be driven out of the business.
>
> The trouble at the present time is with the big sellers and the big importers, and not the small bootleggers; that under the present law the maximum penalty for a first offense is too small, and in practice there is no second offense because the defendant would not be before the same court a second time, as this shift from one to another makes all offenses the first.
>
> Under this bill the big offender could be given the maximum penalty if necessary and driven out of the business, and there would be no second offense, and therefore the Department of Justice very much desires, in the interest of better enforcement of the law, that this bill pass. Your committee therefore recommends, after due consideration, that the bill receive a passage.

Now, what is the gist of this report and Mrs. Willebrandt's testimony upon which the report is based?

Clearly it is her declaration therein that "the trouble at the present time is with the big sellers and the big importers and not the small bootlegger." If so, then why not expressly limit these drastic punishments to the big sellers and big importers and big manufacturers and leave those classes with which the department and the courts are having no trouble subject to the present laws? According to Mrs. Willebrandt's own testimony, the old law is sufficient in that behalf.

Moreover, it is evident from this report that Mrs. Willebrandt and the judges whom she quotes are not so anxious to secure a more drastic punishment as they are to find an easier way in which to convict. This conclusion is inevitable when we bear in mind that under the law as it now is, second offenders, which would necessarily include "the big sellers" and "the big importers," could be imprisoned for five years and fined $2,000 under the prohibition law, and likewise imprisoned upon conviction for conspiracy to violate the prohibition laws. But Mrs. Willebrandt says that she and the judges find it difficult to convict for conspiracy.

From my experience of many years as a prosecutor in criminal cases, I doubt the soundness of such conclusion. On the contrary, conspiracy is easily charged and readily proven, for prima facie evidence of the conspiracy opens the door for the admission of almost unlimited evidence that in other cases would be mere hearsay.

I am of the opinion that the difficulty to convict, of which complaint is made, is not due to the character of procedure, but is due to the absurdity of the punishment that must follow a conviction of conspiracy; and if courts in the enforcement of this new law follow the suggestions of Mrs. Willebrandt, as outlined in this report, and juries understand that, in any particular trial for the violation of the Volstead Act the court will impose a heavy fine and years of imprisonment, the same difficulty will be met in getting convictions under this new law as under the conspiracy act.

It would, therefore, seem that the time has arrived when America's lawmakers should profit by the experience of the Anglo-Saxon race.

At about the time the colonists were settling in this country there existed in the mother country some 200 drastic laws for the violation of which the death penalty was prescribed.

Many of these crimes were of a petty nature. Among them was one that prescribed the penalty of death for the theft of anything of the value of 6 pence or more. Under this drastic law hundreds of men, many women, and some children were executed for stealing a loaf of bread.

Great masses of the people objected to and protested against these inhuman laws, but the officers of the law, including the courts, as was their duty, enforced the law as best they could. However, something eventually happened that will always happen among free men when tyranny becomes so oppressive that it shocks the common conscience of humanity. The common sense of the Anglo-Saxon jurors came to the rescue of the race and refused to convict of an offense of such insignificance with a penalty so severe.

In fact, the experience of thousands of years of lawmaking and law enforcement conclusively proves that no criminal law is enforcible unless some one is injured by its violation; and juries refuse to convict when they know that the punishment that will follow is out of all proportion to the offense committed.

And, my fellow Congressmen, I warn you, and my country, that if and when it becomes a common practice to send men and women to imprisonment for years for the violation of such laws as the Volstead Act, which makes crimes out of the doing of things in which there is not the slightest element of immorality, and which only yesterday were unattended by any criminality, we are returning to practices of the Dark Ages; and we will soon find that the conscience of our level-headed jurors will rebel against the cruelties of such laws and refuse to convict.

What the United States of America most needs to-day are Patrick Henrys who have the courage to welcome death, if needs be, to maintain and protect the rights of men as set forth in the bill of rights; Henry Clays who recognize the necessity of careful study of all proposed measures and the embodiment into every law the composite judgment of lawmakers, and who would rather be right than to hold the highest office within the gift of the people; men like Andrew Jackson, willing to battle without regard to the obstacles in his way to restore and preserve the fundamental principles upon which our Government was established; men like Grover Cleveland and Theodore Roosevelt, willing and ever ready to take a stand upon matters of public concern and tell it to the world.

In our courts and in the administration of justice we need men like Andrew Hamilton, who defended the publisher Zender for alleged libel of the colonial Governor of New York, and undertook at the trial to prove as a defense to the charge the truth of the alleged libel. Under the law as it then existed the truth of a publication against a public official was no defense to the charge of libel. Time after time Hamilton, in argument, said in substance to the jurors that—

> His honor upon the bench will tell you, gentlemen of the jury, that the truth of this publication is no defense against the charge that it is libelous, and I admit that that is the law; but I say to you, gentlemen of the jury, that it ought not to be the law, and it will not long remain the law among free men.

And what did that jury do? It did that which all juries will do when they know that the law is absurd, and that that which is sought to be done in the name of the law is wrong.

The reward of Andrew Hamilton for this great service to mankind was the writing into most all of the constitutions of the States the guaranty of freedom of speech and press and the principle that in suits for libel the jury shall, under the direction of the court, be judges of the law as well as the facts.

It is important that when Congress legislates it should do so intelligently and according to the plan upon which our Government was founded. Our Government is based upon the principle that it is a government by laws, not a government by men. In other words, the law is made master and those who administer the law are its servants.

Therefore, always heretofore in enacting laws in which there was a clear distinction as to the nature and character of the crime facts, the classes of crimes were segregated and appropriate minimum and maximum punishments prescribed for the violation of each class, and in pronouncing sentence the courts had power to and could exercise a reasonable discretion. But in this proposed measure under consideration that wholesome principle is wholly disregarded, and the range of discretion lodged in the courts is in no wise definitely controlled by the crime facts but is dependent upon the bent of mind, caprice, and prejudices of the trial judge.

Do you think that judges on the Federal bench are any different from human being not on the bench? The character of the judge, his mental attitude, his prejudices, his way of looking at things are no different after he has put on his robes of office than they were before.

Now, what will be the practical effect of this law wherein the discretion of the judge is so unlimited? Is it not almost certain that those judges that feel that the doing of the things prohibited by the Volstead Act are grave and serious offenses, as most prohibitionists do, will impose drastic sentences? And is it not equally certain that those judges who feel that the prohibition laws are unwise and that the doing of those things prohibited by the Volstead Act are free from immorality, and have injured no one, will accordingly impose light sentences? I have no doubt that such inequality of administration of these laws will follow the enactment of this bill.

In enacting this measure we are disregarding and departing from the fundamental principles upon which our Government is established. We are transforming our Government into a government by men instead of preserving it as a government by law, and I am unwilling to join in throwing away these fundamental safeguards.

We are taking a long step in the direction of tyranny, and it is a doctrine in keeping therewith when Members of this House are condemned and vilified because they have the temerity to speak out boldly in condemnation of a law or a provision of the Constitution.

The gentleman from Ohio [Mr. MOORE] is amazed at the remarks of the gentleman from New York [Mr. O'CONNOR] when, on the floor of this House, he said, "I am against the eighteenth amendment. * * * I abhor it. I despise it. I have no respect for it," and said of the prohibition act, "I would not counsel anybody to even respect the law."

Why should the gentleman from Ohio be amazed? These words are neither treasonable, unpatriotic, nor unwise. On the contrary, they are perfectly consistent with the duty of any citizen under our form of Government. Even the Declaration of Independence declares that it is the inherent right of the people to govern themselves as they will and to alter or abolish their form of government whenever they may deem it necessary. This principle is also recognized in the Constitution, and the only restriction in that behalf is that in making any change the procedure prescribed therefor, in the instrument creating government must be followed.

In an autocratic or despotic government there is no fundamental instrument creating it, and the right of revolution is always inherent.

In a constitutional democracy the constitution and laws prescribe the course to be pursued, and governmental officers are servants of those laws and can lawfully exercise only the power invested in them by such laws, and when they adhere to those laws and perform the acts of government in the manner prescribed therefor revolution has no place therein. The right to abolish constitutions, to amend them, to repeal and enact new laws is the substitute for revolution.

One can not love and respect a law or a provision of the Constitution if it has not therein elements that appeal to his conscience, though he may and should obey it as long as it is a part of the Constitution or other laws of the land.

One can not praise or respect a law and at the same time effect its repeal; and there is no higher duty resting upon a citizen than to put forth every effort to repeal what he believes to be bad laws and have good laws enacted in their place. This applies to the provisions of the Constitution and to the Constitution itself, as well as to statutory laws.

Respect for a master, whether that master is a constitution, a person, or a statutory law, is not essential to obedience thereto. One may obey the direction of a king or implicitly conform to the mandate of a tyrant and have no respect for either. Duty, however, compels him to observe and obey.

I defy any prohibitionist to be a more sincere advocate of the observance of all laws and the creation of real temperance than I am. But I know full well that many laws can not, and should not, be respected but should be repealed; and that we can not have temperance and prohibition in the same place at the same time; where one is the other can not be. I am, therefore, for temperance and against prohibition.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CELLER].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. CELLER. Mr. Speaker and ladies and gentlemen of the House, I quite agree with the distinguished gentleman from New Jersey that you can not successfully enforce any statute by making the penalties severer. Prohibition enforcement has notoriously failed. Tightening up penalties will not help. You would be turning backward the hands of the clock of jurisprudence if you tried to do that. You have just heard of two hundred-odd offenses punished by death in England in the sixteenth and seventeenth centuries. England soon learned that you could not, by capital punishment, weed out petty larceny, or poaching on a nobleman's estate, or stealing a loaf of bread. We in America have yet to learn that by making a punishment too severe you are not going to bring about law enforcement.

The distinguished Senator from Connecticut, Senator BINGHAM, made some very pertinent remarks on the subject which I take the liberty of repeating here:

> The experience of our race has been that when we apply too drastic punishment for crimes which are not universally recognized as heinous offenses, such as murder, rape, attacks with intent to kill, and matters of that kind, which have been crimes since the memory of man runneth not to the contrary, and whenever we attempt to punish crimes other than those by excessive penalties we do not succeed in achieving our object. Consequently, to change the law at the present time and make it possible for an ardent judge, acting under the pressure of public opinion, to impose a fine of $10,000 and imprisonment for five years in the penitentiary for the first offense is, in my opinion, not likely to produce the effect desired by the proponents of the measure.
>
> We have at the present time certain States, as has been pointed out, where the penalties are exceedingly drastic. I have read in the newspapers, and I have not seen it contradicted, that, for instance, in the State of Michigan for the fourth offense of having in one's possession any illicit liquor one may be imprisoned for life. Surely nothing in our day and generation would be tolerated any more severe than that. Yet I do not find any evidence whatever that there is more observance of law in Michigan than in any neighboring State; in fact, some of the States where the law is very much more lenient than that have a better record for observance of the law than exists in the States where the penalty is very, very severe.
>
> Only yesterday I heard of a case in a college town in Michigan—I need not mention any names—where at a recent dance participated in by the college fraternities the reports disclosed the existence of a very large amount of liquor being used in an extremely intemperate manner. In other words, enabling a judge to inflict a very severe penalty has not resulted in that State, or in any others similarly located, in increasing observance of law.

The courts are already clogged with prohibition violators. This bill will increase the congestion. Faced with a possible 5-year penalty, all defendants will demand jury trials. There will be no pleas of guilty entered. Procedure will grow complicated. Jury trials are costly and usually long drawn out. It will take scores and scores of judges to keep abreast of the work of clearing the crowded calendars.

Why ask for greater penalties? There are plenty of weapons in the prohibition arsenal now.

The United States attorneys can invoke the old internal revenue laws providing for fines and imprisonments, as well as section 37, Criminal Code, providing for violations for conspiracy against the United States. The latter carries severe penalties. Or enforcement officers can go into the State courts and obtain convictions under the State laws. Is that not enough? I incline to the view that the prohibitionists, realizing the breakdown of enforcement and fearing to admit defeat, simply use the agitation for increased penalties as a sort of stalking horse, to hide their real motive, namely, prohibition—at whatever cost, at whatever hazard.

For that reason and for the additional reason that this bill fails to distinguish between flagrant violations and casual violations, I must of necessity oppose it. You place in the same category the beardless youth or an immature girl at a party in the same class with the vile refiner of denatured alcohol. You do not distinguish between the two. You do not define any degrees of criminalty. The judge may treat all alike. That is barbarous. You say that the judge in his discretion may distinguish between the casual or slight violator and the habitual offender, but I defy anyone in this Chamber to give a legal definition of a casual violator. Give me a legal definition of an habitual offender. How many times must a man commit a crime to become an habitual offender? You leave all that to the judge's imagination. There is nothing known in jurisprudence as to what a casual, slight violation is. The judges are given no guide as to what they shall or shall not do. You have placed a legal monstrosity in the bill. Gentlemen of the distinguished Judiciary Committee, it is meaningless. I never knew yet of a statute in the whole history of American civil or criminal law where you direct that the court shall make this kind of a distinction without telling the court what the distinction is. You have cowardly, I should say, passed the buck to the district court. You make the judges of that court legislate and make them do that which you ought to do. You do not tell them definitely what you mean, and for that reason I am opposed to this bill.

By making it possible to send a violator to jail for five years you place a prohibition violation upon a parity with a violation of the white slave law. Surely transporting a woman for purposes of prostitution or debauchery is a more serious offense than making home brew or carrying a half-pint flask of whisky, yet by section 398, title 18, Code of United States trafficking in white slavery incurs a fine not exceeding $5,000 or imprisonment for not more than five years. By section 82, Criminal Code, the crime of shanghaiing sailors incurs a fine of not more than $1,000 or imprisonment for not more than one year, or both. Enslaving on board ship, by section 426, title 18, Criminal Code, incurs a fine of not more than $10,000 and imprisonment of not more than four years.

Mr. W. C. Gilbert has made for me a tabulation of penalties of five years' imprisonment or $10,000 fine or over. I herewith give you the result of his labors, as proof that enlarging prohibition penalties to $10,000 or five years, or both, practically places prohibition violation in the category of a felony. [Applause.]

The matter referred to is as follows:

LIBRARY OF CONGRESS, LEGISLATIVE REFERENCE SERVICE

PENALTIES OF FIVE YEARS' IMPRISONMENT OF $10,000 FINE OR OVER, IN THE CRIMINAL CODE OF THE UNITED STATES

(35 Stat. 1088, c. 321)

[NOTE.—Unless otherwise stated, the term of years noted, as well as the amount of fine, is the maximum authorized.]

SEC. 2. Treason (5 years or $10,000 minimum, discretionary).

SEC. 3. Misprision of treason (7 years plus $1,000).

SEC. 4. Insurrection (10 years or $10,000).

SEC. 6. Conspiracy against United States (6 years or $5,000).

SEC. 7. Recruiting for service against United States (5 years plus $10,000).

SEC. 11. Arming vessels against friendly power ($10,000 plus 3 years).

SEC. 19. Conspiracy against civil rights (10 years plus $5,000).

SEC. 21. Conspiracy against public officer (6 years or $5,000).

SECS. 22–25. Army officers interfering with elections (5 years plus $5,000).

SEC. 27. Forgery of letters patent (10 years plus $5,000).

SEC. 28. Forgery of public records (10 years or $1,000).

SEC. 29. Forgery of deeds, etc. (10 years plus $1,000).

SEC. 30. Possession of false papers (5 years maximum or $500 fine).

SEC. 33. False personation of pensioner, etc. (10 years plus $5,000).

SEC. 34. Fraudulent demands against United States on fraudulent power of attorney (same as sec. 33).

SEC. 35 (40 Stat. 1015, c. 194). False claims against United States (10 years or $10,000).

SEC. 37. Conspiracy to defraud United States ($10,000 or 2 years).

SEC. 38. Interference with prize property ($10,000 or 5 years).

SEC. 40. Stealing papers relating to claims, etc. (10 years or $5,000).

SEC. 44 (39 Stat. 1194). Trespass on fortifications, etc. (5 years or $5,000).

SEC. 46. Robbery of personal property of United States (10 years or $5,000).

SEC. 47. Embezzling public money (5 years or $5,000).

SEC. 48. Receiving stolen property (5 years or $5,000).

SEC. 62. Interference with employees of Bureau of Animal Industry (5 years or $1,000).

SEC. 63. Forgery of certificates of entry ($10,000 plus 3 years).

SEC. 65. Resistance to officers making searches (10 years).

SEC. 70. False certification by consuls, etc. ($10,000 plus 3 years).

SEC. 73. Forgery of bounty land warrants, etc. (10 years).

SECS. 74, 75. Forgery, etc., of certificates of citizenship (10 years or $10,000).

SECS. 76–78. False personation in procuring naturalization, use of false certificates, etc. (5 years or $1,000).

SEC. 80. False swearing in naturalization proceedings (5 years plus $1,000).

SEC. 87. Conversion by disbursing officers (10 years or fine up to amount embezzled).

SECS. 88, 89. Depositary, etc., failing to keep money safe, etc. (10 years plus fine equal to amount embezzled).

SEC. 90. Officer failing to render account, etc. (same as sec. 88).

SEC. 91. Failure to deposit public money (same as sec. 88).

SEC. 96. Banker receiving unauthorized deposits (10 years or fine not more than amount embezzled).

SEC. 97. Embezzlement by internal revenue officer (same as sec. 96).

SECS. 99, 100. Embezzlement by court officers, etc. (same as sec. 96).

SEC. 102 (a similar provision, probably superseding this, was made in 42 Stat. 937 sec. 305). Officers aiding distribution of obscene literature, etc. (10 years or $5,000).

SEC. 105. False certificate of recording of deeds (7 years or $1,000).

SECS. 112, 113. Member of Congress taking consideration for securing contracts, etc. ($10,000 or 2 years).

SEC. 123. Giving out advance information of crop reports ($10,000 or 10 years).

SEC. 124. False statistics in crop reports ($5,000 or 5 years).

SECS. 125, 126. Perjury or subornation (5 years or $2,000).

SEC. 127. Stealing process, etc. ($5,000 or 7 years).

SEC. 130. Forging signature of judge, etc. ($5,000 plus 5 years).

SEC. 131. Bribery of judicial officer ($20,000 or 15 years).

SEC. 132. Accepting bribe by judicial officer ($20,000 or 15 years).

SEC. 136. Conspiracy to intimidate witnesses, etc. ($5,000 or 6 years).

SEC. 142. Rescue of criminals at execution, etc. ($25,000 or 25 years).

SEC. 148. Forgery of United States securities ($5,000 plus 15 years).

SEC. 149. Counterfeiting of national bank notes, etc. ($1,000 plus 15 years).

SEC. 150. Unauthorized use of plates of United States securities, etc. ($5,000 or 15 years).

SEC. 151. Uttering forged securities ($5,000 or 15 years).

SEC. 152. Taking impressions of plates, etc. ($5,000 or 10 years).

SEC. 153. Unlawful possession of impressions from plates, etc. ($5,000 or 10 years).

SEC. 154. Dealing in counterfeit securities ($5,000 or 10 years).

SEC. 155. Embezzling tools for printing securities ($5,000 or 10 years).

SEC. 156. Counterfeiting of foreign securities ($5,000 plus 5 years).

SEC. 161. Possession of counterfeit plates of foreign securities, etc. ($5,000 or 5 years).

SEC. 162. Piecing different notes ($1,000 or 5 years).

SEC. 163. Counterfeiting gold bars, etc. ($5,000 plus 10 years).

SEC. 165. Mutilating coins, etc. ($2,000 plus 15 years).

SEC. 166. Officers of mint debasing coins ($10,000 plus 10 years).

SEC. 167. Passing coins resembling gold coins, etc. ($3,000 or 5 years).

SEC. 168. Passing devices resembling minor coins ($1,000 plus 5 years).

SEC. 169. Counterfeiting dies for United States coins ($5,000 plus 10 years).

SEC. 170. Counterfeiting dies for foreign coins ($2,000 or 5 years).

SEC. 174. Circulating bills of expired banks ($10,000 or 5 years).

SEC. 191. Stealing, etc., mail locks or keys ($500 plus 10 years).

SEC. 192. Breaking into post office ($1,000 plus 5 years).

SEC. 194 (43 Stat. 677, ch. 318). Stealing mail matter ($2,000 or 5 years).

SEC. 195. Postal employee embezzling mail matter ($500 or 5 years).

SEC. 197. Assault on custodian of mail (10 years; second offense, etc., 25 years).

SECS. 211, 212. Mailing obscene or libelous matter, etc. ($5,000 or 5 years).

SECS. 215, 216. Using mails to defraud ($1,000 or 5 years).

SEC. 217. Mailing poisonous matter, etc. ($5,000 or 10 years).

SEC. 218. Counterfeiting money orders ($5,000 or 5 years).

SECS. 219, 220. Counterfeiting postage stamps ($500 or 5 years).

SEC. 225. Misappropriating postal funds (10 years, or fine equal to amount stolen).

SEC. 228. Fraudulently increasing weight of mail, during weighing period ($20,000 or 5 years).

SEC. 236 (41 Stat. 1445). Unlawful transportation of explosives, causing death, etc. ($10,000 or 10 years).

SEC. 245 (41 Stat. 1060, ch. 268). Importing obscene books, etc. ($5,000 or 5 years).

SECS. 246, 247. Detaining slaves on board ship or seizing them abroad (life imprisonment).

SEC. 248. Bringing slaves into United States ($10,000 plus 7 years).

SECS. 249, 250. Equipping vessels for slave trade, or transporting persons as slaves ($5,000 plus 7 years).

SEC. 251. Masters hovering on coast with slaves on board ($10,000 plus 4 years).

SEC. 253. Master receiving persons as slaves ($5,000 or 5 years).

SECS. 268, 270. Kidnaping into slavery, etc. ($5,000 or 5 years).

SEC. 271. Bringing kidnaped person into United States ($5,000 plus 5 years).

OFFENSES ON HIGH SEAS, ETC.

SEC. 275. Murder, second degree (10 years to life); manslaughter (10 years).

SEC. 276. Felonious assaults (various offenses, 5 to 20 years).

SEC. 279. Carnal knowledge (15 years; second offense, 30 years).

SEC. 282. Negligence by officer causing loss of life, etc. ($10,000 or 10 years).

SEC. 283. Maiming ($1,000 or 7 years).

SEC. 284. Robbery (15 years).

SEC. 285. Arson of dwellings (20 years).

SEC. 286. Arson of other buildings, etc ($5,000 plus 20 years).

SEC. 287. Larceny over $50 ($10,000 or 10 years).

SECS. 290, 294, 302, 304, 305. Piracy (life imprisonment).

SEC. 291. Maltreatment of crew ($1,000 or 5 years).

SEC. 292. Inciting mutiny ($1,000 or 5 years).

SEC. 293. Revolt or mutiny by crew ($2,000 plus 10 years).

SEC. 296. Conspiracy to abandon ship ($10,000 plus 10 years).

SEC. 297. Plundering ship in distress (10 years to life).

SEC. 298. Attacking vessel with intent to plunder ($5,000 plus 10 years).

SEC. 299. Breaking and entering vessel ($1,000 plus 5 years).

SEC. 300. Owner destroying vessel to prejudice insurers (any term of years or for life).

SEC. 301. Other than owner destroying vessels (10 years).

SEC. 303. Arming vessel against United States citizens ($10,000 plus 10 years).

SEC. 306. Officer running away with vessel, etc. ($10,000 or 10 years).

OFFENSES IN TERRITORIES, ETC.

SEC. 312. Exhibition of obscene literature, etc. ($2,000 or 5 years).

SEC. 313. Polygamy ($500 plus 5 years).

SEC. 317. Incest (15 years).

SEC. 320. Engaging in prize fights, etc. (5 years).

SEC. 322. Train robbery (5,000 or 20 years).

(W. C. Gilbert, February 27, 1929.)

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker and Members of the House, there is nothing strange in the opponents of prohibition standing on the floor of Congress and fighting the rule and the bill under consideration. They have resisted and fought every measure Congress has ever considered for the enforcement of prohibition. The gentleman from New York [Mr. O'CONNOR], during his remarks, stated that if we pass this bill it can not be enforced. Then a few moments later the lady from New Jersey [Mrs. NORTON] gave as one of her reasons for opposing the bill was that if enacted into law we would have to build more prisons in order to confine thousands who would be found guilty of violating the act. My good friend from New York [Mr. BOYLAN], in opposing the bill, spoke about the crowded conditions in the Atlanta Penitentiary. I was a member of the special committee of Congress which Mr. BOYLAN mentioned as investigating the Atlanta prison last November. While it is true that a great many of the inmates of this institution were convicted of violation of the prohibition law, the fact remains that 35 per cent of the inmates of this prison were sentenced for violation of the narcotic laws. Next on the list were those found guilty of violating the Dyer Act, relating to the theft of automobiles, and prohibition came third. I call attention to this in order to show that violators of the prohibition laws do not constitute the greatest number of commitments to our Federal prisons.

The gentleman from New York, in a sneering way, spoke about the hypocrisy of the eighteenth amendment and the Volstead Act, and he stated that nobody wanted it and that its enforcement was impossible. The gentleman may speak for his own district in New York City, but, on the other hand, however, he does not speak for or represent millions of law-abiding, respectable citizens of our country who are in favor of prohibition and want to see it enforced. [Applause.] When the gentleman from New York states that the people of our country do not want prohibition and its enforcement, may I remind him that during the national political campaign last November one of the candidates for the office of President of the United States carried the prohibition fight right to the people. I do not doubt the sincerity of his convictions on this question. He traveled over the country standing on the platform as being opposed to prohibition and for the repeal of the Volstead Act. But when the votes were counted we find this candidate carrying only 8 out of the 48 States of the Union. [Applause.] To my mind the vote last November was conclusive evidence that an overwhelming majority of the people of our country are in favor of prohibition and its enforcement.

What was probably the greatest, bloody, diabolical crime that was ever committed in our country took place in the city of Chicago about two weeks ago. Seven men were caught like rats in a trap, with no chance to defend themselves, and shot down in cold blood by a low criminal band of rum runners and violators of the prohibition laws. Yet when we to-day consider

and attempt to pass a bill which might put a stop to some of the rum-running activities of these law violators, we find strong opposition fighting legislation of this character. The eighteenth amendment is part of the fundamental law of our land, and as such it should be rigidly enforced. I believe the time has come when we must put more drastic laws on our statute books for the enforcement of the Volstead Act. I shall vote for the rule and the bill and trust it will be passed by a large majority. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, this bill is an amendment to the national prohibition act and provides that the penalty for conviction or violating what is commonly termed the Volstead Act is increased from a fine not exceeding $1,000 or imprisonment not exceeding six months for the first offense to a fine not exceeding $10,000 or imprisonment not to exceed five years, or both. The exact language is "the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both." The proviso relative to the intent of Congress means absolutely nothing, and there is not a man in Congress who does not know it.

There is nothing mandatory in the act to compel the judges to recognize the intent of Congress. Unless it is specifically stated that casual or slight violators are not to be subject to the penalties the court will be perfectly within its right to administer the maximum punishment if it so desires.

With every penitentiary in the United States and practically all the city and county jails overpopulated the Congress is rushing consideration as though a great emergency existed of a bill making it a felony to carry a flask upon the hip, or to even make a glass of beer. The bill has passed the Senate, and if favorable action is taken here to-day it will go to the President for his signature.

Making a glass of beer is a violation of the Volstead Act; making wine or cider with an alcoholic content of more than one-half of 1 per cent is likewise a violation of the Volstead Act. If the judge so desires, under the terms of this bill, he can send the housewife who makes beer for her husband or wine for her family to the penitentiary for five years. The college boy who forgets himself after the home team has won a great struggle and in his enthusiasm carries a small bottle of whisky or gin on his person can be branded a felon and sent away to a Federal penitentiary for five years; the business man who goes to play golf and takes a flask along to use when he reaches the nineteenth hole, finds himself in a similar position if apprehended.

Mark you, this law does not apply only to the habitual violator, but it applies to the first offender even though beer, wine, or whisky is handled for personal use, be it man, woman, or child.

Further, it provides the same penalties for each such offense. If a man sells five drinks of whisky he can be sent to the penitentiary for 25 years and fined $50,000.

Mr. Speaker, if everyone who violates the eighteenth amendment to the Constitution and the Volstead Act was apprehended to-morrow you could not secure a quorum in any legislative body, National or State, the executive branches of the Government and States would be unable to function, the wheels in the great industrial establishments would cease to revolve, mercantile establishments would be required to close their doors as clerks would not be available, shoe and clothing factories would shut down and the Nation would face starvation, as there would not be sufficient man power left on the farms to raise the necessities of life. Should you turn the office buildings of the country into jails there would not be sufficient room to house the prisoners. The country would be paralyzed.

This is not idle talk, but plain truth. Still, you would place on the statute books a law considered by a great committee of the House where, when the hearing was held, no publicity being given the matter, only two persons—a Member of Congress and Mrs. Mabel Willebrandt—appeared as witnesses.

The committee ignored the petition signed by numerous Members of the House requesting that a public hearing be held, considered the Senate bill Monday morning for less than one and one-half hours, ordered the chairman to report it, and further asked that he secure a special rule for immediate consideration.

Why this action? For no other reason but that the professional dry leaders cracked the whip and said, "Our will must be done." They demand passage of the bill before adjournment. When this bill is voted upon you will witness a different scene than that which presented itself Monday. It will afford those who declined to stand hitched Monday an opportunity to rehabilitate themselves, as they accused others of doing in advocating the $24,000,000 amendment. They will want to get back in the good graces of the dry organizations and this time will respond to the crack of the whip.

I wonder if a promise was made to those drys who opposed the $24,000,000 that this opportunity for rehabilitation would come if they assisted in defeating the amendment?

Whether it was or not, those seeking rehabilitation on both the Republican and Democratic sides will this time be united and use the steam roller in passing the bill making it a felony to make or have in one's possession a bottle of beer or a flask of whisky, and subject the guilty one if apprehended to a sentence of five years in the penitentiary if the judge so disposes.

When the official charged with administration declares he would not know what to do with the money if it was made available I certainly did not vote to waste $24,000,000 of the taxpayers' money, nor will I vote for a bill that would give a judge the power to send a man, woman, or child to the penitentiary for five years for making a bottle of beer or carrying a flask of whisky in his pocket.

Mr. Speaker, no opportunity was given to Members to express their views when the $24,000,000 amendment was pending.

I do not approve of limited debate when questions of vast importance to the Nation are before the House. Members should have reasonable time to present arguments in behalf of their convictions. Although opposed to the motion it seems to me a thorough discussion would have been beneficial to the country. I fully realize that certain Members found themselves in a most embarrassing position and wanted to dispose of the question, even without debate if possible, taking the position that the least said the better.

However, the action of the House in voting down the $24,000,000 additional for the enforcement of prohibition will be commended by reasonable prohibitionists as well as those opposed to the eighteenth amendment and Volstead law.

For once I am willing to commend the prohibitionists, at least those in the House who voted against the effort to squander $24,000,000 of the people's money. In my opinion there was no sound reason for advancing this proposal.

The gentleman from Florida [Mr. GREEN] indicated in his remarks Saturday evening that the Democratic side was practically unanimous in its support of the amendment. He has but to view the roll call to learn that there were many Democrats in the House who refused to respond to the demand of professional organizations.

If, as has been openly charged, some Members of Congress desired to rehabilitate themselves among their constituents, surely they should be more thoughtful of the public's purse than to do so at the expense of the taxpayers of the country.

I heard it stated numerous times that a vote on the amendment would put the Republicans in the hole. On the contrary, the vote strengthened them, because it met with the approval of every right-thinking citizen, wet and dry alike.

Members who voted for this amendment should give some thought as to where this money they would appropriate, which the administration says could not be properly used, comes from. Only a very small part comes from their section of the country. It is in the great cities of the country that the large portion of taxes is collected. The cities are now overrun with prohibition agents, themselves violating the Constitution almost daily by unlawful searches and seizures.

I challenge any dry Member to show where he has at any time called the attention of the prohibition administrator to violations of the law in his own community and received a reply that the appropriation was not sufficient to enable the sending of dry agents into that territory. If those who voted for the $24,000,000 appropriation will go to the commissioner and appeal for enforcement officers for their community, giving the facts to the administrator, I am sure he will respond and send agents into the districts of such Representatives with instructions to see that all violators are brought into court.

It is not the way of the drys to urge enforcement in their own localities; they are satisfied to have nine-tenths of the enforcement officers stationed in the large cities. They do not appeal for help in cleaning up their own States.

During debate a Member read of the condition of the courts, naming the various States where the docket was congested. Among those States was Georgia, a so-called dry State, from whence the man comes who originally proposed this amendment.

Recently I asked a real prohibitionist from my State, a Member of this House, if prohibition agents ever visited his district. He admitted they did not, but since then one did visit the largest town in his district. What did he do? There were two druggists in the town, the stores being within a few feet of each other, one run by a Democrat and the other by a Republican. The Democrat was raided but the Republican was not molested. As far as could be learned no effort was made to see

if the Republican was violating the law. I am not saying that he was, but I simply say that this agent, from all reports, did not attempt to find out.

A committee of Congress has just been told by the "chief snooper" of the unofficial law enforcers of the District of Columbia that there are 5,000 speak-easies in Washington, the Nation's Capital. He told the committee that his "snoopers" had discovered that there were whole blocks where liquor could be bought at each house. He insisted the telephone company had a separate private exchange where all connections with bootleggers and gamblers were made, and that the telephones were unlisted. Further, that the telephone company declined to give the location of unlisted telephones to the police.

The manager of the telephone company explained that now, as before prohibition, many residents of large cities insist that their telephones not be listed, as they did not desire to be disturbed at home. This included business and professional men as well as many Members of Congress. Still this unofficial law-enforcing organization would lead you to believe that all such telephones are connected with homes of bootleggers and gamblers.

I do not doubt that there are 5,000 homes in Washington where either whisky, wine, or beer will be found. In fact, the number probably is closer to 25,000, but it is there for personal use of the occupants of the home not for sale.

If the prohibitionists of the country would make a real survey of the present-day situation, they will find that by the adoption of the eighteenth amendment and the enactment of the Volstead law they have caused liquor, beer, and wine to find its way into homes where it had never entered prior to prohibition days.

So long as corn, hops, barley, rice, sugar, and fruit are available you will have intoxicating drinks in this country.

The day will never come when products that go into the making of whisky, brandy, gin, beer, wine, and cider are not to be had, still you would enact a bill that would give a judge the power to send the housewife who makes a glass of beer for her husband who toils before the hot furnace throughout the day to the penitentiary for five years.

Mr. PURNELL. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Speaker and gentlemen of the House, a moment ago it was charged by gentlemen in opposition to the bill that it had not received consideration, and sport was made of the report by the Judiciary Committee on this bill.

Let me call to the attention of the House for the sake of the RECORD the fact that I hold in my hand the full hearings before the Judiciary Committee on the contents of this bill. So there was no need of a lengthy comment or report, because the House bill has been reported favorably from the committee and is now on the calendar of the House.

Now, just a word as to what this bill does. It unties the hands of the judge, so that he may mete out justice to a man not simply because he is a first or second or third offender but because he is an extreme offender of the law. That is all it does. It unties his hands and allows him to mete out justice according to the offense, and there is nothing else in the proposed law. The Department of Justice, which asks for this legislation, can be safely followed.

It ought to have the support of every man and woman of this House who believes in adequate law enforcement.

But let me leave this thought with you:

He who feels the halter draw,
Ne'er is in favor of the law.

[Applause.]

Mr. PURNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. As I understand the situation, if we should adjourn now, this will be the unfinished business to-morrow after the disposition of matters on the Speaker's table?

The SPEAKER. It will then be in order for some gentleman to move that we go into the Committee of the Whole for the consideration of the measure.

Mr. SNELL. I think that is the best plan to follow, and the bill will be called to-morrow immediately after the disposition of matters on the Speaker's table.

PERMISSION TO ADDRESS THE HOUSE

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes to-morrow after the disposition of business on the Speaker's table and following the address of the gentleman from Nebraska [Mr. NORTON].

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

RETIREMENT OF THE DISABLED IN THE FORMER LIFE-SAVING SERVICE

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the life-saving retirement measure.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, H. R. 16656, which passed the House February 18, 1929, and which passed the Senate February 25, 1929, provides that any individual who served in the former Life Saving Service of the United States as a keeper or surfman, and who on account of being so disabled by reason of a wound or injury received or disease contracted in such service in the line of duty as to unfit him for the performance of duty and was continued upon the rolls of the service for an aggregate period of one year or more under the provisions of section 7 of the act entitled, "An act to promote the efficiency of the Life Saving Service and to encourage the saving of life from shipwreck," approved May 4, 1882, and who ceased to be a member of such service on account of such disability, which disability still continues at the time of the enactment of this act, shall, upon making due proof of such facts in accordance with such rules and regulations as to the Secretary of the Treasury may prescribe, be entitled to retired pay from the date of the enactment of this act at the rate of 75 per cent of the pay he was receiving at the time of his separation from such service.

Section 7 of the act of May 4, 1882, to which reference has been made, was the only provision of law in the former Live Saving Service for taking care of those persons in that service who were disabled by reason of any wound or injury received or disease contracted in the service in the line of duty as to unfit them for the performance of duty. The beneficiaries under this proposed new legislation will be those persons of the former Life Saving Service contemplated by the bill who could not be brought within the purview of the act of January 28, 1915, creating the Coast Guard by combining therein the former Life Saving Service and the former Revenue Cutter Service. Measures for the relief of these persons were proposed in Congress shortly after the creation of the Coast Guard in 1915, and have continued ever since without success. We are to be congratulated that we are so near our goal in this matter. This bill touches the lives of a considerable number of persons in all sections of the country—the Atlantic coast, the Gulf coast, the Pacific coast, and the Great Lakes—and will, if signed by the President, at last render justice. There are numbers of distressing cases that it will relieve. I can best refer you to the letter of the Secretary of the Treasury addressed to the chairman Interstate and Foreign Commerce Committee of the House of Representatives, under date of February 10, 1928, in which the situation is fully discussed. It can not be stated definitely at this time just how many persons of the former Life Saving Service will be entitled to the relief provided by this bill. I understand that at the time the last survey was made there would be about 312 persons. Doubtless, since this survey some of these have passed to the great beyond, for many of them had passed their three score and ten at that time. Year upon year they will in the natural order of things be passing away. It is a measure with a constantly decreasing expense and before many years will be entirely obliterated. It is a measure which if passed into the law of the land will bring relief from penury and poverty and distress in many homes throughout the country. It is a measure which will give indisputable proof to the fact that the Government is not ungrateful and that it remembers, even at this late day, the service that the beneficiaries have performed in the name of humanity. It is a measure which recognizes the noblest of all causes—that of the saving of human life—and I know myself that thanksgivings will arise from many humble, happy homes when the word goes forth that this measure is a part of the law of the country. I have been brought into intimate contact with these life-saving men, and I know their sturdy qualities, I know of their devotion to duty, I know of their loyalty, and I know and the world knows the great service they render in saving lives and marine property from the perils of the sea. These old worn-out warriors of the surf who will come within the provisions of this measure were in the harness in the days when service was particularly hard, hazardous, and laborious, and before the introduction of present-day refinements, both as to boat equipment and as to living accommodations on the beaches. Their lives were spent in desolation, in exposure, in hardships, and in separation from the world. Speaking for myself, I know of no legislation that appeals stronger to our better natures, to our human side, than this. I am sure it will have the benediction of our coast people.

PROHIBITION ENFORCEMENT

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to print in the RECORD at this point an amendment which I propose to offer to-morrow to the bill that has been under consideration.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

In line 9, page 1, after the words "shall be," strike out all the language down to the word "*Provided*," in line 10, page 1, and insert in lieu thereof the following: "after the first offense for a casual or slight violation of said law a fine not to exceed $2,000 or imprisonment not to exceed one year, and for habitual sales, or transportation, importation or exportation, or illegal possession, indicating a commercialized business, a fine not to exceed $10,000 or imprisonment not to exceed five years or both."

REPORT OF THE FOREIGN SERVICE BUILDING COMMISSION

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 331

Resolved, That the report of the Foreign Service Building Commission transmitted to Congress on January 28, 1929, pursuant to the act entitled "An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America," approved May 7, 1926, be printed with illustrations as a House document.

The resolution was agreed to.

HOUSE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES

Mr. BEERS. Mr. Speaker, I present another resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 344

Resolved, That the House Rules and Manual of the House of Representatives for the Seventy-first Congress be printed as a House document, and that 2,500 copies be printed and bound for the use of the House of Representatives.

Mr. SNELL. Is this the usual number that is printed?

Mr. BEERS. That is the usual print.

The SPEAKER. The Chair is informed this is the usual number.

The resolution was agreed to.

PRACTICES IN CERTAIN BUREAUS

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing certain remarks of my own in respect of certain practices in the departments.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GIBSON. Mr. Speaker, there has come to my knowledge through personal experience the existence of a dangerous practice in some of the bureaus of the Government that will soon grow into a settled policy unless checked.

I have found many instances when a Representative tries to help a constituent who comes in good faith for assistance that not only is a legitimate request turned down but the employee is punished for asking the help of a Member of Congress.

Some narrow-minded bureaucrat sets himself up as a censor over our actions and interferes in the legitimate exercise of the duties of our office.

I have been told that at the District Building an order has been issued that no one shall ask for any help of any kind at the Capitol without the consent of the commissioners. I am aware that the commissioners have done things they ought not to have done and have failed to do things they ought to have done, but I do not believe they have made such a ridiculous and questionable ruling.

I have been told of instances when chief clerks, after defeating a claimant for reclassification before the board, under the law, openly boasted to fellow employees of their success in turning down Congressmen who had interceded for constituents.

Heads of departments come to us for every cent they are entitled to expend. How do they expect that Congress will accept their requests through the Budget in a spirit of cooperation if they permit these little men, temporarily clothed with power, to treat Members of Congress with contempt?

The time has arrived when Members of this body must assert themselves and put an end to this activity of bureaucracy that, in general, is weakening the vital principles upon which the Nation was founded.

As for myself, I give notice right now if they interfere further in the performance of my duties as a Representative of the people of my district, or try to discipline any of my constituents for asking help, I will expose them by name, hold them up to public ridicule and contempt, and shall not rest until such enemies of representative government are driven out of the public service.

A NEW CRUISER "BROOKLYN"

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to extend my remarks on the cruiser situation and to insert an editorial from the Brooklyn Standard-Union on why one of the cruisers should be called the *Brooklyn*.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following editorial from the Brooklyn Standard-Union on why one of the cruisers should be called the *Brooklyn:*

A NEW CRUISER "BROOKLYN"

If the energetic campaign of the friends of the Brooklyn Navy Yard succeeds, as now seems most likely, 2 of the 15 new auxiliary cruisers will be built here. Why not have one of them named the *Brooklyn?* The Standard-Union makes the suggestion in the belief that it is appropriate and in the hope that it will be effectively seconded both here and in Washington.

The career of the old cruiser *Brooklyn* is a brilliant chapter in our naval history. When it was launched, the city that has since evolved into the Borough of Brooklyn had a civic celebration. Its citizens, naming as their spokesman the late Mr. William Berri, who was then president and publisher of this newspaper, turned over to Capt. Francis Cook a costly silver service, to be carried in the wardroom in token of gratitude for the recognition. The community followed eagerly the exploits of its cruiser in the Spanish-American War. Flying the flag of Commodore Winfield Scott Schley, the *Brooklyn* helped to bottle up Admiral Cervera in Santiago Bay, and it commanded and led the chase in the battle of the 3d of July that wiped out Spain as a sea power.

The *Brooklyn* ended its active days only a few years ago, and since its passing this great metropolis has been without a naval namesake. There can be no cruiser *New York*, for this State is represented in the battleship squadron. Salt Lake City, Pensacola, Memphis, Richmond, Trenton all are among the cities remembered in the roll of post-war treaty cruisers. Brooklyn deserves a parallel recognition. Brooklyn would like to adopt a new warship as it adopted that gallant old sea fighter that served its country so well in peace and in war for 30 years.

SHIP CANAL ACROSS GEORGIA AND FLORIDA

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a proposed canal across south Georgia and northern Florida.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, the time is at hand, I believe, for an unprecedented development of our inland waterways. Enough time has elapsed since the World War for our Nation to have readjusted itself to the new economic strain occasioned by the war and for our Government to now undertake some really worth-while internal improvements.

The time is ripe for a more complete development of our inland waterways and for the completion of a barge line along an inland passage near the coast from Texas, by the way of the mouth of the Mississippi River to some point on the Gulf Coast of Florida, thence across the northern part of Florida and the southern part of Georgia to the Atlantic coast of Georgia, and thence to the New England States. Many other internal improvements should and no doubt will receive due attention, but I am especially anxious about the proposed canal across south Georgia and north Florida.

I am of the opinion that the next few Congresses will write an important chapter in the history of our Nation and that that chapter will be one of splendid internal improvements, not of any one section but for the whole Nation.

The improvements are muchly needed; the time is here for action; there is more brotherly love between all the sections than ever since the Civil War; the President who takes charge on next Monday is more nearly the President of the whole people than any other man since our beloved first President. No one section nor group of sections elected Mr. Hoover. As never before since George Washington, our new President was elected by the whole United States and, therefore, in the fullest sense, is the President of the whole people. He is truly of the Nation.

Mr. Hoover's vision will not be confined to any one section, but his horizon will be coextensive with the boundaries of our beloved Nation.

President Hoover is the first civil engineer since George Washington to enter the White House, and for this additional reason, like the Father of our Country, will give his valuable support to worth-while internal improvements.

For all these reasons, I am most hopeful that legislation will be enacted in the very near future, providing for the inauguration of a most splendid canal, drainage, irrigation, and inland transportation program.

Quite naturally I am most anxious about some very muchly needed improvements in my district. And I may say in passing that I had faith in Mr. Hoover as an ardent friend of our inland waterways before he was elected President or even nominated by the Republican Party.

I quote from my remarks of May 19, 1928, as recorded in the CONGRESSIONAL RECORD of that date, page 9232, as follows:

I have sought for 10 years to get a line up to pass a bill to construct the St. Marys-St. Marks canal. Nothing like this could be put over for the South in face of the so-called Coolidge economy program. If the Democrats win this year, I believe this canal can be built. If the Republicans win, with Hoover the civil engineer, our chances will be good. I shall do my best in either event.

Mr. Hoover has been elected and on next Monday at noon will become our President, and it seems to me that the times are most propitious for the ushering in of an era of genuine progress.

I am a Democrat and would truly like to serve at least one term as a Member of Congress with the Democrats in power in both Houses and with a Democrat at the other end of Pennsylvania Avenue. I feel though that if Republican we must have, let him be such a man as has just been elected, a man who is of the whole Nation, and who loves and will serve the whole people. I am now anxious to help make my preelection prediction come true. I want to help pass a bill to construct a canal across south Georgia and north Florida.

All who have given serious thought to the proposition agree that in the near future a barge canal at least will be constructed across south Georgia and north Florida, connecting the waters of the Atlantic Ocean with those of the Gulf of Mexico. Many, many reasons have, from time to time, been urged for the building of this canal. Anyone who will stop to look at the map of this country will wonder why it has not been done long ago.

A barge canal is being linked up from the New England States to the mouth of the Mississippi. This canal will not follow the coast line entirely around Florida, but will be constructed across the country about where Florida peninsula makes off from the main body of the United States. In fact, the greatest missing link in this barge line is now from the Georgia coast at St. Marys, Ga., to St. Georges Sound at the mouth of the Apalachicola River in Florida. There is now a splendid inland barge line along the Georgia coast between the islands and the mainland. This is practically true all the way to Maine. A barge route can, with little expense, be constructed from St. Georges Sound, Fla., to the mouth of the Mississippi.

This barge line will never be built around Florida for two reasons. First, it is too far, and in the second place, it would cost too much. Most of the Florida coast is not protected by islands, and hence light craft would be easily destroyed by heavy winds.

Then, again, even if the barge line should be constructed only from the mouth of the Mississippi to a harbor on the Georgia coast, the canal would be very valuable for many reasons. This would in effect move the mouth of the Mississippi River from the Gulf of Mexico to the Atlantic Ocean and furnish a new outlet on the Atlantic Ocean for all the great Mississippi Valley.

There are numerous cogent reasons why this canal should be constructed, but at this time I shall name only a few and hasten on to the discussion of another phase of the proposition.

FREIGHT RATES

It is admitted by all who are at all familiar with the proposition that the construction of the proposed canal will greatly reduce freight rates not only on commodities hauled on the canal but also on all freights hauled by other means throughout a large portion of our country and especially in the section directly affected by this muchly shortened water route of transportation. An eminent authority on railway transportation once testified before a special committee of the New York Legislature that—

The Erie Canal regulates the freight rates on all the railroads east of the Mississippi River, not only on those whose tracks run parallel with the canal but upon those that run in an opposite direction.

The Erie Canal originally cost about $51,000,000, but it is proving a wonderful investment for the people of the country, as it is estimated that it pays for itself about every two years in freight reductions. If the Erie Canal does this, can we not expect a wonderful reduction in freight rates by the construction of a canal shortening the distance from the Mississippi to the Atlantic Ocean by at least 500 miles? Several years ago it was estimated that the proposed St. Marys-St. Marks canal could be constructed for barge use for approximately $7,000,000, or for about one-seventh of the original cost of the Erie Canal. This canal can be constructed for about one-half the cost of one battleship. The battleship is used for only a few years and then is considered as worthless and ofttimes serves only as a target to be sent to the bottom of the ocean in some experiment. In peace times the battleship is little more than a pleasure craft for the Navy, and in war times it may be sent to the bottom of the sea by a bomb from some one person in an airplane. The canal for which I am pleading would repay for itself every few years in cheaper freight rates for the producers and the consumers and, with reasonable repairs, would be one of our Nation's greatest assets. It would not last for only a few short years, but would endure as long as this old earth shall be the home of the human race.

BENEFITS NATIONAL IN SCOPE

The proposed canal would prove beneficial to the whole people of our country. It is part and parcel of the great transportation system of our Nation which is now being rapidly brought to perfection.

To my mind, it is the great missing link in our system of inland waterways. It has been neglected too long. It should be built and that speedily.

MILITARY VALUE

It has been urged only recently that enormous expenditures are proper for military reasons. We are continuously spending hundreds of millions for naval armament. There seems to be no way to prevent, at this time, these large expenditures for military reasons, and yet we know that the battleships and other military and naval construction at best can last for only a few years. If the proposed canal is constructed on a basis somewhat larger than would be necessary for barge purposes it would in time of war prove very valuable. It would seem that a canal from the Georgia coast on the Atlantic to St. Georges Sound on the Gulf, capable of floating the lighter-draft warships, torpedo boats, submarines, and so forth, would be of the utmost value to the United States Government, which, by opening up the almost continuous inland route on the Atlantic coast, could send from New England to Louisiana and Texas, promptly and safely, armaments and stores to meet emergencies, which could not venture upon the high seas floating a hostile fleet.

Not only would the canal route be safer but would be about 500 miles shorter. It has been estimated that the St. Marys-St. Marks canal can be constructed on a scale sufficiently large to be used for the naval and military purposes just mentioned, at a cost of about $50,000,000, or at the expenditure of about the cost of three battleships. It has even been estimated that this amount will construct the canal and make such improvements along the Atlantic, from Georgia to New England, as will be necessary to complete the route to New York and beyond.

If it had absolutely no value at all in peace times; the Government can not afford to not complete this inland waterway route by the construction of this canal. It is easy to visualize a situation when the very life of our Nation might depend on the speedy movement of light warcraft from the Atlantic to the Gulf.

DANGEROUS STRAITS OF FLORIDA

Not only will this canal very much shorten the distance of water transportation from the Gulf to the Atlantic, but it will save hundreds of millions of property now lost in the trip through the dangerous Florida Straits, between Florida and Cuba. There will likewise be an enormous saving in insurance premiums. The rate will be practically nothing through the canal, whereas the rate is very high around Florida.

CLIMATIC CONDITIONS

The canal will be through a section with a mild and healthful climate. Corn and many other farm products are very much injured by the heat in a haul around Florida. There would be no danger of corn overheating or sprouting while being transported through the proposed canal.

People engaged in the construction of the canal, as well as those engaged in transportation along the canal, will find a most splendid climate. This section is a paradise of sunshine in the winter, and in the summer time the sea breezes, first from the Atlantic and then from the Gulf, make south Georgia and Florida all that can be desired in a climatic way. Even the swamps and forests of south Georgia are most healthful. Lieut. Col. Q. A. Gilmore, United States Army, in 1880 completed a survey of the proposed canal from St. Marys to St. Marks, and in speaking of the healthy appearance of the people who live in and near the Okefenokee Swamp said:

There are no difficulties to be encountered of a climatic character in excavating a canal anywhere along the line of our surveys at any season of the year. Our parties were remarkably free from any injurious effects due to climate. Though in the swamp in midsummer, not an instance of sickness was recorded. The Okefenokee and contiguous swamps are among the most healthy portions of the country. The inhabitants—the Mixons, the Lees, and Chessers—all living within the limits of the Okefenokee, are as robust and healthy in appearance as persons from the highlands of Georgia. A physician is scarcely ever heard of in this section of country. I met many others on both the western and eastern borders of the swamp who live within its influence, and they all seemed to possess remarkedly good health and constitutions. They claim that they have no sickness from miasmatic influences. There would be, I am sure, no difficulties on account of a malarious climate in constructing a canal in all its parts during any season of the year.

TWELVE MONTHS' SERVICE

While the Canadian canals are frozen each year from four to five months, the canal through this southern section would be open the entire year. For this reason this route has a tremendous advantage over any route through the Great Lakes region. But as the country develops there is ample room for a more complete waterway development both north and south as well as east and west and in the great sections between.

FORMER SURVEYS

Several surveys have heretofore been made and some are being made now of some of the routes proposed by my bill, but none have given the entire territory the careful survey and study that I am now seeking. In fact, several recent river and harbor bills have authorized surveys that are helpful and which will be considered in connection with more extensive surveys in the future.

SEA-LEVEL CANAL

I am thoroughly convinced that a canal will be constructed from the Gulf to the Atlantic making unnecessary the long trip around the Florida Peninsula. I am very much interested in when and where the canal will be constructed and shall it be a sea-level canal large enough to carry the largest vessels or shall it be a barge canal? If it is to be a sea-level canal, it will not be constructed through any part of my State unless St. Marys River is used as the eastern terminus. There are most excellent harbor facilities at St. Marys and Cumberland Sound close by. A sea-level canal probably will never be constructed from St. Marys to St. Marks. The distance is too far and it could so much more easily be constructed from St. Marys to some point on the Gulf coast farther east than St. Marks. Of course, a sea-level canal would cost much more money than a barge line and would have a very different effect on the country through which it passes. A sea-level canal through the Okefenokee Swamp, for instance, would help to drain the swamp whereas a barge canal would cause the flooding of the swamp. It is altogether likely that a barge canal can be built in the near future whereas a sea-level canal, being costly, can only be built after a long, hard fight. Very likely a barge canal will be built in the near future and then later also there will be constructed a sea-level canal.

A sea-level canal will be constructed either near the present proposed St. Marys-St. Marks canal route or to the south thereof. A barge line will be constructed either along the present proposed St. Marys-St. Marks route or to the north thereof.

BARGE CANAL

I am convinced that a sea-level canal will probably not be built in the near future and that a barge canal will probably be built in the next few years. For these reasons I am seeking a complete survey and study of the entire territory to be directly affected.

BILL PROVIDING FOR CERTAIN SURVEYS

On the 19th of this month I introduced H. R. 17178, which provides among other things:

That the Secretary of the Interior is hereby authorized to make such studies, surveys, investigations, and do such engineering as may be necessary, to determine the lands that should be embraced within the boundaries of a reclamation project, hereafter to be determined and definitely located, and to determine definitely, and recommend, the relative merits of the projects hereinafter described, and which of said proposed projects is the most practicable, feasible, and desirable, and the cost of the same.

It will be seen that I am seeking a thorough survey and study of the entire territory from Macon, Ga., to the proposed St. Marys-St. Marks canal route and between the Ockmulgee and Altamaha Rivers and the Chattahoochee and Apalachicola Rivers with a view of determining just where a barge line can be best constructed across Georgia and Florida, joining the waters of the Gulf of Mexico with the Atlantic Ocean.

DRAINAGE AND RECLAMATION

It is most essential that a special study be made of the drainage and reclamation problem in connection with the proposed canal. A barge line will operate as a drainage canal for certain areas and therefore he helpful in this respect. It will also be essential that water be impounded in reservoirs on the higher levels and that certain lands in this way will be flooded. If the canal should be constructed through the Okefenokee Swamp, that swamp would be utilized as a great reservoir, from which water would be drawn for canal uses upon the higher levels.

It will, therefore, be seen that the question of whether or not the Okefenokee Swamp should be drained or kept flooded enters into the problem. Most of the streams entering the Okefenokee Swamp are from the north, while the streams flowing out of the swamp drain toward the south. For this reason a canal running on the north side of the Okefenokee Swamp would cross the streams flowing into the swamp before they reach the swamp, and therefore divert much of that water from the swamp, thus helping to drain the swamp rather than flood it. To my mind, one of the strong arguments for a canal proceeding through Ware and Clinch Counties, at or near the Atlantic Coast Line Railroad, is in the fact that numerous small streams flowing from the north will operate as feeders of the canal and yet prevent the flooding of a large area in and adjacent to the Okefenokee Swamp. It will be seen that a most careful study should be given to the drainage and irrigation problem in connection with any canal that may be built. This is a vital problem not only for the present but also for the future.

POWER DEVELOPMENT

My bill also provides that said survey shall include a study and report of power development possibilities that may be developed in connection with said projects and surveys. I feel that this study should be made, as considerable power may be developed in connection with dams that may be constructed for the impounding of water for use along the upper levels. Of course, some routes will prove more valuable than others in this respect.

SEVERAL ROUTES PROPOSED

By my bill I am proposing a survey and study of several routes, with the purpose of ascertaining definitely the best route after due consideration being given to all angles of the problem. My bill also provides for such other surveys as may be necessary to ascertain the very best route regardless of whether it is included in those proposed in the bill or not.

ST. MARYS-ST. MARKS ROUTE

This route is considered by many as being the most practical one, and I am free to confess it may prove to be such. It certainly has the advantage of being the shortest route from harbor facilities at St. Georges Sound, Fla., to harbor facilities on the Georgia coast.

I am inserting in the RECORD a map, prepared by Mr. H. McEwen, of the Coast and Geodetic Survey, Department of Commerce, which illustrates the different routes proposed. There is indicated on this map a straight canal from St. Marys to St. Marks, such as would probably be followed if a sea-level canal should be constructed. It may be though that the St. Marys River would be used for a considerable distance to a point near Folkston, even if a sea-level canal should be constructed. It is certain that the St. Marys River would be used for this distance if a barge-line canal should be constructed from St. Marys to St. Marks. This route also has the advantage of passing through the Okefenokee swamp, thus making available a reservoir of water of sufficient capacity to supply the canal throughout the entire length, especially when this supply will be augmented by other streams crossed along the route. It is quite evident that the St. Marys River could not be utilized as a route beyond a point where it crosses the Atlantic Coast Line Railroad near Folkston, as the river from that point to the Okefenokee swamp is crooked and does not flow in the right direction and could not be made navigable without heavy expenditure. The Suwanee River would not be followed at all, as it is crooked and enters the Gulf too far to the south, leaving too much unprotected coast line between its mouth and sufficient harbor facilities at or near the mouth of the Apalachicola River. In fact, the Gilmore and other surveys plan a canal route through the Okefenokee swamp along a practically straight line to St. Marks, following a course a little to the north of that shown by the map herewith printed in the RECORD. Major Gilmore in speaking of this route said:

The canal should have its eastern terminus on the St. Marys River at the place known as Camp Pinckney, 29 miles—measured by the river

line as it will be when improved—above the town of St. Marys, at the head of ship navigation. From thence it will run in a right line south 68° west to and through the Okefenokee Swamp, crossing the Suwanee River near Blounts Ferry; thence to Ellaville, 77 miles.

From near Ellaville the direction of the line changes slightly, bearing south 76° 15′ west, 64 miles to St. Marks, on the Gulf of Mexico. The whole distance from the town of St. Marys to St. Marks, connecting the waters of Cumberland Sound with the Gulf of Mexico by this route, is 170 miles.

TERMINI

It is of vital importance that a barge canal have ample harbor facilities both on the Atlantic and Gulf. The entire Georgia coast is protected by a chain of islands, thus making a splendid inland waterway between the islands and the mainland and furnishing splendid harbor facilities all the way from the St. Marys River to the Savannah River. An inland waterway can be very easily constructed, and in fact has already been installed, most of the way from the mouth of the Mississippi River to St. Georges Sound, at the mouth of the Apalachicola. The Florida coast is not protected by a chain of islands from St. Georges Sound to Cedar Keys, at or near the mouth of the Suwanee. Therefore it is essential that the barge-canal route have as its western terminus St. Georges Sound and proceed to any point on the Georgia coast. In fact, all agree that if the St. Marys-St. Marks Canal is constructed for barge purposes, it will be necessary to extend it westward from St. Marks to St. Georges Sound, and, therefore, as a matter of fact, it would become the St. Marys-St. Georges Canal.

SATILLA-AUCILLA ROUTE

My bill provides for a survey of this route along the Satilla River to a point at or near Waycross, Ga.; thence westward along or near the Atlantic Coast Line Railway to a point on the Aucilla River at or near Quitman, Ga.; then along the Aucilla River to St. Marks, Fla. It will be observed from the map that the Aucilla River enters the Gulf near St. Marks, Fla., the proposed western terminus of the St. Marys-St. Marks Canal. In the event this route is used it will be necessary, of course, for the canal to be constructed either from St. Marks or some point on the Aucilla River to St. Georges Sound. This route would be slightly longer than the St. Marys-St. Marks Canal. However, there are many features in connection with this route which to my mind makes advisable a most careful study of same.

SATILLA-OCHLOCHONEE ROUTE

I am asking for a survey of the Satilla River to a point on said river at or near Mora, Ga., thence along the most practicable barge-canal route to the headwaters of the Ochlochonee River at or near Moultrie, Ga., thence along said river to St. Georges Sound. This proposed route is indicated on the map as route E. This route would be from the Atlantic Ocean, via Waycross, to a point on the Satilla River at or near Mora, Ga. The route proceeds from there to the headwaters of the Ochlochonee River and follows that river to St. Georges Sound. The river flows into the Gulf through two channels, one being known as Crooked River, which enters St. Georges Sound, the other being the main channel of the river proper. This route has the advantage of a river flowing in the right direction and entering a splendid harbor on the Gulf.

OCMULGEE-OCHLOCHONEE ROUTE

This route uses the Ocmulgee River to a point at or near the northwest corner of Coffee County; thence along the most feasible and practicable barge-canal route to the headwaters of the Ochlochonee River, following that river to St. Georges Sound. This route has some advantages over all the others heretofore mentioned, one being the use of Ocmulgee and the Altamaha River as a route from the northwest corner of Coffee County to the Atlantic Ocean. This route is indicated on the map as route D.

OCMULGEE-PENNAHATCHEE ROUTE

The route to be surveyed in connection with this project is the shortest one yet proposed and has the advantage of connecting two streams, one of which is navigable, and the other one can be made navigable at reasonable cost. Each of these streams flow in the right direction, one entering the Gulf at St. Georges Sound and the other entering the Atlantic at or near most splendid habor facilities. I feel a most careful study should be made of the advantages of this route. This is indicated on the map as route B.

OCMULGEE-CHATTAHOOCHEE ROUTE

This project is indicated on the map as route A. I am asking for a careful survey between the Ocmulgee River at a point at or near Hawkinsville or Macon, Ga., and the Chattahoochee River at or near Columbus, Ga., as well as a survey of the streams from the termini of the actual canal both to the Gulf and Atlantic Ocean.

ALTAMAHA-APALACHICOLA ROUTE

I am asking that a survey be made of the Altamaha and Ocmulgee Rivers to a point on either river selected as a terminus of a barge canal, and thence along the most feasible, practicable, and economical route, joining the waters of the Altamaha River with the waters of the Apalachicola River. I am indicating on the map a route which I think very probably meets all requirements. This appears on the map as route C. This route, to my mind, is one of the very best proposals, and I would not be surprised should the engineers select it as being preferable to all others. It ties together four large navigable rivers which have splendid harbor facilities both on the Gulf and Atlantic Ocean, and which comprise a very large percentage of the entire route from gulf to ocean. The canal to be constructed is of reasonable length, across fairly level country, intercepting sufficient streams to probably furnish an abundance of water for the canal along its upper levels. One thing is settled, and that is that the proposed barge canal route will extend from the mouth of the Apalachicola to the mouth of the Altamaha River regardless of where it may be constructed.

ST. SIMONS-ST. GEORGES ROUTE

What I have just said about the Apalachicola-Altamaha route equally applies to the last route mentioned. If the Altamaha River is used as a part of any proposed route, then that route will enter the ocean at or near St. Simons Island. If the route enters the Atlantic at any point south of St. Simons, it will eventually in its course northward reach St. Simons Island. Then, again, I am asking for a survey from Brunswick Harbor along Turtle River and from Turtle River to a point on the Satilla River at or near Waynesville, Ga. If the Satilla River should become a part of a canal route, it may be found advisable to thus connect the Satilla River and Brunswick Harbor, using that splendid harbor as the Atlantic terminus of the route.

OTHER ROUTES

In order that a most thorough study be made of the entire field, section 3 of the bill provides:

That such additional surveys are authorized as may be necessary to locate and determine the most practical economical barge-canal route from the Gulf of Mexico to the Atlantic Ocean through south Georgia and north Florida, and also to determine the amount and value of farm land that may be drained in connection with or will be flooded by said canal.

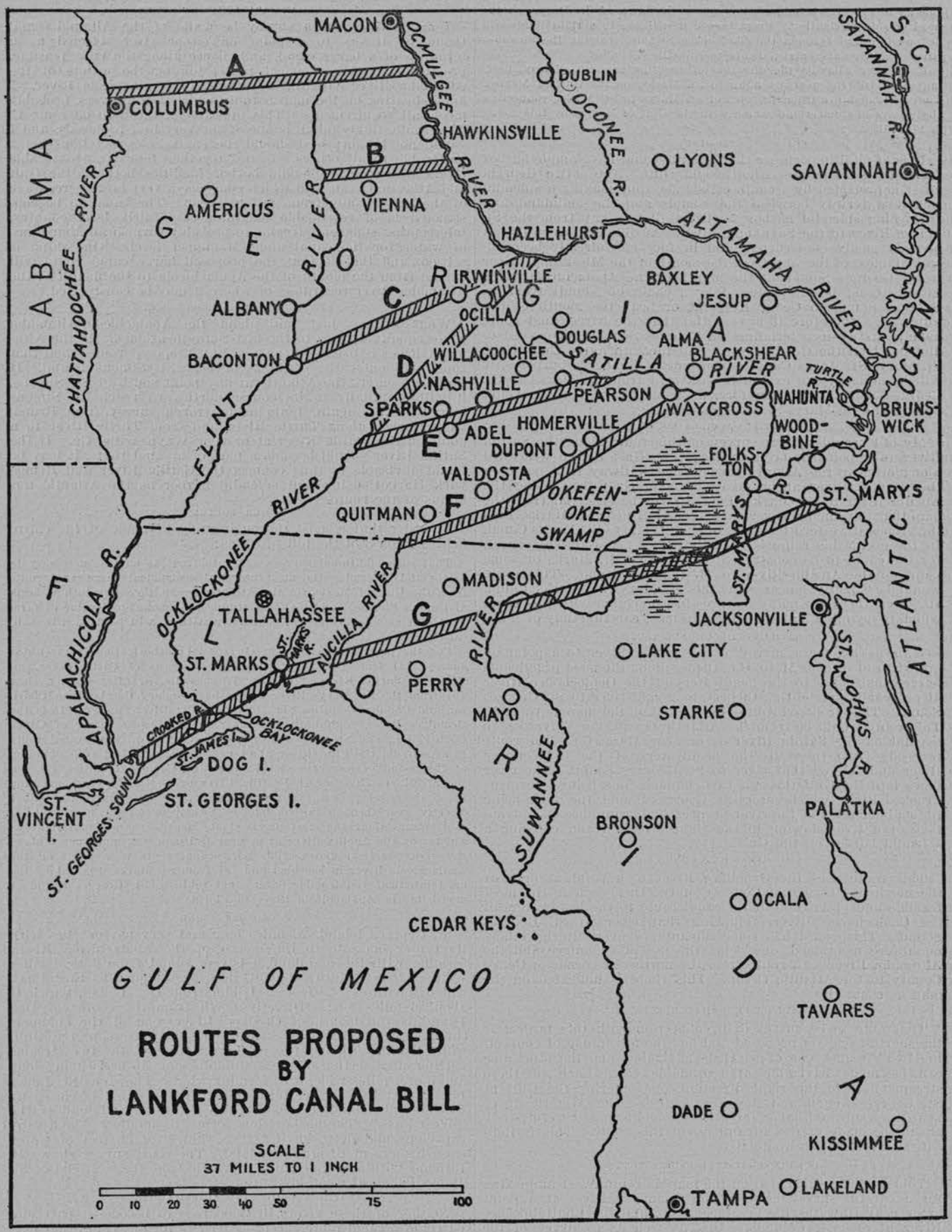
For the purposes specified herein special authorization is given for surveys (a) from Brunswick Harbor by the way of Turtle River and thence to Satilla River at or near Waynesville, Brantley County, Ga.; (b) from the St. Marys River along the boundary line between Charlton and Camden Counties, Ga., to the Satilla River; and (c) from the Ocmulgee River, beginning at or near the northwest corner of Coffee County, Ga., and proceeding over the most practical barge-canal route to a point on the Flint River at or near Baconton, Ga.; (d) beginning at the boundary line between Charlton and Camden Counties, Ga., on the St. Marys River or the Satilla River or on the survey connecting these rivers along said county boundary line and proceeding either directly west through the Okefenokee Swamp or on the north side of said swamp along the most practical and feasible barge-canal route to a point on the Aucilla River at or near Quitman, Ga., and thence along the most practical and feasible barge-canal route to a point on the Apalachicola River in Florida; and (e) from St. Marks, Fla., along the most practical and feasible barge-canal route to St. Georges Sound at mouth of the Apalachicola River in Florida.

ST. GEORGES SOUND

St. Georges Island, 20 miles long and very narrow, lies with its center opposite to the mouth of the Apalachicola River, forming with the mainland a bay or sound from 3 to 8 miles wide. At its eastern extremity is a pass known as East Pass, which separates St. Georges Island from Dog Island, which is about 6 miles long. Directly north from the center of Dog Island is the mouth of Crooked River, one of the channels through which the Ochlockonee sends its waters to the Gulf, while the Ochlockonee proper flows southeast, the two streams cutting off a section of the mainland, some 15 or 20 miles long and 3 or 4 miles wide, thus forming what is known as St. James Island. At its southwestern extremity the sound is closed by St. Vincent Island, between which St. Georges Island is the "West Pass." The harbor thus formed is landlocked and safe, capacious and deep, having, it is said, over 30 feet of water close inshore at St. James Island. The coast survey shows 16 fathoms within seven-eighths of a mile from the west end of St. James Island at mean low water.

WITHLACOOCHEE AND ALAPAHA RIVERS

Neither of these rivers, it appears, can become a part and parcel of a canal route except as feeders for any canal that may be constructed across them, provided always the channel of the river is not too far below the level of the canal.


MACON
COLUMBUS
DUBLIN
HAWKINSVILLE
LYONS
SAVANNAH
AMERICUS
VIENNA
HAZLEHURST
BAXLEY
JESUP
ALBANY
IRWINVILLE
OCILLA
DOUGLAS
ALMA
BACONTON
WILLACOOCHEE
BLACKSHEAR
NASHVILLE
PEARSON
WAYCROSS
NAHUNTA
BRUNSWICK
SPARKS
ADEL
HOMERVILLE
WOODBINE
DUPONT
FOLKSTON
VALDOSTA
QUITMAN
ST. MARYS
MADISON
TALLAHASSEE
JACKSONVILLE
ST. MARKS
LAKE CITY
PERRY
MAYO
STARKE
PALATKA
BRONSON
OCALA
CEDAR KEYS
TAVARES
DADE
KISSIMMEE
TAMPA
LAKELAND
DOG I.
ST. GEORGES I.
ST. VINCENT I.
ALABAMA
GEORGIA
FLORIDA
ATLANTIC OCEAN
GULF OF MEXICO
CHATTAHOOCHEE RIVER
FLINT RIVER
APALACHICOLA R.
OCMULGEE RIVER
OCONEE R.
ALTAMAHA RIVER
SAVANNAH R.
S. C.
OCKLOCKONEE RIVER
AUCILLA RIVER
SUWANNEE RIVER
ST. JOHNS R.
ST. MARYS R.
TURTLE R.
OKEFENOKEE SWAMP
CROOKED R.
OCKLOCKONEE BAY
ST. JAMES I.
ST. GEORGES SOUND
A
B
C
D
E
F
G
ROUTES PROPOSED
BY
LANKFORD CANAL BILL
SCALE
37 MILES TO 1 INCH
0 10 20 30 40 50 75 100

I know very little about civil engineering except such knowledge as seems self-evident to my way of thinking. It occurs to me, though, that the best possible canal route is across a level country and across several small streams which will furnish an abundance of water for the canal. There are many such routes all the way from the Florida line to Macon and Columbus, Ga. Those routes nearest the Okefenokee Swamp and on the north of the swamp are best in this respect.

The Withlacoochee River drains about 1,600 square miles and the Alapaha River drains about 840 square miles. The Suwanee River drains 1,200 square miles in addition to the water it carries out of the Okefenokee Swamp. All three of the rivers flow together near Ellaville, Fla., except the Alapaha disappears underground about 10 miles before it reaches the Suwanee. The St. Marys-St. Marks barge canal as surveyed in the Gillmore survey would cross all three of these rivers near Ellaville. This canal, though, would not get the benefit of all the water in these rivers, the canal level being above the thread of the streams, unless the level of the streams was raised by a dam just below the canal. It would seem, therefore, that it would be better to construct a canal, if practical, crossing these streams and their tributaries farther to the north in a more level country, and where their waters could be used for canal purposes.

All these rivers flow in the wrong direction for their streams to be used as part of any of the proposed canals.

INFILTRATION

Another very helpful factor in the way of a water supply for a canal constructed through a level country, such as is along the Atlantic Coast Railway through Ware, Clinch, Lanier, Lowndes, and Brooks Counties, is that the water is near the surface and that a very large amount of water would naturally seep or infiltrate into the canal from the adjacent land.

There are also many depressions, bays, or ponds of sufficient area to hold all necessary water where it could be impounded and from time to time as needed released for use in the canal through such streams as the Suwanoochee Creek, and so forth.

MILL PONDS, FISH PONDS, AND SMALL LAKES

Take, for instance, Clinch County. There are many reservoirs along any line that might be proposed. I know more about that county than any other, for I have walked over the larger portion of it while a boy. Let us figure just a little on a route I did not mention specifically in my bill, and yet I shall ask that the route be given careful study under the general provisions of the bill.

I refer to a route beginning at the Satilla River at or near Millwood in Ware County, and proceeding westward on the south side of Guests Mill pond and Rabie Swamp across Camp Creek, and on to Lakeland in Lanier County and on the south side of the splendid lake just west of Lakeland to either the Ochlockonee River or the Apalachicola River. This route would have several splendid reservoirs of water along its course and there never would be any need of water for canal use. The more this problem is studied the more interesting it becomes.

OKEFENOKEE SWAMP

The Okefenokee swamp, covering 640 square miles, is one of the most interesting areas of the Nation. A careful study and survey of this swamp will be most beneficial from every standpoint.

There is a bill pending in the Senate to provide for a game and fish preserve in the Okefenokee, as well as one in the House providing for a study of the area with a view of creating a national park.

It is entirely possible that a barge canal can be constructed through the swamp in such a way as to drain a portion of the area by creating artificial pools or lakes in connection with present lakes and drains, thus impounding sufficient water for canal use and at the same time making the entire section one of the beauty spots of the Nation.

A barge canal through the swamp could be used to great advantage in a general scheme to further make accessible and more beautiful nature's own magnificence.

DISTANCES

It is interesting to observe the relative lengths of the canals to be constructed across the country in connection with each proposed route. Not considering the streams to be used, the various routes are approximately in length as follows: St. Marys-St. Marks, 170 miles; Satilla-Aucilla, 60 miles; Satilla-Ochlockonee, 45 miles; Ocmulgee-Ochlockonee, 50 miles; Altamaha-Apalachicola, 60 miles; Ocmulgee-Pennahatchee, 28 miles; and Ocmulgee-Chattahoochee, 65 miles.

The map herewith printed indicates fully the relative distances.

The distance to be excavated between St. Marks and St. Georges Sound is about 50 miles.

DIRECTIONS

It is likewise interesting to study the direction followed by some of the rivers in their course to the sea. Several of these rivers flow from the center of the State of Georgia in practically a straight line to either the Gulf or the ocean and thus only have to be joined by a short cross-country canal to perfect a barge-canal route from the Gulf to the Atlantic Ocean. Some others are crooked and even flowing exactly opposite directions on part of their trip to the ocean. The St. Marys River flows out of the Okefenokee to the south as though it was on its way along the Florida Peninsula to Key West; then it turns its course and proceeds for a long distance toward Jacksonville as though it purposed joining the St. Johns River at Jacksonville; then it changes its course and flows directly north, as though it was to join the Satilla River; and then, after getting within 4½ miles of the Satilla, it again changes its course eastward toward the Atlantic Ocean and enters the Cumberland Sound at St. Marys. The Satilla River, after passing Waycross and Blackshear, proceeds almost on a direct route toward Brunswick Harbor as if to join Turtle River and with it enter the Atlantic Ocean; then, after getting most of the way to Brunswick, it changes its course and flows south as if to join the St. Marys River, and after getting within 4½ miles of the St. Marys River it changes its course again to the east and flows into the Atlantic Ocean.

The Suwanee River flows out of the Okefenokee on a line as if to enter the Gulf of Mexico at or near St. Marks, but soon changes from a westerly direction to almost a due south direction, entering the ocean many miles south of St. Marks and near Cedar Keys.

ST. MARYS AND SATILLA RIVERS

Gillmore's report indicated that further study should be made of both the St. Marys River and the Satilla in order to determine which is superior for the purpose of improvement for ship navigation. It was pointed out that 27 miles from the Cumberland Sound they were only 4½ miles apart and could be easily connected by a canal at this point.

CONCLUSION

With me the location and construction of a ship canal across Georgia and Florida has ever been a most interesting topic. Even as a small boy I often heard our neighbors say that water from Rabie Swamp, near my home, flowed both to the Atlantic and to the Gulf, and if the swamp and its tributaries were navigable to the sea, steamboats could sail from the Gulf to the Atlantic without going around Florida. I have also heard that water from the Okefenokee Swamp, in my home county, flowed to both the Gulf and the Atlantic. When I began to study the geography of my State I found there was a divide or ridge running from the Okefenokee all the way to Atlanta, and that water from a house top, located exactly on this ridge, flowed both ways and eventually found its way, part to the Gulf and part to the Atlantic.

So, if this divide should be canalized and the waters flowing from it made navigable to both the Gulf and the Atlantic, the problem of a barge canal between these two bodies of water will have been solved.

Therefore it would seem a most important question arises as to the best location of this canal. The map, which I am having inserted in the RECORD, will prove most interesting, indicating several of the routes suggested. With a view to the proper solution of this problem, I have introduced a bill providing for a complete study and survey of the entire field in all of its phases.

REAPPORTIONMENT

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the reapportionment bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McLEOD. Mr. Speaker, the gravest atrocity ever committed upon the people of the United States apparently is in progress in another part of this Capitol.

I refer to the disinterest, contempt, and grossly tyrannical, determined evasion of the constitutional mandate for reapportionment which, it appears certain, this Congress is forced to permit in its dying days, due to the folly of one branch of this Legislature, at the expense of the country.

Eight years ago the House passed a reapportionment bill which was never permitted to become a law.

To-day the same catastrophe has happened. The House by an overwhelming vote has passed the Fenn reapportionment bill. The bill affects solely the membership of the House and certainly no other branch of Congress.

But the House, it appears, is to be denied the right to fix its own membership or its method of reapportionment. How long

must the Members of this House, and 32,000,000 partially disfranchised inhabitants of this country, suffer this tyranny and discourtesy.

The House has done its full duty. The responsibility for this disfranchisement of American voters now lies in another quarter.

If this Congress passes into history on March 4 with the reapportionment bill still not enacted, it will be another monument to the colossal impositions to which this House and the Nation have been subjected. It will be another black blot upon the lawmaking history of Congress—a blot for which the House of Representatives in no way is responsible. The time has come, at least, when the House should go on record as protesting against these tyrannies.

At this point I would like to read what one of the leading newspapers of the country, the Detroit Free Press, says editorially of the present situation. I quote, the title of which is—

SENT TO THE REAR

The Senate reapportionment bill stands, at this writing, third on the list of measures scheduled for consideration by the steering committee. A bill to survey the Nicaragua canal route, which should not have been introduced this session at all, stands first on the list of preferred legislation. Then comes a bill to establish a produce market in Washington. Such is the relative importance the Senate places on giving the States their constitutional rights—and giving Government employees fresh vegetables.

After eight years of delay, with less than eight days to go, a more contemptuous relegation of reapportionment to a seat so far in the rear that it probably will not be heard from could hardly have been devised. Then the Senate wonders why other people wonder why they send Senators to Washington.

The Washington Post to-day said editorially:

The time remaining before the adjournment grows short. The fact that the House passed the measure was a step toward restoration of constitutional government. The Senate has the opportunity to establish itself as a protector of the Constitution. If it fails, it will be because it is willing to permit men actuated by selfish and sectional motives to dominate its affairs.

As one Member of the House I intend to protest against this arrogance and oppression from the United States Senate. The Senate has assumed the rights of the entire Congress in its blocking of the reapportionment bill. It has forgotten its place and has taken for granted that it is the supreme legislative body of this country, even though the legislation in question affects only the House. Constitutional government can exist only as long as it enjoys the confidence of the people. The Senate by its smothering of this bill is doing everything in its power to ruin that confidence, to undermine the respect of the people for law and order, and to substitute rule by power of the lungs for rule by the will of representatives of the people.

The history of the Senate is that its Members represent the sovereignty of the States, and that Members of the House represent the people. The Senate now wants to assume all representation and power. Let me refer to the disinterest of a Senator representing a State in the West. In the hectic days of the last election when this Senator was campaigning through the country in the interests of the party of which I have the honor to be a member he visited Detroit. In urging the candidacy of President-elect Hoover he posed as the great friend of the Constitution. He said he was unalterably in favor of reapportionment, that his party would see this mandate of justice carried out.

But the honorable Senator has proved himself a greater demagogue than a friend of the Constitution. When the reapportionment bill was before the Senate earlier this week, and it was found impossible to maintain a quorum in order that it might be considered, that gentleman was so disinterested that he did not even bother to attend the meeting. Such is the difference between his campaign constitutionalism and his constitutionalism in the Halls of Congress.

The Senate obstructionists without doubt are doing everything in their power to blacken the honor of the Senate and the Congress as a whole.

PROHIBITION ENFORCEMENT

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Jones-Stalker bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEA. Mr. Speaker, on account of being unable to be present Friday during the debate and vote upon the Jones bill, I am availing myself of the consent of the House to extend my remarks upon this measure.

I accept the eighteenth amendment as a part of the Constitution of the United States. I accept the duty as a Member of Congress to provide any proper measure of legislation necessary for the enforcement of the eighteenth amendment.

The experience of mankind in the administration of criminal laws has established two fundamental principles. The first and greatest principle is that wise legislation is the beginning of successful law observance and law enforcement. Unwise, inconsiderate, and arbitrary legislation is the beginning of law-enforcement failures.

The second great principle established by human experience is that the penalty provided should fit the crime. Blackstone, perhaps the master student of law history and its adaptation to society, declared in substance that the experience of the ages had demonstrated that unduly severe penalties lead to the disregard of law and the breakdown of law enforcement. He declared that the experience of men has demonstrated that the wise penalty is the penalty that corresponds to the offense. This bill proposes to establish a maximum penalty of $10,000 and imprisonment of five years or both. Under the Federal statutes all offenses punishable by imprisonment for more than one year are felonies.

The bill provides that these penalties shall apply to prosecutions under the national prohibition act, "as amended and supplemented." The act of 1921 specifically supplements the national prohibition act. Section 5 of this measure provides—

That all laws in regard to the manufacture and taxation of and traffic in intoxicating liquor, and all penalties for violations of such laws that were in force when the national prohibition act was enacted, shall be and continue in force, as to both beverage and nonbeverage liquor.

So the bill proposes these maximum penalties not only for the national prohibition act but for practically all, if not all, the laws heretofore enacted by the Federal Government concerning the manufacture and taxation of, and traffic in, intoxicating liquors.

The increased penalties proposed will apply not only to the United States but to Porto Rico, Hawaii, Alaska, and the District of Columbia. The bill provides blanket penalties for a large number of offenses. It makes them all felonies. At the present time, most of these offenses are misdemeanors and triable in police and justice courts. The passage of this bill will automatically deprive these minor courts of jurisdiction, make all of these offenses felonies, regardless of how trivial, and transfer the prosecution thereof to the courts having jurisdiction of felony cases where proceedings must be by information after preliminary examination or by indictment by a grand jury. Thousands of cases now promptly disposed of in minor courts will automatically be transferred to the courts of record. Last year over twenty-one hundred cases were filed in police courts of the District, according to newspaper accounts. Lawyers of the District contend that passage of this bill will automatically remove this large class of cases from the police to the higher courts.

California, by a vote of our people, adopted what is known as the little Volstead Act. We made the Volstead Act the law of the State and specifically provided that violations thereof are subject to the penalties provided in the Volstead Act. California law further provides "that whenever Congress shall amend the Volstead law," or "any other law to enforce the eighteenth amendment," then such law shall become part of the law of the State. The justice courts of California have no jurisdiction over felony cases. The enactment of this bill will deprive the justice courts of California of jurisdiction to enforce many violations of the prohibition law. One of the main objects in adopting the little Volstead Act was to give jurisdiction to the minor courts to enforce minor violations of the prohibition law. Our people never voted for a little Volstead Act anticipating that Congress would later deprive our inferior courts of jurisdiction and clutter up our superior court records with petty liquor cases.

I am not against this bill because it affects prohibition. I am against it because it is unwise and proposed in defiance of all practical experience in the orderly administration of criminal laws. It is vicious in indiscriminately proposing penalties for petty offenses so out of proportion to the offense involved as to be shocking.

The policy of making offenses that in moral turpitude are nothing more than petty misdemeanors felonies punishable by five years in the penitentiary, and giving judges arbitrary power to impose such penalties, is a policy unwarranted by the experience of mankind in any age. It is a policy unworthy of a Christian people.

There are serious objections to making petty offenses felonies. One objection worthy of consideration is the difference in the

law of arrest as applied to misdemeanors and felonies. The arresting officer has a right, if necessary, to slay a man reasonably suspected of having committed a felony, if such slaying be necessary to prevent the escape of the criminal. The enactment of this bill will be carte blanche authority for every prohibition agent to slay all those innocent persons or offenders who do not stop upon his arbitrary command.

A few weeks ago a 19-year-old boy down in the Shenandoah Valley, driving an automobile, refused to obey the command of a prohibition agent to stop. The prohibition agent, without warrant of arrest and without any definite knowledge that the boy was violating the prohibition law, brutally fired a bullet through the head of the boy. In a short time the boy was returned to his home a corpse. It developed that the boy in this case had 3 gallons of illicit liquor in his automobile. If this bill is enacted, the slaying of travelers on the highway, under such circumstances, will be legalized. Even innocent travelers as well as most trivial offenders of the prohibition law will be subject to wanton attack.

I have hastily gone over some of the penalties provided in the liquor statutes where the penalties proposed by this bill seem to apply. I find that in 30 of the cases where fines are provided, the maximum fine under the existing law would be $26,300, while the maximum penalty proposed in this bill would be $300,000. I find that the imprisonment provided in the case of 33 penalties, under the existing law, total about 34 years. The penalties provided under this bill would total 165 years. In 5 cases where there is no imprisonment provided for at present the maximum punishment under this bill would become 5 years. I find that in 16 cases, of 33 imprisonment penalties, the present maximum imprisonment is under 1 year. The summary is as follows:

The Jones law—Maximum penalties

Number	Fines		Imprisonment	
	Present law	Proposed law	Present law	Proposed law
1	$1,000	$10,000	1 year	5 years.
2	1,000	10,000	6 months	Do.
3	2,000	10,000	5 years	Do.
4	1,000	10,000	1 year	Do.
5	1,000	10,000	do	Do.
6	1,000	10,000	6 months	Do.
7	2,000	10,000	5 years	Do.
8	500	10,000	None	Do.
9	1,000	10,000	90 days	Do.
10	1,000	10,000	2 years	Do.
11	2,000	10,000	6 months	Do.
12	1,000	10,000	5 years	Do.
13	1,000	10,000	None	Do.
14	1,000	10,000	1 year	Do.
15	1,000	10,000	None	Do.
16	100	10,000	1 year	Do.
17	300	10,000	6 months	Do.
18	1,000	10,000	1 year	Do.
19	500	10,000	do	Do.
20	1,000	10,000	6 months	Do.
21	500	10,000	1 year	Do.
22	1,000	10,000	90 days	Do.
23	500	10,000	1 year	Do.
24	100	10,000	6 months	Do.
25	1,000	10,000	1 year	Do.
26	500	10,000	None	Do.
27	300	10,000	30 days	Do.
28	500	10,000	1 year	Do.
29	500	10,000	6 months	Do.
30	1,000	10,000	3 months	Do.
31			None	Do.
32			1 year	Do.
33			do	Do.

In one or more cases this bill, if it becomes a law, will penalize the disobedience of a court injunction by a fine of $10,000, or five years in the penitentiary, or both. Public sentiment in America resents the arbitrary exercise of the injunctive power. The arbitrary and cruel exercise of the injunction has been notoriously abused by the Federal judiciary. The laboring people of the United States and many other people having a concern for the just rights of men propose that the arbitrary use of the injunction by these Federal judges shall be restrained. This proposal to make violations of a court injunction felonies is an interloper in American jurisprudence and contrary to the spirit of our institutions.

The judges who are worthy to exercise the indiscriminate discretion given in this proposed bill have not yet been born. I have great respect for the judiciary in our higher courts. I know, however, that unfortunately we have many men upon our Federal benches who are unfit to exercise the great powers intrusted to them. I have no such confidence in their wisdom or their justice as makes me willing to confer upon them an arbitrary power so sweeping in its terms as to be inappropriate in any just system of government. The restraints we have thrown upon the judiciary are not accidental but an outgrowth of long and bitter experience. We can not afford to forget their love of power and their proneness to abuse it.

I do not doubt there are cases in the enforcement of prohibition where penalties more severe might be provided. The breakdown in law enforcement, however, is due to this cause only in a minor degree. The fundamental difficulty is the entire escape of guilty offenders.

There is no considerable disposition in this House to avoid providing any proper penalty that may be necessary to aid the proper enforcement of the prohibition law. This House is overwhelmingly in favor of the support of legislation to carry out the purposes of the eighteenth amendment. Members of this body have followed the leadership of the dry organizations until their subserviency has in some instances approached legislative slavery. A faithful horse should not be ridden with whip and spur. Those outside of legislative halls proposing this remedy, and demanding its support, show a lack of proper regard for those who are unquestionably loyal to their cause. I would like to support any legitimate measure to give prohibition a just chance to accomplish for the country all that its most ardent proponents have ever claimed. I can not afford to vote for a measure which would violate my sense of justice and my sense of duty to my country. I could not respect myself to vote for a measure I deem so unjustifiable and in such disregard of the proper use of the criminal law.

This is a great, powerful Government. It has much power to enforce a law, simply because it is a law. It has much greater power to enforce a law that has the respect and hearty approval of the people of America. If prohibition is a final success, it must win its way by the approval of the American people. It can not drive its way. The practical problem of enforcement, so far as prohibition is concerned, is to enforce it by laws and by methods that enjoy the respect and confidence of the average law-abiding, sane citizen of America. I believe this proposed bill is unwise legislaton; it prescribes penalties shockingly disproportionate to the offenses involved; it provides a law that will further tend to bring prohibition into contempt and disrepute and make the failure of law enforcement more complete.

OSCAR S. STRAUS

Mr. CELLER. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 377, for a memorial to Oscar S. Straus.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint Resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he hereby is, authorized and directed to select a suitable site and to grant permission to any association or associations organized within two years from the date of the approval of this resolution for that purpose, to erect as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., a monument or memorial in memory of Oscar S. Straus: *Provided*, That the site chosen and the design of the monument or memorial shall be approved by the Commission of Fine Arts, that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and that the United States shall be put to no expense in or by the erection of said monument or memorial.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Railway;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 5952. An act for the relief of Robert Michael White;

H. R. 9009. An act for the relief of Francis Leo Shea;

H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;

H. R. 12390. An act for the relief of Frank C. Messenger;

H. R. 12666. An act for the relief of William S. Shacklette;

H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;

H. R. 13632. An act for the relief of Ruth B. Lincoln;

H. R. 13658. An act for the relief of Hugh Anthony McGuigan;

H. R. 13721. An act for the relief of Edwin I. Chatcuff;

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";

H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. 356);

H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15330. An act authorizing the acceptance by the United States Government from the Women's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;

H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America.

H. R. 16565. An act authorizing the Hawesville and Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 15651. An act for the relief of Leonidas L. Cochran;

H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;

H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;

H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;

H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 16612. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.;

H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928;

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928;

H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.; and

H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4276. An act granting a pension to Edith Bolling Wilson;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4604. An act for the relief of James L. McCulloch;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5058. An act for the relief of George A. Hormel & Co.;
S. 5090. An act for the relief of Lewis H. Easterly;
S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928.
S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. p. 224; sec. 241, title 22, U. S. C.); and
S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;
H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;
H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;
H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.;
H. R. 15712. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes;
H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;
H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard; and
H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, February 28, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 28, 1929, as reported to the floor leader clerks of the several committees:

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

For the relief of Lorenzo A. Bailey (H. R. 10242).
To provide for the final settlement of the claims of J. F. McMurray, and J. F. McMurray as assignee of Mansfield, McMurray & Cornish, against the Choctaw and Chicasaw Nations or Tribes of Indians for legal services rendered and expenses incurred (H. R. 10741).

EXECUTIVE COMMUNICATIONS, ETC.

870. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury and Postmaster General, transmitting report of the interdepartmental committee appointed by us, which report is approved and transmitted as our report and which contains a supplemental list of public-building projects which could not be brought within the $248,000,000 authorization (H. Doc. No. 613), was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17213. A bill granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois; with amendment (Rept. No. 2755). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17214. A bill authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.; with amendment (Rept. No. 2756). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17218. A bill authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.; without amendment (Rept. No. 2757). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17237. A bill to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.; with amendment (Rept. No. 2758). Referred to the House Calendar.

Mr. GLYNN: Committee on Military Affairs. S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age; without amendment (Rept. No. 2762). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 17078. A bill to authorize the establishment of an employment agency for the Indian Service; without amendment (Rept. No. 2764). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on Indian Affairs. H. R. 17054. A bill for the relief of Indians, and for other purposes; with amendment (Rept. No. 2771). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 17278. A bill to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; without amendment (Rept. No. 2772). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Federal Radio Commission. (Rept. No. 2752). Laid on the table.

Mr. BOYLAN: Committee on Military Affairs. H. R. 14456. A bill to provide for the presentation of distinguished-service medals to certain persons; without amendment (Rept. No. 2759.) Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 17225. A bill to confer the medal of honor for service in the Philippine insurrection on William O. Trafton; without amendment (Rept. No. 2760). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 16055. A bill to correct the military record of Orville D. Dailey; without amendment. (Rept. No. 2761). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. S. 459. An act for the relief of the city of New York; with an amendment (Rept. No. 2765). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 15532. A bill for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, received for the Murray & Thregurtha Plant of the National Motors Corporation; without amendment (Rept. No. 2766). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 15766. A bill for the relief of St. Ludgers Catholic Church of Germantown, Henry County, Mo.; with an amendment (Rept. No. 2767). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 16408. A bill for the relief of John H. LaFitte; with an amendment (Rept. No. 2768). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 16682. A bill for the relief of heirs of Warren C. Vesta; with an amendment (Rept. No. 2769). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 17068. A bill to carry out the findings of the Court of Claims in the case of Joseph G. Grissom; without amendment (Rept. No. 2770). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILLIAMS of Illinois: A bill (H. R. 17292) authorizing Charles Durfee, his successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near Maunie, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BEEDY: A bill (H. R. 17293) to authorize an appropriation for construction at Fort McKinley, Portland, Me.; to the Committee on Military Affairs.

By Mr. JAMES: A bill (H. R. 17294) to authorize the acquisition of certain tidelands for sewer purposes at Fort Lewis, Wash.; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 17295) to amend section 90 of the national defense act, as amended, relative to the employment of caretakers for National Guard organizations; to the Committee on Military Affairs.

Also, a bill (H. R. 17296) providing compensation to the Crow Indians for Custer Battle Field National Cemetery, and for other purposes; to the Committee on Indian Affairs.

By Mr. MERRITT: A bill (H. R. 17297) to amend section 2 of the Federal caustic poison act, approved March 4, 1927; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Arizona, memorializing Congress to cause investigation to be made of the methods and regulations of curb exchanges throughout the United States, relative to the listing and dealing in stocks and securities of American-owned mine development companies; to the Committee on the Judiciary.

By Mr. ARENTZ: Memorializing Congress to make appropriations for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations; to the Committee on the Public Lands.

By Mr. KORELL: Memorial of the Oregon State Legislature, urging the Congress of the United States for the proper adoption of a tariff on bulbs; to the Committee on Ways and Means.

By Mr. KVALE: Memorial of the Minnesota State Legislature, opposing tariff on Canadian lumber and shingles; to the Committee on Ways and Means.

By Mr. JOHNSON of Indiana: Memorial from the State of Indiana, memorializing Congress concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such a system; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 17298) granting an increase of pension to Catherine T. Gardener; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 17299) granting a pension to Florence Huddleston; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 17300) granting a pension to Georgiana Miller Grinsted; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17301) granting a pension to Drusilla Stone; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 17302) granting an increase of pension to Justinia Swartz; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 17303) granting a pension to Leonah Viola Loer; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 17304) for the relief of Thomas Seltzer; to the Committee on Claims.

By Mr. WHITE of Maine: A bill (H. R. 17305) granting an increase of pension to Evelyn L. Varnham; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 17306) granting a pension to Frank D. Hayes; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13533. By Mr. ARENTZ: Petition of the Assembly of the State of Nevada, urging Senators and Representative of the State of Nevada to use all honorable means to promote Senate bill 4601 and House bill 14665, making appropriations for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations; to the Committee on the Public Lands.

13534. By Mr. CRAMTON: Petition signed by 12 residents of Vassar, Mich., and 18 residents of Gagetown, Mich., and vicinity, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

13535. By Mr. CULLEN: Petition of the Merchants' Association of New York, expressing its unqualified opposition to any restriction or limitation to the free movement of products between continental United States and its Philippine possessions in either direction; to the Committee on Interstate and Foreign Commerce.

13536. By Mr. KURTZ: Petition of the committee acting for the Sunday School of Gibson Memorial Presbyterian Church, with a membership of 65, located at Martinsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the committee on the District of Columbia.

13537. By Mr. JOHNSON of Texas: Petition of Texas State Associations of Dyers and Cleaners, protesting against a tariff on soap-making fats and oils; to the Committee on Ways and Means.

13538. By Mr. KORELL: Memorial of the Oregon State Legislature, urging the adoption of a proper tariff on bulbs; to the Committee on Ways and Means.

13539. By Mr. LANKFORD: Petition of 132 members of the Evangelical Methodist and Presbyterian Churches of Farmington, Minn., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13540. Also, petition of 155 members of the Bethany Congregational Church and Sunday School, Thomasville, Ga., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13541. Also, petition of 58 members of the Fourteenth Avenue Methodist Church, of Detroit, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13542. By Mr. LUCE: Petition of Catholic Daughters of America, relating to the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

13543. Also, petition of Waltham Post 156, American Legion, relating to the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

13544. By Mr. McCORMACK: Petition of Margaret L. Kavanaugh, Mrs. J. F. Kavanaugh, Sue Brady, Frances Kavanaugh, Annette M. Kavanaugh, Mary L. Farren, Margaret M. Foley, Margaret F. Kennedy, Margaret M. O'Neil, Rose E. Carroll, Mary Carroll, Ann Carroll, Mary Robbins, Lillian O'Meara, Mrs. John Barry, Mrs. John Lombard, Elizabeth C. Lynch, Agnes I. Sheridan, Agnes A. Duclos, Rita Cullinane, Mary G. Foss, Elsie F. Maylor, Mary A. McGovern, Ann H. Cullinane, Anna Mae Reilly, Mrs. J. Masterson, Mrs. P. Maguire, Mrs. Lucy Kork, Marguerite Murphy, and Mrs. W. Murphy, protesting against enactment of the Newton maternity bill; to the Committee on Interstate and Foreign Commerce.

13545. By Mr. O'CONNELL: Petition of the Upholstery Weavers and Workers Union, Local Union No. 25, of Philadelphia, Pa., favoring an adequate increase in duty of imported drapery and upholstery fabrics; to the Committee on Ways and Means.

13546. Also, petition of the Mohawk Valley Towns Association, New York, favoring the construction of the all-American ship canal; to the Committee on Rivers and Harbors.

13547. Also, petition of Whiting Leather & Belting Co., Long Island City, N. Y., with reference to the tariff on bricks; to the Committee on Ways and Means.

13548. By Mr. QUAYLE: Petition of American Civic Association, of Washington, D. C., opposing the passage of the Wingo bill, to create the Ouachita National Park in Arkansas; to the Committee on the Public Lands.

13549. Also, petition of the American Forestry Association, of Washington, D. C., opposing the passage of House bill 5729, a bill to create a national park from a portion of the Ouachita National Forest in Arkansas; to the Committee on the Public Lands.

13550. By Mr. VINCENT of Michigan: Petition of citizens of Saginaw County, Mich., in opposition to proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

13551. By Mr. WYANT: Petition of the Henry Phipps Institute for the Study, Treatment, and Prevention of Tuberculosis, favoring passage of Senate bill 5473, allowing a pension of $150 a month to Mrs. Joseph Goldberger; to the Committee on Pensions.

SENATE

THURSDAY, *February 28, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15524. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac, from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 17212. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes; and

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT. In accordance with an act of Congress approved June 6, 1924, the Chair appoints Hon. ARTHUR CAPPER, a Senator from the State of Kansas, to serve as a member of the National Capital Park and Planning Commission until the chairmen of the committees of the Senate of the Seventy-first Congress shall be chosen.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Smoot
Barkley	Frazier	McMaster	Steiwer
Bayard	George	McNary	Stephens
Bingham	Gerry	Mayfield	Swanson
Black	Glass	Metcalf	Thomas, Idaho
Blaine	Glenn	Moses	Thomas, Okla.
Blease	Goff	Neely	Trammell
Borah	Gould	Norbeck	Tydings
Bratton	Greene	Norris	Tyson
Brookhart	Hale	Nye	Vandenberg
Broussard	Harris	Oddie	Wagner
Burton	Harrison	Pine	Walsh, Mass.
Capper	Hastings	Ransdell	Walsh, Mont.
Copeland	Hawes	Reed, Pa.	Warren
Couzens	Hayden	Robinson, Ark.	Waterman
Curtis	Heflin	Robinson, Ind.	Watson
Deneen	Jones	Sackett	Wheeler
Dill	Kendrick	Schall	
Edge	Keyes	Sheppard	
Fess	King	Shortridge	

Mr. WATERMAN. I desire to announce that my colleague the senior Senator from Colorado [Mr. PHIPPS] is detained at home by illness. I will let this announcement stand for the day.

Mr. BRATTON. My colleague the junior Senator from New Mexico [Mr. LARRAZOLO] is detained from the Senate by illness. This announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Seventy-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. WARREN presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Finance:

Enrolled Joint Memorial 2

TWENTIETH LEGISLATURE, STATE OF WYOMING,
IN THE SENATE.

An act memorializing the Congress of the United States in favor of increased tariff protection for the turkey and sugar industries of Wyoming and other States interested in such industries

Be it resolved by the Senate of the Twentieth Wyoming State Legislature (the House of Representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas the industry of producing and raising turkeys has now progressed to a point in this State where it is one of the principal State industries; and

Whereas enormous quantities of dressed turkeys are shipped into this country from foreign countries, notably Russia, in the summer months of each year, and are placed in cold storage and are thereafter placed on the market in competition with freshly killed Wyoming dressed turkeys in the fall and holiday seasons of each year; and

Whereas the present tariff rate of 6 cents per pound upon such dressed turkeys is inadequate and furnishes no sufficient protection to the industry in Wyoming and other States similarly situated; and

Whereas another of the principal industries of this State, to wit, the sugar industry, is now, and has been for many months suffering from a lack of tariff protection against foreign sugar; and

Whereas sugar is now permitted to be brought into this country free of duty from the insular possessions of the United States, the Philippines, Porto Rico, and others; and

Whereas it is generally recognized that sugar from foreign countries is in active competition with Wyoming-made sugar; and

Whereas many of the most successful farmers in Wyoming are now raising sugar beets as their principal crop, and are receiving an inadequate price therefor because of the lack of a sufficient tariff barrier against foreign sugar from many foreign sugar-producing countries; and

Whereas the manufacturers of sugar in this State have invested many thousands of dollars in their plants and equipment for the refining of Wyoming-grown sugar beets: Now therefore be it

Resolved, That the Congress of the United States be, and it is hereby, respectfully and urgently requested—

First. To increase the tariff upon foreign-grown turkeys as and when imported into this country from 6 cents per pound to 12 cents per pound.

Second. To increase the tariff upon all foreign sugar to such extent as to give adequate protection to the home industry and to prevent the further free entry of sugar from the Philippines and Porto Rico to such extent as will guarantee reasonable protection to the United States industry; and be it further

Resolved, That certified copies of this memorial be sent to Senator FRANCIS E. WARREN, Senator JOHN B. KENDRICK, and Hon. CHARLES E. WINTER, Representative in Congress for the State of Wyoming.

FRANK O. HORTON,
President of the Senate.
MARVIN L. BISHOP, Jr.,
Speaker of the House.

Approved at 4.42 p. m., February 21, 1929.

FRANK C. EMERSON, *Governor.*

Mr. ASHURST presented the following memorial of the State Senate of Arizona, which was referred to the Committee on Mines and Mining:

NINTH LEGISLATURE, REGULAR SESSION,
STATE SENATE.

Senate Memorial 4 (introduced by Committee on Mines and Mining)

To the Senate and House of Representatives of the Congress of the United States:

Your memorialist, the Senate of the Ninth Legislature of the State of Arizona, in regular session assembled, respectfully represents that—

Whereas mining is a major industry of the State of Arizona, and the development of mineral resources is essential to its prosperity and advancement; and

Whereas such development is in a large measure dependent upon the legitimate regulated sale of mining stocks and securities through the medium of stock exchanges and curb exchanges throughout the country; and

Whereas it has come to the notice of your memorialist that certain curb exchanges, acting through their authorized committees, have adopted policies relative to the listing of and dealing in stocks and securities

of American-owned mine development companies, prejudicial thereto, and at variance with and less favorable than their policy and requirements as to the listing of and dealing in stocks and securities of similar foreign-owned companies, and companies other than mining companies, which policy, if effectuated, would greatly retard the development of the mining industry of this State;

Now, therefore, your memorialist prays; That Congress do take all necessary steps and proceedings to cause investigation to be made of the methods and regulations of curb exchanges throughout the United States relative to the listing of and dealing in stocks and securities of American-owned mine development companies, as compared with methods and regulations made use of in connection with the listing of and dealing in stocks and securities of similar foreign-owned companies and companies other than mining companies.

That if favoritism or discrimination adverse to the American-mining industry, or any other lawful industry, be found to exist, the Congress provide, by appropriate legislation, for the proper regulation and control of the listing of and dealing in of stocks and securities, by and through curb exchanges, and for the penalizing of favoritism or discrimination in such listing or dealing; and be it further

Resolved, That the secretary of the Senate transmit copies of this memorial to Arizona's representatives in Congress, and to the proper officers of the Senate and House of Representatives of the United States.

Unanimously adopted February 21, 1929.

H. W. HILL,
President of the Senate.
W. J. GRAHAM,
Secretary of the Senate.

REPORTS OF COMMITTEES

Mr. STEIWER, from the Special Committee Investigating Presidential Campaign Expenditures, submitted a report (No. 2024), pursuant to Senate Resolutions 214 and 234, relative to expenditures by various presidential candidates, etc.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930, reported it without amendment.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16839) to provide for investigation of sites suitable for the establishment of a naval airship base, reported it without amendment and submitted a report (No. 2025) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16662) to authorize appropriations for buildings, sites, and other facilities for the free public library of the District of Columbia, reported it without amendment and submitted a report (No. 2026) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries, reported it without amendment.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion*, who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4276. An act granting a pension to Edith Bolling Wilson;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4604. An act for the relief of James L. McCulloch;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.);

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows;

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended:

S. 4517. An act to authorize the appropriation for tribal funds of Indians residing in the Klamath Reservation, Oreg., to pay expenses of the general council and the business committee, and for other purposes;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co. at Denver, Colo.;

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey;

S. 5776. An act for the relief of Wynona A. Dixon;

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land

embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NYE:

A bill (S. 5896) to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes; and

A bill (S. 5897) to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes; to the Committee on Public Lands and Surveys.

CHANGE OF REFERENCE

On motion of Mr. KEYES, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. 16036) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system, and it was referred to the Committee on Military Affairs.

CLAIMS RELATIVE TO WAR FINANCE CORPORATION—CATTLE IN MEXICO

Mr. WATERMAN submitted the following resolution (S. Res. 344), which was ordered to lie over under the rule:

Resolved, That the War Finance Corporation is hereby requested to transmit to the Committee on Claims, on or before April 4, 1929, for the use of the committee, all letters, papers, records, and other documents, or certified copies of the same, relating to the claims referred to in the bill (S. 5682) for the settlement of claims arising with respect to the War Finance Corporation cattle in Mexico.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 15524. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital; to the Committee on Public Buildings and Grounds.

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; to the Committee on the Library.

EXECUTIVE REPORTS

Mr. MOSES. Mr. President, as in executive session I submit some reports for the Executive Calendar.

The VICE PRESIDENT. The reports will be received and placed on the Executive Calendar.

ADDRESS BY ATTORNEY GENERAL JOHN G. SARGENT

Mr. GREENE. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the Attorney General of the United States, Hon. John G. Sargent, at a dinner of the Federal Bar Association in Washington on the 23d instant.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS AT DINNER OF THE FEDERAL BAR ASSOCIATION, MAYFLOWER HOTEL, WASHINGTON, FEBRUARY 23, 1929, BY THE ATTORNEY GENERAL OF THE UNITED STATES, JOHN G. SARGENT

Mr. Toastmaster and members of the Federal Bar Association, when I was invited to attend this dinner, I accepted with the distinct understanding that I be not called upon to speak.

Out of such material, by the use of a circular letter, the committee in charge created the present situation.

In casting about for a topic for discussion here, I find constantly recurring a subject on which (as I feel sure many of those here present can certify) I have been thoroughly instructed for a considerable number of weeks past, the great importance, amounting almost to a sine qua non, to a lawyer practicing and a judge sitting in the courts of the District of Columbia of a thorough knowledge of the common law.

So, my head being full, to the exclusion of other things, of the necessary qualifications for a good lawyer and a good judge in the District, it occurred to me the thing I was best prepared to do was to address you for a few minutes on the practice of the law in my native State, Vermont.

A Vermonter, William Slade, writing more than a hundred years ago, said:

"The general diffusion of intelligence constitutes the life of a free government. Upon every department of such a government the people exert an unremitted influence, and stamp on all its measures the impress of their own character. Called upon to act, they should become accustomed to think; and though they can not, ordinarily, possess extended and comprehensive views of other systems of government, they should, at least, understand their own. The whole science of government consists in a knowledge of the practical operation of principles. With the science, thus understood, the citizens of every free government owe it to themselves and their posterity to become familiarly acquainted. The preservation of their political institutions depends, under Divine Providence, on themselves. Those institutions therefore—their origin, their nature, their practical operation, and their whole history, should be studied and understood. The man who contemplates the subject in this light will sit down to the examination of the successive constitutions and laws of a government, with a far higher aim than the gratification of an idle curiosity. By tracing them to their origin, and pursuing them through their various modifications, he will furnish himself with the best means of understanding the nature and practical tendency of existing institutions."

The constitution of Vermont was formed, as the expression then and there was, July 2, 1777, by a convention which said of itself and its acts:

"Whereas * * * it is absolutely necessary for the welfare and safety of the inhabitants of this State that * * * a just, permanent, and proper form of government should exist in it, derived from, and founded on, the authority of the people only;

"We, the representatives of the freemen of Vermont, in general convention, met, for the express purpose of forming such a government, confessing the goodness of the Great Governor of the universe (who alone knows to what degree of earthly happiness mankind may attain by perfecting the arts of government), in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for or prejudice against, any particular class, sect, or denomination of men whatever, do by virtue of authority vested in us by our constituents ordain, declare, and establish the following declaration of rights and frame of government to be the constitution of this Commonwealth, and to remain in force therein forever, unaltered except in such articles as shall hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government hereinbefore mentioned."

That constitution vested the "supreme legislative power" in a house of representatives consisting "of persons most noted for wisdom and virtue to be chosen by the freemen of every town in this State, respectively"; "the supreme executive power in a governor and council," but as to the judiciary said only:

"Courts of justice shall be established in every county in this State," And—

"The supreme court, and the several courts of common pleas of this State shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to perpetuating testimony, obtaining evidence from places not within this State, and the care of persons and estates of those who are non compos mentis, and such other powers as may be found necessary by future general assemblies, not inconsistent with this constitution."

Government under the constitution was not organized until March, 1778. In February, 1779, the legislature enacted:

"That common law, as it is generally practiced and understood in the New England States, be, and is hereby established as the common law of this State."

Very early in June, 1782, the Legislature of Vermont passed a statute, the first section whereof—after the preamble:

"Whereas it is impossible, at once, to provide particular statutes adapted to all cases wherein law may be necessary for the happy government of this people; and

"Whereas the inhabitants of this State have been habituated to conform their manners to the English laws, and hold their real estates by English tenures"—

enacted—

"that so much of the common law of England, as is not repugnant to the Constitution or to any act of the legislature of this State, be, and is hereby, adopted, and shall be, and continue to be, law within this State."

That statute, in almost the identical words, is still in force.

At the same session a statute was enacted:

"That there shall be, and hereby is, constituted, a supreme court of judicature within and for this State, to be held and kept annually, at the respective times and places in this act hereafter mentioned, by one chief judge and four other judges, to be chosen by ballot, by the governor, council, and general assembly, annually, at their October session, and commissioned for that purpose; any three of whom to be a quorum."

In 1786 Nathaniel Chipman was a justice, and in 1789 and 1790 he was chief justice of the supreme court of judicature.

The first reported decisions of this court are contained in the first 100 pages of a little duodecimo volume published by him in January, 1793, entitled:

Reports and Dissertations, in two parts (by Nathaniel Chipman, late Chief Justice), Part I being Reports of Cases Determined in the Supreme Court of the State of Vermont in the Years 1789 and 1791, and Part II being Dissertations on the Statute Adopting the Common Law of England, and on several other statutes no particular interest in the matter now under consideration.

Indeed, the chief interest to us in the whole book is perhaps not in the contents of the reports in Part I or the dissertations in Part II, but in the prefaces to each.

The preface to the reports is full of such delicious food for reflection for a bench and bar chiefly concerned with statutory law that I take the chance of wearying you with some quotations; mind you, he is talking about decisions of a court established in the wilderness for then less than 10 years.

"I do not apprehend any apology for publishing the following reports to be necessary. In our mode of practice a doubt lest the principles of some determinations may have been erroneous ought not to be a reason for withholding their publication. It is well known that the maxims and precedents of the English law do not with us apply in all cases. From a difference of government and a difference of customs the reason of cases frequently differs. The English common-law writers fail us in many instances. It becomes necessary, therefore, to investigate principles and establish precedents for ourselves. While former decisions rest only in the memory of the judge, overburdened in term, and perplexed with a multiplicity of cases; or, in the memory of counsel, frequently under a powerful bias in the recollection and statement little assistance in establishing uniform principles can be expected from precedents. Such is the order of courts and the mode of practice in this State that the judges can have little opportunity for deliberation.

"They are necessitated to form their opinions, as I may say, in transitu and on the urgency of occasion. It is, therefore, of importance to them, and to the public, that they should have an opportunity of reviewing as well what is wrong as what is right in their decisions. This may enable them to correct their former errors, and at leasure to discover those principles of justice, and the exceptions and limitations of each, which might have escaped their utmost sagacity in the hurry of the circuit. It may assist them, no less, in tracing, establishing, and rendering familiar, on every emergency, those permanent principles, of which they had, perhaps, caught only a glance on the occasion."

In the preface to the dissertations he is even better, and I am almost persuaded to turn the other cheek by the thought that I am given the opportunity to bring you this gem which, mayhap, has to this time been hidden from you.

"I have not the vanity to suppose, that the opinions contained in the following dissertations, are to be considered as precedents—they are only private opinions upon points of very considerable importance in the administration of law and justice, in this State. It has been my aim to derive these opinions from principles, which coincide with the principles of our Government, and the spirit of its laws; and to support them by reason, rather than by precedents.

"A knowledge of the principles in which precedents are founded; and the true reason of their application is of much greater importance in the profession of the law than the knowledge of precedents only. The latter may serve to form the mere technical lawyer; the first leads to the fountains of justice, the existing relations of nature in society, and connects the principles of law with the true principles of morality.

"It is believed that the principles and reasons, an illustration of which is here attempted, have, if well founded, often occurred to gentlemen of the profession. To such these dissertations may be less useful; but I flatter myself that they may be, in some measure, useful to students by exciting them to the due use of their reasoning powers as well as the power of memory, and by furnishing them with some hints for proper estimate of precedents, their principles and application."

Now that we have seen the manner of approach, the attitude of mind of this dweller in the hills and forests, may I detain you a little longer to let him tell you something of how he regarded the relation of the common law to the statutory laws enacted here?

In his Dissertations upon the Statute Adopting the Common Law of England, Mr. Justice Chipman says:

"By the common law of England * * * are understood those rules and maxims by which decisions are made in their courts of law, whether in relation to the mode of prosecuting a right or to the right itself—rules and maxims which have been there adopted, 'time whereof the memory of man runneth not to the contrary' * * *.

"The aforegoing statute, adopting the common law of England in this State, has rendered a knowledge of that law indispensable in our courts. This statute expressly limits the adoption of the common law to so much as is not repugnant to the constitution or any act of the legislature of this State. * * * We have, strictly speaking, no common law officers—all the offices in this State are established and the duties in general terms pointed out by the constitution or by statute. The terms and expressions adopted in both are frequently derived from the common law. * * * these powers and duties are derived from the constitution and statutes of this State and limited by them—the manner in which these shall be exercised, if not pointed out by our laws, must be learned from the common law of England, so far as adopted here * * *.

"It is not my design to enumerate every instance in which the common law of England is to be applied in this State or in which it is excluded or restricted. It will be of more use to discover some general principles, which may enable us to distinguish properly in our applications.

"The common law of England is a system of rules, supported by precedents handed down from remote antiquity. These precedents have, by the body of the law, as is common enough with professional men, been held in too great veneration. A number of precedents in point, however obscure or uncertain the principles upon which they were founded, have been held fully decisive of a similar question; and yet many of these precedents were made at a time when the state of society and of property were very different from what they are at present, in an age when the minds of men were fettered in forms, when forms were held to be substances and abstractions real entities. Technical reasoning and unmeaning maxims, of course, frequently supplied the place of principles." * * *

"Cessante ratione, cessat et ipsa lex"—which, being translated, is, as you all of course understand, when the reason of a law ceases the law itself ceases—"was adopted as a maxim of the common law, for in those times nothing could be decided or altered without a precedent or a maxim. By the application of this maxim some precedents which were originally absurd, and some which had become inapplicable through a change of times and circumstances, were set aside. The progress, however, was slow. Men correct, or give up with reluctance, those things which cost them much pains in learning." * * *

"Legal right and wrong, particularly in criminal jurisprudence, have an intimate relation to the Constitution, principles, and circumstances of the Government. There will be a coincidence between the principles of the Government, the spirit of its criminal law, and the mode of interpretation and execution." * * *

"The monarchical principles have a silent but uniform influence on their criminal jurisprudence."

"At the time, when the common law was growing into a system by means of precedents, the judges were solely dependent on the Crown. Monarchy procures obedience no less by fear than by the principle of honor. The higher orders in the government, and the most aspiring characters, are influenced by the prospect of attaining honors. The multitude are restrained by fear." * * *

"The government of this State is that of a democratic republic. The principle of this government, by some called virtue, is a sentiment of attachment to its constitution and laws. This principle dictates moderation, in the enacting, in the interpretation, and execution of its laws. Here there is, perhaps, some danger, lest, through the influence of precedents, the courts should deviate from the spirit of moderation, the true spirit of our laws." * * *

"Lord Mansfield was powerfully attached to the monarchical and aristocratical principles of the British Government. Whenever these intervened, in a cause, they had great influence on his reasonings. In other questions merely of a civil nature, he was a great and a good judge. No judge, perhaps, in that country ever had a more thorough knowledge, both of the principles and precedents of the common law. His judicial opinion may be considered as a common-law precedent, in the construction of this statute. 'The law of England,' says he, 'would be an absurd science indeed were it decided upon precedents only. Precedents serve to illustrate principles and to give them a fixed certainty, but the law of England * * * depends upon principles, and these principles run through all the cases, according as they fall in with the one or the other of them.'

"We may then lay it down that this statute gives the citizens of this State the rules, maxims, and precedents of the common law so far as they serve to illustrate principles—principles only which from the situation of society with us exist in this State, but does not impose upon

them those principles which from the particular circumstances of that government exist only in England."

Under the stimulus of such a mind, of such a philosophy, the bench and bar of Vermont entered upon their development with the common law the cement holding together, filling in the spaces between, rounding out and making smooth the statutory enactments of a new legislature, a legislature having great greed and ambition to increase, magnify, and extend its functions until it should become and be the entire government.

Within eight years from its organization and before Chipman came to the bench the legislature had arrogated to itself and assumed to exercise the power to set aside judgments of the courts and grant new trials or determine the controversies itself, to determine between parties the titles to lands, to hear and grant divorces, to grant or deny pardons, remit fines, and other similar encroachments on the judicial and executive functions.

Always from the beginning the judges have been elected by the legislature, at first for terms of one year, but never for a term longer than two years.

Still, in the face of such a situation, the battle for principles, for the doctrine that the determination of controversies between parties, by the application to facts of existing law—statutory if such there be; the common law if no statute covered the matter—went steadily on; steadily and constantly words and phrases of the Constitution and of statutes were interpreted and construed in the light of what such or similar language had meant, had been construed to mean, by English and other American courts.

In such a forge and such a heat were shaped the anchors of our hope. Thanks to the principles of the common law those anchors are now strong and deeply imbedded.

The lines of demarcation between the executive, the legislative, and the judicial functions are now as clearly and plainly marked there as in any jurisdiction in the country.

An interesting instance of the complete repeal of existing law and the substitution of a rule diametrically opposite, controlling personal rights—without legislation and by common law methods—occurred two years after I came to the bar, in a criminal case prosecuted by my senior partner, Governor Stickney, then a young man, in whose office I had studied law and was then employed.

Counsel for Burpee, indicted and on trial for larceny of cattle, requested the court below to charge the jury that "in a criminal case the jury are judges of the law applicable to the case upon the testimony given in court, and that the jury have a right to adopt their own theory of the law, instead of the law as laid down by the court," and the court refused to so charge.

This charge, in substance, had been given in criminal causes, when requested, for at least 65 years, probably since the beginning and in a long series of cases for 40 years the Supreme Court had held that in all criminal cases the jury are by the common law the paramount judges both of the law and the facts.

As stated, the trial judge refused the respondent the charge as requested, and the fight was on.

The court delivered an exhaustive opinion, citing the arguments and opinions of English judges and commentators, including Blackstone, Glanville Coke, Littleton, Mansfield, and many later, and Justices Baldwin, Field, Story, Thompson, Chief Justice Wade, of Montana, Judge Campbell, of Michigan, and many other American jurists.

They quoted Thompson, who, when requested to instruct the jury that they were the judges of the law as well as of the fact, said: "I shan't; they ain't."

They quoted from the arguments of Judge Campbell:

"It is necessary for public and private safety that the law shall be known and certain, and shall not depend on each jury that tries a cause; and the interpretation of the law can have no permanency and uniformity, and can not become generally known, except through the action of the courts. * * * If the court is to have no voice in laying down these rules, it is obvious that there can be no security whatever, either that the innocent may not be condemned, or that society will have any defense against the guilty. A jury may disregard a statute just as freely as any other rule. A fair trial in time of excitement would be almost impossible. All the mischief of ex post facto laws would be done by tribunals and authorities wholly irresponsible, and there would be no method of enforcing with effect many of our most important and legal safeguards against injustice. Parties charged with crime need the protection of the laws against unjust convictions quite as often as the public needs it against groundless acquittals. Neither can be safe without having the rules of law defined and preserved, and beyond the mere discretion of anyone."

And Chief Justice Wade:

"The end of all good governments is the honest and uniform administration of good laws. Safety comes to a people, and life, liberty, and property are secure when no one can be deprived thereof except by 'due process of law,' and when, in the adjudication of public and private rights, judicial authority speaks the pure voice of the law—'the law of the land.' The doctrine that jurors are judges of the law in criminal cases abolishes the sacred 'law of the land,' which, since the days of King John and Magna Charta, has been the birthright of all English-speaking people, and tends to the exercise of irresponsible arbitrary power. They are judges whose decision can not be reviewed. Their decrees are irrevocable and final. If they set aside a constitution or a statute, their act can not be questioned. If in the jury room they legislate and enact a law for the case in hand, it never sees the light of day; it is a mystery and a myth; no one can lay his hands upon it; no one can construe or interpret it; it affords no guide for the future, for it vanishes into nonentity the moment the verdict is returned, and the verdict makes no sign; the decision and the judges quickly disappear.

"'The showman and the show,
Themselves but shadows, into shadows go.'"

The court said, neither the constitution of this State nor its statutes confer in express terms this power upon jurors if they possess it; cited the statute adopting the common law of England; said further:

"Therefore, in this State, jurors do not possess the legal right to judge of the law as well as of fact, unless jurors had such right at common law. If such right existed at common law, but is repugnant to the constitution and laws of this State, then the common law does not confer such right. In other words, to establish that jurors have such right, it must appear that it existed at common law, and that it is not repugnant to our Constitution and laws."

And stated their conclusion to be:

"That the doctrine that jurors are the judges of the law in criminal cases is untenable; that it is contrary to the fundamental maxims of the common law from which it is claimed to take its origin; contrary to the uniform practice and decisions of the courts of Great Britain, where our jury system had its beginning and where it matured; contrary to the great weight of authority in this country; contrary to the spirit and meaning of the Constitution of the United States; repugnant to the constitution of this State; repugnant to our statute relative to the reservation of questions of law in criminal cases and passing the same to the Supreme Court for final decision."

We have had our share of reformers who have undertaken by acts of the legislature to regulate procedure in court so that about all that would be required to produce a lawsuit would be a letter to the court from the plaintiff, accusing the defendant of whatever derelictions the plaintiff saw fit, and a reply letter from the defendant setting out whatever he pleased on the subjects of the plaintiff's letter, and adding any grievances he had or could conjure up against the plaintiff, related or unrelated to the plaintiff's complaints; and thereupon they should introduce evidence upon any or all the matters suggested in their complaints and replies, and any others that they might think of during the trial and desire to add by way of amendment.

This kind of legislation which I have somewhere said should be entitled "Acts for the relief of incompetent lawyers," has always been met by rules of court requiring, notwithstanding the statute, clear and logical statement of facts constituting a cause of action, clear and explicit pointing out of defects relied upon by a demurrant, and clear and explicit denial or pleading of relevant facts in confession and avoidance.

The result is that to-day in Vermont the plaintiff's statement of his case must be in all its essential features a common-law declaration, and the defendant's demurrer or statement of his defense must be in its essential features a common-law demurrer or plea.

This is as it should be. There has never been devised a method of clearing away immaterial and irrelevant allegations, bringing out and setting up clear-cut issues of fact and law for trial and determination, superior to—nay, equal to—the common-law declarations, demurrer, plea, etc.

It is the logical result of the refining process of hundreds of years of practice and use; that it takes men of a high degree of courage, of steadfastness, to stand firm against a legislature—which puts them in office and keeps them there or turns them out—upon the proposition that the legislature must confine itself to the making of a substantive law regulating the rights of parties, and leave to the courts the regulations of the conduct of business in the courts.

I am inclined to think that the training the lawyers of Vermont have had in the study and application of the principles of the common law, the compulsion to the habit of thinking things through before they start, is one of the chief sources of that courage.

One further observation I should make here, for the special consideration of everyone who may have before him the question whether his course in any particular matter shall be shaped by present expediency in his own apparent interest or sound and wise policy in the interest of good government.

While under the elective system I have described in the earlier half of the State's existence changes in the bench were made frequently—judges were made and unmade at nearly every election—in the latter half the office of judge has attained a high degree of permanency; now, once a man is placed on the bench, he is reelected biennially as long as he is willing and able to serve.

Well, I have rambled on, telling you of our trials, failures, and successes up in the mountains—it may be, to your thought, without

interest to lawyers elsewhere. I think these matters are of interest in the administering of justice everywhere.

It is sometimes said that the common law is not a part of the Federal law of the Nation; certainly the source and obligation of all Federal law are in the written Constitution of the United States and statutes enacted under its authority; but, as certainly, the meaning and intent of the written language of the Constitution and those statutes, their application to the facts and acts and changing circumstances of the people, are to be found in the meaning language has come to bear through judicial construction for a thousand years before the constitution of Vermont was formed, and for a hundred and fifty years since.

The force of the reasoning in precedents, of construction in cases in point or analogous, is just as impelling on Federal tribunals in this country now as it was in the tribunals of England in 1775.

So the common law lives, vigorous, active, constantly adaptive and adapted to the life of the time, and will live so long as and wherever the English language is spoken, in whatever system of jurisprudence.

This must be so, because the meaning of the medium in which laws are expressed and recorded—language—is shaped, molded, and determined by it and by its processes.

When men in the Constitutional Convention at Philadelphia used words, legal terms, they necessarily used them in the sense they had come to have by judicial construction, for that was the sense which the words had in their thoughts.

But it is, and for a long time has been, fashionable in some quarters to rail at the common-law methods of working things out on precedent and reasoning, and to rush to a new statute, new legislation, new codification, for a panacea.

It is said that the law and its methods are too slow for the times; that the machinery of litigation lags behind the life it is installed to serve; that other fields of endeavor and activity have adopted new methods leading to greater accomplishment, and that statutes should be enacted to reform judicial procedure and processes, to infuse new life into the administration of justice, and so bring about greater accomplishment.

May I suggest that the way to remedy these defects is not by legislation undertaking to prescribe and regulate judicial procedure but by action of the judiciary improving their own procedure; and in the judiciary I include both the judges and the attorneys, officers of the court.

It is habit we fall into to take up hours of time, use up dictionaryfuls of words, stating, repeating, insisting over and over, upon matters which might better be stated in a few words once for all, ruled upon, and so disposed of.

We are apt to think of and criticize a judge who grows impatient of our iteration and wrangling, and shows a disposition to require it to cease, as being indisposed to be fair, to listen to reasoning; and judges, who desire of all things the good opinion of their brethren of the bar, too often yield effect to such criticism, and allow trials and hearings to string out to almost interminable lengths.

Let me propose to you that the judge who feels that by giving attorneys leeway to take time to state to him, over and over, day after day, principles and doctrines of the law which he knows before they begin to talk, is mistaken when he supposes he thereby wins and holds the good opinion of those he so allows to impose upon him. No man in any position wins the respect of another by allowing that other to impose upon him. No lawyer compliments a judge by undertaking in argument to instruct him in elementary principles; and by the practice and indulgence both fail in their duty to the Government and to the people of which it is composed.

Delays which occur in the administration of criminal laws, the trial and termination of criminal causes in the Federal courts, are due almost entirely to two causes—one, the provisions of our statute for removal of indicted persons from a judicial district where found and arrested to the judicial district in which the indictment is found and pending.

If a respondent has plenty of means—and ingenious counsel willing to receive a part of them—he may keep the prosecuting officers busy for two years or more in hearings in every grade of tribunal from United States commissioner to Supreme Court of the United States, before he can be taken from Chevy Chase, Md., into the District of Columbia for trial, though he has no defense whatever to the charge against him; for two years or more before he can be taken across the line between Brooklyn and New York City; from Maine to California; from any judicial district to another.

Nearly every Attorney General of the United States for 25 years past has called the attention of the Congress to this situation, but until the present Congress nothing has been done.

A bill to remedy it by empowering the judge of any United States court to issue a bench warrant founded on an indictment returned in his court, which shall run to and be served in any judicial district, has passed the House, is now on the Senate calendar upon a favorable report of the Judiciary Committee, and, I have no doubt, will become a law before the end of the Seventieth Congress, to its everlasting credit.

The other source of delay in bringing violators of the criminal law to justice is the entirely inadequate force of judges in some districts.

Wherever there are not enough judges to keep the calendar current, almost every respondent brought before the court demands a trial by jury, simply and only because he knows he can not be tried for a long time to come. If the court were in position to give him a jury trial at once, it would be the last thing he would ask for, instead of the first. Bills creating several new judgeships have been passed by the House, favorably reported in the Senate, and are now on the calendar. The Senate will, of course, pass them as soon as reached.

The Congress can and will give us a sufficient judicial force, and take away the obstacles to speedy trial existing in the removal proceedings it created years ago when means of transportation and communication were entirely different from the present; but judge and counsel alone can expedite business once the accused is in court.

Now I fear I have not told you anything new, but am consoled by the thought that probably it is nearer true than we realize that "there is no new thing under the sun."

I had intended to stop along about here, but when I read over what I have said about expediting business, and more speedy and certain administration of justice, I fear that it gives the impression of seeking means to secure more convictions, whether they ought to be secured or not. I would not have it so. I would that in the interpretation, application, and execution of the law, we use our reasoning faculties "in the spirit of moderation, the true spirit of our law," to secure right results, whether the judgments be for the Government or against it. I would always keep in mind that:

"These six things doth the Lord hate. Yea, seven, are an abomination unto Him: A proud look, a lying tongue, and hands that shed innocent blood; an heart that deviseth wicked imaginations, feet that be swift in running to mischief; a false witness that speaketh lies, and he that soweth discord among brethren."

And that a good chart for the guidance of a lawyer is:

"He will magnify the law and make it honorable."

"He shall not cry, nor lift up nor cause his voice to be heard in the street."

"A bruised reed he shall not break, and the smoking flax he shall not quench; he shall bring forth judgment unto truth."

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. DILL. Mr. President, under the unanimous-consent agreement the amendment is to be voted on in about five minutes. I recognize that I have taken a certain advantage of the rule in the fight I have made against the amendment, but I remind the Senate that the committee has taken advantage of another rule also. When the committee inserted in the bill an appropriation which has not yet been authorized by the joint resolution which passed the Senate, but is still pending in the House, it took advantage of a provision which was placed in the rules of the Senate for the purpose of meeting emergencies in the closing days of a session. I would not repeal the rule if I could. I believe it is a proper rule. But I submit that it was taken advantage of in a way that was never intended by those who framed the rules of the Senate, because it was taken advantage of to put an amendment on the bill which would not have been in order except for this provision of the rule which was made to meet the emergency conditions; and there is no emergency demanding an appropriation at this time for a survey of the Nicaragua canal area.

The fact of the matter is that with relations existing as they do between this country and Nicaragua, especially the fact that we have armed forces in Nicaragua, it is all the more important that we should do nothing that will give cause or color to the belief on the part of South and Central American people that we are taking whatever steps are necessary to be taken to justify the retaining of the marines in Nicaragua. Because the committee did take that advantage, I felt called upon to oppose the amendment as vigorously as I could.

I recognize that Senators were kept here late last night. I regretted that it became necessary, but I submit that I was not entirely to blame for the time that was taken. I want to say here and now that there is not another provision in this appropriation bill, and it is probable that in many years there has not been an appropriation put in any appropriation bill as this one was put in the pending bill, when there was no urgent demand for it.

The Senator from New Jersey [Mr. EDGE] last night stated that he had nothing to do with putting in the amendment, which is all the more proof to me that the administration is demanding that there be something done in Nicaragua regard-

ing the canal to justify keeping the marines down there when the causes for keeping them there are fast vanishing and they can not be maintained there in the face of the public opinion of the world which demands that these armed forces come out when order has been established, as it has been established in Nicaragua.

Mr. President, I recognize that the vote of the Senate will be to override my objection. I have done what I could to prevent steps being taken, which, in my judgment, will give new reasons for keeping the marines there and will result in their being kept there possibly permanently from now on. I think it is a crime against the young men of our country, who, in their patriotic desire to serve their country, take the oath of allegiance to the Government and the flag, and then are used by the Government to collect the money of investors in that country, to maintain a banking system that no self-respecting country on earth would permit to continue if it had the power to prevent it, and to be used for the purpose of working the will, not of this Government, but of private individuals who have investments in Nicaragua.

I have no apologies to make for the fight I have made against the amendment. If it were not in the very closing hours of the session, when I recognize a great appropriation bill is pending here, I would continue the fight for some time to come.

The PRESIDING OFFICER. The Senator's time has expired under the unanimous-consent agreement. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. DILL] to the committee amendment found on page 108, line 5.

Mr. NORRIS and Mr. DILL asked for the yeas and nays.

Mr. NORRIS. Mr. President, a parliamentary inquiry. Is this the amendment to the committee amendment?

Mr. McKELLAR. Let the amendment to the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment for the benefit of the Senate.

The LEGISLATIVE CLERK. The amendment of the Senator from Washington to the committee amendment is, on page 108, line 5, to strike out "$150,000" and insert "$75,000."

Mr. NORRIS. I have no desire to call for the yeas and nays on that amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. DILL] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the committee.

Mr. NORRIS and Mr. DILL called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is ill and confined to his home. I should like to have this announcement stand for the day.

The roll call was concluded.

Mr. GEORGE. I have a pair with the Senator from Colorado [Mr. PHIPPS], but I am advised that if present he would vote as I expect to vote. I therefore feel at liberty to vote. I vote "yea."

Mr. JONES. I wish to announce that the Senator from Massachusetts [Mr. GILLETT] has a general pair with the Senator from Mississippi [Mr. HARRISON].

Mr. WATSON (after having voted in the affirmative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Mexico [Mr. LARRAZOLO] and allow my vote to stand.

Mr. GERRY. I desire to announce that the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Mississippi [Mr. STEPHENS], the junior Senator from Louisiana [Mr. BROUSSARD], the senior Senator from North Carolina [Mr. SIMMONS], the junior Senator from Iowa [Mr. STECK], and the senior Senator from Nevada [Mr. PITTMAN] are necessarily detained from the Senate on official business.

The result was announced—yeas 54, nays 19, as follows:

YEAS—54

Ashurst	George	McKellar	Smoot
Bayard	Gerry	McNary	Steiwer
Bingham	Glass	Mayfield	Swanson
Black	Glenn	Metcalf	Thomas, Idaho
Bratton	Goff	Moses	Trammell
Burton	Gould	Oddie	Tydings
Capper	Hale	Ransdell	Tyson
Caraway	Harris	Reed, Pa.	Vandenberg
Copeland	Hastings	Robinson, Ark.	Wagner
Curtis	Hawes	Robinson, Ind.	Walsh, Mont.
Deneen	Heflin	Sackett	Warren
Edge	Jones	Schall	Watson
Fess	Kendrick	Sheppard	
Fletcher	Keyes	Shortridge	

NAYS—19

Barkley	Couzens	Neely	Thomas, Okla.
Blaine	Dill	Norbeck	Walsh, Mass.
Blease	Frazier	Norris	Waterman
Borah	King	Nye	Wheeler
Brookhart	McMaster	Pine	

NOT VOTING—22

Broussard	Harrison	McLean	Simmons
Bruce	Hayden	Overman	Smith
Dale	Howell	Phipps	Steck
Edwards	Johnson	Pittman	Stephens
Gillett	La Follette	Reed, Mo.	
Greene	Larrazolo	Shipstead	

So the amendment of the committee was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Judgments, United States Courts," on page 114, line 3, after the word "in," to insert "Senate Document No. 234 and"; in line 5, after the name "Treasury Department," to strike out "$1,328.20" and insert "$2,360.80"; and in line 6, after the words "in all," to strike out "$6,679.80" and insert "$7,712.40," so as to read:

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (U. S. C. 1529, secs. 781–789), certified to the Seventieth Congress in Senate Document No. 234 and House Document No. 577, under the following departments, namely: Treasury Department, $2,360.80; War Department, $5,351.60; in all, $7,712.40, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, on page 114, line 22, after the word "in," to insert "Senate Document 233 and"; in line 24, after the name "Navy Department," to strike out "$9,789.88" and insert "$710,021.26"; and on page 115, line 1, after the name "War Department," to strike out "$34,064.43; in all, $47,659.82" and insert "$42,931.83; in all, $756,758.60," so as to read:

For payment of judgments, including costs of suits, rendered against the Government by the United States district courts under the provisions of certain special acts and certified to the Seventieth Congress in Senate Document No. 233 and House Document No. 586, under the following departments, namely: Navy Department, $710,021.26; Treasury Department, $3,805.51; War Department, $42,931.83; in all, $756,758.60.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 115, line 12, after the word "in," to insert "Senate Document No. 231 and"; in line 15, after the name "United States Veterans' Bureau," to strike out "$1,785" and insert "$15,219.90; Department of Agriculture, $11,520.55"; in line 17, after the name "Navy Department," to strike out "$3,090,540.53" and insert "$3,141,690.53"; in the same line, after the name "War Department," to strike out "$417,566.05; in all, $3,509,891.58" and insert "$529,180.77; in all, $3,697,611.75," so as to read:

For payment of the judgments rendered by the Court of Claims and reported to the Seventieth Congress in Senate Document No. 231 and House Document No. 581, under the following departments and establishments, namely: United States Veterans' Bureau, $15,219.90; Department of Agriculture, $11,520.55; Navy Department, $3,141,690.53; War Department, $529,180.77; in all, $3,697,611.75, together with such additional sums as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments.

The amendment was agreed to.

The next amendment was, on page 122, after line 7, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C. 1022, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1926 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C. 43, sec. 266), as fully set forth in Senate Document No. 235, Seventieth Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For general expenses, Office of Public Buildings and Public Parks of the National Capital, $325.08.

For medical and hospital services, Veterans' Bureau, $6.63.

For vocational rehabilitation, Veterans' Bureau, $62.15.

DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Agricultural Economics, $28.01.

DEPARTMENT OF COMMERCE

For increase of compensation, Department of Commerce, $42.

For district and cooperative office service, Department of Commerce, 14 cents.

For testing structural materials, Bureau of Standards, $15.

For general expenses, Lighthouse Service, $18.61.

DEPARTMENT OF THE INTERIOR

For suppressing liquor traffic among Indians, $85.

For administration of affairs of Five Civilized Tribes, Oklahoma, $169.10.

For purchase of seed, agricultural implements, etc., for Indians of Blackfeet Reservation, Mont., $50.

For payment to Clallam Indians, Washington, $2,166.99.

For relieving distress and prevention, etc., of diseases among Indians, $10.

DEPARTMENT OF JUSTICE

For salaries, fees, and expenses of marshals, United States courts, $2,438.15.

For pay of special assistant attorneys, United States courts, $15,000.

NAVY DEPARTMENT

For transportation, Bureau of Navigation, $128.40.

For pay of the Navy, $224.64.

TREASURY DEPARTMENT

For collecting the revenue from customs, $75.

For payment of judgments against collectors of customs, $22,977.18.

For refunding internal revenue collections, $25.

For enforcement of narcotic and national prohibition acts, internal revenue, $98.41.

For Coast Guard, $164.

WAR DEPARTMENT

For contingencies, Military Intelligence Division, General Staff Corps, $12.89.

For pay, etc., of the Army (longevity act, January 29, 1927), $6,434.32.

For pay, etc., of the Army, $6,240.70.

For pay of the Army, $398.12.

For pay, etc., of the Army (estates of deceased soldiers), $25,246.21.

For pay, etc., of the Army, war with Spain, $2.40.

For increase of compensation, Military Establishment, $15,631.59.

For Army transportation, $1,045.67.

For clothing and equipage, $113.75.

For general appropriations, Quartermaster Corps, $335.42.

For incidental expenses of the Army, $29.56.

For subsistence of the Army, $6.80.

For supplies, services, and transportation, Quartermaster Corps, $37.08.

For Signal Service of the Army, $4,960.

For Air Service, Army, $3,463.59.

For field artillery, armament, 49 cents.

For armement of fortifications, $6,381.25.

For arming, equipping, and training the National Guard (act May 22, 1928), $56.25.

For arming, equipping, and training the National Guard, $268.61.

For Reserve Officers' Training Corps, $90.60.

For arms, uniforms, equipment, etc., for field service, National Guard, $508.49.

For National Home for Disabled Volunteer Soldiers, Northwestern Branch, $9.33.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(OUT OF THE POSTAL REVENUES)

For indemnities, domestic mail, $263.47.

For indemnities, international mail, $127.76.

For railroad transportation, $122.87.

Total, audited claims, section 3, Title I, $115,896.71, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 126, line 16, to change the section number from 3 to 4.

The amendment was agreed to.

The next amendment was, on page 126, after line 20, to insert:

SEC. 5. For payment to John F. and Mary L. White, as certified to Congress by the Secretary of the Interior on December 29, 1928, under the act of March 3, 1928 (Private Act No. 38, 70th Cong.), $5,000.

The amendment was agreed to.

The next amendment was, on page 173, after line 13, to strike out:

SEC. 2. The Personnel Classification Board, within 30 days after the enactment of this act, shall review the allocations of all positions which, on June 30, 1928, were allocated in grades 4, 5, 6, and 7 of the professional and scientific service, and grades 11, 12, 13, and 14 of the clerical, administrative, and fiscal service, and of the compensation schedules set forth in the classification act of 1923 (covering salary rates from $3,800 to $7,500) (U. S. C. 65–71, secs. 661–673), and which have not been allocated, with the approval of such board, to the grades of such compensation schedules as amended by the act of May 28, 1928 (covering salary rates from $3,800 to $9,000) (45 Stat. 776–785). Such allocations shall be made by the board in such a manner as to reduce the total annual rate of compensation of the whole number of positions in all of such grades by not less than $500,000. The board, immediately upon completion of the review of the allocations herein directed to be made, shall certify their allocations to the heads of the executive departments and independent establishments who, within 10 days after the receipt of such certification, shall put such allocations into effect: *Provided*, That nothing contained herein shall operate to reduce the rate of compensation any person was receiving on June 30, 1928: *Provided further*, That the heads of the executive departments and independent establishments, who, pursuant to authority to adjust the pay of certain civilian positions in the field services to correspond as nearly as may be practicable to the rates established for similar positions under the classification act of 1923, as amended by the act of May 28, 1928, have made such adjustments in the field services, shall, within 60 days after the enactment of this act, readjust the compensation of such of the field positions as may be necessary to make the compensation thereof in conformity with the allocations herein directed for the departmental service in the District of Columbia: *Provided further*, That any balances under appropriations or portions of appropriations, including continuing appropriations, available during the period of the remainder of the fiscal year 1929 and the entire fiscal year 1930, respectively, which result from the compensation of positions under the provisions of this section at rates lower than those permitted for such positions from July 1, 1928, to the date of the enactment of this act, shall not be expended for any other purpose but shall be reserved and allowed to lapse at the close of the respective fiscal years: *Provided further*, That the Personnel Classification Board shall have sole jurisdiction finally to determine the grade, or subdivision thereof, to which shall be allocated any position which is subject to the compensation schedules of the classification act of 1923, as amended, and shall have authority to ascertain the facts as to the duties and responsibilities of any such position and to review and change the allocation thereof whenever, in its opinion, the facts warrant.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER (Mr. FESS in the chair). That completes the committee amendments.

Mr. SMOOT. Has the committee amendment on page 173 been agreed to?

The PRESIDING OFFICER. The amendment on page 173 to strike out section 2 has been agreed to.

Mr. WARREN. Mr. President, there are certain amendments which the committee wishes to present. I send such an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 33, line 17, after the name "Bureau of Standards," to strike out "1929"; and in line 20, after the word "the," to insert "fiscal year 1929."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. I also am instructed by the committee to offer the amendment which I now send to the clerk's desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 33, after line 7, it is proposed to insert the following:

BUREAU OF THE CENSUS

Fifteenth Decennial Census: Of the amount appropriated under this head in the act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, approved January 25, 1929, the amount therein made immediately available is hereby increased to $250,000: *Provided*, That during the period of the Fifteenth Decennial Census enumeration, employees of other departments of the Government may be employed, with the consent of the heads of the respective departments, and compensated for field work in connection with the taking of this census, and, when so employed, shall not be subject to the provisions of section 1765 of the Revised Statutes, or to the acts of May 10, 1916, and August 29, 1916: *Provided further*, That the Director of the Census may fix the number and compensation of supervisors, enumerators, and special agents, without regard to the provisions of existing legislation.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry. Does a point of order lie against this amendment, in view of the fact that there has been no census legislation this year?

The PRESIDING OFFICER. Does the Senator make the point of order?

Mr. VANDENBERG. I make the point of order; yes, sir.

Mr. WARREN. Mr. President, I offered the amendment, realizing that it might be objected to; but I hoped to secure unanimous consent to it because I believed it was necessary, and I wanted to bring it before the Senate. I hope the Senator, therefore, will not consider it necessary to object to it.

Mr. VANDENBERG. Mr. President, the census situation now is in very unsatisfactory shape, of course, because the census is to be taken under the old law unless the new law passes either now or very early in the special session.

Mr. WARREN. This amendment, the Senator will see, provides for making this money available at an earlier time.

Mr. VANDENBERG. I understand the position taken by the chairman of the committee. On the other hand, I have taken my stand on a principle, and the principle involves the proposition that the Senate is going to do nothing with census legislation until it can be assured of a constitutional census. I shall have to make the point of order, stating, in addition, that negotiations are now being undertaken to straighten out the entire matter.

The PRESIDING OFFICER. In view of the last provision in the form of a proviso—

That the Director of the Census may fix the number and compensation of supervisors, enumerators, and special agents, without regard to the provisions of existing legislation—

the chair will hold that this is legislation on an appropriation bill, and sustains the point of order.

Mr. WARREN. Mr. President, I send to the desk an amendment, which I am instructed to offer.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 11, line 15, after the word "expended," it is proposed to insert the following:

Provided, That any funds herein or hereafter appropriated to enable the commission to carry out the provisions of Public Resolution No. 74, Seventieth Congress, approved December 21, 1928, may be expended for the purposes hereinbefore stated on approval by the commission, or by a duly authorized executive officer designated by the commission and acting under instructions of the commission; and payments on account of expenditures thus approved by the commission, or by its duly authorized agent acting under instructions of the commission, may be made by such disbursing officer as the commission may designate, and the commission, or its duly authorized agent acting under its instructions, may authorize said disbursing officer to make to the insular treasury such advances of funds as may be appropriate for effecting payments for the purposes and in the manner hereinbefore authorized.

The amendment was agreed to.

Mr. WARREN. Mr. President, I call the attention of the Senator from Oklahoma [Mr. THOMAS] to an amendment, which the committee unanimously instructed me to offer on the floor; and I move its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 44, after line 20, it is proposed to insert:

Expenses of attorneys, Wichita and affiliated bands of Indians of Oklahoma (tribal funds): The Secretary of the Interior is authorized and directed to use not to exceed the sum of $2,000 from the tribal funds of the Wichita and affiliated bands of Indians of Oklahoma in the Treasury of the United States, upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. E–542, including expenses of not exceeding two delegates from said bands of Indians, to be designated by the business committee representing all said bands, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claims, said $2,000 to remain available until expended.

The amendment was agreed to.

Mr. WARREN. Mr. President, there is an amendment with relation to the Yellowstone Park which provides for the sale of the surplus elk that are not needed, that are neither useful nor ornamental there.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 52, after line 6, it is proposed to insert the following as a separate paragraph:

The Secretary of the Interior is authorized in his discretion, and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus elk from the Yellowstone National Park herd, and all moneys received from the sale of any such surplus elk shall be deposited in the Treasury of the United States as miscellaneous receipts.

The amendment was agreed to.

Mr. WARREN. Mr. President, I send to the desk another matter which is a slight correction of the language of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 86, in line 23, it is proposed to strike out the words "for either project."

The amendment was agreed to.

Mr. WARREN. That is all I have for the present.

Mr. THOMAS of Oklahoma obtained the floor.

The PRESIDING OFFICER. May the Chair ask whether the amendment the Senator is about to propose is one of those as to which there is a time limit?

Mr. THOMAS of Oklahoma. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 45, after line 7, it is proposed to insert a new paragraph, as follows:

Kiowa Indian Hospital, Oklahoma: For the construction at the Kiowa Indian Hospital, located at the Fort Sill School Reservation, in Comanche County, Okla., of hospital quarters to accommodate 100 patients, gravel roads, floor coverings for old hospital, and additional equipment, all as authorized by the act approved November 2, 1921 (Public 85, 67th Cong.), $91,000.

The PRESIDING OFFICER. May the Chair ask what limitation of time applies to this amendment?

Mr. THOMAS of Oklahoma. I have three amendments, and I understand that under the unanimous-consent agreement I have 30 minutes; but I shall occupy only a very small part of that time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. CURTIS. Mr. President, may I ask the chairman of the committee if he can not accept this amendment? It is estimated for.

Mr. WARREN. I shall be glad to have a little explanation of the amendment. If what I have heard regarding it is true, it is a matter that I think might be considered wisely.

Mr. EDGE. Let us have the amendment stated.

The PRESIDING OFFICER. The amendment will be restated.

The Chief Clerk restated the amendment.

Mr. WARREN. Mr. President, do I understand that this hospital is erected with Indian funds?

Mr. THOMAS of Oklahoma. If I may make a short statement, I think I will have answered most of the questions that might be propounded.

This money is sought for the purpose of extending and enlarging an existing Indian hospital. This amendment has somewhat of a history. The Indian Bureau recommended the item in the early part of this session. The Budget Bureau recommended the item. It was inserted in the Interior Department bill by the House. At that time the funds were to be taken from the Indians' trust fund. The bill then came to the Senate. Because the hospital is a general hospital and serves some 13 tribes of Indians in southwestern Oklahoma——

Mr. WARREN. Mr. President, may I ask the Senator a question right there?

Mr. THOMAS of Oklahoma. I yield.

Mr. WARREN. Is the hospital at present used for the various bands?

Mr. THOMAS of Oklahoma. Yes. The hospital was built by and for the Kiowa, Comanche, and Apache Indians, but is now used as a general hospital for all Indians.

When this bill came to the Senate, the Indians owning the hospital objected to having their tribal funds taken to build a general hospital. The hospital is now large enough to accommodate the particular Indians who built it, but at this time this hospital is open to all Indians, and some 50 per cent of the patients are Indians of tribes other than Kiowas, Comanches, and Apaches. Early in this session this item was placed in the Interior Department bill, but the money was to come from the Indians' trust funds. The bill came to the Senate in that form.

I went before the Senate committee and asked that the funds be taken from the Federal Treasury, and the committee kindly acceded to my request, and the Interior Department bill was sent back to the House with the item amended as indicated.

The House refused to agree to the Senate amendment, and in conference the Senate committee yielded to the House conferees, and the item was eliminated from the bill entirely.

I was not willing that the Indians' trust fund should be used for this purpose, and the Senate conferees did not insist that this money should be taken from the Federal Treasury, and the item died. Recently the Congressman representing this district, Congressman JOHNSON, introduced a bill providing for the enlargement of this hospital. The Indian Bureau again recommended the proposal. The Budget Bureau now recommends the item as a proper charge against the Federal Treasury. I submit for the RECORD the report made on the House bill and ask that such report be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, that order will be made.

The matter referred to is as follows:

Mr. CARTWRIGHT, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 16822):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 16822) to authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital, located at the Fort Sill School Reservation in Comanche County, Okla., having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill, if enacted, would authorize an appropriation of $91,000 to enlarge and equip the Kiowa Indian Hospital on the Fort Sill School Reservation in Oklahoma. The hospital serves the Indian population of Kiowa Agency, about 5,290 persons. It has a rated capacity of 52 beds, 10 of which are on porches and are used principally for tuberculosis patients. The number of patients is so great as to make present facilities inadequate, and is steadily growing.

The conditions and plan for construction are discussed in the following favorable report of the Secretary of the Interior, to which is attached notation of Budget approval:

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1929.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your request of February 4 for a report on H. R. 16822, being a bill to authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital, located at the Fort Sill School Reservation in Comanche County, Okla.

The Kiowa Hospital serves the Indian population of Kiowa Agency, numbering 5,290, and has a rated capacity of 52 beds, of which 10 beds are on porches and used principally for the treatment of tuberculosis patients. The daily average number of patients in this hospital during the fiscal years 1926, 1927, and 1928 was 33.2, 34.4, and 43.5, respectively. During 1927 there were 41 births, and during 1928 there were 53 births in the hospital.

The construction of a building for the housing of approximately 15 employees will provide living quarters for those now quartered in the hospital proper in space needed for operation of the institution and the convenience and welfare of the patients, the release of which space will provide for approximately 10 additional patients' beds. The quartering of this personnel outside of the hospital proper is of important consideration, both from the standpoint of patient welfare and comfort of the personnel so employed. The estimated cost of construction, which should be of brick for permanency and to conform to the type of construction now in use, together with the necessary furnishings and equipment, will be approximately $20,000.

As noted above, Kiowa Hospital is being patronized to an increasing degree from year to year. At times the facilities of the present structure are taxed and the number of patients exceeds the ordinary bed capacity. A larger number of tuberculosis cases should and could be given care and treatment in this hospital if additional facilities were provided. During 1927, of 1,000 examinations made, 104 cases of pulmonary and 18 other forms of tuberculosis were reported, a total of 122. During 1928, 400 examinations were made with 85 cases reported positive for tuberculosis. The deaths from tuberculosis for the last several years are as follows: In 1923, 27 deaths; in 1925, 8 deaths; in 1926, 18 deaths; in 1927, 16 deaths; and during 1928, 10 deaths.

The present hospital building is of brick construction and will lend itself readily to additional construction approximately doubling its capacity. It is now of a T shape and construction to make it of an H shape would approximately double the bed capacity and still utilize the same kitchen and other service space, making the capacity 100 or more beds.

The sum of $71,000 would provide for additional construction to make the total capacity at least 100 beds and also provide needed equipment in the existing hospital, roads, sidewalks, etc., together with funds needed for operating expense on account of the increased patronage of the existing facilities, which with $20,000 for employees' quarters makes a total of $91,000.

Under date of February 15, 1929, the Director of the Bureau of the Budget advises that the proposed legislation is not in conflict with the financial program of the President.

Very truly yours, ROY O. WEST.

Mr. THOMAS of Oklahoma. Mr. President, the record just made is, I think, ample evidence that this provision is authorized. It has already passed the other House once, and has likewise passed this body; but for fear that that point might be raised in conference, I now submit for the RECORD a copy of what is known as the Snyder bill. This bill provides, in two places, ample authority for the construction of this hospital. One line is as follows:

For relief of distress and conservation of health.

The second provision is—

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

I submit a copy of this law and ask that same be printed at this point.

The PRESIDING OFFICER. Without objection, it will be printed in the RECORD.

The matter referred to is as follows:

[Public—No. 85—67th Cong.]

An act (H. R. 7848) authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes

Be it enacted, etc., That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

Approved, November 2, 1921.

Mr. THOMAS of Oklahoma. Mr. President, on a former occasion it was alleged here that these Indians are very wealthy, that they have large tribal funds, vast areas of oil lands, and that their income is something like $2,000,000 per year. At this point I submit for the RECORD, without having it read, a statement showing the condition of their fund. Their total fund now amounts to approximately $1,000,000.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

Statement of the tribal funds in the Treasury of the Apache, Kiowa, and Comanche Indians

Title of funds	Balances Jan. 7, 1929	Income, fiscal year 1928
Apache, Kiowa, and Comanche fund	$91.22	
Interest on Apache, Kiowa, and Comanche fund	5,542.44	$4.56
Apache, Kiowa, and Comanche 4 per cent fund	67,436.24	241.82
Interest on Apache, Kiowa, and Comanche 4 per cent fund	20,241.71	9,927.15
Kiowa Agency Hospital 4 per cent fund	9,360.90	1,239.12
Interest on Kiowa Agency Hospital 4 per cent fund	697.27	326.76
Proceeds of oil and gas, south half of Red River, Kiowa, Comanche, and Apache Indians, Oklahoma	964,082.80	127,980.57
Indian moneys, proceeds of labor, Kiowa Indians	2,991.52	468.93
Total	1,070,444.10	140,188.91

Mr. THOMAS of Oklahoma. Now, Mr. President, as to the need for this hospital:

A few days ago I sent a telegram to the chamber of commerce of the city nearest this hospital, asking for information relative to the institution. I now send to the desk and ask to have read a copy of my telegram and a copy of the reply received in answer thereto.

The PRESIDING OFFICER. Without objection, the Secretary will read the telegrams.

The Chief Clerk read as follows:

FEBRUARY 8, 1929.

I. E. TURBEN,
President Chamber of Commerce,
Lawton, Okla.:

Please advise me by wire relative hospital as follows: Number regular beds. Number patients now. Number whites, if any. Number Kiowas, Comanches, and Apaches. Number of other tribes itemized.

ELMER THOMAS.

Reply to above inquiry:

Number regular beds, 42. Number patients to-day, 51. Number whites, none. Number Kiowas, Comanches, and Apaches, 36. Number other tribes, 15, as follows: 11 Caddos and Wichitas; 2 Choctaws; 2 Chinooks, Riverside employees. Daily average first six months fiscal year, 46 plus. Daily average for January, 61 plus. Nine employees

quartered in hospital, two in basement. Overflow has been taken care of with cots and two patients in a bed. Need urgent. We will appreciate your earnest efforts.

I. E. TURBEN,
President Lawton Chamber of Commerce.

Mr. THOMAS of Oklahoma. Mr. President, the record thus shows that we have there a hospital with 42 beds, and that during a recent month sixty-odd patients were cared for in such institution, and that in some instances two sick Indians were confined to a single bed. Why, Mr. President, even the horses of the Government, when they become ill, are allowed a single stall.

On yesterday, knowing that this item would come up soon, I wired to Oklahoma in order to ascertain the condition of Enoch Hoag, chief of the Caddo Tribe of Indians. Chief Hoag is a fine type of Indian. He has a band of 600 members. For 50 years he has been the head of the Caddo tribe. His band has followed him all these years as children follow a father. He is ill now, seriously ill. I saw him during the recent campaign, at the home of his son, the family residing in a small box house. He was paralyzed; confined to his bed, could not talk, entirely helpless, and because the little hospital on the reservation was filled to overflowing, this Indian chieftain, a credit to his race, was compelled to exist in the rough, crude house of his son with only such attention as a dutiful Indian son could provide for his aged and dying father. I received a very prompt reply to my message. I send to the desk a copy of my message of inquiry and likewise the reply, and ask that both be read.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

FEBRUARY 27, 1929.

J. A. BUNTIN,
Superintendent Kiowa Agency, Anadarko, Okla.:

If Enoch Hoag is dead give date and place of death. If alive give present address and statement relative to medical attention and nurse assistance. Answer by wire.

ELMER THOMAS.

ANADARKO, OKLA., *February 27, 1929.*

ELMER THOMAS,
United States Senate:

Enoch Hoag living with daughter near Binger. He is paralyzed and helpless. Needs constant care. McCOWN.

Mr. THOMAS of Oklahoma. Mr. President, I will not take further time of the Senate at this time. I am very much interested in the remnants of the once proud tribes of Indians who owned and ruled this entire country of ours. These Indians have no one to speak for them save their very few friends throughout the country, and to-day they present the appearance of a neglected and vanishing race.

The Indians have a difficult time to get along. They have a long road to go to get relief. They must first go to their Indian agent and get his recommendation. They must then come to Washington and get by the Indian Bureau. They must then go to the Budget Bureau and get by there. They must then come to Congress and appear before the various committees and secure favorable action by the Houses themselves before they can get a single dollar of their own money for almost any purpose whatever. One bureau or department may favor relief for them, but some place along the line they meet obstruction, and their relief fails.

I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I submit another amendment.

The PRESIDING OFFICER. As a matter of information for the Senate, the Chair would like to say that on last evening before we adjourned a unanimous-consent agreement was entered into allowing a certain amount of time for certain Senators, the Senator from Oklahoma [Mr. THOMAS], the Senator from Kentucky [Mr. BARKLEY], the Senator from Pennsylvania [Mr. REED], the Senator from Virginia [Mr. SWANSON], and the Senator from Florida [Mr. TRAMMELL]. The Chair will recognize those Senators in the order given.

The clerk will state the amendment offered by the Senator from Oklahoma.

The CHIEF CLERK. On page 45, after line 7, insert a new paragraph, as follows:

That there is hereby appropriated from the tribal trust fund, established by the joint resolution of Congress approved June 12, 1926 (44 Stat. L. 740), being a part of the Indians' share of moneys derived from the south half of the Red River in Oklahoma, the sum of $200,000 for payment to the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma: *Provided*, That said sum shall be distributed share and share alike to all recognized members of the Kiowa, Comanche, and Apache Tribes who are living on the date of passage of this act, under such regulation as the Secretary of the Interior may prescribe, and that said sum herein appropriated shall be immediately available for distribution as provided herein.

Mr. WARREN. Mr. President, may I ask the Senator whether this amount is necessary for these Indians at this time?

Mr. THOMAS of Oklahoma. The Indian agent on the reservation says it is. The Indian Bureau says it is. I join in their opinion and indorse the item. The Senate Committee on Indian Affairs has considered this matter and reported the item favorably, and it is now upon our calendar awaiting its turn for consideration.

Mr. WARREN. Mr. President, the Senator knows very well, of course, that this is subject to a point of order, and I think that unless it is necessary for these Indians it should remain out of the bill, because, as I understand it, they have a large amount of funds, and are receiving, of course, their regular interest, I take it.

Mr. THOMAS of Oklahoma. I have just submitted a statement showing that their fund is less than a million dollars, and their annual income is less than $100,000, of which $60,000 is taken each year to maintain their agency. These Indians are required to pay their own money to maintain an agency at Anadarko, and, of course, they object to that.

Mr. WARREN. So far as I am concerned, as a member of the committee, if the Senator on his honor and conscience thinks these Indians need this, I am not going to object to its going to the House for consideration.

Mr. THOMAS of Oklahoma. That is all I ask.

Mr. WARREN. As I said before, I expect the cooperation of the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

The amendment was agreed to.

Mr. THOMAS of Oklahoma. I offer one other amendment, and then I shall be through. I ask that the letter accompanying it be also read.

The PRESIDING OFFICER. The clerk will read the amendment and the letter.

The CHIEF CLERK. On page 47, after the amendments heretofore agreed to, insert:

The Secretary of the Interior is hereby authorized, under such rules, regulations, and conditions as he may prescribe, to establish an employment agency for the Indian Service, to be under the direction of the Commissioner of Indian Affairs, for the purpose of procuring employment for Indians; and there is hereby appropriated for this purpose the sum of $50,000, or so much thereof as may be necessary.

THE SECRETARY OF THE INTERIOR,
Washington, February 27, 1929.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: This will refer further to your letter of February 14, transmitting for report and recommendation a copy of H. R. 17078, authorizing an employment agency for the Indian Service.

This department believes that the decades of supervision which the Government has exercised over the Indians has developed them to the point where they are prepared for a steadily increasing participation in the industrial life of the Nation. Practically all the younger Indians have had a degree of schooling which gave them the proper mental conception of work and prepared them therefor. The rapid development of the West has created a demand for their services which presents a favorable opportunity for employment. The situation to-day is favorable to make immediate progress toward a solution of the problem by establishing the Indian as a wage earner, gaining a competence for himself. When an Indian reaches this stage he need no longer be a ward of the Government. He and his children take their places as normal members of the body politic. So far as he is concerned, the Indian problem has been solved.

On this point the report on Indian administration made last year by the Institute for Government Research says:

"The Indian Service must seek to find suitable employment off the reservation for Indians who have no real chance there or who desire to seek other employment. * * * The Indian Service must attempt to place the Indians who leave school and help them to become established in productive enterprises."

The Board of Indian Commissioners expresses a similar view in its last annual report.

"The Commissioner of Indian Affairs is urged to establish an organization within the Bureau of Indian Affairs for the purpose of securing gainful work for the Indians who are under Federal supervision for placing in the Government service or in offices, shops, stores, or in domestic service boys and girls who leave the Indian Service school."

The creation of an employment service for Indians would be a practical and constructive step toward that assimilation which has always been the Government's policy. The time for solution has come. This is the next logical step in Indian administration. Field reports indicate a notable awakening by the Indians to the need of individual effort and a willingness to respond to governmental plans for their welfare and progress to a greater extent than ever before. In order to not disappoint them, this necessarily means increased activity on our part if this newly aroused interest is to be adequately directed and brought to ultimate success.

It is, therefore, recommended that the bill be given favorable consideration.

The Director of the Bureau of the Budget advises that the proposed legislation is not in conflict with the President's financial program.

Very truly yours,

ROY O. WEST.

Mr. WARREN. I shall have to object to that. I make a point of order against it.

Mr. THOMAS of Oklahoma. Mr. President, let me say, before the matter is passed on, that this amendment has been suggested by a bureau which has made a general survey into Indian conditions. The Bureau of Indian Affairs recommends the item. The Bureau of the Budget has recommended it. If the chairman of the Committee on Appropriations desires to interpose a point of order, of course, I must submit.

The PRESIDING OFFICER. The Chair sustains the point of order.

Under the unanimous-consent agreement, the Chair now recognizes the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. President, last night when the unanimous-consent agreement was entered into by which I was allowed 20 minutes to speak on an amendment I then had in mind, I did not know that I would offer another slight amendment which might take 5 minutes, and I inquire now whether any time I take on this amendment will be taken out of the 20 minutes I was to have on the other?

The PRESIDING OFFICER. It would have to be, under the agreement.

Mr. BARKLEY. I offer the following amendment. I hope that the Senator from Wyoming will accept the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 71, after line 21, add the following:

American group of the Interparliamentary Union: In order to assist in meeting the expenses of the American group of the Interparliamentary Union during the fiscal year ending June 30, 1930, there is hereby appropriated the sum of $10,000, or so much thereof as may be necessary, such appropriation to be disbursed on vouchers to be approved by the president and the executive secretary of the American group; and any unexpended balance remaining of the appropriation made for this purpose by the act approved May 29, 1928, is hereby made available until expended.

Mr. WARREN. Mr. President, that is for a purpose similar to what we have provided for, I think, annually, in relation to our international obligations, and I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 77, after line 11, insert the following:

Studies in rural sanitation: For an additional amount for studies in rural sanitation, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, $130,500.

Mr. WARREN. Mr. President, will the Senator give us a little explanation of that, briefly?

Mr. BARKLEY. Certainly. This amendment has for its purpose the appropriation of an additional sum for rural sanitation in the seven States that were inundated by the floods of 1927 and 1928, over and above the amount carried in the regular appropriation.

Mr. WARREN. Is it intended to save life and protect the health of the inhabitants?

Mr. BARKLEY. Yes. I will say to the Senator from Wyoming that for the current fiscal year, ending on the 30th of next June, Congress appropriated almost $400,000 for this purpose, on the recommendation, largely, of the Secretary of Commerce, now the President elect, who made a personal inspection.

Mr. WARREN. That is, for the fiscal year 1930?

Mr. BARKLEY. This amendment of mine is for the fiscal year 1930, so as to bring the amount for next year practically up to the amount carried for the current year. We do not expect this appropriation to go on indefinitely, but there have been two floods, the flood of 1927, for which we made appropriations——

Mr. WARREN. Is any portion of that fund to be used as a deficiency in the next three or four months.

Mr. BARKLEY. No; the amount that was appropriated by the regular appropriation bill for the fiscal year 1929, and also the deficiency bill, which carried an item of $115,000 for this purpose, is presumably sufficient to carry on the work until July 1. This amendment is to bring the appropriation for the fiscal year 1930 up to an amount approximately equal to the appropriation for the current year.

This is urged and recommended by the Bureau of Public Health. I have letters here from the public health commissioners of Louisiana, Mississippi, Arkansas, Missouri, Tennessee, Kentucky, and Illinois, asking for this appropriation, and they say that in view of the floods in 1928, which resulted in the destruction of another crop, the various counties in these seven States, 96 in number, are unable to take up this work and carry it on for the next year, if the Federal Government withdraws this amount from the appropriation that has been expended and available for this year.

Mr. WHEELER. Mr. President, I would not have any objection if they would include Montana and Wyoming and Utah in the bill, so we could get some of it for the floods that have taken place out there in our section of the country.

Mr. BARKLEY. Of course the language of the appropriation does not limit it to any State. It can be used wherever it might be necessary. The item was increased in the appropriation bill of the last Congress because the floods had destroyed the roads and schoolhouses and by reason of the settlement of sediment unhealthy conditions in that section of the country had brought about almost an epidemic. If the appropriation is denied, in view of the great number of men who are to be in the near future sent into the Mississippi Valley in connection with flood control, it will result in a recurrence of disease and an epidemic of disease.

Mr. WARREN. The Senator knows, of course, that the amendment is not in order. However, I am not going to make the point of order. The Senator says, and I have every reason to believe him, that it is a matter of health.

Mr. SMOOT. Mr. President, I ask the Senator from Kentucky if it is necessary now to have the appropriation. He already has an appropriation sufficient to carry through to the end of the fiscal year. There is also an appropriation for the next fiscal year. What he is doing now is asking us to make an appropriation which is not going to be used for a full year hence, because of the fact that if the Senator spends as much as he has for the present year, which has already been appropriated, it would carry the matter to a year from now.

Mr. BARKLEY. Unless the appropriation is made, when July 1 arrives the personnel of the organization, which has been filled up by the various public health services in the State in cooperation with the Secretary of Commerce, who was also head of the Red Cross, will have to be disbanded and there will be a hiatus and it will be impossible for us to replace them later. There is no assurance that any appropriation of any kind will be passed during the extra session.

Mr. SMOOT. It is not a question of the extra session but at the regular session, when there would still be ample time.

Mr. BARKLEY. We would have from July 1 until the 1st of December or practically the 1st of January, six months, during which time the entire organization, which is now functioning in the Mississippi Valley, in these various States would be disbanded and disorganized, and it would cost more to get them back together than the appropriation amounts to.

Mr. SMOOT. Am I to understand the Senator to mean that the organization is going to be continued right along because of the fact that there was a flood in some of the Southern States?

Mr. BARKLEY. No; not at all. The health departments of the States which are asking for this appropriation do not expect that. They had hoped to be able to recommend a reduction of 50 per cent in the appropriation, but the recurrence of another flood in 1928 caused the various counties, which are putting up one-half of the necessary amount to bring about a

rehabilitation of health conditions, to lose a second crop, and as testified by various county judges and State boards of health they are absolutely unable to assume the burden of the work in view of the disorganized economic condition. If the appropriation is denied, then the work will have to be begun at the beginning again, and that, of course, is not desirable.

Mr. SMOOT. All I want to say so far as the West is concerned is that we have never felt, when we had a flood, that we should come to Congress and ask to have an organization protected by appropriations from the Federal Government, and then keep it in operation from year to year.

Mr. BARKLEY. The Mississippi Valley situation offers a peculiar proposition that does not exist anywhere else in the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, in connection with my remarks and in connection with the amendment just agreed to, I ask unanimous consent to insert in the RECORD letters from various county judges and public-health officers, including the Bureau of Public Health, in behalf of the appropriation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

FEBRUARY 16, 1929.

Undersecretary OGDEN L. MILLS,
Budget Officer, United States Treasury Department,
Washington, D. C.

SIR: The Public Health Service is in receipt of recent detailed data from the State health officers in the territory affected by the Mississippi flood setting forth conditions in that area which it is believed merit consideration in behalf of an additional appropriation for flood sanitation during the fiscal year 1930. It is the plea of these State health officers that the funds to be made available for this work during the fiscal year 1930 be of the same amount as those for the current year. This would require an additional appropriation of $130,000.

Information is requested as to whether an estimate for this purpose might still be in time to receive consideration.

Respectfully,

H. S. CUMMING, *Surgeon General.*

STATE BOARD OF HEALTH OF KENTUCKY,
Louisville, Ky., January 28, 1929.

Dr. W. L. DRAPER,
Assistant Surgeon General,
United States Public Health Service, Washington, D. C.

DEAR DOCTOR DRAPER: I am transmitting to you under separate cover budgets for the cooperative full-time county health departments (flood area) which we are proposing for the fiscal year July 1, 1929, to June 30, 1930. You will note there are two sets of these—one prepared on the basis of budgets operating since the beginning of this work and the other contemplating a cut of 50 per cent by the service and 25 per cent the last six months by the Rockefeller Foundation.

In urging that the service adopt the budget with financial aid, as per previous agreements, I am but fulfilling an obligation not only to the counties in Kentucky that are benefited, but also to the participating outside agencies, including the Public Health Service. This has been an investment in life saving that we can not afford to see cut off or even curtailed until it is possible to make local adjustments sufficient to insure a continuing program. None of the counties involved in the floods of 1927 and 1928 will be in position this year to carry the burden of withdrawals as are contemplated in the second budget.

These flooded counties offer many problems in local financing that merit serious consideration in planning a continuing health program. They had hardly recovered from the shock of the 1927 flood, and certainly were in no sense rehabilitated, when they were visited in June, 1928, with a second flood which approached nearly the same severity in most of the counties, and in some even much worse. Crops were again destroyed, industry in small towns and mining centers hard hit; in fact, from an economic standpoint they were largely back where they were in 1927. The health departments were called upon to assist in caring for the needy, to again launch an antityphoid-fever campaign, and to aid in the general clean-up made necessary from the widespread scattering of débris and filth of all kinds. I am sure you can understand from your vast experience in public-health work that the conditions met with in these succeeding disasters can not be overcome and the health program made self-supporting in the time limit of the present budgets, and that there are too many other factors entering into the counties' obligations to warrant the hope that they could assume any larger support within a year.

The Kentucky Legislature does not meet until January, 1930, at which time it will act upon budget bills for the two fiscal years beginning July 1, 1930. For this reason there is no possibility of increasing the State's contribution to these cooperative units.

In the budgets submitted, calling for a 50 per cent reduction by the Public Health Service, you will find notations at bottom for each county that indicate the problems influencing local financing. The statute limitation for tax levy in support of a full-time health department is one-half mill on each dollar of assessed valuation, and you will note that in more than 50 per cent of the budgets this maximum levy would produce less than the amount charged to the county in the reduced budget. This is a condition that we will have to look to legislation for relief.

In practically every county there has been such reduction in crop output for two years that the people have been strained to the limit to meet their needs; the response to the work of the health departments has grown out of the health officers' and nurses' sympathetic understanding of these conditions and these untiring workers have served the public in many capacities—supplies from the Red Cross and other helpful sources have been distributed under the guidance of the health staff; biologicals for protection against smallpox, typhoid fever, and diphtheria have been secured without cost to the fiscal court or the individuals. These are but illustrations that could be multiplied many times in reciting facts of service rendered to those who could have recourse to no other agency than the health department.

Many of the counties involved are in the coal belt of eastern Kentucky, and here this industry has been hard hit. In many instances the smaller operations have been closed for a year. Perry County, one of the largest producers of soft coal, had two bank failures in 1928, and the adjoining county of Letcher had one failure. In Perry County one bank that failed was the depository for county funds and will involve the credit of the county for years. The health officer lost $500 in this failure. The entire coal belt has suffered from depression, and naturally this reacts upon the fiscal affairs of each county.

Prior to the flood of 1927 practically every county had bonded itself for road building and in these two years suceeding have been forced to draw upon general funds for expenses incidental to road-building programs, such as condemnation suits for right of way, etc. To this already expensive road outlay was added the burden of bridges washed out, miles of road work destroyed, and culverts and drains ruined. Repair work in these instances has been a matter of first emergency and necessarily expensive. It will be years before these counties can recover sufficiently to balance out in their road-construction program.

I have tried to cover the situation affecting the need for further full support of health work in the flooded counties of Kentucky in much detail. We can not afford to see this work retarded now; too much has been accomplished to let it slip back. The future depends upon our assuring the financial support during the succeeding fiscal year 1929 and 1930.

The second (reducing) budget is submitted only to illustrate the practical impossibility of carrying on with the plan involving a larger participation by counties this year.

May I respectfully urge that the service secure the adoption of the budget for continued full support of this sorely needed health program.

Respectfully yours,

P. E. BLACKERBY,
Director Bureau of Public Health Work.

STATE OF LOUISIANA,
DEPARTMENT OF HEALTH,
New Orleans, January 22, 1929.

Dr. W. F. DRAPER,
Assistant Surgeon General,
United States Public Health Service, Washington, D. C.

DEAR DOCTOR DRAPER: From observation and investigation of conditions in the flooded parishes I am thoroughly convinced that they are in a worse financial condition now than they were in the year of the flood. You will recall the flood came in the year 1927, in the spring, and taxes had already been assessed and gathered for the year, largely. Since that time there has been a marked decrease in the parish assets, due to larger assessments. It is clear that this gives each parish less funds than before for its operation.

It is impossible to give details concerning each parish, but we know they can not increase their allotment for unit work in 1929. The parish officials concur in this statement, and they are supported by the figures concerning values and income in the official offices of the various parishes. They need help even more than they did in 1927, and I sincerely trust that there will be no lessening in the assistance given them.

Very sincerely yours, OSCAR DOWLING, *President.*

Doctor Akins will write more in detail.—D.

STATE OF TENNESSEE,
DEPARTMENT OF PUBLIC HEALTH,
Nashville, Tenn., January 21, 1929.

Dr. W. F. DRAPER,
Assistant Surgeon General,
United States Public Health Service, Washington, D. C.

DEAR SIR: I have been requested by Doctor McCormack to transmit to you all possible details supporting the service in a request for deficiency

appropriation in order to bring the item up to last year's Federal contribution in the flood counties.

In the three counties in Tennessee—Dyer, Lake, and Lauderdale, together with central administration—it is almost out of the question to increase local appropriations, in view of the fact that two of the counties are in such circumstances that it would be detrimental to the program to ask for an increase. In Lake, where we have our greatest problem, the county's ability to pay is far less than any other county even under normal conditions, but at present we do not believe it advisable to ask them to increase their appropriation; and unless the Public Health Service keeps up its commitment we are going to suffer. This will be a great drawback.

In Dyer County the appropriation has been slightly increased in order to add another worker. We are not able at present to persuade this county (and it would not be wise to undertake to persuade them) to further increase their appropriation. This has been mentioned to them, and they absolutely will not hear to it. We are making efforts to increase local appropriations in Lauderdale County, but this will not add much to the efficiency of the work except in one way, and that is increase the salaries of the individuals that are now in the unit in order to hold them in their county.

I sincerely trust that you will use all arguments possible to sustain my request that the appropriation be maintained and brought up to last year's commitment.

Please let me know if there is any further information I can give you, as we want to give you all the cooperation possible in supporting an argument to maintain these county health departments. Otherwise, most of the work we have done will be lost.

Very truly yours,

E. L. BISHOP, M. D.,
Commissioner of Public Health.

ARKANSAS STATE BOARD OF HEALTH,
Little Rock, January 17, 1929.

Asst. Surg. Gen. W. F. DRAPER,
United States Public Health Service, Washington, D. C.

MY DEAR DOCTOR DRAPER: I am submitting to you, herewith, information relative to the counties of Arkansas that had been flooded in 1927 and were again flooded in 1928, showing the imperative need of health work and continued Federal appropriations to carry out same.

Before the counties could recover from the tremendous devastation and money loss caused by the flood of 1927, another flood occurred in July, 1928, and many of the counties were hard hit. Out of the original 20 flood counties of 1927, 15 were seriously affected by the flood of 1928 and an additional hardship imposed by these conditions. The crops, which had been planted, were lost and the season being so far advanced, the only crop which could have been planted and offered a satisfactory harvest was corn.

In view of this condition, a request for an appropriation for health work was made and it was felt, by local authorities, that with these hardships already existing in the counties increased appropriations could not be asked for. All of the 20 counties responded and 4 of the counties which were too poverty-stricken to appropriate during 1927 agreed to appropriate $1,500 each for the continuation of this work. Some of the counties that were financially able appropriated a little more than they were asked.

Inclosed report shows the comparative crop acres flooded in 1927 and 1928, and also the appropriations for 1927 and 1928 made by the counties themselves. It can be readily seen that where people are so desirous of the work and where such a great deal has been accomplished it would be disastrous to curtail this work, and in view of the expressions of these counties in favor of the work, every effort should be made by the Government to assist these people in carrying on. It must be considered that these counties have not recovered from the previous losses of the flood of 1927 and also their tax and revenue is far below normal. The total income per capita in Arkansas is the lowest of any State in the Union.

Considering all these facts further, it would seem that Federal aid on the previous basis is amply warranted.

Very truly yours,

C. W. GARRISON,
State Health Officer.

Report of area flooded in full time county health units during 1927 and 1928 and amounts appropriated for health work by these counties during both periods

County	Crop acres flooded, 1927	County appropriation, 1927	Crop acres flooded, 1928	County appropriation, 1928
Arkansas	94,600	$2,500	600	$2,500
Ashley	20,000	2,500	----------	2,500
Chicot [1]	100,000	None.	----------	1,500
Conway	37,900	1,500	3,000	1,500
Crittenden	40,600	3,000	1,400	3,000
Cross	46,400	2,400	2,000	2,400
Desha [1]	78,000	None.	2,500	1,500
Drew [1]	35,000	None.	----------	1,500
Faulkner	38,200	1,350	3,000	1,350

[1] Unable to appropriate any funds during year 1927.

Report of area flooded in full time county health units during 1927 and 1928 and amounts appropriated for health work by these counties during both periods—Continued

County	Crop acres flooded, 1927	County appropriation, 1927	Crop acres flooded, 1928	County appropriation, 1928
Jackson	52,200	$2,500	30,000	$2,500
Little River	28,800	2,500	200	2,500
Mississippi	94,600	3,250	7,000	3,250
Monroe	63,000	2,000	20,000	2,000
Phillips	94,400	3,050	25,000	3,050
Pope	20,000	2,500	3,500	2,500
Saline	10,000	3,000	----------	3,000
Union	20,000	5,000	----------	7,500
White	32,700	2,500	10,000	2,500
Woodruff [1]	47,500	None.	13,000	1,500
Yell	44,600	1,000	4,000	1,000

[1] Unable to appropriate any funds during year 1927.

THE STATE BOARD OF HEALTH OF MISSOURI,
City of Jefferson, January 19, 1929.

Assist. Surg. Gen. W. F. DRAPER,
United States Public Health Service, Washington, D. C.

DEAR DOCTOR DRAPER: I am in receipt of a telegram dated January 15 from Dr. A. T. McCormack, the State health officer of Kentucky, in which he states that information concerning the financial condition and need for Federal aid by the flood counties in this State would be of service to you at this time in substantiating your request for an additional appropriation to maintain full-time county health units under the flood-sanitation program.

Feeling that first-hand information from the counties in the flood area of southeast Missouri now having full-time health units under the flood-sanitation program would be of more benefit to you than anything we could say from this office, I am taking the liberty to transmit herewith copies of letters which were received from the presiding judges of the respective county courts during the fall of 1928, when the question of continuing the health units after 1929 had been brought to their attention.

Respectfully,

JAMES STEWART, M. D.,
State Health Commissioner.

NEW MADRID, MO., *September 21, 1928.*

Dr. E. R. COFFEY,
Director of Rural Sanitation,
State Board of Health, Jefferson City, Mo.

DEAR DOCTOR COFFEY: Your letter of September 19 relative to the financial condition of this county and also the value of the county health unit was received, and I will try my best toward giving you the desired information.

During the year 1927 this country, as you probably know, was flooded, and not only the flood waters but continued rains made it impossible to produce a crop. Again this year, in 1928, during the month of June, which is the most important month in the year for making crops in this country, we had more rainfall than has ever been known in the history of this county; this also caused the river to flood all the lowlands and made a crop there impossible, and the excessive amount of rainfall caused very little to be raised on the highlands. All these conditions caused four bank failures in this county, two of which were county depositories, and as yet the county has not received a penny for their deposits. It is very certain that the county will receive a big loss in one of these institutions if not both. As a result of this our bonds are delinquent and the county is in a very embarrassed condition financially.

As to the county health unit will say that it has been in operation in this county for several years and we know that a great deal of good has been accomplished, and for this reason we have continued this work the best we could under our financial distress, but will say that it will be impossible for this county to take on any more obligations at this time, and we certainly hope that the State board of health will be able to devise some means whereby the good work that has been done in New Madrid County can still continue.

Trusting this information will be of service to you and that you will be able to carry on the good work of the health department, I beg to remain,

Yours very truly,

G. L. TINSLEY,
Presiding Judge of County Court, New Madrid County.

KENNETT, MO., *September 24, 1928.*

Dr. JAMES STEWART,
State Health Commissioner, Jefferson City, Mo.

DEAR DOCTOR STEWART: You are no doubt familiar with the financial situation in Dunklin County. Because of the floods from the St. Francis River, a tributary of the Mississippi, delinquent taxes have gradually mounted, until some of the rural schools in our county have been forced to close for a lack of funds. When land has been sold for taxes, it has in more than one case failed to bring the amount due. It is the general

belief, however, that as soon as the present levee program is completed conditions will improve and the county will perhaps return to normal. About 60,000 acres of land is not being cultivated in Dunklin County this year.

I have mentioned the above facts to let you know the true state of affairs.

We recognize the wonderful work the health unit has done for Dunklin County since it was established, and it is our sincere desire to continue this activity. We are, however, in a quandary as to how Dunklin County will be able to pay her part. The Government has taken over almost all the expense of the farm department for the next 18 months, and that will assist us to continue that activity until the taxes for next year are in. We are wondering if you could not get some assistance from some source to assist us for the health unit during this trying period.

The court wishes to thank the State board of health and you personally for its assistance in the past.

Yours truly,

C. H. ROBARDS,
Presiding Judge County Court of Dunklin County.

BENTON, MO., *September 21, 1928.*

Dr. E. R. COFFEY,
State Board of Health, Jefferson City, Mo.

DEAR DOCTOR COFFEY: If the Scott County health unit is maintained any longer it will be absolutely necessary for us to have Federal and State aid to do it. As you know, we are in one of the overflow counties, and our funds are not sufficient to warrant us in continuing without the aid.

I am highly in favor of continuing the unit, as I believe it has done much good to a class of people who could not be benefited without the unit.

Very truly yours,

J. W. HEEB,
Presiding Judge County Court of Scott County.

CHARLESTON, MO., *September 24, 1928.*

Dr. JAS. R. LEE,
Health Officer, Charleston, Mo.

DEAR DOCTOR LEE: The records of the county reveal the fact that our outstanding debts are in excess of $74,300 and, by January 1, 1929, will reach at least $85,000.

While provisions have been made whereby our obligations will be decreased by more than 50 per cent in January, when the current year's taxes become available, we have no assurance that said provisions, heretofore made, will be carried out due to the fact that possibly 25 per cent or more of this year's taxes will become and remain delinquent after January 1 owing to various causes, among which are: The proposed spillway which will render practically useless for taxable purposes approximately 160,000 acres in this county and the shortage of crops occasioned by the excessive rainfall of last June.

The service rendered by our health unit, under your supervision, is beyond estimation. Prior to and since its organization, the health unit has had the writer's hearty approval and, as presiding judge of, and speaking for, the county court, it would be a source of great satisfaction to see the health unit continue to "carry on" in this county. However, I feel as though it will require an able "board of strategy" to devise ways and means to provide the necessary funds therefor.

The amount required for the running expenses of the county is more than $30,000, the expense of patients in State institutions calls for more than $10,000 in addition thereto. With this burden of expense, together with the possibility of our revenue being curtailed to the extent of 40 per cent or more.

The above facts are stated in writing for the purpose of conveying reasons why the county will be unable to assume additional responsibilities, notwithstanding the fact that it is our desire to take advantage of the cooperation and assistance offered by the United States Public Health Service and other agencies.

Yours truly,

S. P. LUEBE,
Presiding Judge County Court of Mississippi County.

CARUTHERSVILLE, MO., *September 25, 1928.*

Dr. JAMES STEWART,
State Health Commissioner, Jefferson City, Mo.

DEAR DOCTOR STEWART: Pemiscot County is purely an agricultural community, and as such has been subject to the general depression that has been existing among the farmers for the past six or seven years. This depression was made much more acute through 1927 and 1928 because of the Mississippi floods, which reduced the area and total production of crops in 1927 to approximately 50 per cent of the normal yearly production. The outlook for 1928 is better but will still be considerably short of normal. The 1928 growing season has been wet and unfavorable, and it will take at least two normal years to restore the county to a sound financial footing. Pemiscot County is heavily burdened with bonded indebtedness for construction of levees and drainage ditches. There is much delinquent tax; in fact, the county court is finding it extremely difficult to maintain programs already started, and unless conditions improve some of them may have to be abandoned.

Throughout the 1927 flood period the county health unit, under the direction of Dr. W. S. Petty, rendered invaluable service. After the flood had receded it handled the immunization of the people in flooded areas and disease prevention so competently that there was no epidemic of any sort developed. While the malaria problem is a continuous one, there has been a very marked reduction upon the completion of drainage several years ago, but immediately following the flood we have experienced a very great increase for the past two years, and Doctor Petty is now devoting considerable time to malaria-control measures. The county court is more than well pleased with the work that the health unit is doing. It appreciates the help and the cooperation that the Missouri State Board of Health, the United States Public Health Service, and the International Health Board are giving to Pemiscot County. It hopes that in time to come it can take over more of the cost of maintaining the county health unit. It would be extremely loath to lose the service of the county unit, but at this time it would be absolutely impossible for the court to increase the local appropriation therefor.

T. R. COLE,
Presiding Judge Pemiscot County Court.

STATE OF ILLINOIS DEPARTMENT OF PUBLIC HEALTH,
Springfield, January 31, 1929.

WARREN F. DRAPER, M. D.,
Assistant Surgeon General, United States Public Health Service, Washington, D. C.

DEAR DOCTOR DRAPER: In compliance with your request, we hereby inclose a copy of a statement of the Pulaski County (Ill.) health unit, number of personnel, and annual appropriations, indicating cooperating agencies, which has been forwarded by Dr. R. M. Hathaway, health officer of said unit, address, Mound City, Ill.

Very truly yours,

ISAAC D. RAWLINGS, M. D.,
Director of Public Health.

Full-time county health work in operation December 31, 1928, State of Illinois

Name of county	Director		Date operations began	Number in personnel												Annual appropriations							
				Full time						Part time						Total budget	Appropriated by cooperating agencies						
	Name	Professional degree		Medical officers	Nonmedical officers	Inspectors	Nurses	Clerks	Others	Medical officers	Nonmedical officers	Inspectors	Nurses	Clerks	Others		County	State	U. S. Public Health Service	Illinois Health Bureau	Red Cross	Towns	Other agencies
Pulaski	R. M. Hathaway.	M. D.	Feb. 20, 1928	1	----	1	1	----	----	----	----	----	----	----	----	$9,300	$2,500	$1,800	$3,000	$2,000	-------	-------	-------

STATE BOARD OF HEALTH OF KENTUCKY,
Louisville, Ky., January 16, 1929.

Dr. W. F. DRAPER,
United States Public Health Service, Washington, D. C.

DEAR DOCTOR DRAPER: For your information, I am inclosing copies of letters to Senator SACKETT, Mr. THATCHER and wires to each of the health officers in the United States about the Ransdell bill.

If I can be of any further service, command me.

Sincerely yours,

A. T. MCCORMACK, *Secretary.*

JANUARY 16, 1929.

Hon. F. M. SACKETT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am inclosing copies of letter going to all of the State health officers to-day and I hope telegrams to their Senators will help the Ransdell bill.

I am also sending you the correspondence in regard to the Lincoln Memorial, with a covering letter that I hope will help.

In accordance with your suggestion, I had a very pleasant conversation with Mr. Mills. He said it would be necessary for the Surgeon

General to originate a new Budget request for the second deficiency bill. He said it would have pretty hard sledding, he was afraid, as he doubted if the Budget Bureau would accept it. I told him you wanted to talk with him a little later about it and that I would write you to-morrow, refreshing your mind as to the details. I found him perfectly fair and open-minded and believe we will have his approval. I saw Doctor Draper and I am getting the data he needs for his Budget request.

I think it would be well for you to telephone and ask Doctors Draper and Stimson to come over to your office and show them the Dick letter and clipping. They would be able to give you the best possible answer to it. I am also taking other steps to see if I can stop the opposition. I am going to let you hear from me as soon as I find that anything has been accomplished.

Sincerely, A. T. MCCORMACK, *Secretary.*

JANUARY 15, 1929.

Hon. M. H. THATCHER,

Member of Congress, Washington, D. C.

DEAR MR. THATCHER: Just before leaving on Monday I dropped in to see Mr. SACKETT. He had had information that led him to think the special session would be restricted to the consideration of farm relief and tariff measures and that there would be no appropriation bill. He, therefore, suggested that I see Mr. Mills before I left and arranged for me to have a conference with him. I was sorry that I could not catch you before the train left to tell you the details of the conversation, but I am sure that you will be interested in knowing that he smilingly said it would not make much difference what he did; that that Kentucky delegation, led by you, would probably secure the appropriation as they had done in other instances that had not exactly met with the Treasury's approval. He mentioned the hospital, road, bridge and coal appropriations, as well as the $130,000 health item. Before we had finished, he said it would be necessary for the Surgeon General to make a request, and he rather indicated that he would support it when it came to him for his approval, although he did not say this definitely.

I am wiring the other health officers in the Mississippi flood area, asking them to supply Doctor Draper with the necessary data immediately. Mr. Mills was doubtful as to whether or not it would receive the approval of the Budget Bureau even if he approved it. If it becomes necessary, however, I feel confident that you, Mr. ROBSION, and Mrs. LANGLEY can secure a nod from the President in favor of the appropriation, which would overcome that difficulty. I am going to try to prepare a memorandum to-morrow, which I will send you and Mr. SACKETT so you will have the facts in hand.

I assume that you have heard of the sad death of Governor Sampson's daughter last Saturday night. Mrs. McCormack joins me in warm personal regards to you and Mrs. THATCHER.

Your friend,

A. T. MCCORMACK, *Secretary.*

JANUARY 15, 1929.

Dr. E. L. BISHOP,

State Health Officer, Nashville, Tenn.

Just returned from Washington. Send Draper all possible details supporting service in request for deficiency appropriation to bring this item up to last year's Federal contribution. Give details of flood damage each county 1928 where possible and explain county unable to increase its contribution where this is true. Important that he get this as soon as possible. A. T. MCCORMACK.

(Also to Dr. F. J. Underwood, Jackson, Miss.; Dr. James Steward, Jefferson City, Mo.; Dr. Charles W. Garrison, Little Rock, Ark.; Dr. Oscar Dowling, President States Board of Health, New Orleans, La.)

Kentucky budget for county health work (flood counties), 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on same basis as heretofore

Description	Allotments	County	For county: U. S. Public Health Service	For county: Rockefeller Foundation	State	U. S. Public Health Service	Rockefeller Foundation	Other agencies
CENTRAL ADMINISTRATION								
First assistant director, salary	$4,000.00					$3,000.00	$1,000.00	
Second assistant director, salary	4,000.00					3,000.00	1,000.00	
Clerk, salary	1,000.00						1,000.00	
Travel, first assistant director	1,500.00						1,500.00	
Travel, second assistant director	1,500.00						1,500.00	
Special inspector, salary (supplemental)	1,800.00					1,650.00	150.00	
Special inspector, travel	1,500.00						1,500.00	
Total	15,300.00					7,650.00	7,650.00	
PERRY COUNTY								
Salary, health officer	3,000.00		$3,000.00					
Salary, sanitary inspector	1,200.00					1,200.00		
Salary, public-health nurse	1,800.00		1,000.00			50.00	750.00	
Do	1,500.00	$1,000.00					500.00	
Travel, health officer	900.00				$900.00			
Travel, sanitary inspector	400.00				400.00			
Travel, public-health nurse	800.00				800.00			
Contingent expenses	1,400.00	1,000.00			400.00			
Total	11,000.00	2,000.00	4,000.00		2,500.00	1,250.00	1,250.00	
LETCHER COUNTY								
Salary, health officer	3,000.00		2,000.00		500.00	500.00		
Salary, sanitary inspector	1,200.00					750.00	450.00	
Salary, public-health nurse	1,800.00				1,800.00			
Do	1,500.00	1,500.00						
Travel, health officer	900.00	500.00			200.00		200.00	
Travel, sanitary inspector	400.00						400.00	
Travel, public-health nurse	800.00	600.00					200.00	
Contingent expenses	1,400.00	1,400.00						
Total	11,000.00	4,000.00	2,000.00		2,500.00	1,250.00	1,250.00	
FLOYD COUNTY								
Salary, health officer	3,000.00		2,500.00		450.00	50.00		
Salary, sanitary inspector	1,200.00					1,200.00		
Salary, public-health nurse	1,800.00				1,650.00		150.00	
Do	1,500.00	1,500.00						
Travel, health officer	900.00						900.00	
Travel, sanitary inspector	400.00				400.00			
Travel, public-health nurses	800.00	600.00					200.00	
Contingent expenses	1,400.00	1,400.00						
Total	11,000.00	3,500.00	2,500.00		2,500.00	1,250.00	1,250.00	
BALLARD COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	1,200.00						
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00				1,050.00		750.00	
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	

Kentucky budget for county health work (flood counties), 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on same basis as heretofore—Continued

Description	Allotments	County	For county		State	U. S. Public Health Service	Rockefeller Foundation	Other agencies
			U. S. Public Health Service	Rockefeller Foundation				
CARLISLE COUNTY								
Salary, health officer	$3,000.00		$2,000.00		$250.00	$750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	$450.00					$750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	750.00			1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	
HICKMAN COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00		750.00	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00						$750.00
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	750.00			1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00		750.00	750.00
TRIGG COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00					750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	250.00		$500.00	1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent fund	400.00	400.00						
Total	8,000.00	1,500.00	2,000.00	500.00	2,500.00	750.00	750.00	
OHIO COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00					750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	750.00			1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	
WEBSTER COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00					750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	750.00			1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	
M'LEAN COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00					750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	250.00		500.00	1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	1,500.00	2,000.00	500.00	2,500.00	750.00	750.00	
CARTER COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00					750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public health nurse	1,800.00	750.00			1,050.00			
Travel, public health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	
BREATHITT COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00					750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	750.00			1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	
MONROE COUNTY								
Salary, health officer	3,000.00		2,000.00		250.00	750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	450.00					750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	750.00			1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	

Kentucky budget for county health work (flood counties), 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on same basis as heretofore—Continued

Description	Allotments	County	For county		State	U. S. Public Health Service	Rockefeller Foundation	Other agencies
			U. S. Public Health Service	Rockefeller Foundation				
ESTILL COUNTY								
Salary, health officer	$3,000.00		$2,000.00		$250.00	$750.00		
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00	$450.00					$750.00	
Travel, sanitary inspector	300.00				300.00			
Salary, public-health nurse	1,800.00	750.00			1,050.00			
Travel, public-health nurse	400.00	400.00						
Contingent and supplies	400.00	400.00						
Total	8,000.00	2,000.00	2,000.00		2,500.00	750.00	750.00	
MORGAN-ELLIOTT COUNTY								
Salary, health officer	3,000.00		1,500.00	$500.00	750.00	250.00		
Travel, health officer	900.00				900.00			
Salary, Morgan County public-health nurse	1,500.00	400.00			850.00		250.00	
Travel, Morgan County public-health nurse	300.00	300.00						
Contingent, Morgan County	300.00	300.00						
Salary, Elliott County public-health nurse	1,800.00		750.00		1,050.00			
Travel, Elliott County public-health nurse	600.00				600.00			
Supplemental travel, health officer for Elliott County	240.00				240.00			
Contingent, Elliott County	610.00				610.00			
Total	9,250.00	1,000.00	2,250.00	500.00	5,000.00	250.00	250.00	
MENIFEE COUNTY								
Salary, health officer	3,000.00		1,500.00		1,250.00	250.00		
Travel, health officer	900.00				900.00			
Salary, public-health nurse	1,500.00	900.00			350.00		250.00	
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	1,500.00	1,500.00		2,500.00	250.00	250.00	
LAWRENCE COUNTY								
Salary, health officer	3,000.00		1,500.00		1,250.00	250.00		
Travel, health officer	900.00				900.00			
Salary, public health-nurse	1,500.00	900.00			350.00		250.00	
Travel, public health-nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	1,500.00	1,500.00		2,500.00	250.00	250.00	
MAGOFFIN COUNTY								
Salary, health officer	3,000.00		1,500.00		1,250.00	250.00		
Travel, health officer	900.00				900.00			
Salary, public-health nurse	1,500.00	900.00			350.00		250.00	
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	1,500.00	1,500.00		2,500.00	250.00	250.00	
WOLFE COUNTY								
Salary, health officer	3,000.00		1,500.00		1,250.00	250.00		
Travel, health officer	900.00				900.00			
Salary, public-health nurse	1,500.00	900.00			350.00		250.00	
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	1,500.00	1,500.00		2,500.00	250.00	250.00	
LEE COUNTY								
Salary, health officer	3,000.00		1,500.00		1,250.00	250.00		
Travel, health officer	900.00				900.00			
Salary, public-health nurse	1,500.00	900.00			350.00		250.00	
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	1,500.00	1,500.00		2,500.00	250.00	250.00	
LESLIE COUNTY								
Health officer:								
Salary	3,000.00		1,500.00		1,250.00	250.00		
Travel	900.00				900.00			
Public-health nurse:								
Salary	1,500.00	900.00			350.00		250.00	
Travel	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	1,500.00	1,500.00		2,500.00	250.00	250.00	
OWSLEY COUNTY								
Health officer:								
Salary	3,000.00		750.00		2,250.00			
Travel	900.00	650.00			250.00			
Contingent	100.00	100.00						
Total	4,000.00	750.00	750.00		2,500.00			
MARTIN COUNTY								
Health officer:								
Salary	3,000.00		750.00		2,250.00			
Travel	900.00	650.00			250.00			
Contingent	100.00	100.00						
Total	4,000.00	750.00	750.00		2,500.00			
HOPKINS COUNTY								
Salary, health officer	3,000.00	160.00			2,500.00	300.00		$40.00
Salary, sanitary inspector	1,200.00					1,200.00		
Salary, public-health nurse	1,800.00	640.00				1,000.00		160.00
Do	1,500.00	1,200.00						300.00
Travel, health officer	480.00	384.00						96.00
Travel, sanitary inspector	300.00	240.00						60.00
Travel, public-health nurses	600.00	480.00						120.00
Contingent expenses	1,120.00	896.00						224.00
Total	10,000.00	4,000.00			2,500.00	2,500.00		1,000.00

Budgets for county health work (flood counties) 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months

Description	Allotments	County	For county		State	U. S. Public Health Service	Rockefeller Foundation	Other agencies
			U. S. Public Health Service	Rockefeller Foundation				
CENTRAL ADMINISTRATION								
First assistant director, salary	$4,000.00					$3,000.00	$1,000.00	
Second assistant director, salary	4,000.00					3,000.00	1,000.00	
Clerk, salary	1,000.00						1,000.00	
Travel, first assistant director	1,500.00						1,500.00	
Travel, second assistant director	1,500.00						1,500.00	
Special inspector, salary (supplemental)	1,800.00					1,650.00	150.00	
Special inspector, travel	1,500.00						1,500.00	
Total	15,300.00					7,650.00	7,650.00	
PERRY COUNTY [1]								
Salary, health officer	3,000.00		$2,000.00			625.00	375.00	
Salary, sanitary inspector	1,200.00				$1,200.00			
Salary, public-health nurse	1,800.00	$1,800.00						
Do	1,500.00	1,500.00						
Travel, health officer	900.00				181.25		718.75	
Travel, sanitary inspector	400.00				400.00			
Travel, public-health nurses (each $400)	800.00	800.00						
Contingent expenses	1,400.00	681.75			718.75			
Total	11,000.00	4,781.75	2,000.00		2,500.00	625.00	1,093.75	
LETCHER COUNTY [2]								
Salary, health officer	3,000.00	281.25	1,000.00			625.00	1,093.75	
Salary, sanitary inspector	1,200.00				1,200.00			
Salary, public-health nurse	1,800.00	1,800.00						
Do	1,500.00	1,500.00						
Travel, health officer	900.00				900.00			
Travel, sanitary inspector	400.00				400.00			
Travel, public-health nurses (each $400)	800.00	800.00						
Contingent fund	1,400.00	1,400.00						
Total	11,000.00	5,781.25	1,000.00		2,500.00	625.00	1,093.75	
FLOYD COUNTY [3]								
Salary, health officer	3,000.00	31.25	1,250.00			625.00	1,093.75	
Salary, sanitary inspector	1,200.00				1,200.00			
Salary, public-health nurse	1,800.00	1,800.00						
Do	1,500.00	1,500.00						
Travel, health officer	900.00				900.00			
Travel, sanitary inspector	400.00				400.00			
Travel, public-health nurses (each, $400)	800.00	800.00						
Contingent expenses	1,400.00	1,400.00						
Total	11,000.00	5,531.25	1,250.00		2,500.00	625.00	1,093.75	
BALLARD COUNTY [4]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
CARLISLE COUNTY [5]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
HICKMAN COUNTY [6]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
TRIGG COUNTY [7]								
Salary, health officer	3,000.00	531.25	1,000.00	$437.50		375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,031.25	1,000.00	437.50	2,500.00	375.00	656.25	

[1] Assessed valuation $13,500,000; one-half mill, $6,750; 2 bank failures in 1928. Coal industry hard hit. Large road-bond issue.
[2] Assessed valuation, $9,250,000; one-half mill, $6,150; 1 bank failure in 1928; heavy road-bond indebtedness; coal industry hard hit; total expenditures exceeded revenue 1928.
[3] Assessed valuation, $9,250,000; one-half mill tax, $4,625; allowable tax rate utilized to limit. County heavily bonded. Coal industry hard hit.
[4] Assessed valuation, $8,300,000; one-half mill tax, $4,150; exceed revenues. Heavy road-bond issue. Tax rate fully utilized. Five years' expenditures.
[5] Assessed valuation, $5,100,000; one-half mill tax, $2,550. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[6] Assessed valuation, $6,200,000; one-half mill tax, $3,600. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[7] Assessed valuation, $4,800,000; one-half mill tax, $2,400. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.

Budgets for county health work (flood counties) one year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months—Continued

Description	Allotments	County	For county: U. S. Public Health Service	For county: Rockefeller Foundation	State	U. S. Public Health Service	Rockefeller Foundation	Other agencies
OHIO COUNTY [8]								
Salary, health officer	$3,000.00	$968.75	$1,000.00			$375.00	$656.25	
Travel, health officer	900.00				$900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
WEBSTER COUNTY [9]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, health officer	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
M'LEAN COUNTY [10]								
Salary, health officer	3,000.00	531.25	1,000.00	$437.50		375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,031.25	1,000.00	437.50	2,500.00	375.00	656.25	
CARTER COUNTY [11]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
BREATHITT COUNTY [12]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
MONROE COUNTY [13]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
ESTILL COUNTY [14]								
Salary, health officer	3,000.00	968.75	1,000.00			375.00	656.25	
Travel, health officer	900.00				900.00			
Salary, sanitary inspector	1,200.00				1,200.00			
Travel, sanitary inspector	300.00	300.00						
Salary, public-health nurse	1,800.00	1,800.00						
Travel, public-health nurse	400.00				400.00			
Contingent and supplies	400.00	400.00						
Total	8,000.00	3,468.75	1,000.00		2,500.00	375.00	656.25	
MORGAN-ELLIOTT COUNTIES								
Salary, health officer	3,000.00	1,093.75	1,125.00	437.50		125.00	218.75	
Travel, health officer	900.00				900.00			
Salary, Morgan County public-health nurse	1,500.00				1,500.00			
Travel, Morgan County public-health nurse	300.00	200.00			100.00			
Contingent, Morgan County	300.00	300.00						
Salary, Elliott County public-health nurse	1,800.00				1,800.00			
Travel, Elliott County public-health nurse	600.00				600.00			
Supplemental travel, health officer for Elliott County	240.00	140.00			100.00			
Contingent, Elliott County	610.00	610.00						
Total	9,250.00	2,343.75	1,125.00	437.50	5,000.00	125.00	218.75	

[8] Assessed valuation, $11,000,000; one-half mill tax, $5,500. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[9] Assessed valuation, $9,700,000; one-half mill tax, $4,850. Allowable tax rate utilized to limit. Coal industry hard hit. Heavy road-bond indebtedness.
[10] Assessed valuation, $7,000,000; one-half mill tax, $3,500. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. Two successive floods; worst in history.
[11] Assessed valuation, $5,500,000; one-half mill tax, $2,750. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. Expenditures exceeded revenue last 5 years, necessitating refunding bonds.
[12] Assessed valuation, $3,800,000; one-half mill tax, $1,900. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. Coal industry hard hit.
[13] Assessed valuation, $3,800,000; one-half mill tax, $1,900. Allowable tax rate utilized to limit. Heavy road-bond indebtedness. County in pauper list.
[14] Assessed valuation, $5,000,000; one-half mill tax, $2,500. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.

Budgets for county health work (flood counties) 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months—Continued

Description	Allotments	County	For county		State	U. S. Public Health Service	Rockefeller Foundation	Other agencies
			U. S. Public Health Service	Rockefeller Foundation				
MENIFEE COUNTY [15]								
Salary, health officer	$3,000.00		$750.00		$1,906.25	$125.00	$218.75	
Travel, health officer	900.00	$306.25			593.75			
Salary, public-health nurse	1,500.00	1,500.00						
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	2,406.25	750.00		2,500.00	125.00	218.75	
LAWRENCE COUNTY [16]								
Salary, health officer	3,000.00		750.00		1,906.25	125.00	218.75	
Travel, health officer	900.00	306.25			593.75			
Salary, public-health nurse	1,500.00	1,500.00						
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	2,406.25	750.00		2,500.00	125.00	218.75	
MAGOFFIN COUNTY [17]								
Salary, health officer	3,000.00		750.00		1,906.25	125.00	218.75	
Travel, health officer	900.00	306.25			593.75			
Salary, public-health nurse	1,500.00	1,500.00						
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	2,406.25	750.00		2,500.00	125.00	218.75	
WOLFE COUNTY [18]								
Salary, health officer	3,000.00		750.00		1,906.25	125.00	218.75	
Travel, health officer	900.00	306.25			593.75			
Salary, public-health nurse	1,500.00	1,500.00						
Travel, public-health nurse	300.00	300.00						
Contingent	300.00	300.00						
Total	6,000.00	2,406.25	750.00		2,500.00	125.00	218.75	
LEE COUNTY [19]								
Salary, health officer	3,000.00		750.00		1,906.25	125.00	218.75	
Travel, health officer	900.00	306.25			593.75			
Salary, public-health nurse	1,500.00	1,500.00						
Travel, public-health nurse	300.00	300.00						
Contingent fund	300.00	300.00						
Total	6,000.00	2,406.25	750.00		2,500.00	125.00	218.75	
LESLIE COUNTY [20]								
Salary, health officer	3,000.00		750.00		1,906.25	125.00	218.75	
Travel, health officer	900.00	306.25			593.75			
Salary, public-health nurse	1,500.00	1,500.00						
Travel, public-health nurse	300.00	300.00						
Contingent fund	300.00	300.00						
Total	6,000.00	2,406.25	750.00		2,500.00	125.00	218.75	
OWSLEY COUNTY [21]								
Salary, health officer	3,000.00	125.00	375.00		2,500.00			
Travel, health officer	900.00	900.00						
Contingent fund	100.00	100.00						
Total	4,000.00	1,125.00	375.00		2,500.00			
MARTIN COUNTY [22]								
Salary, health officer	3,000.00	125.00	375.00		2,500.00			
Travel, health officer	900.00	900.00						
Contingent fund	100.00	100.00						
Total	4,000.00	1,125.00	375.00		2,500.00			
HOPKINS COUNTY [23]								
Salary, health officer	3,000.00				1,750.00	1,250.00		
Salary, sanitary inspector	1,200.00	450.00			750.00			
Salary, public-health nurse	1,800.00	800.00						$1,000.00
Do	1,500.00	1,500.00						
Travel, health officer	480.00	480.00						
Travel, sanitary inspector	300.00	300.00						
Travel, public-health nurses (each $300)	600.00	600.00						
Contingent expenses	1,120.00	1,120.00						
Total	10,000.00	5,250.00			2,500.00	1,250.00		1,000.00

[15] Assessed valuation, $1,500,000; one-half mill tax, $750. Listed as pauper county.
[16] Assessed valuation, $5,800,000; one-half mill tax, $2,900. Allowable tax rate utilized to limit. Heavy road-bond indebtedness.
[17] Assessed valuation, $3,500,000; one-half mill tax, $1,750. Listed as pauper county.
[18] Assessed valuation, $2,300,000; one-half mill tax, $1,150. Listed as pauper county.
[19] Assessed valuation, $4,000,000; one-half mill tax, $2,000. Listed as pauper county.
[20] Assessed valuation, $4,000,000; one-half mill tax, $2,000. Listed as pauper county.
[21] Assessed valuation, $1,600,000; one-half mill tax, $800. Listed as pauper county.
[22] Assessed valuation, $2,800,000; one-half-mill tax, $1,400. Listed as pauper county. Coal industry paralyzed.
[23] Assessed valuation, $14,700,000; one-half mill tax, $7,350; allowable tax rate utilized to limit. Heavy road-bond indebtedness. Coal industry hard hit.

Budgets for county health work (flood counties) 1 year, July 1, 1929, to June 30, 1930, providing for United States Public Health Service and International Health Board participation on basis of 50 per cent United States Public Health Service of old budget, and 25 per cent reduction by International Health Board during last 6 months—Continued

Description	Allotments	County	For county		State	U. S. Public Health Service	Rockefeller Foundation	Other agencies
			U. S. Public Health Service	Rockefeller Foundation				
BELL COUNTY [24]								
Salary, health officer	$3,000.00				$2,000.00	$1,000.00		
Salary, public health nurse	1,800.00	$1,300.00			500.00			
Do	1,800.00	1,800.00						
Do	1,500.00	1,500.00						
Salary, sanitary inspector	1,200.00	1,200.00						
Travel, health officer	900.00	900.00						
Travel, sanitary inspector	400.00	400.00						
Travel, public-health nurses (each, $33.33)	1,200.00	1,200.00						
Contingent fund	700.00	700.00						
Total	12,500.00	9,000.00			2,500.00	1,000.00		

[24] Assessed valuation, $13,000,000; one-half mill tax, $6,500; total tax rate utilized. Heavily bonded for roads. Coal industry hard hit.

ROME, *December 27, 1928.*

The honorable the SECRETARY OF STATE,
Washington.

SIR: I have the honor to transmit herewith copies and a translation of the prospectus of the Superior School for the Study of Malaria (Scuola Superiore di Malariologia) in regard to the courses of instruction to be conducted in the school during the ensuing year. These courses are open to both Italians and foreigners upon the payment of the tuition fee. Prof. V. Ascoli, director of the Superior School for the Study of Malaria, has requested that this information be brought to the attention of such American institutions as may be interested.

I am informed by Dr. L. W. Hackett, local representative of the Rockefeller Foundation, that the Superior School for the Study of Malaria (Scuola Superiore di Malariologia) has been organized by the Italian Government and that it is being commendably conducted.

In this connection I am advised by Doctor Hackett that the International Malaria Institute, referred to in the ambassador's confidential dispatch No. 1308 of June 18, 1927, which was inaugurated on June 16, 1927, has had no further meetings and, as far as Doctor Hackett has been able to discover, no longer exists. Professor Ascoli, who was to have been a director of the International Institute, is now in charge of the new Superior School for the Study of Malaria (Scuola Superiore di Malariologia).

I have the honor to be, sir,
Your obedient servant,

ALEXANDER KIRK,
Chargé d'Affaires ad interim.

(Inclosures: Copy prospectus and translation of same.)

(Translation)

SUPERIOR SCHOOL FOR THE STUDY OF MALARIA

The Superior School for the Study of Malaria, which was established by His Excellency Mussolini in 1927, is a scientific and educational organization and forms a part of the vast program of the national government for the hygienic and social redemption of malarial lands.

The object of the school is to prepare experts for the drainage and care of the soil and for the battle against malaria.

In 1929 the Superior School for the Study of Malaria will initiate its third year of instruction. This school has a medical section for doctors and those preparing to be doctors in medicine, and a technical-economic section for engineers and those preparing to be engineers, and for doctors and those preparing to be doctors in agriculture.

The instruction, which is given by our most noted students of malaria and by expert technicians in hydraulics and agriculture, comprises theoretical and practical lessons, clinic, and laboratory practice, tours of instruction in marshlands and to the large and small drainage-improvement works.

Both Italians and foreigners may attend the courses. The tuition is lire 300 for each student.

The courses in the technical-economic section will open April 1 and continue until May 30, 1929.

The courses in the medical section will open July 1 and continue until September 30, 1929.

Students who complete the courses may request a certificate of attendance and obtain a diploma if they successfully pass the examinations.

Four scholarships have been provided for postgraduate study of lire 5,000 each, to be assigned to two students in the medical section and to two students in the technical-economic section who attend the courses of the school.

For programs and entrance conditions apply to the secretary of the school, R. Clinica Medica, Policlinico Umberto I, Rome.

V. ASCOLI, *Director.*

SCUOLA SUPERIORE DI MALARIOLOGIA,
Roma, 25 novembre 1928.

La Scuola Superiore di Malariologia, instituita da S. E. Mussolini nel 1927 anno V, è un organismo didattico e scientifico che viene a inserirsi nella vasta opera del Governo Nazionale per la redenzione igienica e sociale delle terre malariche.

La scuola ha l'alta missione di preparare militi esperti nelle opere di bonifica del suolo e nella lotta contro l'endemia malarica.

La Scuola Italiana di Malariologia inizia nel 1929 il III Anno di insegnamento. Essa comprende una sezione medica per laureati e laureandi in medicina e una tecnico-economica per ingegneri e laureandi in ingegneria e dottori e laureandi in agraria.

L'insegnamento impartito dai nostri più insigni studiosi di malaria e da valorosi tecnici di idraulica ed agraria, comprenderà lezioni teorico-pratiche, esercitazioni cliniche e di laboratorio, gite di istruzione in zone palustri e in località di grande e di piccola bonifica.

Potranno frequentare i corsi, cittadini italiani e stranieri: la tassa d'iscrizione è di L. 300 perogni allievo.

I corsi della sezione tecnico-economica avranno inizio il 1° aprile e si chiuderanno il 30 maggio 1929.

I corsi della sezione medica avranno inizio il 1° luglio e si chiuderanno il 30 settembre 1929.

Gli allievi, ultimati i corsi, potranno richiedere il certificato di frequenza ed ottenere il diploma se giudicati idonei nelle prove d'esame.

Sono istituite N. 4 borse di studio per un periodo di perfezionamento di L. 5,000 ciascuna da assegnarsi a due allievi della sezione medica e a due allievi della sezione tecnico-economica che abbiano frequentati i corsi della scuola.

Per i programmi e per le norme d'iscrizione rivolgersi alla segreteria della scuola, R. Clinica Medica, Policlinico Umberto I, Roma.

V. ASCOLI,
Il Direttore.

Mr. TRAMMELL obtained the floor.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. REED of Pennsylvania. Did not the Chair announce that he intended to adhere to the rotation established in the unanimous-consent agreement?

Mr. TRAMMELL. That is what he is doing.

The PRESIDING OFFICER. The Chair announced the rotation which he had had prepared from the RECORD of last night. The Senator from Florida is next in order under the unanimous-consent agreement.

Mr. TRAMMELL. That is all I am asking, to be recognized in the rotation specified by the unanimous-consent agreement. I desire to offer the following amendment.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 108, after line 5, insert:

Bayboro Harbor, St. Petersburg, Fla.: The amount of approximately $17,000 which was heretofore allocated by the Secretary of War and the Chief of Engineers for the purpose of the completion of a jetty along the south side of Bayboro Harbor, St. Petersburg, Fla., be and the same is hereby transferred and made available, and shall be used for the purpose of dredging a channel 16 feet deep and approximately 200 feet wide described as follows:

"Extending on the easterly side of Point Pinellas lighted beacon in a direction approximately 328° true, the westerly boundary of the channel to be dredged as close to the said beacon as practicable."

Mr. TRAMMELL. Mr. President, this has been approved by the War Department and I desire to have inserted in the RECORD a letter from the Secretary of War relating to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WAR DEPARTMENT,
Washington, February 21, 1929.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have the honor to acknowledge receipt of your letter of the 23d ultimo, inclosing copy of bill S. J. Res. 52—

"Providing for the transfer of certain funds for the purpose of certain channel improvement at St. Petersburg, Fla."—

and requesting that the Committee on Commerce be furnished such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply permit me to state that the bill has been examined by the Chief of Engineers, who advises me that he will interpose no objection to passage of such a bill. He does, however, suggest that in the interests of clarity, the description contained in lines 10 to 16 of the bill be revised as indicated thereon in red ink.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

Mr. WARREN. I have looked the matter up to some extent. It is subject to a point of order; but, on the other hand, it is not an expenditure of new money. It is simply a transfer from one purpose that is not now necessary to another purpose that is strongly advocated by the War Department. Therefore I will not make the point of order.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Florida [Mr. TRAMMELL].

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I send to the desk the following amendment which I now offer.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 62, after line 9, insert the following:

ALTERATIONS TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved February 25, 1929, $12,000,000, to be available until expended.

Mr. WARREN. Mr. President, when two battleships are brought to bear upon me at once, I suppose I have to surrender. I will make no objection to the inclusion of the amendment in the bill.

Mr. KING. Mr. President, is it not subject to a point of order?

Mr. REED of Pennsylvania. No; it is not, because it is authorized by the general law which was signed by the President on February 25 of this year, and therefore it is strictly within paragraph 1 of the rule relating to appropriation bills.

Mr. KING. Why was not the matter cared for in the naval appropriation bill?

Mr. REED of Pennsylvania. It could not be done because the bill had not been signed by the President in time. It was not signed until February 25.

Mr. KING. The point I have in mind is this: Why did not the Appropriations Committee of the House dealing with naval affairs look after the item if it be a worthy one?

Mr. REED of Pennsylvania. They could not do that because the bill authorizing the reconditioning did not pass and reach the President for signature until the 25th of the present month.

Mr. KING. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Virginia [Mr. SWANSON] is recognized next under the unanimous-consent agreement.

Mr. SWANSON. Mr. President, I simply desired to speak on behalf of the amendment which has just been adopted. It having been adopted there is nothing for me to say.

The PRESIDING OFFICER. The Senator from Iowa [Mr. BROOKHART] is recognized next.

Mr. FLETCHER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER The Senator from Florida will state the inquiry.

Mr. FLETCHER. I have two amendments which have been presented and printed and are lying on the table. I am not sure under the unanimous-consent agreement whether they ought to be offered now before the time expires for taking a vote on amendments. If I have to offer them before that time, I should like to do so now.

The PRESIDING OFFICER. Without objection, and by consent of the Senator from Iowa, the Senator from Florida may offer the amendments now.

Mr. FLETCHER. I offer them in order that they may be pending and voted on at a later time. I am not going to discuss the amendments anyhow to amount to anything. If the Senator from Iowa will allow me to do so, I would like to have them disposed of now.

The PRESIDING OFFICER. Does the Senator from Iowa yield for that purpose?

Mr. BROOKHART. I yield.

The PRESIDING OFFICER. The first amendment of the Senator from Florida will be stated.

The CHIEF CLERK. On page 77, line 21, strike out "$425,000" and insert in lieu thereof "$850,000"; and strike out "$1,775,000" and insert in lieu thereof "$2,200,000."

Mr. FLETCHER. The object is that only $425,000 is allowed for a post-office building site in Jacksonville, Fla., and that will not acquire the proper kind of a site. It is impossible to get a suitable site there for a public building for $425,000.

Mr. WARREN. Mr. President, that will have to be a matter for consideration in the next session of Congress. I wish to say to the Senator, much as it hurts me to refuse anything he offers, that many of the States do not have a single post office provided for in the bill, while there are about 100 post offices provided for in the bill. We are compelled to stick to what comes to us with the proper backing from the Budget and keep to the list as accurately as possible. I shall have to make a point of order against the amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. FLETCHER. I offer the other amendment. I understand it is by the courtesy of the Senator from Iowa.

Mr. BROOKHART. I yield for that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 77, after line 21, insert the following:

Key West (Fla.) post office, etc.: For commencement of construction, $100,000, under an estimated total cost of $500,000.

Kissimmee (Fla.) post office: For commencement of constructon, $25,000, under an estimated total cost of $100,000.

On page 78, after line 9, insert the following:

Lake City (Fla.) post office: For commencement of construction, $25,000, under an estimated total cost of $100,000.

Mr. WARREN. Mr. President, I will have to make the point of order against the amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. FLETCHER. May I say that these are sites which have been acquired by the Government many years ago.

Mr. WARREN. There are two similar sites in my State.

Mr. FLETCHER. We ought to have a public building there.

Mr. WARREN. No doubt; but that will have to be taken up in the next session of Congress.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. BROOKHART. Mr. President, I submit the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Insert on page 175, after line 17, the following:

Provided, That section 13 of the classification act of 1923, as amended by the act of May 28, 1928, is hereby amended by providing, effective on the first day of the month succeeding the enactment of this act, one additional salary rate as a maximum rate, which will add one increment or step up in each of the professional and scientific grades from 1 to 5, inclusive; all grades of subprofessional service; clerical, administrative, and fiscal services from 1 to 12, inclusive; and the custodial services, grades 2 and 4 to 10, inclusive: *Provided further*, That in the clerical-mechanical service the rate of compensation for classes of positions in grade 1 shall be 55 to 60 cents an hour; grade 2, 65 to 70 cents an hour; and grade 3, 75 to 80 cents an hour: *Provided further*, That the heads of the executive departments and independent establishments pursuant to authority to adjust the pay of certain employees in the departmental and field service shall, effective the first day of the month succeeding the passage of this act, readjust the compensation of the grades of the departmental services herein named and the corresponding field-service positions, so that employees whose positions were

affected by the act of May 28, 1928, and who did not receive an increase in salary the equivalent of two steps or salary rates in their respective grades, shall be given such additional step or steps or salary rate or rates within the grade as may be necessary to equal such increase: *And provided further*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, sufficient sums to readjust the salaries as herein directed during the remainder of the fiscal year 1929 and during the fiscal year 1930.

Mr. BROOKHART. Mr. President, I hope the Senator from Wyoming will accept this amendment. It is along the same line as the bill which the Senate passed a year ago, so that the Senate has already approved the schedules, as has been done by the House committee in the case of the Lehlbach bill. There is really no controversy between the two Houses, I think, over the proposition. It can properly go to conference and can properly be considered there. As I have said, the schedules in the amendment are the same as those provided in the bill which the Senate passed a year ago.

Mr. WARREN. Mr. President, we already have passed the Welch Act prescribing the amounts which shall be paid.

Mr. BROOKHART. Those schedules are stricken out by the committee amendment.

Mr. McKELLAR. The amendment striking that out has been agreed to by the Senate, as I understand.

Mr. WARREN. One at a time please. I wish to say to the Senator that I know, as he does, that the amendment which he has proposed probably embodies good legislation, but specifically it is legislation which we are debarred from putting on to an appropriation bill of this kind by way of amendment, and, being in charge of this bill, I can not do other than make a point of order on it as legislation on an appropriation bill.

Mr. BROOKHART. It is not subject to the point of order, I think, since the House——

Mr. WARREN. Let me finish my statement. Of course there are several points of order which could be made against the amendment, but the main point which I have already made is, I think, sufficient. Of course, the Senator from Iowa has his remedy, and I do not wish in any way to interfere with it, but, so far as the chairman of the committee in charge of the bill is concerned, it is all a matter of duty with him. The Senator is probably going to get what he wants in time in some other way.

Mr. BROOKHART. It would be a very appropriate matter to go to conference in view of the House action. The amendment presents the Senate view of the matter.

Mr. WARREN. We know nothing of what the House has done except for the long list of payments under the Welch bill which they have sent us with their indorsement. So I say to the Senator that I should think the better way would be to take that, and then, if the Senator feels so disposed, he can ask for more in another year.

Mr. BROOKHART. But this is the only way in which we can get any action on the matter.

Mr. WARREN. There are many things that come to a man's mind as to what may and what may not be done.

Mr. BROOKHART. This is directly in line with what the House did.

Mr. WARREN. Mr. President, I will have to insist upon the point of order.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question before the point is ruled on?

Mr. BROOKHART. Yes.

Mr. REED of Pennsylvania. Does this amendment have the effect of reducing the pay of the higher grades, the professional and specially qualified grades?

Mr. BROOKHART. It does not, but it raises the steps in the lower grades which we thought we raised before but did not do so.

Mr. REED of Pennsylvania. Is there anything in the deficiency bill that will have the effect of reducing the pay of the higher grades?

Mr. BROOKHART. That was stricken out by the committee.

Mr. McKELLAR. That was stricken out by the committee, and the amendment striking it out has since been agreed to by the Senate.

If the Senator from Iowa will yield, I should like to say that I thought there was an agreement last night—sometime during the day or last night—that the Senator from Iowa might offer his amendment and that a point of order would not be raised against it. Am I mistaken about that?

Mr. BROOKHART. The agreement was on the question of suspension of the rules.

Mr. McKELLAR. That is what I thought, and it was agreed to.

Mr. BINGHAM. No.

Mr. McKELLAR. I thought the agreement was that the Senator would not insist on his motion to suspend the rules, but could offer the amendment without such a motion.

Mr. BINGHAM. Mr. President, the agreement was to waive the 1-day clause; in other words, that the notice of the Senator from Iowa to suspend the rules need not lie over for one day.

Mr. McKELLAR. Of course, if he made his motion to suspend the rules, then it would have been in order if he could have obtained a two-thirds majority. I can not find the place in the RECORD just at this moment, but if such an agreement was made, then, of course, the Senator from Iowa has the right to present his amendment.

Mr. BINGHAM. If the Senator from Tennessee will permit me, the Senator from Iowa under the agreement was given the right to bring up the notice to suspend the rules to-day, even though to-day is not another legislative day.

Mr. McKELLAR. I did not understand it in that way.

Mr. BROOKHART. That is correct.

Mr. McKELLAR. Of course, that means nothing in the world. In other words, the Senator from Iowa would not have been any better off in that way than he was before. The only thing the Senator from Iowa can do now is to make a motion to suspend. It will take a two-thirds vote then to put on the amendment.

Mr. BROOKHART. That was the holding of the Chair, but I am insisting that the amendment I have offered is not subject to a point of order, because the House went into this subject and adopted part of the bill, and thus having opened the case we have the right to occupy the entire field. I understand that has been the ruling of the Senate heretofore.

The PRESIDING OFFICER. The Chair in ruling upon the point of order realizes it is a rather delicate situation. The precedents of the Senate establish the fact that where the House has adopted an item that would ordinarily be subject to a point of order, and it comes over here, an amendment to it will be in order. Vice President Marshall made this ruling:

> Notwithstanding the rule of the Senate to the effect that general legislation may not be attached in an appropriation bill, still, when the House of Representatives have opened the door and proceed to enter upon a field of general legislation which has to do with a subject of this character, the Chair is going to rule * * * that the House having opened the door the Senate of the United States can walk in through the door and pursue the field.

The Chair is not going to rule on the point of order, but is going to submit it to the Senate. The question is, Shall the point of order be sustained?

The question being put, the point of order was overruled by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. McNARY. I submit an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 32, after line 4, it is proposed to insert the following:

> To enable the United States to send delegates and an exhibit to the Fourth World Poultry Congress to be held in England in 1930, $15,000, to be expended under the direction of the Secretary of State for expenses of delegates designated by the President, and $25,000 additional, to be expended by the Secretary of Agriculture for preparation, transportation, installation, and demonstration of a suitable national exhibit for display at the proposed congress; in all, $40,000, fiscal years 1929 and 1930.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I yield.

Mr. REED of Pennsylvania. That matter came before the Committee on Foreign Relations on Tuesday morning, and after very considerable discussion a bill making a provision along the lines of the amendment was voted down, because the majority of the committee thought that it would be nothing more nor less than a junket for 15 persons to go to a poultry show in London. If we do that for the poultry industry, there is no reason in the world why we should not do it for the cattle industry and all the various agricultural activities; nor is there any reason why we should not do it for any other kind of legitimate business. It is setting a precedent that is going to come back to haunt the Congress many, many times. For that reason a majority of the Committee on Foreign Relations declined to report the bill favorably.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRATTON. Will the Chair have the amendment again read?

The PRESIDING OFFICER. The amendment will be again read.

The Chief Clerk again read the amendment.

Mr. REED of Pennsylvania. Mr. President, I make the point of order against the amendment.

Mr. McNARY. Mr. President, will the Senator from Pennsylvania give me an opportunity to say a word?

Mr. REED of Pennsylvania. Of course.

Mr. McNARY. Standing by themselves, the remarks of the distinguished Senator from Pennsylvania might well be in point. For the last 12 years, however, and on three separate occasions this Government has participated in a foreign poultry exhibit. This precedent has been set on former occasions. Also I may add that last year this country participated in a dairy exhibit in Canada, the delegates' expenses being paid. On three other occasions Congress has enacted similar legislation.

It would be very unfortunate, Mr. President, if the country were denied the opportunity of demonstrating the advance poultry culture has made in the United States. The Secretary of Agriculture and his assistants have informed me that in the poultry congresses heretofore held great progress has been made in demonstrating to foreign countries the cultural methods adopted in the poultry business, and the pure breeds of chickens that have been shown have been greatly to the advantage of the poultry industry in the country, which, by the way, is the fifth largest of all the agricultural industries appertaining to America.

I am conscious of the fact that the amendment is subject to the point of order, Mr. President, in that it is not for the purpose of carrying out existing law. It is true, however, that the House passed a bill on this subject but a day ago that was messaged to the Senate yesterday. The Foreign Relations Committee, to which it had been referred, in my opinion, in violation of law, was discharged from consideration of the measure, and it was referred to the Committee on Agriculture and Forestry. In behalf of that committee, I have reported the bill favorably, and so it is on the calendar.

Of course, knowing the rules, I am aware that the amendment is subject to a point of order; but I appeal to the Senator from Pennsylvania, in view of our having previously established the precedent, both as to the poultry industry and the dairy industry, and in view of the fact that other nations of the world participate in the movement which America initiated, now to withdraw from the exhibit support would be very unfortunate to this industry, which, I repeat, is the fifth largest agricultural interest in the country.

The Senator's point of order is well taken, but, in view of the circumstances surrounding this amendment, I hope he will permit it to go to conference.

Mr. REED of Pennsylvania. Mr. President, if the amendment covered only an exhibit at the poultry congress I would not have objected, but as long as it contains the item of $15,000 for a junket to London, I am not going to permit it to be adopted if I can prevent it.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. McNARY. Mr. President, I have the floor. Let me suggest to the Senator from Pennsylvania that I should be glad to eliminate the appropriation for expenses of delegates and leave the $25,000 appropriation.

Mr. REED of Pennsylvania. If the Senator from Oregon will do that, I will make no objection.

The PRESIDING OFFICER. The clerk will state the proposed modification of the amendment of the Senator from Oregon [Mr. McNARY].

The CHIEF CLERK. It is proposed to strike out, after the word "send," the words "delegates and"; also, after the date "1930," to strike out "$15,000, to be expended under the direction of the Secretary of State for expenses of delegates designated by the President and"; also, following the numerals "$25,000," to strike out the word "additional"; and, after the word Congress, to strike out "in all $40,000," so as to make the amendment read:

World's Fourth Poultry Congress: To enable the United States to send an exhibit to the Fourth World's Poultry Congress, to be held in England in 1930, fiscal years 1929 and 1930, $25,000, to be expended by the Secretary of Agriculture for preparation, transportation, installation, and demonstration of a suitable national exhibit for display at the proposed congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. COPELAND. Mr. President, I hope this amendment will prevail. The Senator from Oregon [Mr. McNARY] spoke of the poultry industry as the fifth industry. It is the third industry in America. It is a billion-dollar business that goes into every State in the Union; and we should give it the greatest possible encouragement.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon, as modified.

The amendment, as modified, was agreed to.

Mr. ODDIE obtained the floor.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. ODDIE. I do.

Mr. WHEELER. I have an amendment that will take just a couple of minutes, to be inserted on page 52, line 15. I send it to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated.

The CHIEF CLERK. On page 42, line 15, after the word "lien," it is proposed to insert, before the period, a colon and the following proviso:

Provided further, That the Federal Power Commission in issuing any permits or licenses for the development of power or power sites on the Flathead Indian Reservation, in the State of Montana, as authorized by the act of March 7, 1928 (45 Stat. 212, 213), is hereby authorized and directed to waive payment of the usual administrative fees or commissions charged under existing laws relating to or under regulations of said Federal Power Commission in the issuance of any such permits or licenses.

Mr. WARREN. Mr. President, that is one of the Indian matters that has the proper backing, and I shall make no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. ODDIE. Mr. President, in a few minutes I intend to send to the desk an amendment to the bill, and I desire to say a few words on it.

Mr. GLASS. Mr. President, will the Senator yield to me for just a moment to offer an amendment that will not take any time?

Mr. ODDIE. Yes; I yield to the Senator from Virginia.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The CHIEF CLERK. On page 6, line 2, after "$48,000," it is proposed to insert the following:

Provided, That the care, custody, maintenance, and alteration of the premises are hereby transferred from the Secretary of Agriculture to the Director of Public Buildings and Public Parks of the National Capital: *Provided further*, That $2,000 of the appropriation "Salaries and expenses, Weather Bureau, 1930," shall be transferred to this appropriation: *Provided further*, That the act entitled "An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia," approved March 13, 1928 (45 Stat. 311), is hereby repealed.

Mr. WARREN. Mr. President, that amendment relates to a subject that is already in the bill, and I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. ODDIE. Mr. President, I want to say a few words. I shall take only two or three minutes.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. ODDIE. If it will not take any time. The time is getting short.

Mr. WAGNER. I do not think there will be any controversy about this amendment.

I offer the amendment which I send to the desk, and I call the attention of the Senator from Wyoming to it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from New York offers the following amendment: On page 109, between lines 20 and 21, insert the following:

Bath Home, Bath, N. Y.: For current expenses, subsistence, household, hospital, transportation, repairs, and farm, including the same objects specified under each of such heads for the Central Branch of the National Home for Disabled Volunteer Soldiers in the act making appropriations for the War Department for the fiscal year 1929, for the camp for veterans at Bath, N. Y., leased by the State of New York to the Board of General Managers of the National Home for Disabled Volunteer Soldiers, $500,000, fiscal year 1929, and to remain available until June 30, 1930.

Mr. WARREN. Mr. President, that is a matter that has been belated, but it is a matter of importance, because it will provide homes for some 1,500 or 2,000 or more disabled volunteer soldiers.

I have taken the pains to take up the matter personally with the Budget Bureau, and nothing but a delay because of signing a lease has hindered its coming here with a written or printed indorsement.

I think the amendment should be adopted, and I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. ODDIE. Mr. President, in a few minutes I shall send to the desk an amendment which I will ask to have read. It refers to a claim of the State of Nevada against our Government. It is one of the most valid and meritorious claims that has ever come before the Senate. It has passed the Senate numbers of times in years past, and I hope it will go through on this bill this time.

Mr. BLACK. Mr. President, will the Senator yield to me for a moment for an amendment which will not require debate?

Mr. ODDIE. Mr. President, this amendment of mine will take just about two minutes. Then I shall be glad to yield.

Mr. BLACK. Very well.

Mr. ODDIE. I ask to have printed in the RECORD a favorable report from the Judiciary Committee of the Senate on this bill. It includes a statement from the Comptroller General on the request contained in a resolution which was offered by my colleague [Mr. PITTMAN] at this session, and passed by the Senate at the present session.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. WATERMAN, from the Committee on the Judiciary, submitted the following report to accompany amendment to second deficiency appropriation bill, H. R. ——:

The Committee on the Judiciary, to whom was referred the amendment proposed to the second deficiency appropriation bill (H. R. ——) providing for the reimbursement of the State of Nevada in accordance with the statement of account rendered by the Comptroller General of the United States dated January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, after due consideration beg to report said amendment favorably, with the recommendation that it be referred to the Committee on Appropriations for insertion in the second deficiency appropriation bill.

Said amendment is as follows:

"To reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document Numbered 210, Seventieth Congress, second session, the sum of $595,076.53."

In support of said amendment there is hereto attached and made a part hereof, Senate Report No. 1706, submitted by your committee on S. 5717.

Senate Report No. 1706, Seventieth Congress, second session, follows:

[S. Rept. No. 1706, 70th Cong., 2d sess.]

The Committee on the Judiciary, to whom was referred the bill (S. 5717) providing for the relief of the State of Nevada, after consideration, reports the same favorably to the Senate and recommends that the bill do pass without amendment.

The subject matter of the bill was thoroughly examined into by your committee under S. J. Res. 41 and quite extensive hearings were held by a subcommittee and by the full committee, resulting in Senate Report No. 433, Seventieth Congress, first session. Reference is here made to said printed hearings and said report. S. J. Res. 41 passed the Senate March 2, 1928.

Under a resolution of the Senate (S. Res. 295) the Comptroller General under date of January 26, 1929, rendered the account between the State of Nevada and the United States for moneys advanced and actually expended in aid of the Government during the War between the States. The report of the Comptroller General (Sen. Doc. No. 210, 70th Cong., 2d sess.) is as follows:

WASHINGTON, D. C., *January 26, 1929.*

The PRESIDENT OF THE SENATE.

SIR: There has been received Senate Resolution 295, Seventieth Congress, second session, authorizing and directing me to—

"* * * reopen and restate the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement (1) to accept as a basis of calculation the balance due the State of Nevada on January 1, 1900, stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the comptroller of the State of Nevada as actually paid by said State on the sums so advanced and expended from January 1, 1900, to December 31, 1928; (3) to deduct from the total sum so stated the interest at 5 per cent per annum on $8,559.61 repaid by the United States on April 10, 1888, from the date of payment to December 31, 1928; (4) to deduct $12,283.04 repaid by the United States on July 1, 1910, together with interest thereon at the rate of 5 per cent per annum from July 1, 1910, to December 31, 1928, and certify to the Senate the balance found due the State of Nevada."

Complying therewith I have the honor to certify that the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States has been reopened and restated as directed in said resolution, and on said reopening and restatement the balance found due to the State of Nevada is $595,076.53, as follows:

1.	Basis of calculation, balance due to the State of Nevada on Jan. 1, 1900, as stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session	$462,441.97
2.	Plus interest certified by the comptroller of the State of Nevada as actually paid by the State of Nevada on the sums so advanced and expended from Jan. 1, 1900, to Dec. 31, 1928, at 5 per cent per annum, on principal sum of $119,800.12 advanced and expended by the State of Nevada in aid of the Government of the United States during the War between the States	173,710.17
		636,152.14
3.	Less interest at 5 per cent per annum on $8,559.61 repaid by the United States on Apr. 10, 1888, from date of payment to Dec. 31, 1928	17,429.92
		618,722.22
4.	Less $12,283.04 repaid by the United States on July 1, 1910, with interest thereon at 5 per cent per annum from July 1, 1910, to Dec. 31, 1928, $11,362.65, or a total deduction of	23,645.69
	Net balance	595,076.53

Respectfully,

J. R. MCCARL,
Comptroller General of the United States.

For the information of the Senate a general statement of facts on which reimbursement is founded follows:

GEOGRAPHICAL FACTORS

In 1864, when said expenditures on behalf of the United States were made, the following state of facts obtained:

(1) West of Kanas, the only States were California and Oregon on the far Pacific coast. The vast region between was partitioned into Territories, sparsely settled and occupied by powerful Indian tribes, restive and resentful of the westward migration of the whites, and incited to hostilities by the general war conditions prevailing. No railroads west of the Missouri River; emigrant travel and transportation of passengers, mail, express, freight, and military supplies were by stagecoach, wagon trains, or saddleback. The westward route followed was the Overland Trail, made by the tread of emigrant trains (1844 to 1864) from St. Joseph, Mo., to Sacramento, Calif., a distance of over 1,500 miles.

(2) This fourth and crucial year of the Civil War, ocean communication with the Pacific coast via the Isthmus or Cape Horn was all but abandoned from war hazard.

THE OVERLAND TRAIL

(3) The Overland Trail thus became the most important line of communication between the East and West. Along it, moreover, stretched the Western Union telegraph, whilst corps of surveyors and engineers of the Union Pacific and Central Pacific Railroad Cos., chartered by acts of Congress in 1862, were exploring its course for favorable mountain passes and connecting routes across the plains and deserts to link West with East by railroad, which the Secretary of War had declared was of the utmost military importance (An. Rept. War Dept., 1864–65, p. 149), and the Government (July 2, 1864) was to aid with loans and land grants.

TERRITORY OF NEVADA

The Territory of Nevada at this time had become the goal of fortune seekers west and east. In five years the magic of discovered gold and silver had populated its wastes with some 15,000 adventurous people. Virginia City sprang into existence as the most important town on the Overland Trail.

James Nye, governor, was a commanding figure. Formerly on the bench of New York and first president of the metropolitan board of police, subsequently United States Senator, a close friend of Lincoln and Seward, he ranked among the foremost orators of his time. Other residents of the Territory were destined to play large parts in the affairs of the Nation. Samuel L. Clemens (Mark Twain), deputy secretary, was gathering the materials for Roughing It, the immortal picture of a phase of American history and life without counterpart.

Assessed valuation of property was under twenty millions. The Territory was too poor to own or contemplate a capitol building, its officials commonly having offices in their residences. The Territorial

assembly, a score or more of whose members were from New York and the New England States, sat on rude benches in a building donated by a public-spirited citizen, the floors carpeted with sawdust and the two houses separated by a canvas partition. Despite the wealth of the mines and the extreme carefulness with which public funds were appropriated, the treasury uniformly ran dry before the receipt of the December taxes. On November 1, 1864, when the State government succeeded the Territorial, there was but $1,101.98 cash balance in the treasury with $39,228.54 outstanding warrants issued against it.

FIRST REQUISITION FOR TROOPS

Regular troops stationed along the Pacific coast had been withdrawn to the Atlantic seaboard the first years of the war. California volunteers, by 1863, were protecting not only that State but the Southwest Territories to the boundary of Texas; those of Oregon were similarly extended to guard the Northwest.

Interruption of ocean communication with the Pacific coast by 1863 had made the protection of the Overland Trail a matter of grave military and national concern.

The first call on Nevada Territory for volunteers, dated April 2, 1863, was addressed the governor by General Wright, commander of Department of the Pacific:

"SIR: I have been authorized by the War Department to raise volunteer companies in Nevada Territory for the purpose of moving east over the overland route in the direction of Great Salt Lake City. If it is possible to raise three or four companies in the Territory for this service, I have to request your excellency may be pleased to have them organized. I should be glad to get two companies of Cavalry and two of Infantry, the mounted troops to furnish their own horses and equipment. Arms, ammunition, etc., will be furnished by the United States. Should your excellency consider it improbable that this volunteer force can be raised, even one company will be accepted. I will send a plan of organization and an officer with the necessary instructions for mustering them into the service."

While correspondence was in progress the following telegram was transmitted:

HEADQUARTERS OF THE ARMY,
Washington, D. C., April 15, 1863.

Brig. Gen. G. WRIGHT,
San Francisco, Calif.:

The Secretary of War authorizes you to raise additional regiments in California and Nevada to reenforce General Conner and protect the overland route. Can not companies be raised in Nevada and pushed forward immediately? General Conner may be able to raise some companies in Utah or out of emigrant trains.

H. W. HALLECK, *General in Chief.*

General Wright the following day, April 16, 1863, addressed a second and more urgent appeal to the governor, in all material parts, as follows:

"The Indian disturbances along the line of the overland mail route, east of Carson City, threaten the entire suspension of our mail facilities, as well as preventing any portion of the vast immigration approaching from the east reaching Nevada * * *. My force immediately available for operation on that line is small * * *. Some infantry companies will be thrown forward from this side of the mountains as soon as transportation can be prepared and the roads are in order. In the meantime it is of such importance to keep the mail and emigrant route east of you open that I would earnestly recommend that one or two companies of cavalry be promptly organized and prepared for muster into the service of the United States. It is impossible for us at this moment to purchase horses and equipments. Each man would have to furnish his own. I can furnish arms, ammunition, forage, clothing, provisions, etc.; in fact, everything except horses and equipments. * * * This is the first appeal that has been made to Nevada Territory * * *." (Hearings on S. J. Res. 41, 70th Cong.)

FOUR COMPANIES RECRUITED

The response was a proclamation of the Governor of the Territory eight days later, calling for volunteers to serve three years or during the war.

Four companies of cavalry were recruited and mustered into the service, of which two were stationed at Fort Churchill, Nev., the others sent to Fort Douglas, Utah.

SECOND CALL FOR TROOPS

The latter part of November following General Wright requisitioned the Territory "under authority conferred upon me by the War Department" (see letter Brigadier General Wright to Adjutant General, U. S. Army, December 22, 1863) for "one regiment of infantry and two more companies of cavalry."

December 4, 1863, a second proclamation of the governor was issued calling for volunteers.

TREASURY DEPARTMENT ORDER OF FEBRUARY 9, 1863

The four companies of cavalry enlisted under the first call, despite delay in securing horses and equipment at the soldiers' expense, had been recruited and mustered in the service in a few months.

Under the second call, however, so little progress was made in securing volunteers that by February it was clear only a small part of the quota could be enlisted without remedial action by the Territorial Assembly.

The situation arose from an order of the Treasury Department, dated February 9, 1863, instructing the Assistant Treasurer of the United States at San Francisco that—

"checks of disbursing officers must be paid in United States notes." (See letter of Deputy Paymaster Gen. George H. Riggold, February 13, 1863.)

Up to this time troops and marines of the Department of the Pacific had been paid in coin.

It is pertinent to remark that the subtreasury at San Francisco held a vast amount of gold and silver, product largely of the mines of California and Nevada. Also, that in the same month as the departmental order the price of gold in Treasury notes on the New York Stock Exchange (February 28, 1863) touched 170.

EFFECT OF THE ORDER ON SOLDIERS' PAY

The effect of this order on the troops of the Department of the Pacific as well on further recruiting may be gathered from a recital of certain conditions, as follows:

First. That during the entire period of the Civil War and subsequently, the only money in circulation or common usage on the Pacific coast was gold and silver coin; all transactions, obligations, prices, salaries, wage, and services being stated therein.

Second. The greater part of all manufactured commodities were imported; with the interruption of ocean transportation as stocks on hand diminished, prices rose accordingly.

Third. In the Territory of Nevada such condition was accentuated by the fact that nearly everything used or consumed, apart from lumber, fuel, beef, and hay, had to be freighted over the Sierra Nevada Mountains, blocked from December to May by snow, in mule trains, the distance from Saramento ranging from 200 to 450 miles. Freight costs per ton to Virginia City approximated $80, and correspondingly higher to other mining towns. From Leavenworth, Kans., freight approximated $800 per ton. A bushel of corn shipped from Leavenworth, Kans., to Salt Lake City cost $17. (Rept. Secretary of War 1865–66, pt. 1, pp. 23–112. Also report of General Halleck to Secretary of War, War Dept. Rept., 1866, pp. 31–32.) The range of prices of necessities in Nevada, 1861–1865, gold valuation, was from 50 to 100 per cent higher than the corresponding currency prices east of the Missouri River.

Finally. Treasury notes in regions remote from San Francisco could not be used as money except at an extortionate discount below the current New York quotations.

March 16, 1863, General Wright, commander of the Department of the Pacific, transmitted to The Adjutant General of the United States Army a letter of Major Drew, commandant at Fort Baker, Oreg., containing an explicit statement of the effects of, and a formal protest against, paying his men in greenbacks, to which General Wright added his own indorsement, saying:

"The difficulties and embarrassments enumerated in the major's communication are common to all the troops in this department, and I must seriously ask the consideration of the general-in-chief and of the War Department to this subject" * * *.

SITUATION IN NEVADA

The four companies of Nevada Cavalry had been raised before the Treasury order of February 9, 1863, had become generally known or its effects understood. Troops in the outlying districts were not paid with any regularity, frequently being months in arrears, and this appears to have been the case in Nevada.

When the governor's second proclamation was issued, however, the situation was well known. Pure patriotism alone could induce men to accept $13 per month Army pay, when choice required the relinquishment of fortune-seeking or employment at from $4 to $10 daily wage in gold. When the soldier's pay was cut by departmental order to the equivalent of about $6 per month, payable in Treasury notes having no currency on the Pacific coast, justice and fair play required some character of relief be granted to help the volunteers to meet the high cost of living.

THE TERRITORIAL VOLUNTEERS ACT

February 20, 1864, an act of the Territorial Assembly of Nevada was approved, entitled:

"An act to encourage enlistments and give bounties and extra pay to our volunteer soldiers." (Nev. Ter. Laws, p. 81.)

The Territorial volunteers act provided, in all material particulars, as follows:

"Bounties, so called, were authorized to be paid to captains or commanding officers of companies of $10 in gold per capita per recruit enlisted and mustered into the service of the United States in lieu.

"Extra pay, so called, was authorized to be paid volunteer troops, officers, and soldiers of $5 per month in gold during the period of service; first settlement at the expiration of one year, unless sooner

terminated by death or honorable discharge; final settlement at the termination of enlistment or muster out.

"To provide the moneys therefor a soldiers' fund of $100,000 was created; bonds in that amount to bear 10 per cent interest authorized to be issued and sold and an annual tax of 25 cents on each $100 taxable property levied to meet the debt."

THIRD CALL FOR TROOPS

The effect of the Territorial volunteers act is shown in the muster rolls. The exigencies of the Government in protecting the Overland Trail had become so acute that in October, 1864, Gen. Irwin McDowell, then commander of the Department of the Pacific, removed his headquarters to Virginia City, Nevada Territory, and on the 13th requisitioned the Territory "under authority of the Secretary of War," to complete the organization of a regiment of cavalry and one of infantry. About the end of the year Nevada had recruited a total of six companies of cavalry and three of infantry, aggregating 1,180 men. These troops were actively engaged, 1864 to 1866, in Nevada, Utah, Wyoming, Colorado, Nebraska, and Kansas. (Hearings on S. J. Res. 41, 70th Cong.)

NEVADA ADMITTED AS A STATE

Eight months after the passage of the Territorial volunteers act (October 31, 1864), Nevada was admitted into the Union. The State constitution provided that all laws of the Territory not repugnant to its provisions were continued in full effect until modified or repealed by the State legislature. The Territorial debt and obligations were assumed and authorized to be carried separately from and independent of the limitations governing the State debt proper.

The soldier's fund bonds had proved unsalable, and the burden of meeting the liabilities accrued and accruing under the Territorial volunteers act devolved upon the State.

The State legislature authorized the issue and sale of $150,000 bonds bearing 2 per cent per month interest. It was out of the proceeds of this issue that the State met the first accrued claims of the Territorial volunteers. Twenty-four per cent interest to raise funds in 1865, 18 per cent in 1866, and 15 per cent in 1867 to 1872 (not to mention 9½ per cent 1872 to 1879), were the prices Nevada paid for statehood.

STATEHOOD ASSUMED FROM LOYALTY

It is pertinent at this point to mention that Nevada assumed the burden of statehood at the invitation of the United States, persuaded from loyalty to do what its sound judgment had rejected. For in the year 1864, on the 19th day of January, the people of the Territory overwhelming defeated a proposed State constitution and application for admission as a State. On March 21 following the Congress of the United States, notwithstanding such rejection, passed an enabling act inviting Nevada into the Union. An additional State was required to insure the adoption of the thirteenth amendment and the choice of President Lincoln was Nevada. (See Recollections of the Civil War, by Charles A. Dana, Assistant Secretary of War, Lincoln's administration p. 174.) (Senate Hearings on S. J. Res. 41, 70th Cong.)

STATE VOLUNTEERS ACT

The Territorial volunteers act had made provision partially to equalize the soldier's pay on account of the abnormal prices prevailing, but had not provided for any additional pay to officers in excess of that allowed volunteers in general. Public sentiment in Nevada in favor of doing justice became strongly urgent that some measure of relief should be given the Nevada volunteer officers.

The State legislature then being in session and considering the matter of such relief, on March 8, 1865, the commander of the Department of the Pacific wrote the Governor of Nevada concerning the progress made in recruiting and recommending additional pay to volunteers.

It was the receipt of this letter which caused the legislature to pass the State volunteers act of March 11, 1865, continuing the provisions of the Territorial volunteers act of February 20, 1864, notwithstanding the veto of the governor (Blaisdell).

NEVADA'S EXPENDITURES TO PROTECT THE OVERLAND TRAIL

The liabilities assumed by the State of Nevada as successor to the Territory of Nevada and honorably fulfilled cost the State, as shown by the official reports, the principal sum of $119,800.12, of which $109,048.53 were for so-called bounties and extra pay, no part of which has ever been reimbursed.

Of the remainder of said amount of $119,800.12, $8,559.61 was reimbursed the State as of April 10, 1888, leaving unreimbursed the further amount of $2,191.98. The items of this latter portion of the principal sum comprise salary and expenses of the adjutant general of Nevada and of his office from the date of the official close of the war to the final muster out in 1866 of the last contingent of Nevada volunteers. Inasmuch as the adjutant general of Nevada was the officer designated under the Territorial volunteers act and subsequent State volunteers act to audit the claims of officers and soldiers for bounty and extra pay, such unreimbursed expenditures accrued in consequence of said Territorial volunteers act and are properly inclusive within its force and legal authorization.

It is established by the reports of the successive State comptrollers of Nevada and the statutes of the State that from February 10, 1865, to the present time Nevada has carried said principal sum as a Territorial debt and paid interest thereon, and that of the interest so paid but $12,283.04 (settlement of July 1, 1910) has been reimbursed the State, leaving the net balance due the State of Nevada, as reported by the Comptroller General on January 26, 1929 (S. Doc. 210, 70th Cong.), of the sum of $595.076.53.

REIMBURSEMENT BEFORE PREVIOUS CONGRESSES

Misconception of fact and law at the foundation of the Nevada Civil War expenditures for the benefit of the Government has hitherto deferred settlement.

The assumption has been in error that reimbursement accrued only as an obligation of the Government under the act of Congress of July 27, 1861.

It accrued instead under an act of the Legislative Assembly and Governor of the Territory of Nevada, subsequently approved and ratified by the Congress of the United States, and the legal, equitable, and moral commitment of the United States to its settlement rests solely thereon. Hence reimbursement, in its controlling aspects, was not before the Court of Claims nor adjudicated in its decision of March 14, 1910, all of which will hereinafter be conclusively shown.

No valid understanding of the unprecedented nature of Nevada's disbursements for the benefit of the United States can be had apart from review, such as hereinbefore presented, of its geographic, economic, and historical setting and the controlling circumstances of time and locality.

The expenditures of Nevada were exhaustively investigated by committees of the two Houses of the Fiftieth, Fifty-first, Fifty-second, Fifty-fourth, and Fifty-sixth Congresses and favorably reported for settlement by direct appropriation, the Senate invariably passing the bills, but such bills failed from one cause or another in the House.

The special nature of the expenditures was then recognized but until after the Fifty-sixth Congress there had been no decisions of the Supreme Court of the United States under which its legal authorization by Congress and the commitment of the Government to its indemnification could be defined.

The equitable and moral validity of reimbursement, however, was attested by those best informed on its character and merits, as shown by the following extracts from the CONGRESSIONAL RECORD (56th Cong., 1st sess., vol. 33, pt. 7, p. 6278):

"Senator Hawley, of Connecticut, chairman Committee on Military Affairs: 'There is no sort of question of its justice.'

"Senator Eugene Hale, of Maine, ranking member Committee on Appropriations: 'The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass.'

"Senator Teller, of Colorado, chairman Committee on Claims: 'If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds.' (Hearings on S. J. Res. 41, 70th Cong.)"

Nevertheless, after the lapse of many years, Nevada yet carries the debt so incurred, the benefits of which accrued to the imperiled Union and the burden of which fell on the State. And at a cost then and since to its sparse population in excess of half a million dollars.

The set-offs thereto are one of $8,559.61 applicable to the principal sum, and the other of $12,283.04 as interest thereon, both of which items with interest from time of payment to date have been credited to the United States in the report of the Comproller General dated January 26, 1929. (S. Doc. No. 210, 70th Cong., 2d sess.)

REIMBURSEMENT OF NEVADA BEFORE THE DEPARTMENTS

On November 1, 1882, pursuant to the act of June 27, 1882 (22 Stat. 111), the State of Nevada transmitted to the authorities of the Government a statement of the aforesaid expenditures accompanied with the original vouchers and other evidence of every kind then in her possession. It was not until four years later that provision was made for the detail of a board of three Army officers under Special Orders, No. 232, dated October 6, 1886, to examine and report on said expenditures. The board in 1887 submitted majority and minority reports; the latter allowed $8,559.61 of such expenditures, which amount was approved and paid the State on April 10, 1888. The particular differences in the allowances of the two reports related to the salary of the adjutant general of Nevada and expenses of his office, the minority report terminating it as of August 20, 1866, the official date of the end of the war, instead of December 31 following, as approved by the majority, when its affairs were wound up and the office terminated.

The audit of the board discovered a double charge for rent of $38.33 which the State had paid, no other errors or improper items being found in the disbursements.

SO-CALLED BOUNTIES AND EXTRA PAY

As hitherto stated, up to that time there had been no decisions of the Supreme Court of the United States under which any legal commitment of the Government to reimburse the Nevada Territorial expenditures, as distinguished from the expenditures of other States and Territories, could be established; hence reimbursement of Nevada was

included under the act of June 27, 1882, supra, with those of Texas, Colorado, Oregon, Nebraska, California, and Kansas for Civil War and Indian war expenditures. The act was general in its provisions for the entire section embraced, and among other things provided:

"SEC. 2. That no higher rate shall be allowed for the services of said forces, and for supplies, transportation, and other expenses, than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in said States and Territories. * * *"

With respect to Nevada Territory, it is pertinent to remark that there was no United States Army in the Territory or State when the Nevada expenditures were made, except as comprised the Nevada volunteers.

The provisions of the foregoing act, moveover, were construed by the department in connection with the act of July 27, 1861 (12 Stat. 276), and the Chase regulations governing its provisions, particularly in the following:

"III. Personal expenses of commissioned officers in recruiting their companies prior to their being mustered into the service will not be allowed; but commissioned officers may be allowed the same rates for subsistence and quarters (board and lodgings) as privates from the date of enrollment until muster into the service * * *.

"VIII. Bounties or donations to men or their families to induce men to volunteer will not be recognized * * *."

REPORT OF WAR CLAIMS EXAMINERS

The report of the war claims examiners contains the following statements relative to bounties and extra pay as allowed and paid by Nevada:

"The bounty was paid to captains for expenses incurred by them in enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service, in lieu thereof, as is shown by the fact that no other bills are presented for those expenses, and, under the circumstances, this expense was economical; but this claim having been submitted by the State of Nevada as a premium or bounty, the examiners are debarred from considering it, as, under the second section of the act of 1882, no higher rate can be allowed than was paid by the United States, which was $2 per enlistment.

* * * * * * *

"Prices of commodities of every kind were extravagantly high during the war period in Nevada, which depended for the transportation of its supplies upon wagon roads across mountain ranges that were impassable for six months of every year; and at certain times, at least, during the said period the rich yields of newly opened mines produced an extraordinary demand for labor, largely increasing wages and salaries. These high prices of commodities and services were consistent with, though in their causes independent of, the depreciation of the Treasury notes, which did not pass current in that section of the country, though accepted through necessity by the troops serving there; and it is safe to say that in Nevada the soldier could buy no more with a gold dollar than could the soldier serving in the Eastern States with the greenback or paper dollar.

"On the whole, therefore, we are decided in the conviction that in granting them this extra compensation the legislature was mainly instigated by a desire to do a plain act of justice to the United States Volunteers raised in the State and performing as arduous frontier service, by placing them on the same footing, as regards compensation, with the great mass of the officers and soldiers of the United States Army serving east of the Rocky Mountains. * * * But the fact remains that the declared purpose of the monthly allowance was to give a compensation to the Nevada Volunteers, and that when measured by the current prices of the country in which they were serving their compensation from all sources did not exceed, if indeed it was equal to, the value of the money received as pay by the troops stationed elsewhere—i. e., outside of the Department of the Pacific." (S. Rept. No. 433, 70th Cong., 1st sess.)

Nevertheless, because the Territory of Nevada had used the words "bounty" and "extra pay" in the statute under which it had reimbursed officers the costs of recruiting in lieu thereof and did a "plain act of justice" to its volunteers, all but a small fraction of its expenditures made for the benefit of the United States was rejected on such technical ground.

REIMBURSEMENT BEFORE THE COURT OF CLAIMS

The act of Congress of May 27, 1902 (32 Stat. 235), making appropriation for the payment of certain claims, among other things, provided:

"That the claim of the State of Nevada for costs, charges, and expenses properly incurred by the Territory of Nevada * * * under the act of Congress of July 27, 1861 (12 Stat. 276), and joint resolution of March 8, 1862 (12 Stat. 615), as interpreted and applied by the Supreme Court of the United States in * * * New York against the United States, decided January 6, 1896 (160 U. S. 598), not hitherto allowed or hitherto disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

The particular force of the New York decision referred to was to declare interest paid by a State on moneys borrowed for the benefit of the United States was an expenditure "properly incurred" within the meaning of the acts of 1861 and 1862.

The controversial questions of fact and law submitted to the Court of Claims for determination amounted to these: (1) What classes of expenditures should be allowed the State of Nevada, and (2) what interest charges are allowable?

The court in its opinion (45 Ct. Cl. 279) specifically states:

"The sole question of law before the court is whether the expenditures for which claim is made by the State were 'properly incurred' within the meaning of the acts of 1861 and 1862.

"The question of the good faith of the State in incurring the expenditures for which it now claims reimbursement; the question of the pressing need of the State for troops during the period of the Civil War; the duty of the United States to provide for the common defense, and the benefits which may have accrued to them from troops raised in Nevada to aid in protecting the Pacific coast may all be conceded without enlarging the liability of the United States under the acts of 1861 and 1862."

That the State may have an equitable claim against the United States was conceded (p. 285, supra):

"That laws enacted * * * at the instance of the officer commanding the military department of the Pacific to provide funds with which to meet the expense of Volunteers was quite natural and commendable under the conditions existing * * * and may give rise to some equity in favor of the claim; but that can have no legal force in the construction of the act of 1861 * * * but where there is a law, equity must follow, and hence we are called upon to determine, not the equities of the claim, but the controverted questions of law."

The court upheld the rules promulgated by Secretary Chase as governing the construction of the act of 1861. As all but $8,559.61 of the claim had been disallowed in 1887 under such rules as hereinbefore set forth, the sole effect of the decision was the allowance of interest on $8,559.61, amounting to $12,283.04, which was paid the State July 1, 1910.

That portion of the opinion which held that—

"Whatever valid claim exists in favor of the State of Nevada for reimbursement for moneys expended in raising troops to aid in suppressing the rebellion accrued, if at all, under the act of July 27, 1861"—

is obiter dicta; no question having been submitted, nor was within the jurisdiction of the court to hear and determine under the statute submitting the claim, as to any liability of the United States in the premises other than as accrued under the acts of 1861 and 1862.

ACTS OF 1861 AND 1862 NOT APPLICABLE

The acts of 1861 and 1862 specifically applied to States in their sovereign capacities and were not intended to nor did they apply to the Territories, which were under the direct authority of Congress. The act of Congress of July 27, 1861 (as amended by the joint resolution of March 8, 1862), in all pertinent provisions provided as follows:

"*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed * * * to pay to the governor of any State * * * the cost, charges, and expenses properly incurred by such State for enrolling * * * paying and transporting its troops employed in aiding the United States * * *." (12 Stat. 276.)

The radical distinction in relationship to the General Government of the States and Territories precludes any construction that said act applied, or was intended to apply, to the Territories.

"The State is a sovereign having no derivative powers, exercising its sovereignty by divine right. It gets none of its powers from the General Government. It has bound itself by compact with the other sovereign States not to exercise certain of its sovereign rights, and has conceded these to the Union, but in every other respect it retains its sovereignty which existed anterior to and independent of the Union. (Lowenstein *v.* Evans, 69 Fed. 908.)

"See also New Hampshire *v.* Louisiana, 108 U. S. 76; Ohio L. Ins., etc., Co. *v.* DeBolt, 16 How. 416; Spooner *v.* McConnell, 22 Fed. Cases No. 13245."

As contradistinguished from this reserved, unconceded sovereignty of the States, Chief Justice Waite, in the case of Brunswick First National Bank *v.* Yankton County (Dakota Territory, 1880) (101 U. S. 129), held:

"All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States except such as have been expressly or by implication reserved in the prohibitions of the Constitution."

In the more recent opinion, in the case of Christensen *v.* King County (Wash.) (239 U. S. 356), the Supreme Court stated:

"There is, of course, no dispute as to the sovereignty of the United States over the Territory of Washington or as to the consequent control of Congress. As an organized political division the Territory possessed only the powers which Congress had conferred. * * *

"See also Ex parte Morgan (Ark. 1883) (20 Fed. 208); Murphy *v.* Ramsey (Utah, 1885) (114 U. S. 15); Church of Jesus Christ *v.* U. S. (Utah, 1890 (136 U. S. 1); U. S. *v.* McMillan (Utah, 1897) (165 U. S. 604)."

It was not until October 31, 1864, date of Nevada's admission into the Union, that the acts of 1861 and 1862 were made applicable by the express provisions of section 11 of the enabling act of Congress of March 21, 1864—

"That from and after the admission of the said State of Nevada into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within said State as elsewhere within the United States."

Prior thereto, on February 20, 1864, the Territory had passed the act under which the expenditures here in question were made.

LEGAL, EQUITABLE, AND MORAL BASIS OF REIMBURSEMENT

The question of the legal, equitable, and moral liability of the United States in the premises resolves primarily into what congressional authorization, approval, or ratification, if any, attaches to the Territorial volunteers act and so invests it with a status different from that of an ordinary act of a Territorial assembly or the similar acts of States.

ACT RATIFIED BY CONGRESS

The organic act of the Territory of Nevada, approved March 2, 1861, required (sec. 3) that copies of the laws and proceedings of the legislative assembly and governor be transmitted to the President and the Congress of the United States. It appears from the following section of the Revised Law of the United States (1878):

"SEC. 1850. All laws passed by the legislative assembly and governor of any Territory except the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming shall be submitted to Congress and, if disapproved, shall be null and void—"

that the only other Territories during the period 1861–1865 subject to this requirement were Nevada, New Mexico, Arizona, Washington, and Utah.

The Nevada Territorial volunteers act was duly transmitted and laid before the two Houses of Congress. (House Journal No. 62, 38th Cong., 2d sess., 1864–65, p. 7.)

Congress having the authority—and in respect to another act of the Territorial Assembly of Nevada, relating to corporations (12 Stat. 709), having exercised such authority—to disapprove and annul all or any portion of said act and not so doing, but allowing said act to stand, thereby approved and, in the premises, ratified said act as the act of the Territory of Nevada under authority of the United States; and is estopped from denying reimbursement. (Sowers case, 213 U. S. 5.)

The Territorial volunteers act was not an ordinary, but instead an extraordinary, act of the Legislative Assembly and Governor of the Territory of Nevada. It was not related to, but disassociated from, the ordinary subjects of Territorial legislation. It was, in effect, the assumption of an obligation of the Government of the United States and not of its own, in order to aid and assist the Government in an exigency with which the Government was unprepared to meet and cope. The Territory of Nevada was its primary resource, as hitherto shown, and acted only on urgent requisitions transmitted through the commander of the Department of the Pacific on behalf of the Secretary of War.

TERRITORIAL VOLUNTEERS ACT GOVERNS

The acts of 1861 and 1862, supra, not having been extended or made applicable to Nevada Territory, the Territorial volunteers act, as so approved and ratified by the Congress of the United States, became the governing law in the premises, to wit: An act of the Territory of Nevada under authority of the United States.

On this point the Supreme Court of the United States in the case of McLean *v.* D. & R. G. R. R. Co. (203 U. S. p. 38) held:

"The right to legislate in the Territories is conferred under constitutional authority by the Congress of the United States and the passage of a Territorial law is the exertion of an authority exercised under the United States."

In the case of Atchison, Topeka & Santa Fe Railway Co. *v.* Sowers (213 U. S. 5) the Supreme Court reaffirmed the decision in the McLean case and stated:

"The passage of a legislative act of a Territory is the exercise of authority under the United States."

The force of the Nevada Territorial volunteers act did not terminate with the admission of Nevada as a State. Section 2 of article 17 of its constitution, as approved by President Lincoln under authority, and "without further action whatever on the part of Congress" (Nevada enabling act of March 21, 1864), provided:

"SEC. 2. All laws of the Territory of Nevada at the time of the admission of this State, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature."

On March 11, 1865, for reasons hereinbefore stated, the State Legislature of Nevada passed an act, notwithstanding the veto of the governor, repealing and simultaneously reenacting the provisions of the Territorial volunteers act; the sole material change being an increase of extra pay to officers according to rank and so equating their compensation on substantially the same basis relatively as allowed the soldiers; the relief made retroactive to cover the period of service.

"The repeal and simultaneously reenactment of substantially the same statutory provisions is to be construed not as an implied repeal of the original statute but as a continuation thereof." (36 Cyc. 1084.)

Federal and State decisions supporting the above text are so uniform and voluminous that it has become an accepted principle of law.

The State of Nevada having been in honor bound to assume the liabilities accrued and accruing under the Territorial volunteers act, and the Congress of the United States having approved such assumption, the State is entitled to the full benefit of the Territorial volunteers act as the governing law defining the liability of the United States in the premises. It would therefore now appear that Congress inadvertently specified the act of 1861 applying to States only instead of the Nevada Territorial act under which the expenditures were made in the reference of the Nevada case to the Court of Claims.

ADJUSTMENT OF OFFICERS' PAY

The only portion of the unreimbursed principal sum of the expenditures made by the State of Nevada which did not accrue under the original provisions of the Territorial volunteers act was the increased allowance to officers by the State's amendment of March 11, 1865, the amount of which is comparatively small.

On the foregoing date the following state of facts obtained:

No premonition that the Civil War would speedily end.

The exigency of the Government for troops to protect the Overland Trail continuing and Nevada its primary recourse.

The third requisition of the Secretary of War upon Nevada to complete the recruiting of a regiment of cavalry and one of infantry still lacking, respectively, four and seven companies to complete the quota.

Recruiting halted by the fact that men suitable for officers were needed both for the service and to recruit the men they were to command and who were unable, on account of the high cost of living, to make the sacrifice without some assistance.

Under these circumstances the State legislature, on March 11, 1865, had the right to rely on the Territorial volunteers act as governing in the premises, and that the approval by Congress of said Territorial act sanctioned the granting of extra pay to Nevada volunteers in the exigency presented.

Moreover, Nevada, in responding to the urgent requisitions of the War Department to recruit troops to protect the Overland Trail, had acted and still was acting, for and in behalf of the United States as principal. In the agency so undertaken, the situation being remote, the conditions being extraordinary, and the emergency one of national concern, it was expected to act in concurrence with the recommendations of the commander of the Department of the Pacific, as seemed best to accomplish the ends for which the agency was imposed.

Nevada so acted by amending the Territorial volunteers act as stated, and which action was necessary, proper, and indispensable in the premises and the authority for which was the Territorial volunteers act itself and the continuation of the exigency which had caused its sanction by Congress.

The rule of agency as expressed in Story on Agency is applicable:

"Whether the authority be expressed or implied it necessarily carries with it or includes in it as an incident, all the powers which are necessary or proper or usual as means to effectuate the purposes for which the agency was created."

The leading case defining the authority of an agent in an emergency is that of Forrestier *v.* Bordman. (9th Fed. Case 4945, also 1 Story, 43.) The principal laid down therein has since threaded all American jurisprudence. If we substitute the word "agent" for "supercargo" and "principal" for "owner" as used by Justice Story in the decision, the governing rule is as follows:

"An agent is not bound to observe the exact terms of his instructions if thereby the interests of the principal would be sacrificed or his objects frustrated.

"In cases of necessity or great urgency it is only necessary that the agent should act bona fide and with reasonable discretion in order to bind the principal."

In United States *v.* Sheridan-Kirk Contract Co. (149 Fed. 809), the court held that when the emergency passes the privilege ceases.

On March 11, 1865, neither the emergency situation along the Overland Trail nor the exigency of the United States for troops to protect it had passed. The Legislature of Nevada was not bound to observe the exact terms of the Territorial volunteers act if thereby the interests of the United States would be sacrificed or its objects

frustrated. It was only necessary that it should act in good faith and with reasonable discretion.

That it acted in good faith and with reasonable discretion has never been questioned. Moreover, it so acted at the express suggestion of the chief military officer of the United States in the region of the emergency, the commander of the Department of the Pacific (letter of March 8, 1865), and not independently of, nor contrary to, his recommendations.

The opinion of the Supreme Court of the United States in Miners' Bank case, cited by the court in the Atchison *v.* Sowers case, supra, is very pursuasive. From the opinion written by Mr. Justice Daniel, we quote the following excerpt:

"Congress, in creating the Territorial governments, and in conferring upon them powers of general legislation, did not, from obvious principles of policy and necessity, ordain a suspension of all acts proceeding from those powers until expressly sanctioned by themselves, whilst, for considerations equally strong, they reserved the power of disapproving or annulling such acts of Territorial legislation as might be deemed detrimental. A different system of procedure would have been fatal to all practical improvement in those territories, however urgently called for; nay, might have disarmed them of the very power of self-preservation. An invasion or insurrection or any other crisis demanding the most strenuous action would have had to remain without preventive or remedy 'till the Congress, if not in session, could be convened, or, when in session, must have awaited its possibly procrastinated aid.'" (Miners' Bank *v.* State of Iowa, 12 How. 8; 19 U. S. 6.)

Applying the foregoing statements to the actual conditions existing in the Territory of Nevada at the time the debt in question was contracted by the Territorial legislature solely for the benefit of the United States—a vast desert region, sparsely populated, shut off from the rest of the Nation by impassable mountain barriers, both to the east and the west, for practically six months of each year; an Indian uprising which lasted for many years which, according to the commanding general of the Pacific, threatened the entire closure of communication with the Pacific coast—the action of the Territorial legislature under these circumstances was directly in accordance with the powers by it possessed, as stated by the Supreme Court in the Miners' Bank case rendered in 1861, such action receiving the approval of Congress.

LIABILITY OF THE UNITED STATES

The legal liability of the United States rests on the following grounds: (1) By approving said Territorial act of February 20, 1864, providing extra pay, Congress accepted said act as a modification of the act of 1861 and the regulations made thereunder, so far as Nevada alone was concerned, and thereby made such extra pay here in dispute valid. (2) It is proven that such extra pay was made by the Territory of Nevada avowedly for the benefit of the United States alone with the approval of Congress; and as stated by the Supreme Court such Territorial act was the exercise of the authority of the United States. (3) Congress is estopped from denying just reimbursement.

The moral liability of the United States rests on the fact that its sparse people struggled to build a Commonwealth upon a desert, burdened themselves with the cost of statehood and debt to serve the Union in its exigencies at its urgent call.

The Supreme Court of the United States in United States *v.* Realty Co. (163 U. S. 427) said:

"That the case as presented to Congress was enough upon which to base the assertion that there was a moral and honorable claim upon the Public Treasury which that body had the constitutional right to recognize and pay; that even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an 'equitable, moral, or honorable nature'; that the Nation, speaking broadly, owed a 'debt' to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

Reimbursement in accordance with the account stated by the Comptroller General in Senate Document No. 210, Seventieth Congress, second session, is strongly based on "right and justice," as the State of Nevada is not asking Congress to appropriate a dollar she has not actually expended for the benefit of the United States.

Mr. ODDIE. The statement of the Comptroller General shows that the money is due the State of Nevada from the United States.

Mr. President, under the rules it can not be said that this reimbursement of a sovereign State for the money it actually expended for the benefit of the United States on an implied contract of repayment, as found by the Comptroller General, is a private claim. It does not come under the category of private claims.

Rule XVI states:

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate.

This resolution passed the Senate at this session, and comes under this rule that I have just read, and the bill itself passed the Senate a few days ago.

This amendment has been reported favorably by a standing committee of the Senate, the Judiciary Committee, and is for money that the State of Nevada actually expended during the Civil War in combating the Indians in that western country who were attacking the United States mail and overland traffic. They were a serious menace, and it was necessary that the Overland Trail be kept open; and the only way in which it could be kept open was by raising troops in Nevada under great difficulties, because the population was small and the people were undergoing hardships and difficulties. This was requested by the commanding officers of the Army of the United States. Nevada was a Territory at that time. This action of the Territory was later approved by the Congress of the United States.

Mr. President, I hope this amendment will go through. I now introduce the amendment and ask to have it read.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada will be stated.

The CHIEF CLERK. On page 100, after line 16, it is proposed to insert the following:

To reimburse the State of Nevada the net balance due as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, the sum of $595,076.53.

Mr. WARREN. Mr. President, I am very sorry that we can not always do as we should like to do for Senators associated with us; but for a great many years we have been bound to observe the rule that claims can not go on deficiency bills, so I shall have to make the point of order against the amendment. I shall be very glad to help otherwise in any way that I can; but the amendment can not go on this bill.

Mr. ODDIE. Mr. President, I respect very much the opinion of the Senator regarding claims; but, as I have stated, this does not come under the head of a claim. It is a reimbursement of a sovereign State for money it actually expended for the benefit of the United States on an implied contract of repayment as found by the Comptroller General, to which I have referred.

I hope this amendment will be adopted. It is a just claim if there ever was a just claim before the United States Senate. There are numbers of precedents which will permit favorable action on this amendment, but, because of the limitation of time for each amendment under the agreement, I can not go into them and the leading arguments in favor of it at this time.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair, in ruling upon the point of order, will remind the Senate that there is a clear distinction between public and private claims—so much so that in the other body there are two different calendars, one known as the Private Calendar and the other the Union Calendar. The Chair will declare that this claim is a private claim, and therefore is out of order.

Mr. ODDIE. Mr. President, I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Nevada appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question]. The ayes have it, and the decision of the Chair is sustained.

Mr. ODDIE. Mr. President, I ask for a roll call on the appeal.

The PRESIDING OFFICER. The Senator from Nevada demands the yeas and nays. Is there a second?

The yeas and nays were not ordered.

Mr. WARREN. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 213, strike out lines 20, 21, and 22, in the following words:

SHORT TITLE

This act may be cited as the "deficiency act, fiscal year 1929."

The amendment was agreed to.

Mr. BLACK. Mr. President, I send to the desk an amendment to the pending bill and call the attention of the Senator from Pennsylvania [Mr. REED] to it.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama will be stated.

The CHIEF CLERK. On page 102, after line 19, it is proposed to insert:

The sums of $308,036 and $39,500, appropriated for technical construction for Air Corps, Army, in the War Department appropriation act for the fiscal year 1929, are hereby made available for expenditure for improvement of landing field at Selfridge Field, Mich., $125,000, and Shreveport, La., $50,000; school building, $100,000, and noncommissioned officers' quarters, $42,000, at Maxwell Field, Ala.; moving and reerecting technical buildings, $15,000, at Boston Airport, East Boston, Mass.; night-flying lighting system, $3,775, and runways, $10,775, at Fort Crockett, Tex.; authorized in the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved February 29. (Acts of March 23, 1928, vol. 45, pp. 334–337.)

Mr. REED of Pennsylvania. Mr. President, this is merely a transfer from already authorized appropriations.

I have examined this amendment at the suggestion of the Senator from Alabama. It is in strict accordance with the recommendations of the War Department. It does not call for the appropriation of any new money, but merely provides for the transfer of existing appropriations, which it is believed by the department can be more advantageously spent at the points indicated in the amendment than at the other places originally designed.

The War Department did recommend a transfer from Chanute Field, Ill.; but in line with the assurance that I gave to the Senators from Illinois when Scott Field was under consideration, I have asked the Senator from Alabama not to include any transfer from that field.

Mr. BINGHAM. Mr. President, will the Senator tell us what fields are affected?

Mr. FLETCHER. Mr. President, may I make an inquiry? Have we not provided for all these improvements and extensions and that sort of thing? We have passed bill after bill about these different posts and stations. I thought they had already been taken care of.

Mr. REED of Pennsylvania. Mr. President, at the time the housing bill was being reported the Secretary of War sent me a letter, dated January 22, 1929, which is printed in our report on the housing bill, and that explains the need of each of the transfers accomplished by the amendment of the Senator from Alabama. This is in strict accordance with our action on the housing bill last month.

Mr. BLACK. Mr. President, will the Senator yield for just one additional statement? It is in accordance with it except that it does not include all of the appropriations that the War Department recommended; only about one-third of them.

Mr. REED of Pennsylvania. No.

Mr. BLACK. Only about one-third.

Mr. REED of Pennsylvania. As I have explained, some of the transfers have not yet been made, but this was described in our report on the housing bill, and the necessity for it shown at the time.

Mr. BINGHAM. Mr. President, will not the Senator tell us just what fields are being given up and transferred to this new improvement?

Mr. REED of Pennsylvania. I do not know that I can give the complete list that goes into this aggregate, but I can give enough illustrations to show the Senate what is planned.

At Fort Crockett, Tex., a dope and paint house had been provided for. At the time the money was appropriated for that, it was felt that it was urgently needed. They find that they are having trouble with the runways there, and to develop that field might run us into the expenditure of far more money than we ever designed, so probably the money will never be spent there, and it would better be spent at Maxwell Field, where it is urgently needed.

In the Hawaiian Department appropriation was made of $39,500 for a hangar at Luke Field. Probably the Air Corps activities are going to be moved to the tracts A and B, as they are called, one of them close to the eastern side of Pearl Harbor, and it would be wasteful to build that hangar at Luke Field, as originally planned. That is where $39,000 comes from.

It was planned to build concrete floors in the Middletown Air Depot up near Harrisburg, in Pennsylvania. It is now found that the warehouse can be built in such a manner as not to require the expenditure for concrete, and that provides about $38,000 more.

It represents savings all down the line at a number of fields of that sort, the kind of savings we ought to encourage in making appropriations, I think. Practically, they find the money of this new technical work by saving it at a lot of spots where they are able to economize, and they are not asking us for new money.

Mr. BINGHAM. I thank the Senator for his explanation.

Mr. WARREN. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

The amendment was agreed to.

Mr. McMASTER. Mr. President, I desire to ask a question for information. A short time ago a judgment was rendered in favor of the Sioux Tribe of Indians against the United States approximating, including principal and interest, some $300,000. That money does not belong to the United States; it belongs to those Indians.

I submitted an amendment to the committee asking for the payment of that money, and they ruled it out on some point of order. Yet amendment after amendment has been adopted on this bill up to the present time that were subject to points of order, taking money out of the United States Treasury, but the amendment which I have offered would not take any money belonging to the United States out of the United States Treasury, it would give to the Indians money which belongs to them, which has been awarded to them by a decision of a United States court. I can not understand why the Committee on Appropriations insists that that shall be ruled out on a point of order.

Mr. WARREN. Mr. President, this matter has reference to a judgment of the Court of Claims now pending as an amendment to the first deficiency bill. The committee in considering this proposed amendment was met with the rule against legislation on an appropriation bill. As the Senator has said, judgment after judgment is provided for in this bill, but the Senator's proposition has to do with how the amount of money adjudged to be due is to be used after it has been paid.

Mr. McMASTER. Let me ask the chairman of the committee this question: Did the committee make any effort to get in touch with the Treasury Department to ascertain about it?

Mr. WARREN. I did not argue the case because I did not have the details of it.

Mr. McMASTER. It seems strange that appropriation after appropriation is allowed on the floor of the Senate, providing for money to be taken out of the United States Treasury, but this is a matter in which a judgment has been rendered. I think the bill may be held up long enough so that we can get that information.

Mr. WARREN. The Senator has had a week to get the information.

Mr. McMASTER. No; we have not had a week. I was informed by my secretary that the bill was just brought up on Monday.

Mr. WARREN. But we had the matter under consideration.

Mr. McMASTER. If that is what the Senator wants, we can hold the bill up, then, until we can get the certificate.

Mr. WARREN. I do not consider that it is necessary to have any dispute about it. We simply can not do this.

Mr. McMASTER subsequently said: Mr. President, I submitted to the committee an amendment for the payment of money to the Sioux Indians. We were told here by the Appropriations Committee that the judgments had not been certified to Congress, and, therefore, they could not take any action until that matter had been attended to.

On investigation, however, I found that on January 8, 1929, the President of the United States as well as the Budget Bureau certified those accounts to Washington. The messages were sent to the United States Senate and referred to the Committee on Appropriations on January 9, 1929. I just wish to insert that statement in the RECORD to clear up the situation. I do not attach any blame to the members of the Appropriations Committee. I think the fact that this matter was not called to the attention of the committee was due to the lack of attention of the clerical force. As the chairman of the Appropriations Committee is here, I simply wanted to straighten out the RECORD on that matter.

Mr. WARREN. Mr. President, I wish to say that in a long service here, this is the first time I was ever presented with a matter of this kind with the statement that it failed to receive attention in my office. It may never have gotten there, or it may never have come to us. I have not in mind any clerk who may have overlooked it.

Mr. SMOOT. I want to say to the Senator from South Dakota that there are not any more diligent clerks in the whole Senate than the clerks of the Appropriations Committee, nor any clerks who work harder.

Mr. McMASTER. Mr. President, I do not wish to cast any reflections on anyone. I simply want to show that the document transmitted by the President of the United States and by the Budget Bureau was sent here on January 9 and was referred by the Senate to the Appropriations Committee.

Mr. JONES. Mr. President, I want to suggest, in justice to the clerk of the Appropriations Committee, that he has been bedfast and sick for seven or eight weeks and is not able to get out yet. The other clerks are first class, too.

Mr. SMOOT. Absolutely first class.

Mr. WARREN. Mr. President, there has been, as stated, an absence in the force of our committee. We are without our main clerk, and have been for some time; but there are others under him who are equally fitted and industrious. I will look up this matter and see what the situation is. I know very well that it never went across the table down there.

Mr. COPELAND. Mr. President, I want to say a word about the employees in the Appropriations Committee. I think they are fine gentlemen, hard-working men, and faithful public servants; and I can not speak of them in too high terms.

Mr. GOFF. Mr. President, I have an amendment which I desire to offer.

Mr. McNARY. Mr. President, may we not have order?

The PRESIDING OFFICER. Senators will take their seats. There is too much confusion in the Chamber. The clerk will report the amendment.

The CHIEF CLERK. The Senator from West Virginia offers the following amendment, to insert at the proper place the following language:

That the sum of $15,000 be, and the same is hereby, appropriated to pay the salary of Representative VICTOR L. BERGER, of the fifth Wisconsin district, for his services in the Sixty-sixth Congress, to which he was regularly elected and denied admission because of an alleged violation of the espionage act, which said conviction was later reversed on appeal by the Supreme Court of the United States.

Mr. GOFF. Mr. President, I merely desire to say that there will be no time taken up with the discussion of this proposed amendment.

Mr. WARREN. I make the point of order against this amendment as being new legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. WAGNER. Mr. President, I present the amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 196, after line 5, to insert the following new section:

SEC. 6. That the Secretary of the Treasury is authorized and directed to pay to the city of Binghamton, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $3,002.79, representing the amount which would have been assessable for local improvements during the years 1927 and 1928 against the property owned by the United States at the junction of State, Henry, and Washington Streets in such city if such property had been privately owned.

Mr. WARREN. Mr. President, it is a well-known fact that the Treasury does not pay for improvements made adjoining its property, its post offices, and such buildings. They sometimes pay for the sidewalks and the curbing, but for paving the streets, and for other improvements, they do not pay. Anyway, we could not consider this now; there is no Budget estimate for it. Therefore I will have to make the point of order against the amendment as being legislation.

Mr. WAGNER. Mr. President, did I understand the Senator to raise a point of order against this?

The PRESIDING OFFICER. The chairman of the committee raises the point of order, and the Chair will sustain the point of order.

Mr. WARREN. Mr. President, I ask that the clerk be authorized to correct the totals and to renumber the sections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKHART. Mr. President, if there are no further amendments to be offered by any Senator, I desire now to take a few moments to explain the Federal employees' pay amendment that was agreed to by the Senate, especially in its relation to the situation in the House of Representatives, so that we may understand why it should be held in the conference agreement.

At the last session of the Congress the House passed what was called the Welch pay bill. There were some advances to some of the higher-grade employees in that bill which the Senate did not change in any way.

The Welch bill as it came to the Senate cut off the two lower steps in nearly all the grades, and in most of them it only put on one step at the top. That made it impossible to grant a uniform advance to all the employees in the different grades.

The Senate then amended the bill and put on two steps at the top and advanced all of the employees the same. That bill passed the Senate, I believe, by unanimous vote at that time.

Later a ruling of the Comptroller General cut down more than one step at the top, in fact cut down about half of the steps; and this amendment we have just agreed to corrects those two matters and makes an even advance again for the employees, as the Senate originally passed the bill.

The situation in the House is this: A similar bill was brought before the committee and all of the matters covered in this amendment agreed to in the Senate were agreed to in the committee, and a bill has been reported and is on the House Calendar to that effect, but they added other provisions to the bill, cutting down some of the advances that were made in some of the higher grades.

The advances which are cut down in the higher grades are advances which the House distinctly made in the Welch bill, and were not disturbed by the Senate in its former enactment. Therefore both the House and the Senate at this time have agreed to the propositions in this amendment agreed to by the Senate to-day, and I think it would be unfair to rule out these advances to which both Houses have already agreed, because there are some other situations where one House wants to make some reductions. The Senate committee would not favor those reductions, and I think the Senate itself would not, whereas the House seems to be favorable to them.

Those matters are not related to the propositions of advances in this bill, and therefore there is no real conflict between the two Houses upon the amendments agreed to in the Senate, and I believe that if the conferees present the situation in that way they will have no trouble in getting an agreement to this amendment as it was agreed to here to-day.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to further amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. CURTIS, Mr. KEYES, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

Mr. WARREN. Mr. President, owing to the absence of the senior Senator from Colorado [Mr. PHIPPS], who was one of the conferees on the first deficiency bill, I asked that the Senator from Kansas [Mr. CURTIS] be placed on the conference committee in the place of the Senator from Colorado.

CONSIDERATION OF THE CALENDAR

Mr. SMOOT. Mr. President, I ask that the action of the House on the Interior Department appropriation bill be laid before the Senate. I shall move that the Senate recede from its amendment No. 39.

Mr. CURTIS. Mr. President, the motion is going to be debated. Before it is made, I desire to submit a unanimous-consent request. I ask unanimous consent that at the conclusion of action on the Interior Department appropriation bill the Senate proceed to the consideration of unobjected bills on the calendar, beginning where we left off on the last call.

Mr. McKELLAR. Mr. President, I am perfectly willing that that course should be pursued, but I want to express the hope that as soon as that is done we may have an executive session.

Mr. CURTIS. I am going to ask for an executive session later on.

Mr. McKELLAR. The Senator means later in the day?

Mr. CURTIS. Yes.

Mr. McNARY. Mr. President, may I inquire what hour the Senator fixed for taking up the calendar?

Mr. CURTIS. As soon as action is taken on the Interior Department appropriation bill.

Mr. JONES. Mr. President, it is possible there will be some bills to be reported to-day by committees. I ask that those reports may be included in the unanimous-consent agreement.

Mr. CURTIS. I have no objection to that.

Mr. KING. Mr. President, as I understand the request of the Senator from Kansas, it means that we shall proceed with the calendar from the point where we left off the other day and go to the end of the calendar, but not return to the beginning.

Mr. CURTIS. The Senator from Utah is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

NEW ORLEANS ARMY SUPPLY BASE

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield to me for a request which will not take any time, I am sure?

Mr. SMOOT. I want it distinctly understood if it leads to any debate at all I shall object.

Mr. REED of Pennsylvania. I do not think it will lead to any debate whatsoever.

From the Committee on Military Affairs I report back favorably and unanimously the bill (H. R. 16701) to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

As the title indicates, the bill provides for payment to the commissioners of New Orleans of rental which is due them under a written lease between the time the United States notified them that it was going to exercise its option of purchase and the time when it actually paid the money. The United States stopped paying rent when it gave the notice, and then it was three years before the Government became satisfied with the title. In the meantime, the United States remained in possession. The War Department recommends the bill, it was unanimously passed in the House, and it ought to be passed here.

There is an amendment on the second page to make the amount accord with the amount on the first page. It is simply a clerical error in the bill. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Of course I have no objection if it does not lead to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Military Affairs was, on page 2, line 10, after the words "sum of," to strike out "$38,638.40" and insert "$39,686.54," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay to the Board of Commissioners of the Port of New Orleans, rental in the sum of $39,686.54 for the use and occupancy of the property known as the New Orleans Army Supply Base, New Orleans, La., said rental being for the period from August 1, 1924, on which date the United States ceased to pay rental for the said property, to August 26, 1927, on which date the United States tendered a check in payment for the purchase of the said property to the Board of Commissioners of the Port of New Orleans, from which the same was purchased, said rental being at the rates provided for in contracts between the United States of America and the Board of Commissioners of the Port of New Orleans, dated May 29, 1918, and June 19, 1918.

SEC. 2. That the sum of $39,686.54 is hereby authorized to be appropriated for the purposes set forth in section 1 out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SUPPLEMENT TO NATURALIZATION LAWS

Mr. REED of Pennsylvania. Mr. President, I have a very short conference report, which will not lead to debate, I am certain. It is a conference report on the bill (H. R. 349) to supplement the naturalization laws, and for other purposes. It is almost exactly as it passed the Senate and as it was reported by the Committee on Immigration. The only change made in it is that the amnesty provision dates back to 1921 instead of 1924. The Senate bill would have given amnesty and would have allowed the naturalization of persons who came in prior to 1924. In conference we have receded from that and have put the date back to 1921, so that anybody who came in before 1921, and who under the present law can not be deported, and who is a person of good moral character, may be naturalized now.

Mr. ROBINSON of Arkansas. What is the basis for changing the date from 1924 to 1921?

Mr. REED of Pennsylvania. The reason for that is that the House was unwilling to legalize the entry of any person who came irregularly since the first quota law was adopted. So the date of the first quota law, June 3, 1921, was fixed as the dead line.

Mr. ROBINSON of Arkansas. The present arrangement then is more restrictive than that contained in the bill as passed by the Senate?

Mr. REED of Pennsylvania. Yes. The conference report is stronger against the illegally admitted aliens than was the bill itself as passed by the Senate. I ask unanimous consent for the immediate consideration of the conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments, as follows:

On page 1 of the Senate engrossed amendment, line 11, strike out "July 1, 1924" and insert "June 3, 1921";

On page 3 of the Senate engrossed amendment, lines 4 and 5, strike out "After the expiration of 60 days after the enactment of this act no" and in lieu thereof insert "No";

On page 3 of the Senate engrossed amendment, line 7, after "valid," insert a comma;

On page 5 of the Senate engrossed amendment, line 2, before the period, insert a comma and the following: "in addition to the affidavits required by this act to be included in the petition";

On page 8 of the Senate engrossed amendment, line 22, strike out "or under section 1993 of the Revised Statutes";

On page 9 of the Senate engrossed amendment, lines 16 and 17, strike out "be conclusive evidence of the citizenship of the individual named therein" and insert "have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction";

On page 11 of the Senate engrossed amendment, line 4, after the semicolon, insert "any political subdivision of a State not included within any county" and a semicolon; and

On page 12 of the Senate engrossed amendment, after line 5, insert the following:

"SEC. 12. Sections 1 to 10, inclusive, of this act shall take effect on July 1, 1929. The remainder of the act shall take effect upon its enactment."

And the Senate agree to the same.

HIRAM JOHNSON,
DAVID A. REED,
ROYAL S. COPELAND,
Managers on the part of the Senate.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CHOWAN RIVER BRIDGE, NORTH CAROLINA

Mr. GLASS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 16954) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River in Gates and Hertford Counties, N. C. The bill passed the House and has been reported favorably by the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Chowan River, at a point suitable to the interests of navigation, at a point distant in a southerly direction along the center of said river about 1.3 miles from the Virginia-North Carolina line, in Gates and Hertford Counties, in the State of North Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GLASS, the bill (S. 5831) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C., was ordered to be definitely postponed.

MEHERRIN RIVER BRIDGE, NORTH CAROLINA

Mr. GLASS. I now ask unanimous consent for the immediate consideration of the bill (H. R. 16955) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Meherrin River, at a point suitable to the interests of navigation, at a point distant in a northwesterly direction along the center of said river about 4.6 miles from the confluence of said Meherrin River with the Chowan River, in Hertford County, in the State of North Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Camp Manufacturing Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GLASS, the bill (S. 5830) granting the consent in Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C., was ordered to be indefinitely postponed.

H. E. JONES

Mr. SWANSON. Mr. President, there is a bill which has just come over from the House, the bill (H. R. 16867) for the relief of H. E. Jones. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BLEASE. I think it is understood that we are going to take up the calendar later in the day. If we are going to take up all the House bills that are sent over from the House in this way none of us know when we may get to the consideration of any Senate bills. At this rate we shall never get to the consideration of bills on the calendar. Therefore I must object.

The PRESIDING OFFICER. Objection is made.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States; and

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLTON, Mr. SMITH, and Mr. EVANS of Montana were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLTON, Mr. SMITH, and Mr. EVANS of Montana were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. DYER, and Mr. BOX were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended;

S. 4517. An act to authorize the appropriation for tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and the business committee, and for other purposes;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.;

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey;

S. 5776. An act for the relief of Wynona A. Dixon;

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass, connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16565. An act authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Okla-

homa to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38) and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I ask that the action of the House on the Interior Department appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives insisting on its disagreement to the amendment of the Senate No. 39 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. SMOOT. Mr. President, I move that the Senate recede from its amendment numbered 39. Briefly I will state——

Mr. WALSH of Montana. Mr. President, if the Senator will yield, I would like to suggest the absence of a quorum.

Mr. SMOOT. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Simmons
Barkley	Fletcher	McMaster	Smith
Bayard	Frazier	McNary	Smoot
Bingham	George	Mayfield	Steck
Black	Gerry	Metcalf	Steiwer
Blaine	Glass	Moses	Stephens
Blease	Glenn	Neely	Swanson
Borah	Goff	Norbeck	Thomas, Idaho
Bratton	Gould	Norris	Thomas, Okla.
Brookhart	Greene	Nye	Trammell
Broussard	Hale	Oddie	Tydings
Burton	Harris	Overman	Tyson
Capper	Harrison	Pine	Vandenberg
Caraway	Hastings	Pittman	Wagner
Copeland	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ark.	Warren
Dale	Johnson	Robinson, Ind.	Waterman
Deneen	Jones	Sackett	Watson
Dill	Kendrick	Schall	Wheeler
Edge	Keyes	Sheppard	
Edwards	King	Shortridge	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Utah.

Mr. WALSH of Montana. Mr. President, I had hoped that the Senator from Utah [Mr. SMOOT] would really explain to the Senate at this time just why he thinks the Senate ought to recede from this amendment which it has twice approved.

Mr. SMOOT. Mr. President, amendment numbered 39 provides for the condemnation of land by the Government in national parks. The bill as it came from the other House authorized such condemnation. The Senate amended the bill by striking out the provision allowing the Government to condemn land in the national parks. In conference it developed at our first meeting that the House conferees were not going to yield on amendment numbered 39, which had been adopted by the Senate.

On January 17 the first vote was taken in the House. I told the House conferees that the Senate conferees would not yield until there should have been a vote taken by the House. The result of that vote was 72 to 16 against the Senate amendment. By the way, that was a standing vote. I and the other members of the conference committee on the part of the Senate insisted that the House take a yea-and-nay vote upon the amendment. On February 19 that vote was taken. I told the conferees on the part of the House that I would not make a report to the Senate until there should have been a yea-and-nay vote upon the amendment in the House. That vote, which, I repeat, was taken on February 19, resulted 28 for the Senate amendment and 304 against the amendment.

Mr. BROUSSARD. Mr. President, will the Senator please state just what is the matter under consideration? I have just come into the Chamber.

Mr. SMOOT. The Senate is now considering the motion made by me to recede from amendment numbered 39 on the Interior Department appropriation bill now under consideration. I am discussing that amendment. By receding from that amendment, the bill will be passed.

Mr. McKELLAR. Mr. President, may I ask the Senator from Utah if this amendment would apply to Smoky Mountain Park, in eastern Tennessee? Could the Government condemn lands for park purposes there?

Mr. SMOOT. The provision would apply if that is a national park.

Mr. McKELLAR. Yes; it is a national park. The Government, the State, and private interests combined are buying lands in order to complete the Smoky Mountain National Park. There are a great many people who own little homes in the various mountain and cove districts, some of whom want to stay there. I am not sure that it would be wise to give carte blanche authority to the Secretary of the Interior to condemn those lands. In my mind, it is doubtful whether or not we ought to do that.

Mr. SMOOT. I do not think there will be any occasion for condemning lands in that kind of a park.

Mr. McKELLAR. I think those lands ought to be bought or, if certain contingencies arise by which they should be condemned, I think the park authorities should submit those contingencies to Congress and obtain the specific right to condemn the lands rather than for the Secretary of the Interior merely to have a blanket authority to condemn. I am just wondering whether the Senator from Utah agrees with me in that view?

Mr. SMOOT. It has not been the practice at all on the part of the officials of the Government to condemn lands such as the Senator from Tennessee has reference to. The thought is that the national parks are becoming of very great importance to all of the people of the country. The number of visitors to them is going to increase every year from now on. A few years ago only a few thousand people visited the parks, while now there are hundreds of thousands who do so, and every year the number is increasing. In certain parks where the Government officials and the owners of land can not agree upon the price, particularly as to timberlands, and so forth, this amendment, if agreed to, would authorize the Government to condemn the lands.

There may be, and no doubt will be, cases where the private parties and the Government can not agree, but in most cases they will be able to agree on the value.

There is no intention whatever of driving out homesteaders either in that park or in the Glacier National Park, as was stated at the time the bill was under consideration in the Senate.

Mr. McKELLAR. I call the attention of the Senator to the language used which I understand it is intended to retain in the bill. It reads:

> Or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.

That is a very broad authority.

Mr. SMOOT. It is general condemnation authority; there is no doubt about that.

Mr. McKELLAR. Yes; and it gives the power to just one man in the entire Government. Where the taking of private property, for park purposes at any rate, is concerned, it seems to me the authority might be hedged about somewhat. I doubt whether any one man should be given the right to condemn property of citizens for park purposes.

Mr. SMOOT. The price of the land in case the individuals and the Government can not agree will be fixed in condemnation proceedings by the court.

Mr. McKELLAR. I understand that.

Mr. SMOOT. Mr. President, as I have said, when the vote was taken on the amendment in the House on February 19, the result was 304 against the Senate amendment and 28 for it. After that there were several propositions made by way of modification, but the conferees on the part of the House would not yield to any proposition that was submitted to them by the conferees on the part of the Senate. The conferees on the part of the Senate again declined to agree, and a disagreement was again reported upon the amendment No. 39. It went back to the House for another vote, and that vote which was only a standing vote and taken near the close of the session, was 42 to 12.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMOOT. Yes.

Mr. COPELAND. Will the Senator state to the Senate the situation in regard to this matter? If the conference report shall be adopted, what will then happen? Will that leave the Department of the Interior free to condemn private property just exactly as the department may feel it is justified in doing?

Mr. SMOOT. The provision which gives the Secretary of the Interior the power to condemn lands is in these words:

> For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase or by condemnation under the provisions of the

act of August 1, 1888 (U. S. C. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.

Mr. ROBINSON of Arkansas. Is it intended under this provision to give the Secretary of the Interior the power to take all privately owned lands without regard to their character and without regard to the purposes to which they are now being utilized.

Mr. SMOOT. Under the wording of the House provision he would have the right to condemn all privately owned land or standing timber within the boundaries of national parks.

Mr. ROBINSON of Arkansas. And there is no limit whatever placed on his authority; he is given absolute jurisdiction and discretion to take any lands for any purpose?

Mr. SMOOT. That is exactly what it means.

Mr. WALSH of Montana. Or for no purpose.

Mr. ROBINSON of Arkansas. Or for no purpose. There is not any occasion in the world for the existence of such authority or for the exercise of such authority.

Mr. SMOOT. There are some cases where condemnation is necessary; for instance, in one of the parks, particularly in California——

Mr. ROBINSON of Arkansas. There is no objection to giving the Secretary of the Interior the power to take timberlands, and there is no objection to giving him the power in cases where the necessity exists to condemn lands, but it is the undue extension of bureaucratic control to give him unlimited authority, and I do not think the Senate is going to do it.

Mr. SMOOT. We want to pass this bill, and we can not do it in any other way.

Mr. ROBINSON of Arkansas. Mr. President, we frequently get the information that we can not pass a bill unless we do something that there is no justification for doing.

Mr. SMOOT. I want to say to the Senator that I am perfectly willing to resign as one of the conferees.

Mr. ROBINSON of Arkansas. Oh, no; nothing whatever would be accomplished by that.

Mr. SMOOT. I have done everything in my power to bring this thing about. The House has voted, as I have already stated, overwhelmingly. It has also had a bill presented——

Mr. ROBINSON of Arkansas. As a matter of fact, this is legislation on a general appropriation bill; it violates the fundamental rules of procedure; and, unless there is a strong justification for it, it ought not to be insisted upon. I do not care from what source the insistence comes.

Mr. McKELLAR. Another thing, Mr. President: Let me say to the Senator that I do not think either the House or the Senate should arbitrarily take the position that "unless we have our particular way this bill will fail." If the House takes that position, let them take the burden of it.

I do not think we ought to yield on a matter of vital importance and of real principle. If the Secretary of the Interior has in mind any land which ought to be condemned, and will make a report of that to the Congress, the department can get the authority whenever it pleases; but, as the Senator from Arkansas has so splendidly pointed out, we ought not to give this blanket authority to take land for any purpose, or without any purpose at all.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. COPELAND. This issue is not yet clearly placed before the Senate. Am I right in this?

If the conference report should be adopted, it would give the Secretary of the Interior absolute power to condemn any property in the sections involved. That is the first proposition. Second, if the amendment adopted in the Senate should prevail, it would leave in the hands of the Secretary of the Interior the power of condemnation except as regards private homes and church establishments and hotels.

Mr. SMOOT. No; that amendment has not been agreed to.

Mr. COPELAND. No; it has not been agreed to, but that is the issue?

Mr. SMOOT. No.

Mr. ROBINSON of Arkansas. It has passed the Senate.

Mr. SMOOT. No; it is not in issue at all now. The question is just as the Senator stated it in the first place: If the Senate amendment is agreed to—and the House say they will not do it—but if it is, then, of course, these privately owned lands or standing-timber lands can be acquired by purchase. That is what the bill would provide if amendment No. 39 of the Senate were agreed to by the House; but the House will not agree to it.

I want to say to the Senator, and he knows it, that I have made the same proposition to limit this to private residences, hotels, and timber.

Mr. COPELAND. The Senator must not be sensitive. There is no reflection upon the Senator.

Mr. ROBINSON of Arkansas. Certainly not.

Mr. COPELAND. It is simply a question of the issue before us.

Mr. ROBINSON of Arkansas. It is a matter of principle.

Mr. SMOOT. That is all; and that is what I want the Senate to decide upon—whether we are going to let this bill fail, or whether we are going to yield on amendment No. 39.

(At this point a message was received from the House of Representatives, which appears elsewhere in to-day's RECORD.)

Mr. COPELAND and Mr. BROUSSARD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and, if so, to whom?

Mr. SMOOT. I yield first to the Senator from New York.

Mr. COPELAND. The Senator has not yet conceded that the issue is as I have recited. I am anxious to have it clear-cut.

Mr. SMOOT. I stated to the Senator that he had stated the proposition correctly. There is not any doubt about that. Not only that, but I will say to the Senator that he has stated it very clearly; and that is the issue. The issue here is whether we are going to give the Secretary of the Interior power to condemn privately owned lands or standing timber within the boundaries of existing national parks and national monuments by purchase or by condemnation.

Mr. WALSH of Montana. Or whether we shall restrict his authority to——

Mr. ROBINSON of Arkansas. To the cases where there is a necessity for condemnation in the public interest.

Mr. SMOOT. But, so far, every proposition has been turned down by the House by a vote.

Mr. ROBINSON of Arkansas. Very well; let them turn it down.

Mr. SMOOT. I do not feel that way about it. I feel that nothing is going to happen within a year that is going to hurt anybody particularly, and if there is an abuse of the authority at any time within the coming year we will have some basis to ask for the amendment of the law.

Mr. McKELLAR. Mr. President, this provision would amend the law. It gives the Secretary of the Interior absolute power of condemnation at will, and that is too great a power to give him; and if the House can not see that, I shall be astonished.

Mr. SMOOT. The amendment does not do that. The amendment gives him that power.

Mr. McKELLAR. Yes; it gives him that power. To pass a bill, and say "If it does not work right we are going to repeal it," is something we ought not to do unless it meets our approval.

Mr. SMOOT. I simply say that that could be done. I do not say that that is what ought to be done; but we do have that to fall back on.

Mr. McKELLAR. I hope the Senator does not think I am criticizing him, because I am not.

Mr. SMOOT. Oh, no.

Mr. McKELLAR. I think the Senator has done the best he could about the matter; but the Senate ought to back up the Senator again, and we ought to let the House know that we are not going to recede on this amendment.

Mr. SMOOT. I want the Senator to know that if that is done now, the bill will fail.

Mr. McKELLAR. No; it will not fail.

Mr. SMOOT. That is exactly what will happen. I have every reason to believe that.

I do not think it is proper for me to refer here to Members of the House. That would not be proper.

Mr. McKELLAR. No.

Mr. SMOOT. But I have every reason to believe, and I want to say now to the Senate of the United States, that if this amendment of the Senate is not receded from, we are not going to have any appropriation bill by the 4th of March.

Mr. BROUSSARD. Mr. President, let me ask the Senator a question. I think the Senate might be interested to know about this: Where does the demand come from for vesting this extraordinary power in the Secretary of the Interior when both the Senators from the State of Montana are opposed to the bill, as well as the Congressman from that State? Who is making this demand?

Mr. SMOOT. This does not apply to one State only. It applies to all of the national parks and all of the national monuments in the United States.

Mr. BROUSSARD. It does apply to all of them?

Mr. SMOOT. Why, certainly; every one of them.

Mr. McKELLAR. I am here protesting for my State. I do not want to have this blanket authority granted.

Mr. COPELAND. Mr. President, the Senator may be amazed that I take an interest in this bill; but the fact is, that every single conservation society in my city and State has written me about it, and they are vitally interested. They are particularly interested in the big trees. That term, perhaps, does not mean much to some people, but to them it means everything.

The Senator has stated that the only difference in the world between the conference report which he is urging upon us and the action of the Senate lies in the fact that the Senate very properly, as I see it, with all God's out of doors open for condemnation, reserved and exempted from the operation of any condemnation scheme certain privately owned and used property, the homes of a few American citizens, hotels which have been built upon those beautiful lakes, and certain religious establishments.

I must contend that that is a very proper limitation to make. If we were talking about a comdemnation in this city, where we had to put up a public building, and there were privately owned establishments near by, of course we would have to exert our right of eminent domain, or whatever it is, to take possession. But here there are thousands, possibly millions, of acres involved; and the Senate has very justly said that so far as these progressive citizens are concerned who have gone into that territory and have spent their money to build homes where they go to enjoy themselves in the summer time, and hotel men who have bought property and erected buildings, and religious institutions that have located establishments there, of course they should be exempted.

Regardless of what position may be taken in other branches of the Government, it is right that the Senate should demand that its view relative to these matters in question be considered. I think I have stated the situation as it is, and that is the way I feel about it.

Mr. SMOOT. Mr. President, the whole question is before the Senate to decide. I do not doubt the accuracy of what the Senator has stated at all, but if the Senate does not yield on amendment No. 39 we are not going to have any Interior Department appropriation bill at this session of Congress. It has been held up in conference for 40 days. Some $400,000 of this money is to be made immediately available. I know in some of the cases men have had to stop work entirely; they are holding their forces in some places absolutely at their own expense because of the fact that there is no money to pay them. There are other items, to the amount of over $200,000, where the contractors have now borrowed money from the banks; they are paying 6 and 7 per cent upon that money, and there is no provision whatever under which the Government can reimburse them. If this report is not agreed to, I am quite sure we are not going to have any bill.

Mr. JONES. Mr. President, my recollection is that this bill carries the appropriations for continuing the reclamation work for the next year.

Mr. SMOOT. It does.

Mr. JONES. If the bill should fail, and, assuming that no emergency bill were passed, would not practically all reclamation work stop on the 1st of July?

Mr. SMOOT. I think most of it would. There are some projects where there would be some money.

Mr. BROUSSARD. That could be provided for during the special session.

Mr. SMOOT. I do not know about that.

Mr. WALSH of Montana. That does not indicate that the Senate ought to recede from its position relative to the matter any more than that the House should.

Mr. SMOOT. How are we going to overcome a vote in the House, where the matter was put up directly to them? I did not ask a conference here, and I told Mr. CRAMTON I would not, so that they could have the papers and have a yea-and-nay vote, and not have the excuse of not having the papers. When the matter went back to the House, there was a yea-and-nay vote, and the vote was 304 to 28.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. COPELAND. I get sick and tired, so far as I am concerned, of having the Senate say "Let us not do it because we are going to offend somebody," or "Let us put this on the bill in order to use it as a club over somebody else." I contend that it is the business of the United States Senate to do what it thinks is right, and if the other people in the Government do not care to coincide with us, that is their affair, not ours.

Mr. SMOOT. The truth is that the House is a part of this Government just as much as the Senate is.

Mr. SIMMONS. Mr. President, does the Senator think that the Senate should, with reference to all of its great supply bills, yield to the whim of the House? This is but a whim, this matter of exempting from condemnation a few homes and a church and a school, when the House says, "If you do not let us condemn them, you shall not pass this bill."

Mr. SMOOT. I do not think there is any intention along that line.

Mr. ROBINSON of Arkansas. Why is the right to condemn insisted upon, if it is not to be exercised?

Mr. SMOOT. They want the authority granted. There may be cases where it is needed.

Mr. SIMMONS. The position of the House is that unless the Senate will consent to the granting of the power for the condemnation of these few homes, and these few churches and schools, as a part of a vast domain that is subject to condemnation, this bill shall not pass.

Mr. SMOOT. I did not say that the bill shall not pass.

Mr. SIMMONS. The Senator said it would not pass. Then, why will it not pass? Because the House will not agree to the report unless we agree to the demand of the House.

Mr. ROBINSON of Arkansas. The statement of the Senator from North Carolina is strengthened by the fact that the Senator from Utah says there is no intention of exercising the power to condemn homes, hotels, and churches——

Mr. SIMMONS. Exactly.

Mr. ROBINSON of Arkansas. Or church sites, but at the same time the right to do so is insisted upon. I respectfully suggest that the power to condemn ought to be limited to the extent to which it is expected to be exercised.

Mr. SMOOT. That is what we have had a vote on.

Mr. ROBINSON of Arkansas. We will have some more votes on it.

Mr. SIMMONS. Mr. President, this is not the first case of the kind. We have had several cases in which we were told that unless we consented to some little items of minor importance in a bill there would be no legislation upon a subject involving expenditures of the Government affecting the various and sundry interests of the people.

Mr. SMOOT. The Senator speaks of this one little item. There were 41 amendments, and the House has yielded on nearly all of them. The Senator from North Carolina has been on conferences enough to know——

Mr. SIMMONS. But I have not seen this spirit that we have heard of manifested recently.

Mr. SMOOT. I could call attention to a case where the same spirit was exhibited in connection with a bill on which the Senator and I were conferees, and we had to yield.

Mr. SIMMONS. I do not know what the Senator is talking about now.

Mr. SMOOT. I could tell the Senator, but there is no necessity of it.

Mr. SIMMONS. I may have misunderstood the Senator from Utah, but I understood him to say that everything depended upon our yielding in this little matter, and that if we did not yield to the House with respect to this minor item there would not be any legislation.

Mr. SMOOT. There are 41 amendments, and they have all been agreed to with the exception of this one, and this one the House has voted upon three times. We would not yield here and sent it back. Now the time has come——

Mr. SIMMONS. How many times has that happened during this session with respect to big appropriation bills?

Mr. SMOOT. Not at all that I know of.

Mr. SIMMONS. I have heard of it several times.

Mr. SMOOT. I have not. This has been in conference 40 days now.

Mr. SMITH. Mr. President, did I understand the Senator to say that the attitude of the House was that the department had no intention of condemning the property enumerated in the Walsh amendment?

Mr. SMOOT. It gives them the power to do so. I understand now that the Great Northern Railroad has already made an agreement there about the hotel.

Mr. WALSH of Montana. What is the difference whether it is owned by the Great Northern or anybody else?

Mr. SMOOT. There is no difference, but the department will agree wherever it is possible to agree within reason. As I have said, there were 41 amendments. This is the only amendment not agreed upon, and on this amendment numbered 39 we have had vote after vote in the House, and the House will not yield.

Mr. SMITH. The point is, the other amendments on which agreement has been had may not involve as vital a principle as the one now under consideration. This gives such broad, unlimited power that the Secretary of the Interior can go in and, at his own sweet will, do as he pleases with privately owned property, and the property enumerated in the exceptions mentioned by the Senator from Montana. I thought I understood the Senator to say that the House conferees had no intention of giving the Secretary of the Interior the power to do the

things which are sought to be prevented by the amendment of the Senator from Montana.

Mr. SMOOT. Mr. President, I am a servant of this body, and I am perfectly willing for the body to take a vote upon this, but I want Senators to know what the vote means. I thought it is my duty, as a servant of this body, to tell the conditions. I have done that, and I do not want to say anything more about it.

Mr. WALSH of Montana obtained the floor.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. WAGNER. I want to ask that the Senate take action on a bill about which there will be no controversy.

Mr. SMOOT rose.

Mr. WAGNER. May I explain to the Senator that this is eagerly sought by the War Department on behalf of the Government and by the city of New York? It affects simply a situation in Staten Island, N. Y. A very small portion of Miller Field is ceded to the city of New York in return for which the city of New York has agreed to pay all of the expenses of improving the approach to Miller Field, which will lessen the danger to pedestrians from Government and other motor vehicles.

Mr. SMOOT. Mr. President, I have no objection to the bill——

Mr. WAGNER. Nobody has any objection to it.

Mr. SMOOT. But if I yield to the Senator on this, how can I say to another Senator that we can not yield? I want the Senate now to pass upon this amendment to the appropriation bill. I want them to say what they want to do with this conference report.

Mr. WAGNER. I appreciate that.

Mr. SMOOT. To-day is Thursday, and we will be through practically on Saturday. We have before us for final action a bill carrying $285,000,000, and I ask the Senator not to request action on his bill at this time.

Mr. COPELAND. Mr. President, this is purely a technical matter, and I hope the Senator from Utah will not block it. It will take just a moment.

Mr. SMOOT. The Senator knows very well that I would yield to him as quickly as to anybody, but I can not yield to the Senator from New York and then refuse to yield to others, and I beg him not to ask it.

Mr. WAGNER. The Senator will make no objection if I call the bill up after the disposition of the pending matter?

Mr. SMOOT. None at all.

Mr. WALSH of Montana. Mr. President, I want in the introduction of the discussion of this matter, to express my thanks to the conferees on the part of the Senate for the fidelity they have exhibited in endeavoring to secure an approbation by the House of the position taken by the Senate with respect to this matter. It has an importance far beyond the considerations applicable to this particular amendment. It really presents the question as to whether the Senate of the United States shall continue as an essential, integral part of our legislative system, or whether it shall find its prerogatives seriously impaired, if not quite destroyed.

I am sure that even those who have been kind enough to express their concurrence in the attitude I have taken with respect to this matter do not fully appreciate the situation as it is here presented to us. Under the Constitution of the United States, bills for raising revenue must originate in the House of Representatives. There is no such provision with reference to general appropriation bills.

Mr. BLEASE. Mr. President, I think this matter is one of such importance that there should be more Senators in attendance.

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. BLEASE. I think the Senator from Montana is right, this is one of the most important matters that has been before the Senate this year, or that has come before it for a long time, and I suggest the absence of a quorum.

Mr. WALSH of Montana. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Brookhart	Deneen	Glass
Barkley	Broussard	Dill	Glenn
Bayard	Burton	Edge	Goff
Bingham	Capper	Edwards	Gould
Black	Caraway	Fess	Greene
Blaine	Copeland	Fletcher	Hale
Blease	Couzens	Frazier	Harris
Borah	Curtis	George	Harrison
Bratton	Dale	Gerry	Hastings
Hawes	Moses	Sackett	Trammell
Hayden	Neely	Schall	Tydings
Heflin	Norbeck	Sheppard	Tyson
Johnson	Norris	Shortridge	Vandenberg
Jones	Nye	Simmons	Wagner
Kendrick	Oddie	Smith	Walsh, Mass.
Keyes	Overman	Smoot	Walsh, Mont.
King	Pine	Steck	Warren
McKellar	Pittman	Steiwer	Waterman
McMaster	Ransdell	Stephens	Watson
McNary	Reed, Pa.	Swanson	Wheeler
Mayfield	Robinson, Ark.	Thomas, Idaho	
Metcalf	Robinson, Ind.	Thomas, Okla.	

The PRESIDING OFFICER (Mr. GOFF in the chair). Eighty-six Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, while there is no constitutional requirement that bills in the nature of general appropriation bills shall originate in the House of Representatives by a practice which has attained practically all the force of a constitutional provision that is the case. Appropriation bills invariably originate in the House of Representatives. If, under such a practice as that, general legislation in that body may be incorporated upon an appropriation bill, and then the Senate of the United States may be told that it must agree to that general legislation thus proposed exactly as it was written in the House without ever crossing a "t" or dotting an "i," or there will be no appropriation bill, and the Senate yields to that sort of a threat, its usefulness as a legislative body, as I have indicated, is not only impaired but practically destroyed. That is the situation presented here.

A new policy is inaugurated by the bill. Heretofore private holdings within the exterior boundaries of the national parks have been tolerated and indeed, so far as Glacier Park in the State of Montana is concerned, have been encouraged by the legislation of Congress, for the act creating that park not only secured to those within the park their holdings there but authorized the Secretary of the Interior to lease restricted areas for the purpose of being occupied as homes.

The situation in which the Senate finds itself has not been passed unobserved by the press of the country. I have here the editorial page of the New York Times of yesterday, Wednesday, February 27, in which occurs the leading editorial entitled "The House Feels Its Oats." I read:

> Not for several years has the House of Representatives shown so many signs as at present of a determination to assert itself against the Senate. Its action on bill after bill has made certain Senators turn purple with rage, but perhaps that is one of the very things which the leaders of the House hoped to accomplish. They have resolutely stood by their own ideas of what the general deficiency bill should be, especially in the matter of money for prohibition enforcement. They have compelled the Senate to recede from many of its amendments to the Interior Department bill, and have insisted, at last accounts, upon rejecting even the pet fragment of an amendment which Senator WALSH strove to draft upon that measure. When Senator SMOOT told Mr. WALSH that if he remained stubborn the whole bill might fail, he rejoined, "Let it fail." Apparently his thought was that the House would not dare incur that final responsibility. But it has boldly altered several other bills dear to the senatorial heart, and seems bent on vindicating its own dignity and authority in a way that seems novel.
>
> It was not always the case that the Senate was the "dominant member" of Congress. For a long time after the Civil War the House was, in the public impression at least, the more important body. Its debates were the more fully reported. Its personalities were the more vivid and commanding. But little by little, in the slow accretion of political power, largely through an increasing control of the increased Federal patronage, the Senate began to overtop the House, and for a long time past has been the chief source of legislation and the most interesting center of discussion. Washington correspondents long ago were sensitive to the change and transferred their major activities from the Press Gallery of the House of Representatives to that of the Senate and to the Senate Office Building. Just now there seems to be a swing backward toward restoring the House to something of its old eminence.
>
> This movement will be hastened if reports of Mr. Hoover's attitude are even partially correct. He has been holding frequent and long conferences with Speaker LONGWORTH. This of itself is calculated to intensify the apoplectic jealousy of the Senate. To think of a President arranging his legislative program with main dependence upon the House of Representatives! But the defense made by Mr. Hoover's friends is that to his orderly mind the Senate seems a chaotic and unmanageable assembly. The House has rules permitting it to do business. It has leaders who can count upon their followers, whereas the Senate leaders never know when they will be deserted. Particularly with reference to a farm relief bill and a limited revision of the tariff it is explained that Mr. Hoover sees more hope in the House than in the Senate. It is even hinted that if the Senate takes the House bill for limited tariff changes and stuffs into it all kinds of upward revisions of its own, he will refuse to sign any such measure.

This is probably premature. Yet the mere rumor of it is enough to cause cruel senatorial heartburnings. If Mr. Hoover is really resolved, after he becomes President, to exalt the horn of the House of Representatives, Senators will vow that they have horns of their own with which to gore him.

Mr. President, my esteemed friend the Senator from Washington [Mr. JONES] calls attention to the fact that the pending bill, which is in peril of failure, carries appropriations for the great reclamation projects of the West and for many other important activities of the Government. That undoubtedly is true. That is why this general legislation is incorporated upon it in the House, namely, because it is felt that thereby such pressure can be brought to bear that legislation which the Senate would not otherwise accede to can be secured. Of course, my State is interested in the reclamation appropriations in the bill exactly the same as the State of Washington.

But, as I have tried to indicate here, there is an important principle, as I see it, involved in the question. Bear in mind that we have never had this kind of policy before, the policy of the Government acquiring all privately owned lands in national parks. No bill to that effect has ever been introduced, so far as my information goes, in this body or in the other body. No committee of either body has ever considered the wisdom or unwisdom of that policy. Naturally, if a bill were introduced to that effect, it would go to the Committee on Public Lands and Surveys or it would go to the Committee on Public Buildings and Grounds, the policy would there be debated, and if it was adopted by both bodies, then the Committee on Appropriations would make the proper appropriations to carry out the policy and to comply with the authorization for the appropriations which the bill carries. But nothing of that kind has transpired. This is injected into an appropriation bill in the House and the Senate is told, "You can take it now or you will not have any appropriation."

Mr. President, I now come to the specific question and I want to indicate how far the Senate has gone in order to meet the attitude and position of the House with respect to this proposed legislation. We have gone almost the entire route. The bill, as it came from the House, contained a provision, as follows:

For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase, or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.

The Senate, upon the recommendation of its Committee on Appropriations—the action of that committee being unanimous and the action of the Senate being unanimous—struck out the provision authorizing condemnation of lands in the national parks. That amendment went to the House. The question of agreeing to that amendment was the one which was submitted to that body and determined by the vote to which the Senator from Utah [Mr. SMOOT] has on a number of occasions referred.

The country was widely circularized, Mr. President, in opposition to this Senate amendment. Representations were made that the big trees of California were in peril. The good people all over the country were urged to rally to the support of those big trees and to protect them from ruthless destruction. The fact about the matter is that the big trees, so-called—that is, the giant sequoias—are within the Yosemite National Park upon lands that are not privately owned at all; they are on Government lands, and never were in the slightest peril. Those who were better informed about the matter said that instead of the big trees, the giant sequoias, being endangered, there was a group of very valuable white pine within the bounds of the Yosemite Park, and that that was in peril of immediate cutting by the lumber companies which owned the property. I put into the RECORD a telegram from the owners of that timber, to the effect that they had no purpose whatever of cutting any timber within the bounds of the Yosemite Park, at least, not before the month of May, 1930. So no trees within any of the parks were at any time in any peril whatever.

However, in order to show my interest in this matter and my desire to be accommodating, I suggested to the Senate conferees that they propose to the House conferees that the condemnation provisions of this bill should be made applicable to the Yosemite National Park only, so that the situation there, under any circumstances, could be taken care of. I assume that very likely the Senate conferees submitted that proposition to the House conferees and that was rejected.

I then proposed, Mr. President, as a further compromise of the difficulties, that the condemnation proceedings be applicable to all timber lands in any of the parks, but that proposition also was rejected.

Then, Mr. President, as a last attempt at adjusting these difficulties, I suggested the proposal which was subsequently adopted by the Senate, which would make the provision under consideration read, as follows:

For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase or as to any privately owned lands as are not now occupied exclusively for residence, hotel, or religious purposes by condemnation under the provisions of the act of August 1, 1888, whenever, in the opinion of the Secretary of the Interior, acquisition by condemnation proceedings is necessary or advantageous to the Government.

If that amendment proposed by the Senate should be acceded to by the other House, the Secretary of the Interior would have carte blanche to condemn any lands in any of the parks except such lands as are occupied for homes, for hotels, or for religious purposes.

There was another amendment proposed by the Senate, likewise unanimously recommended by the committee, and adopted by the Senate. We have already spent something like a million and a half dollars in the construction of what is known as the transmountain road in the Glacier National Park, over which tourists by automobile can go across the mountains. At the present time there is no road which will permit automobile traffic from the eastern part of the park to the western part of the park or that will permit the passage of automobiles traveling, we will say, from Minneapolis and St. Paul to the Puget Sound country, unless they shall go south from the Glacier National Park a distance of something like 200 miles. There is no other way of getting across the mountains. It will be understood that this park lies upon both sides of the summit of the main range of the Rocky Mountains, with no opportunity whatever to get across the mountains except by a detour of some 200 miles.

As I have stated, one and a half million dollars have already been spent in the construction of that road, which, when completed will be one of the scenic highways of the world. It is now completed to the very summit of the mountain. The work has been in progress some six years. Appropriations have been annually made to the amount of $5,000,000 for roads and trails in the national parks, and a certain portion of that appropriation has been allotted each year to the prosecution of this work.

But last summer a member of the Appropriations Committee of the House of Representatives, being out in that western territory, declared that not another dollar should be spent on the completion of that transmountain road until Congress should enact legislation which would authorize the acquisition by condemnation or purchase of all lands held in private ownership in the national parks. This provision now before us is the legislation which we were told and which the public was told by a member of the Committee on Appropriations of the House almost a year ago would have to be passed before that work would be resumed. So, Mr. President, the work goes on in all of the other parks, but is suspended for the present in the Glacier National Park by reason of this condition of things.

This bill likewise carries an appropriation of $5,000,000 for the construction of roads and trails in national parks, but the same member of the House committee went to the Director of the Park Service and exacted from him a promise that not a dollar of the appropriation of $5,000,000 should be spent on the completion of that transmountain road. So, although there is an appropriation in this bill of $5,000,000 for the construction of national-park roads, all in the discretion of the Secretary, there is a private arrangement between the Director of the Park Service and a Member of the House of Representatives that work shall be stopped on the transmountain road in Glacier National Park and not a dollar spent on it.

The Committee on Appropriations, disagreeing with that policy, put in another amendment which provided that the $5,000,000 so appropriated should be spent on the work of the completion of this road as well as other roads within the parks. In other words, they sought to cancel the agreement between the House Member and the Director of the National Park Service, and they provided that the appropriation should be used, among other purposes, "for the continuance of construction of the transmountain road in said Glacier National Park."

I merely refer to this, Mr. President, for the purpose of indicating that not only has this pressure been attempted to be put upon the Senate of the United States, but pressure is put upon the owners of the privately owned lands by the threat that if they will not sell at just such figure as the Government may see fit to offer, then there will not be any more work done on this transmountain road.

I think it is easily to be gathered from the remarks of the Senator from Utah that he is in entire accord with me as to the unwisdom of giving this great grant of power to the Secre-

tary of the Interior. The Senator from Utah knows the situation as to Glacier Park fairly well; he is a western man.

Let me remark, Mr. President, because so much has been made of the fact that I own an inconsequential little tract of about two-thirds of an acre of ground within the Glacier National Park, that there is a class of people there much more deserving and worthy of consideration than am I, who are benefited by this legislation. Prior to the time that this park was created in 1910 some two dozen or more families went into that area, then practically a frontier country, a wild country. Some 25 or 30 years ago they went in there and located homesteads within the park. Over in the western portion of the park there is a comparatively level area. The entire region is mountainous, but little areas can be cultivated, and homes can be made there. The two dozen or more people who went in there and took up homesteads eventually got patents to their lands. They have lived there all of these years; they have reared their families there; their children have grown up there and, naturally, they have a sentimental attachment for their homes, as everybody has or at least ought to have. Some of the finest sentiments that have ever been uttered by the poets have reflected the attachment of people to their homes. Those people still live there, and it is proposed now, although the Government does not want that land for any purpose whatever, to give to the Secretary of the Interior the power, at any time he sees fit, to condemn the homes of those people and turn them out upon the world with so much cash as a jury is willing to give them for their property.

Bear in mind, Mr. President, that if the Government wanted an acre of this ground or a lot of this ground for any purpose whatever, there would be no objection to it at all; but I repeat that the Government does not want the homes of these people for any purpose, and it passes my understanding why the Government wants to get them out of there.

As it is, they have a half dozen cows and sell milk and cream and butter to tourists within the park; they have chickens and sell eggs; they have little garden spots on which they raise vegetables which they sell to tourists. They occupy a region in the park that is not particularly noted for its scenic attractions, as might very readily be expected, those areas particularly valuable for their scenic attractions having no value whatever for agricultural purposes or as homes. I repeat that the Government does not want those homes for any purpose whatever, but somebody has got a whim, a notion, an obsession, that there ought not to be any private holdings in the national parks, and so the Secretary of the Interior is to be given power to condemn them.

We are told, however, that if we give this power to the Secretary of the Interior he will not exercise it as to these people. Well, if he will not exercise it, why should he have it?

But what is the fact? We are not without experience with respect to the operations of these great grants of power that are given to the departments. Of course, we all realize that the Secretary of the Interior is not going to be out in the Glacier National Park, or in the Zion Park in Utah, or in the Smoky Mountain Park down in Tennessee. He will have to act upon the recommendation of the local officials; and what does this mean? It means that whenever the superintendent of the park wants to get out of the park one of those homesteaders he will get the authority and the power to institute proceedings to condemn if he can not arrange a purchase from him.

In other words, Mr. President, there is a sword of Damocles held over the heads of these people all the time. They never know when shall come the day and hour when proceedings to condemn their lands will be taken. Under those circumstances how can they improve their property and spend money to make it a place of which they and the friends who come to see them shall be proud?

I repeat that this is a tyrannical thing; it has no justification whatever, and no defense can be made for it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH of Montana. I do.

Mr. McKELLAR. How many times has the Senate expressed itself on this matter?

Mr. WALSH of Montana. The Senate expressed itself in the first place by putting in the amendment cutting out the condemnation.

Mr. McKELLAR. Yes.

Mr. WALSH of Montana. It expressed itself in the second place by adopting the amendment suggested by me, restricting it. That is twice that the Senate has voted against the policy of this bill.

Mr. McKELLAR. It is inconceivable to me that the Senate would change its resolution on this matter; and I believe that whenever it is submitted to the Senate for a vote the position that it has taken heretofore will be sustained again, because I think this conference report will be voted down.

Mr. WALSH of Montana. If I could get any assurance whatever that those sentiments are shared upon the other side of the Chamber, I should not trespass further upon the time of this body.

Reference was made by the Senator from Utah to the fact that the amendment as last proposed by the Senate was taken to the House and was voted down by a vote of 42 to 12.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following joint resolutions and acts:

On February 28, 1929:

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926;

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park;

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania; and

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. I yield.

Mr. SMOOT. Mr. President, the House has passed House bill 16209, to enable the Rock Creek and Potomac Parkway Commission to make certain changes in the boundaries of the park; and the Senate has passed Senate bill 5339, dealing with the same subject. I ask unanimous consent that the House bill be taken up and passed, and that Senate bill 5339 be taken from the Calendar and indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. COUZENS. Let the bill be read.

Mr. SMOOT. The Senate bill has already passed the Senate unanimously.

The PRESIDING OFFICER. The bill will be read.

The legislative clerk read the bill (H. R. 16209) to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding and selling therefrom certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes; that the House had receded from its disagreement to the amendment of Senate No. 17 to the bill and concurred therein, and that the House had receded from its disagreement to amendments Nos. 1, 13, and 15 and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 431) providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 675. An act to establish the Ouachita National Park in the State of Arkansas;

S. 1338. An act for the relief of James E. Jenkins;

S. 2360. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C. title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; and

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium.

NAVAL APPROPRIATIONS

Mr. HALE. I ask the Chair to lay before the Senate the action of the House on the naval appropriation bill, as announced in the message just received.

The PRESIDING OFFICER laid before the Senate the action of the House, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 28, 1929.

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 17 to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 1, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert the following: "exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate qualified to perform combat service as pilots of naval aircraft, $4,740,000."

That the House recede from its disagreement to the amendment of the Senate No. 13, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: " : *Provided*, That of the appropriations contained in this act under the head of 'Increase of the Navy,' there shall be available immediately such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans, and the employment of additional clerks, draftsmen, and technical employees in the Navy Department and in the field owing to the construction authorized by the act of February 13, 1929".

That the House recede from its disagreement to the amendment of the Senate No. 15, and concur therein with an amendment as follows:

In line 9 of the matter inserted by said amendment strike out "$1,725,000" and insert in lieu thereof "$1,225,000."

Mr. HALE. I move that the Senate concur in the amendments of the House to the amendments of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, does this represent a final agreement?

Mr. HALE. This represents a final agreement. There were four items that had to be voted on in the House under the House rules. One of them accepted the exact amendment made in the Senate, and the other three accepted the amendments with changes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to.

DEGREE-CONFERRING INSTITUTIONS IN THE DISTRICT—CONFERENCE REPORT

Mr. BLAINE. I ask unanimous consent for the consideration of the conference report on Senate bill 2366. The report is on the clerk's desk. I move that the report be approved. I may say that the managers on the part of both Houses are unanimous.

The PRESIDING OFFICER. The report will be read.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In lieu of the language inserted by the House insert the following:

"2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence, or extramural study, such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued conferring a degree in medicine or any healing art, or in dentistry, for study pursued or work done by correspondence."

And the House agree to the same.

JOHN J. BLAINE,
D. O. HASTINGS,
ROYAL S. COPELAND,
Managers on the part of the Senate.

FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
THOMAS L. BLANTON,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the consideration of the report?

There being no objection, the report was considered and agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the motion of Mr. SMOOT that the Senate recede from its amendment numbered 39 to the bill (H. R. 15089), making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WALSH of Montana. Mr. President, when the amendment last suggested by the Senate was taken to the House, it became the subject of discussion in that body—the first time that anything approaching the merits of the question involved was the subject of discussion in the House. It was participated in, against the amendment, by the Representative from Michigan, Mr. CRAMTON, and by the Representative from Colorado, Mr. TAYLOR. I do not care to comment on the remarks of the Representative from the State of Michigan, except to call attention to one sentence in his remarks, as follows:

In other words, it—

That is, the Senate proposal—

would forbid resort to condemnation in connection with a great part of the lands that are to be secured.

A report made to the House Committee on Appropriations by a representative of the Park Service indicated that, in all probability, the highest or almost the highest proportion of privately owned lands exists in the Glacier National Park, the amount there held in private ownership being represented to be 5,183.76 acres. That includes all lands held by homesteaders, by hotels, by religious organizations, and as summer homes, as well as all timberlands—5,183.76 acres.

Mr. COUZENS. What percentage is that of the whole?

Mr. WALSH of Montana. The Glacier National Park comprises 1,400 square miles, 896,000 acres, and 5,000 acres are

held in private ownership—less than one-half of 1 per cent of the land within that park. Anyone who knows anything about the situation knows that it is a perfect trifle in amount. For instance, most of these summer homes are about Lake McDonald, shown upon the topographic map that was exhibited here in the Senate a few days ago. That lake is about 10 miles long. It would, therefore, have a perimeter of about 25 miles.

There are five homesteads around that lake, making a frontage upon the lake, including the hotel property, of five times one-half a mile; that is, two and a half miles. That is to say, one-tenth of the lake frontage was, prior to the time the park was created, held in private ownership, and is now held in private ownership. That is to say, there is ten times as much lake front as ever was appropriated for private purposes.

But, Mr. President, I spoke about the hotels. Now, bear in mind—if I may speak about my own property—no one wants my property at all. The Government has no use whatever for it. If it has, it is perfectly welcome to it, and it would not need to resort to condemnation proceedings to get it; but it does not want it. It simply does not want me there; but it is inviting everybody to come and see these parks and to stay in the parks, and in order to do so people come to the Glacier National Park and they stay all summer. They stay during the entire season of three months, and when they do they must have some place to stay. There must be hotels in the parks.

The statement is made, "We do not allow people to hold lands in private ownership in Rock Creek Park. We do not allow people to hold lands in private ownership in Central Park in the city of New York." Certainly we do not, because we do not invite people to come there and stay there overnight, and stay weeks and months at a time within the park. If we did, we should have to provide housing for them.

As I say, the Government does not want my property. It wants to burn down my house, and then, if I go to the park, I must go to a hotel. Where is the sense of that sort of thing?

Moreover, under this bill, if it shall become a law as proposed by the House, the property of the hotel manager and owner will be subject to condemnation.

It is said that the Great Northern has purchased this hotel on Lake McDonald. It has a string of hotels on the eastern side of the park, but none on the western side; but what is the difference whether it is owned by Mr. Lewis, who now owns it, or whether it shall be owned by the Great Northern? By what right, upon what principle, can the Government seize that property and sell it to some one else whom it shall authorize to conduct a hotel there? What is the sense of it, and what is the reason for it?

I call attention again to this statement:

> In other words, it would forbid resort to condemnation in connection with a great part of the lands that are to be secured.

That is the sort of argument, spread out around the country, that has obtained for the House provision a great portion of the support which it has thus far commanded.

I wanted, however, to refer particularly to the comments of Representative TAYLOR. I read:

> No national park or State park or city park can be conducted in an orderly manner, and made a proper and orderly outing pleasure resort, if there are a lot of private property owners scattered all over it, capitalizing the opportunities of profiteering on the crowds, and conducting any kind of business or game to fleece the public, and without any control over them. These private property owners cause an immense amount of annoyance in these national parks.

The Senator from Ohio [Mr. FESS] told us the other day that he was fortunate enough to have an opportunity to visit the Glacier National Park. I congratulate him upon the opportunity he had, and I hope every Member of this body may seize the opportunity to see that great place some day; but I should like to ask the Senator from Ohio whether he discovered any such conditions in the Glacier Park when he was there?

Mr. FESS. No, Mr. President; I saw no evidence whatever of what the Senator has said.

Mr. WALSH of Montana. I have been going there for 30 years, and I can assure the Senate that there is no foundation whatever for the intimations thus made. I want to remind the Senate that the Congress of the United States has already granted to the Secretary of the Interior full power and authority to take care of any situation such as is here suggested. He is made the czar of every national park by general legislation. His word is law. He can make just exactly such rules as he sees fit for the government of the parks, the lands held in private ownership, as well as the lands that are owned by the public. No one can carry on any business there except in accordance with the rules and regulations prescribed by the Secretary of the Interior.

I read section 2 of the general act creating the Glacier National Park:

> That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this act, and for the care and protection of the fish and game within the boundaries thereof. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or company, for not to exceed 20 years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed 20 years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

We have established therein a commissioner, who exercises judicial powers, and all violations of the rules and regulations thus established by the Secretary of the Interior are subject to punishment before that tribunal.

We passed another act applicable to all the national parks; and bear in mind that in the case of every one of these national parks a condition precedent was that the State should surrender all authority and jurisdiction within it, so that the State has no power there at all. The jurisdiction is ceded to the National Government, and the Congress has reposed in the Secretary of the Interior the power to make all necessary rules and regulations, and he has just exactly the same power within the national parks that a city council would have to set up sanitary rules and regulations to govern everybody, without any regard to who owned the land in which they operated.

Section 3 of the act of Congress of August 25, 1916, provides:

> SEC. 3. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violations of any of the rules and regulations authorized by this act shall be punished as provided for in section 50 of the act entitled "An act to codify and amend the penal laws of the United States," approved March 4, 1909, as amended by section 6 of the act of June 25, 1910 (36 U. S. Stat. L., p. 857). He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation.

Mr. President, the Secretary of the Interior has not been lax at all in the enactment of such rules and regulations. I have before me a copy of the rules prescribed by him for the government of the Glacier National Park, from which I read, as follows:

> No person, firm, or corporation shall reside permanently, engage in any business, or erect buildings in the park without permission in writing from the director of the National Park Service, Washington, D. C.

Application for such permission may be addressed to the director through the superintendent of the park. So even with respect to the lands that are held in private ownership, a man can not erect a building upon them, unless he gets the permission of the Secretary of the Interior.

I have no doubt in the world that the authority is restricted by constitutional provisions of one kind or another, but, so far as it is necesary to carry out the general scheme for which the park was created, so far as becomes necessary for the sanitation of the park, and everything of that kind, he may exercise exactly the same police powers that a city government may exercise over the city. So that if there are any conditions in any of the parks such as is thus told of by the Representative from Colorado, the Secretary of the Interior is already clothed with all the authority and power to correct it.

I read further from Representative TAYLOR'S remarks:

> These private property owners cause an immense amount of annoyance in these national parks. They clamor to have the Government spend millions of dollars developing the parks for them to get the benefit of it, not only by enormously enhancing the value of their

property but enabling them to conduct filling stations, soft-drink joints and hot-dog stands, and any kind of a scheme to get the money, and with practically no restraint on them.

I might say the legislation also provides that all Federal laws defining acts as criminal are applicable in these parks that are under the exclusive jurisdiction of the United States. But the legislation goes further and provides that if there is any offense not defined by the laws of the United States, but is defined by the laws of the States within the exterior boundaries of which these parks may be, the State law shall be deemed applicable, and the offender becomes responsible in the Federal court to a violation of the State law if that authority can be granted.

Enabling them to conduct filling stations.

Filling stations can be erected in these parks just exactly where the Secretary of the Interior says they may be, and they can not be erected at all if the Secretary of the Interior forbids that they be erected there. Likewise as to—

Soft-drink joints and hot-dog stands, and any kind of a scheme to get the money, and with practically no restraint on them.

That is the kind of argument that is being made in support of this provision.

I advert to the suggestion:

They clamor to have the Government spend millions of dollars developing the parks for them to get the benefit of it.

I do not remember about any clamoring of any of the representatives from States in which these national parks exist for appropriations to develop them; but if they have clamored, they have done it in what now is charged and said to be a great public interest.

The idea is conveyed here, as it is elsewhere, that these people who live out in the West are rather peculiar people, with itching palms, ready to grab any and every thing that belongs to the Government of the United States. I am astonished that a Representative from the State of Colorado should be advancing that kind of an idea. However, the idea is conveyed that these people out in the West have no appreciation whatever for the beauties of their surroundings, that they are perfectly willing that they should be sacrificed to satisfy the greed or the avarice of some one.

The fact about the matter is that all of these parks were created at the instance of the people who live in those communities and who first brought their glories to the attention of the world. As I have heretofore stated, the Yellowstone National Park was first told of to the world by a party organized in my home town of Helena, and the story was told in an eastern magazine by a distinguished citizen of my State, Judge Cornelius Hedges, who came down here to the city of Washington away back in the seventies and stayed here until he got the act passed creating the Yellowstone National Park. So far as the Glacier Park is concerned, it was the people living about there who appreciated the beauties of it, who suggested to the Congress the establishment of that place as a park.

The Glacier National Park is distant about 40 miles from the city of Kalispell, in the State of Montana. I read from a letter dated April 18, 1907, addressed to the Senators from the State of Montana, praying for the creation of this national park, as follows:

KALISPELL, MONT., *April 18, 1907.*

Hon. THOMAS H. CARTER, *Washington, D. C.*
Hon. JOS. M. DIXON, *Missoula, Mont.*

DEAR SIRS: For healthfulness of climate, scenic beauty, natural wildness, and grandeur, the region at and in the vicinity of Lake McDonald is not excelled by any region on the American Continent. It abounds in rugged mountains, beautiful lakes and streams, numerous and immense waterfalls, and enormous glaciers of ice and snow. The region extends from Lake McDonald to the international boundary, embracing in its territory the main range of the Rocky Mountains and several spurs. Game, consisting of moose, elk, deer, goats, mountain sheep, and several varieties of bear and other fur-bearing animals, is now plentiful. The numerous lakes and streams teem with fish, mostly trout of several varieties. The region, except on the higher mountains, is mostly heavily timbered, some of the timber being marketable size, but the larger portion of it being small. This region, if preserved in its natural beauty and grandeur, with its timber kept free from ravage by the axman, is destined to become within the next future one of the greatest and most popular health and pleasure resorts within the United States.

Indeed it is now visited annually by people from all over the country and many go there, especially to Lake McDonald, and camp for the summer. The whole region now lies within the Government forest reserves and, as is well known, it is the policy of the Forestry Department to sell the matured timber on the reserves. Already some of the timber fiends have been after and others are contemplating going after the timber bordering on Lake McDonald. To despoil and devastate this most beautiful and grand region by denuding it of its timber would be almost a national calamity, and it is the object of this letter to interest you and your colleagues in Congress (each of whom is mailed a copy of this) in the matter, and prevent if possible the irretrievable ruin of this magnificent region, with the view and ultimate object of having the whole region made into a national park after proper investigation by the Government.

We most urgently urge that you take immediate steps to stop the sale of any timber in this region, especially in the vicinity of Lake McDonald, which is one of the most beautiful sections and is the gateway to all of the grand country mentioned beyond. The comparatively small amount the Government would receive from the sale of the matured timber would be exceedingly inadequate compensation for the vast damage and despoliation surely to be done by the cutting down and removal of the timber sold. Logging roads would have to be cut and run hither and thither through the forests and the slashings from the timber cut could not be piled and burned without seriously menacing and most likely eventually destroying the remaining younger timber, or a great portion of it. If the timber is to be saved and the natural beauty of the country conserved for the enjoyment of the people for all time, as it should be, prompt action in the matter is very necessary and imperative. As above stated, the timber "barons" already have their greedy eyes on the commercial timber and we have heard of one and there may be more applications now in to purchase. Owing to the fact that the timber around Lake McDonald would be easily and inexpensively logged, it will be about the first timber to be sought by the "barons." The citizens of the country and all over the State, as well as outside the State, realizing the calamity it would be to permit the devastation of this sublime wonderland and pleasure ground, are anxious that steps be taken immediately to prevent the sacrilege.

In conclusion, we beg to impress upon you the importance of this matter, not only to the present generation but to posterity as well, and also to the State and Nation. Again we beg you to enlist your efforts in our behalf, in behalf of the people, and to urge you to take immediate action to prevent the contemplated despoliation. With a view to assist you in the matter all in our power, we beg to say that we are mailing a copy of this letter to the President.

Very sincerely,

CONLON MERCANTILE CO.,
By JAMES CONLON, *President.*
MISSOULA MERCANTILE CO.,
By H. C. KEITH.
KALISPELL NATIONAL BANK,
By O. H. MOBERLY, *Cashier.*
J. E. ERICKSON, *District Judge.*
W. C. WHIPPS.
KALISPELL CHAMBER OF COMMERCE,
By GEO. F. SANNARD, *Secretary.*
W. H. GRIFFIN, *Mayor.*
BEE PUBLISHING CO.,
By LOU KNIGHT.
ANDREW SWANEY,
Recorder United States Land Office.
JOHN R. HILLMAN, *Receiver.*
JAS. R. WHITE, *Postmaster.*
THE CONRAD NATIONAL BANK,
By H. W. DICKEY.

Mr. Conlon owns a home within the park and wires me his protest against this legislation.

It is all wrong to imagine, Mr. President, that the people in that section of the country do not fully appreciate, and appreciate as keenly as the people in any section of the country, the necessity of preserving this park against spoliation or desecration of any kind whatever.

Let me continue the comment on the address of the Representative from Colorado. Mr. President, it is undoubtedly true that the completion of this transmountain road will enhance the value of the private holdings within the Glacier National Park. The actual entry upon the construction of the road has already operated to increase the value. Indeed, Mr. President, I undertake to say that the increased value has already taken place because it is realized as a matter of course that this work is not going to be permanently abandoned and that eventually it will go forward. But what of it, Mr. President?

At the present time, at much expense to the Government of the United States, Sixteenth Street in the city of Washington is being extended out into the country to the northward into the State of Maryland. Of course, that work is going to increase the value of the property along the line of that street and beyond it. But is that any reason why the work should not be undertaken?

The memorial bridge is now being constructed across the Potomac River and it has already increased and will in the

future increase greatly the value of lands over in the State of Virginia beyond the farther end of the bridge. But is that any reason why the work should not go forward?

Bear in mind that when the work was started five years ago the situation was no different than it is now. The simple question is: Shall the work stop and shall pressure be brought to bear upon the owners of these private lands by the threat that the work will not go on and it will be suspended there?

Mr. President, as I have said, we have already expended $1,500,000 in the construction of the road. We have done so because it is expected that returns will come to the people of the United States in some form or other by this work. That money costs us at least 4 per cent per annum so that as long as it lies there uncompleted the Government of the United States in effect is losing $60,000 a year in one form or another.

I continue:

If the people of these States containing so-called national parks do not want them, they should memorialize Congress to repeal the law creating them—

That is a splendid argument—

and if they do want a real national park, instead of a private graft—

Private graft—

they ought to help Congress and the National Park Bureau to put private enterprises out of them and make them real pleasure resorts free from private exploitation. What these Montana gentlemen want is to have the large number of private property owners in their national park exempt.

Exempt from what? These private-property owners by the express provision of the act creating the park pay taxes upon their property to the county of Flathead just the same as any other property owners within the bounds of that county.

They say in effect that they are exceedingly anxious for the Government to spend vast sums on building roads to enhance the value of their properties in the park and that if Uncle Sam wants any of it he will pay them whatever they see fit to ask for it, or let it alone.

There is no justification for anything of that kind. If the Government of the United States wants one acre of this land for any purpose it can have it. What we object to is the taking of the property when they have no purpose to which to put it whatever and they do not pretend that there is any purpose to which they desire to put it.

They are not even willing to let the Federal Government have the right of condemnation in their own courts and before their own juries. This House has twice emphatically disapproved of Montana's position. Then the gentleman tried to pass a special bill to exempt 73 acres belonging to a religious organization from ever being taken by the Government.

That was not true. Whenever the Government had any purpose to take this land, the religious organization no more than any other private owner was perfectly willing that they should take the property. They object to the Government taking it when they did not want to put it to any specific purpose.

The basic principle involved and what this House has twice decided is that no property in a park or anywhere else under our flag should ever be declared by Congress to be superior to the right of the Federal Government to take it for Government purposes, by an orderly proceeding in condemnation.

That is entirely beside the question. Whenever they want the land for any purpose whatever they are perfectly welcome to it and there is not going to be the slightest opposition to their taking it.

This affects not only the Glacier National Park, but all of the national parks. If Congress directly or tacitly or impliedly waives that Federal right of eminent domain in one park all of them will at once demand the same exemption.

It is absurd to talk about waiving the right of public domain. We do not ask any waiver of public domain. We simply ask if there is any desire to have the land for a particular purpose that the right of condemnation be restricted accordingly.

I have insisted and our committee have insisted that we should not waive the right of Uncle Sam to take any private property if necessary in any of the parks and should treat them all alike.

We are quite in accord upon that proposition.

Aside from the Yosemite, where it may become necessary, I do not know of any park where there is any present intention of resorting to any condemnation proceedings, but I am not willing by an act of Congress or otherwise to surrender the Government's right to do so if it should become necessary.

That is the kind of argument addressed to the House of Representatives with respect to this matter.

That it may be understood that the views I express with reference to this legislation are not by any means peculiar in myself, I read a resolution unanimously adopted by both houses of the Montana Legislative Assembly only a week or 10 days ago, as follows:

Whereas exclusive jurisdiction was ceded to the United States over and within all territory included in, or thereafter to be included in, that tract of land in the State of Montana, set aside by an act of Congress approved May 11, 1910, for the purposes of a national park, to be known as Glacier National Park; and

Whereas exclusive jurisdiction over said territory was ceded to the United States, reserving to the State of Montana the right to tax persons and corporations, their franchises and property included in said tract; and

Whereas the said Glacier National Park, at the time it was so ceded to the Government of the United States, included within its boundaries the homes of many of the citizens of the State of Montana, and their property, by means of which said citizens obtain their livelihood; and

Whereas it, the said Glacier National Park, contains property from which revenue is now being obtained by the State of Montana, and by several of its counties; and

Whereas the said Glacier National Park was established and jurisdiction thereof accepted by the Government of the United States, with full knowledge of such conditions, such property rights and such rights of the State of Montana, and its several counties, to obtain taxation revenue therefrom; and

Whereas it has come to the attention of the Legislative Assembly of the State of Montana, that there has been introduced in the National Congress a bill for an act the purpose of which is to provide for the taking of such property, by eminent domain, by the appropriate arm of the Government of the United States; and

Whereas the loss by the citizens of the State of Montana of their homes above described, and the loss of the property by means of which such citizens obtain their livelihood, and the loss of such right of taxation, above set forth, to the State of Montana and its several counties, can not be compensated by payment of the value of such property: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Montana, That we do respectively protest against the enactment of such a law by the National Congress, in that its enactment would enable agents of the Government of the United States to perpetrate a breach of faith on the part of such Government with the State of Montana and with individual citizens thereof; and direct that copies of this resolution be forwarded by the secretary of state to the President of the United States, and to the Representatives and Senators of the State of Montana in Congress.

Approved by J. E. Erickson, governor, February 12, 1929.

Mr. President, reference is made in that resolution to what is charged to be a breach of faith to the people of the State of Montana, with respect to which I desire to say a few words. When the proposal was first made for the creation of this park the people to whom I have heretofore referred, residing in the western portion thereof and making their living there upon their homesteads, protested against being included within the park limits. They were even then apprehensive that some day or other somebody would contend that these lands ought to be acquired by the General Government and they would be driven from their homes. Accordingly, they proposed that the western boundary of the park, instead of being the central line of the north fork of the Flathead River, should pursue a course at the base of the mountain which would leave them outside of the park, and they were insistent upon thus restricting the area which was to be included within the park. Their opposition, however, was withdrawn upon the assurance that the Government of the United States never would inaugurate any such policy. Thus, Mr. President, the act passed under an implied agreement with those people that condemnation would not be resorted to in order to deprive them of their homes; and yet that is just exactly what is proposed by this bill.

What is it going to cost to buy all private holdings in all of the national parks? One would naturally think that before the Government embarked upon any such enormous enterprise of buying private lands its officials would try to get some kind of reliable information as to how much it was going to cost; but with respect to that we have only the most meager kind of information. I shall give the Senate whatever information I have about it, and that consists of a report submitted to the House Committee on Appropriations by a member of the force of the National Park Service. It is found at pages 349, 350, and 351 of the House hearings on the Interior Department appropriation bill.

I have independent information, Mr. President, that the figures given here are a mere guess, both as to the acreage involved and as to the amount that must be expended in order to acquire this property. It is represented, and I have no doubt correctly, that interested private parties are willing to put up a million dollars for the acquisition of these privately owned lands, the Government to meet that amount. So the bill makes an appropriation, for that purpose, of $250,000. It contains a further provision authorizing the Secretary of the Interior to enter into contracts for the acquisition of these lands, incurring obligations to the amount of $750,000 more. So that, in effect, the expenditure of a million dollars is authorized by this bill toward the acquisition of those lands. How much will it take?

On yesterday the Committee on Public Lands and Surveys approved a bill to extend the area of the Yosemite National Park in the State of California so as to include within its exterior boundaries an area that is heavily timbered by white pine, which is now commanding in the market a very high price, owing to the rapid extinction of that very desirable timber tree. So, as I say, the figures given in this report are only suggestive of the amount of the obligations that this will impose upon the Treasury of the United States. This, however, is what the report states:

Exclusive of mineral claims, complete data on which is not yet available, alienated land and timber holdings in the national parks total 92,101.84 acres, of which 2,935 acres are involved in power-site withdrawals, which may be subject to cancellation in whole or part, 47,662.19 acres are in State ownership and for the most part acquirable by lieu exchange, and 2,321.82 acres of lands in Yosemite, owned by the city and county of San Francisco and subject, in whole or part, to conveyance to the United States under terms of the so-called Raker Act of December 19, 1913, granting certain power and water privileges to the city and county, leaving 39,182.83 acres to be acquired through purchase or donation.

That is, the Government is going to go out and purchase practically 40,000 acres of land; and it is going to give up assets which it now has in one form or another sufficient to acquire practically 100,000 acres of land within these parks.

I stated a moment ago that a proposition of that kind ought to go to some committee of the Congress for consideration other than directly to the Appropriations Committee.

But bear in mind, Mr. President, this does not include mining claims; this is exclusive of mining claims. I have been told, for instance, by the junior Senator from the State of Washington [Mr. DILL] that mining claims in the Rainier National Park are asserted by locators; and more particularly I am advised by the Delegate from Alaska that within the Mount Washburn National Park in Alaska there are any number of mining claims. We have no information at all as to their extent or number, but more particularly we have no kind of information as to what it is going to cost to acquire these mining claims.

Of course the locator of a mining claim is always an optimist; he would not go out into the hills and live the hard life of the prospector, if he were otherwise. He thinks, and thinks very honestly, that his property is immensely valuable; that if he could only get the money to work it, to sink a shaft or to run a drift or a tunnel, he would be a millionaire. Anyway, Mr. President, this property is to be acquired; it is to be acquired by condemnation; and the value of it is to be submitted to a jury for determination. So, I say that we have no kind of an idea of the extent of the obligation that this implies. I continue to read from the hearings:

Of the latter acreage, 3,207.77 acres represent timber rights held by the Yosemite Lumber Co. on Government-owned land, and 150 acres represent land only on which the Government owns the timber, both parcels being in Yosemite National Park. The remaining 35,825.06 acres is classified as follows: Timberlands, 18,704.49 acres; nontimberlands, 15,455.45 acres; and town sites and villa sites, 1,665.12 acres.

Lands classified as timberlands are those lands containing timber of merchantable value by reason of species and character of timber, accessibility, and character of terrain as affecting logging operations. Of the 21,912.26 acres of timberlands and timber rights privately owned, 8,887.83 acres are in Yosemite, 5,183.76 in Glacier, 4,429.55 in Rocky Mountain, 1,946.27 in Crater Lake, 640 in Lassen Volcanic, 520 in Sequoia, and 304.85 in Mount Rainier. Of the 8,887.83 acres of such lands in Yosemite, 7,213.40 acres are in the hands of a logging concern which has been lumbering in the region since 1912, but which closed down in the fall of 1927 because of unfavorable market conditions. Resumption of cutting may be expected in 1929 unless some means is found for acquiring these holdings. No active timber operations are in progress in other parks at the present time.

Of course, whatever expectations may ever have been indulged as to cutting operations in 1929, as suggested in this report, have been dispelled by evidence which is now before the Senate that there is no purpose on the part of the owners of those lands to begin any cutting.

The designation of certain lands as nontimberlands does not necessarily mean that lands so designated do not contain timber. Lands so listed are those whose primary value lies in their suitability for resort development purposes or their strategic location with respect to park administration. Of the 15,455.45 acres of such lands, 5,158.74 acres are in Glacier, 3,491.32 in Rocky Mountain, 2,164.82 in Yosemite, 1,359.60 in Lassen Volcanic, 1,291.22 in Sequoia, 790 in Mesa Verde, 586.25 in Zion, 432.16 in Grand Canyon, and 180.74 in Mount Rainier.

One holding is designated as land only. This is a tract of 150 acres in Yosemite the timber on which was acquired in 1923 from J. B. Curtin in an exchange with the Yosemite Lumber Co., the owner at the time refusing to convey the land, which was the key to certain grazing rights both inside and outside the park in that area. The tract is located at Crane Flat, astride the present Big Oak Flat Road, and will be equally as strategically located with respect to the new road when built. It has great potential value for tourist-resort development or for subdivision into summer-home sites.

One thousand six hundred and sixty-five and twelve one-hundredths acres of land has been or is being subdivided into town sites and summer-home sites. Except for the logging situation in Yosemite, these holdings constitute the greatest immediate menace to park administration, protection, and development. As the timberland menace is most pronounced in Yosemite, so is the summer-home site evil at its worst in Glacier, where at both ends of Lake McDonald nearly 200 individual owners have erected flimsy, unattractive structures, presenting a striking example of landscape despoliation; 597.50 acres of land is involved in the two subdivided areas at either end of the lake, both areas being traversed by the new transmountain road, the final completion of which has been deferred pending acquisition of control of these holdings by the Government.

There is the statement made by this representative of the Park Service to which I alluded a while ago that work on this road has been suspended until these private holdings have been acquired.

Moreover, Mr. President, I call attention to this remark:

As the timberland menace is most pronounced in Yosemite, so is the summer-home site evil at its worst in Glacier, where at both ends of Lake McDonald nearly 200 individual owners have erected flimsy, unattractive structures, presenting a striking example of landscape despoliation.

The artistic sense of the writer must have been overdeveloped to find any such structures at either end of Lake McDonald. The truth about the matter is that in these buildings, so classified and so designated, there is a beautiful hotel of rustic architecture that has been admired by everybody who goes to the park and sees it. In addition to that most of the homes referred to here are neat structures, quite appropriate to summer residence, where the tourists go for a brief period of not to exceed 3 months at the outside out of the 12.

I continue:

Even larger areas and a larger number of individual owners are involved in similar subdivisions in the Yosemite.

I hurry through, Mr. President, to give such information as I have concerning what this means in dollars and cents to the Government of the United States.

This report says:

The total estimated present value of all alienated holdings, except mineral claims, power sites, and State lands, is placed at $5,810,261.29—

Note, Mr. President, that is the estimate of the value of these properties, exclusive of mineral claims, power sites, and State lands—

divided among the various parks as follows: Glacier, $1,553,763.57; Yosemite, $1,510,846.80; Rocky Mountain, $1,076,350; General Grant, $479,062; Lassen Volcanic, $475,100; Mount Rainier (including mineral claim appraised at $100,000), $337,919; Crater Lake, $147,119.92; Sequoia, $125,200; Grand Canyon, $84,550; Mesa Verde, $11,850; and Zion, $8,500.

I undertake to say, Mr. President, that $10,000,000 will not cover the cost of acquiring these lands if this legislation should go through.

Mr. President, I desire to conclude; and I wish to remind the Senate of the United States that not one word has been uttered upon this floor by anybody in support of the motion now made by the Senator from Utah that the Senate recede from its amendment. All that the Senator from Utah can say about the matter is that if we do not do it, there will not be any bill.

No one has endeavored to justify or excuse or defend this policy of taking away the homes of these people. Nobody has undertaken to show that there is any necessity to do it. No-

body has made any argument whatever against the wisdom of the position taken by the Senate with respect to the matter.

I want to remind the Senate now of the circumstances to which I adverted in the Senate. This appropriation bill originates in the House of Representatives. This general legislation is put on in the House of Representatives, put on in defiance of the rules of the House of Representatives, put on in defiance of the rules of the Senate, put on this bill in defiance of the Budget law, which requires in all of these cases involving the expenditure of money by the Government of the United States that the matter shall be referred to the Budget Bureau for a report on it. It never has been submitted to the Budget Bureau. They have never had it under consideration at all. In these circumstances, it seems to me a very weak argument to say that if we do not surrender our views about this matter there shall be no legislation at all, particularly when we have gone as far as we have gone in order to accommodate ourselves to the views entertained over in the House with respect to this particular matter.

Full power and authority is given to acquire any of these lands, of any character whatever, by purchase. Full power would be given to acquire any of these lands by condemnation except the relatively limited area of lands that are used for residence, hotel, or religious purposes; and it does seem to me that it does not comport with the dignity of this body to make any further recession in this matter.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the motion of the Senator from Utah [Mr. SMOOT].

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Sheppard
Barkley	Edwards	McKellar	Shortridge
Bayard	Fess	McMaster	Simmons
Bingham	Fletcher	McNary	Smith
Black	Frazier	Mayfield	Smoot
Blaine	George	Metcalf	Steiwer
Blease	Gerry	Moses	Stephens
Borah	Glass	Neely	Swanson
Bratton	Glenn	Norbeck	Thomas, Idaho
Brookhart	Goff	Norris	Thomas, Okla.
Broussard	Hale	Nye	Trammell
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Pine	Vandenberg
Caraway	Hastings	Pittman	Wagner
Copeland	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ark.	Warren
Dale	Jones	Robinson, Ind.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler

The PRESIDING OFFICER. Eighty Senators having answered to their names, there is a quorum present.

Mr. WALSH of Montana. Mr. President, for the information of those who have not been in the Chamber, as a vote on the pending matter is about to be taken, I desire to say that the question is upon the motion of the Senator from Utah [Mr. SMOOT] that the Senate recede from its amendment numbered 39 to the Interior Department appropriation bill. Those who are in favor of giving to the Secretary of the Interior full power to condemn any lands in the parks will vote in the affirmative. Those who desire to restrict his power so that it shall not include the right to condemn lands occupied for homes or hotels or for religious purposes will vote in the negative.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. SMOOT].

Mr. SMOOT and Mr. WALSH of Montana called for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). Upon this vote I have a pair with the senior Senator from Vermont [Mr. GREENE]. In his absence, I withhold my vote.

Mr. MCNARY (when his name was called). Upon this vote I have a pair with the senior Senator from Missouri [Mr. REED]. If he were present he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. NORBECK (when his name was called). On this question I am paired with the senior Senator from Minnesota [Mr. SHIPSTEAD]. In his absence, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. BURTON]. In his absence from the Chamber I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. TYDINGS (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. GILLETT]. If he were present and I were permitted to vote, I should vote "nay," and he would vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I assume that that Senator if present would vote "nay." If I were permitted to vote, I would vote with the committee and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce that my colleague [Mr. BURTON] is detained from the Senate. He is paired with the senior Senator from North Carolina [Mr. SIMMONS].

Mr. GEORGE. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I am unable to obtain a transfer, and therefore withhold my vote. If I were privileged to vote, I would vote "nay."

Mr. GERRY. I wish to announce that the Senator from Iowa [Mr. STECK] is paired with the Senator from Wisconsin [Mr. LA FOLLETTE] on this question.

The result was announced—yeas 23, nays 50, as follows:

YEAS—23

Ashurst	Goff	Metcalf	Schall
Bingham	Hale	Moses	Smoot
Curtis	Hastings	Oddie	Vandenberg
Deneen	Hayden	Reed, Pa.	Waterman
Fess	Keyes	Robinson, Ind.	Watson
Glenn	McMaster	Sackett	

NAYS—50

Barkley	Dale	Kendrick	Steiwer
Bayard	Dill	McKellar	Stephens
Black	Edge	Mayfield	Swanson
Blaine	Edwards	Neely	Thomas, Idaho
Blease	Fletcher	Norris	Thomas, Okla.
Borah	Frazier	Nye	Trammell
Bratton	Gerry	Pine	Tyson
Brookhart	Glass	Pittman	Wagner
Broussard	Harris	Ransdell	Walsh, Mass.
Bruce	Harrison	Robinson, Ark.	Walsh, Mont.
Capper	Hawes	Sheppard	Wheeler
Caraway	Heflin	Shortridge	
Copeland	Jones	Smith	

NOT VOTING—22

Burton	Howell	McNary	Simmons
Couzens	Johnson	Norbeck	Steck
George	King	Overman	Tydings
Gillett	La Follette	Phipps	Warren
Gould	Larrazolo	Reed, Mo.	
Greene	McLean	Shipstead	

So the Senate refused to recede from amendment No. 39.

Mr. SMOOT. Mr. President, I move that the Senate further insist upon its amendment, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. CURTIS, Mr. KEYES, Mr. HARRIS, and Mr. MCKELLAR conferees on the part of the Senate.

ADDRESS BY SENATOR WALTER F. GEORGE, OF GEORGIA

Mr. HARRIS. Mr. President, on last evening my colleague, in an able address before the Southern Club of Boston, discussed subjects of great public interest. I ask unanimous consent that his address, as published in the Atlanta Journal, may be printed in the RECORD.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, it is so ordered.

The address follows:

[From The Atlanta Journal of Saturday, February 23, 1929]

GEORGE RECALLS HENRY GRADY IN BRILLIANT SPEECH BEFORE SOUTHERN CLUB OF BOSTON

By Harllee Branch

BOSTON, MASS., February 22.—One of the finest and most stirring orations delivered in Boston since the famous speech of the immortal Henry W. Grady, of Georgia, thrilled the people of this city and the entire country 40 years ago, was the address delivered Friday evening before the Southern Club of Boston, by United States Senator WALTER F. GEORGE, another brilliant and eloquent Georgian, who spoke before the same organization addressed by Mr. Grady.

Senator GEORGE'S address was delivered at a banquet which the club held at Hotel Somerset in commemoration of the birthdays of Gen. George Washington and Gen. Robert E. Lee, two of the South's most illustrious sons.

In the course of his reference to Washington Senator GEORGE said: "His name and his fame yet fill and will fill to the latest time the brightest page in our country's history, and on that page the orators and statesmen, the scholars and historians of the old Commonwealth of Massachusetts have contributed their indelible lines. Whatever else fails, the fame and name of Washington is secure."

Senator GEORGE'S tribute to Lee included the following: "Always a soldier, and at last very eminent as a soldier, he was, nevertheless, the finest example of the Christian soldier and gentleman produced by any

age or any country. He never sunk the man into the mere military man, and his letters to his wife, even from the field of battle, approach the exalted character of sacred literature."

RECALLS HENRY GRADY

The Georgia Senator recalled the visit and speech of the lamented Grady and that in the course of it he had reminded his Boston hearers of the difficulties of the race problem and had given "sincere assurance of the South's purpose to solve it in justice to the black man and white man alike."

"Perhaps," said Senator GEORGE, "we have not completely solved the problem, but for 40 years we have been on the road to solving it in honor and in justice to both races. To sensitive souls it exists as a problem, but the South does not now think of it as a problem. We are mindful that all suspicion has not yet been allayed, but the final answer is slowly but surely being made in the steady progress of the men and women of both races in the South.

"Side by side the races are working out the problems of our civilization. The leaders of both races understand, whatever may be the lack of understanding elsewhere, that the South has been compelled to recognize the law to which men and nations have ever responded—the necessity of preserving the civilization of the South."

ADDRESS OF SENATOR GEORGE

Mr. President, members of the Southern Club, ladies, and gentlemen, 197 years ago a child was born in Westmoreland County, Va. That child became the commander in chief of the Revolutionary Army in the War of Independence; the president of the Constitutional Convention of 1787 and the first President of the United States. Agreeably to a practice long observed in the Senate of the United States, a distinguished colleague to-day read the Farewell Address of President Washington.

In the closing year of the eighteenth century that son of Virginia died, well deserving then and now the famous eulogy spoken by John Marshall, though penned by another, "First in war, first in peace, and first in the hearts of his fellow citizens." The author of the eulogy bore the honored name of Henry Lee, a soldier and officer under Washington in the Continental Army, later a Member of the House of Representatives in the Congress of the United States, and Governor of the State of Virginia. Henry Lee was a compatriot in the Virginia convention of James Madison, John Marshall, Edmund Randolph, Patrick Henry—"the forest-born Demosthenes"—George Mason, Benjamin Harrison, and William Grayson. An ardent Union man, he nevertheless favored the famous Virginia-Kentucky resolutions of 1798–99, and said in debate: "Virginia is my country; her will I obey, however lamentable the fate to which it may subject me." It was in this prophetic school that his fourth son by Anne Carter Lee, his second wife, Robert Edward Lee, was reared. The 19th of January past 122 years ago, Robert Edward Lee was born in the State of Virginia and in the county of Westmoreland. Is there a country, is there a State, is there a county that has produced greater men than historic old Westmoreland? There were born Washington; James Madison, who from the tent of Washington forecasted the Constitution; James Monroe, whose bold declaration is yet the basis of our Latin-American policy; Charles Lee, Washington's Attorney General; Arthur Lee, an accomplished diplomat who negotiated the treaty between France and the Colonies in 1777.

Is there a house in any land like old Stratford house, in this same county of the Old Dominion, where in the same room was born Richard Henry Lee, the mover of the Declaration of Independence; Francis Lightfoot Lee, one of the signers of the Declaration; Sidney Smith Lee, one of the ornaments of the American Navy; and Robert Edward Lee, the pathetic leader of the lost cause, the supreme military genius of our country, the kindly Christian gentleman, "the knightliest of the knightly race."

To an American audience—to the Southern Club of Boston—it is idle to recount the incidents and events of the life, character, and the enduring public service of Washington. His name and his fame yet fill and will fill to the latest time the brightest page in our country's history, and on that page the orators and statesmen, the scholars and historians of the old Commonwealth of Massachusetts have contributed their indelible lines.

The present high position—the expanding power of the Nation—places the name of Washington easily among the foremost names of history. Whatever else fails, the fame and name of Washington is secure. One other name stands beside the name of Washington—that of Abraham Lincoln—and the name of Robert Edward Lee is linked with the imperishable memory of Lincoln. Truly, as has been said, more American hearts, North as well as South and South as well as North, are thinking more kindly of Lincoln and Lee than any of the other great names rolled into notice by the greatest martial conflict in the history of the Republic. To you, my fellow citizens of the Southern Club of Boston, I need not bring the assurance already given by a distinguished son of the South that there is not a foot of ground beneath Dixie's sky to-night whereon the great Lincoln, were he in life, could not lay his head and sleep in peace, well guarded by the sons and daughters of those who followed Lee.

The incidents and events in the life of George Washington are familiar to all Americans, even to the children in the schools; so also are the incidents and events in the life of Robert Edward Lee, especially to those whose lines run back to the States of the old South. By profession a soldier, a West Pointer, he fought in the Mexican War under Scott and surrendered his commission in the Army of the United States when Virginia called him, responsive to the sentiment of his father voiced in the Virginia convention. Always a soldier, and at last very eminent as a soldier, he was nevertheless the finest example of the Christian soldier and gentleman produced by any age or by any country. He never sunk the man into the mere military man, and his letters to his wife, even from the field of battle, approach the exalted character of sacred literature.

The objective of Washington was to establish the Union; the objective of Lincoln was to preserve it. Lee, the great soldier, called to lead the armies of the South in that irrepressible conflict regarded as sectional because it unhappily revolved around the institution of slavery in America, at the end of the conflict reminded the South that we were once again Americans, and by fine precept and high example led in the restoration of the Union in the hearts of Southern men and women. He never spoke in bitterness of his foe even in the midst of conflict. He fulfilled the prophetic utterance of Lincoln when he became the leader in the "chorus of the Union."

Nearly 40 years ago a distinguished citizen of the State of Georgia came to Boston. That fair empire to the South, in which the roots of your membership are firmly fixed, had then but lately emerged from civil war; from a state of destitution and desolation never before witnessed upon so wide a scale in America.

Among other things, Mr. Grady reminded his Boston audience of the difficulties of the race problem, upon which he had been bidden to speak, and in eloquent phrase gave sincere assurance of the South's purpose to solve it in justice to the black man and white man alike. Perhaps we have not completely solved the problem, but for these 40 years we have been on the road to solving it in honor and in justice to both races. To sensitive souls elsewhere it exists as a problem, but the South does not now think of it as a problem. We are mindful that all suspicion has not yet been allayed, but the final answer is slowly but surely being made in the steady progress of the men and women of both races in the South. Side by side the races are working out the problems of our civilization. The leaders of both races understand, whatever may be the lack of understanding elsewhere, that the South has been compelled to recognize the law to which men and nations have ever responded—the necessity of preserving the civilization of the South.

On the occasion to which reference has been made, Mr. Grady deplored the absence of New Englanders in our midst. Your sons have now come to us and are coming in increasing numbers. They have been welcomed in every part of the South. Our sons have likewise gone out into all parts of the country, and many of our negroes have taken up their abode in New England, the East, and in the West. In the providence of God this migration is helping to the final solution of the problem of which Mr. Grady so eloquently spoke.

On the occasion of his visit the distinguished speaker drew the picture of a Georgia funeral. He then reminded his audience that the grave was made in the midst of a marble quarry, in the heart of a pine forest, but that the casket was imported from Cincinnati, and the little tombstone above the grave from Vermont. The grave was made within touch of an iron mine, but the nails in the casket and the steel in the implements with which the grave was made were imported from Pittsburgh. Said Mr. Grady, "the South furnished the corpse and the hole in the ground."

The steel in the implements and the casket are now welded in southern forges, made of the ore taken from the sides of the Georgia mountain. The funeral shroud is now woven of the fiber of our fields. In that wondrous domain cotton is no longer king but he is a loyal subject; and each recurring autumn hangs out his snowy signals of surrender to the nimble fingers of a contented people. The hum of New England spindles, transplanted to a more genial clime, I may without offense remind you, is now heard in the South, and the loom that was once New England's responds to the deft touch of Southern hands. The factory has been builded in the midst of the cotton field; it has prospered and multiplied under equal laws, justly administered; it has lightly felt the burden of reasonable taxes fairly adjusted to the necessity of government; it has responded to the touch of abundant labor supply drawn from the homes of the fields and plains and mountain valleys of the South. We have asked nothing of the owner of the New England mill, who has builded his industry in the South as an important unit in the new industrial expansion of the section, which has not been asked of the southern-born man who first ventured his capital in a like enterprise. We ask both to remember that the fiber used in their mills drew its strength from the fertility of our soil and has in its the hope and faith of mothers, the courage and fortitude of fathers, and the laughter and tears of children.

Since Appomattox we have called the world to witness the "indestructible union of indestructible States." The political entity of the former and the geographic lines of the latter may well be regarded as secure. But our objective is yet to preserve the Union.

If section is to be arrayed against section, race against race, creed against creed, the foundations of the Union for which Washington fought are threatened.

If States are to be submerged, their initiative, self-reliance, and power lost to an overshadowing general Government exercising control of the instrumentalities of our social and economic life, the States for which Lee drew sword are endangered.

The old theory of the right of the State as it was asserted prior to 1861 was submitted to the arbitrament of the sword. That theory has passed away, but the question remains and will remain as long as our dual system survives. In its present form the problem is how to give to the Federal Government those general powers which it alone can properly exercise for the well-being of all the people, and at the same time reserve unimpaired to the States those powers over the daily life and activities of the people within the several States which the States alone can safely exercise. History proclaims one truth: Free government rests at last on local self-government. In a satisfactory sense the freedom of the individual can not be made secure except under government administered by local authority and responsive to local opinion. I engage in no captious criticism, but many of the regulations, if not indignities, to which the citizen is subjected by the Government far removed from him in its attempt to administer laws deemed by Congress necessary to the common weal, would have been regarded and resisted as tyranny by the leaders of American thought all the way from Washington to Lee.

While the struggle for wealth goes on we are no longer disturbed by the task of creating it in the country of Washington. Here we have made the machine, the instrument of the industrial revolution, our friend. We have pushed our frontiers westward to the Pacific and to the islands in the sea and northward to Alaska. The initiative, energy, and unconquerable will of the people, inspired and strengthened by the genius of our free institutions, have given to us the commanding position in the progress and material civilization of the world. Statistics everywhere compiled and on every hand available disclose the magnitude of our income and wealth. At the present peak we face the age-old problem of how to distribute justly this wealth among the masses of free men.

It will not suffice to assert that the classes, so-called, are merely the naked trustees of the vast wealth accumulated in America and the masses, so-called, are in fact the beneficial users of that wealth. In large measure we have democratized art, science, literature, and many of the finer things that make life worth while. The social advantages and benefits of accumulated wealth with us can not be denied the masses it is true; yet the concept underlying our institutions, the basic philosophy of our free constitution, which has shaken thrones and empires over the world, is not compatible with a state of economic dependence in the United States, though the dependents are the unavoidable beneficiaries of unparalleled wealth in the hands of the few. The question raised can not be satisfactorily answered by taking the map and noting the course of empire across the continent; by tabulating our railroad mileage, by computing our banking capital, nor yet by taking account of our import and gratifying export trade balances.

At bottom the struggle is spiritual, though the immediate factors are economic. Spiritual values are at stake, though the immediate battle has to do with wages, social betterment, and the equitable distribution of material things among those who labor.

Less government of the wrong sort is always desirable; but the imperative demand of the present time is the vigorous and effective use of the powers of government both local and general to the end that the powerful may not take from the mouth of labor the bread it has earned, may not break the spirit of the average man by reducing him to an insensible cog in the modern economic and industrial machine. It is always desirable to keep government out of private business, but the paths of opportunity must be kept open to the feet of the humblest under the flag if government in its objectionable sense is to be kept out of business hitherto regarded as "private."

It is a matter of sober gratification that so many material blessings have been and are yet enjoyed by the people in America. Education, which lay so close to the heart of Washington, has become almost universal, and facilities for its spread are constantly multiplying and expanding. On the whole, our political theories of liberty have survived with slight impairment. So likewise spiritual values have been retained. At the present peak of our industrial and economic power the precept and example of Washington, who put aside the kingship which a generous people were ready to offer, are of supreme importance to his countrymen. In this hour when the unchecked and dangerous spirit of speculation in stock market and exchange brings concern to men and women of sanity, though recent manifestations of it in our country have been obligingly approved by the press in certain quarters, we may well consider the fine example of General Lee, who, though reduced in worldly circumstances, declined a princely salary tendered by a corrupt enterprise for the use of his honored name with the inspiring statement: "For four years the Confederate soldiers taught me how to die, and by the grace of God I will teach their sons how to live."

THE CALENDAR

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate will now proceed to the consideration of unobjected bills on the calendar, beginning at the point where the Senate previously left off.

RELIEF BILLS BEFORE THE COMMITTEE ON MILITARY AFFAIRS

Mr. REED of Pennsylvania. Mr. President, a very large number of Members of the Senate are interested in special relief bills which have been sent by the House to the Senate within the last two days. I want to explain to Senators why it is that it is not practicable to poll the Senate Committee on Military Affairs on those special bills. I think in justice to Senators who have asked that that action be taken I ought to make the explanation public.

We have had over 1,000 bills during the present Congress referred to the Committee on Military Affairs. For many years it has been our practice to refer private relief bills to subcommittees and it is only fair to the members of the committee to say that as subcommittees they have worked long hours and many evenings in the study of those bills. Whenever a bill has been studied that way it is reported to the full committee and it is given a very real consideration by the full committee. As I said, we have had over a thousand bills referred to the committee up to the end of last week. The committee spent most of last Friday and Saturday in a final effort to clean them up.

Now a very large number of new bills come over from the House and it is impossible for the members of the committee to get the time, in the paroxysm of the closing hours of the session, to give those bills the sort of study to which all the others have been subjected. When it is claimed that highly meritorious bills have passed the House and ought now to be considered by the Senate, I beg Senators to remember that the House has taken all of two years to consider those bills and sends us now a great batch of them, so that it is utterly impossible for the Senate Committee on Military Affairs to consider them with that sober earnestness and seriousness which the Senate is entitled to expect of our committee when it makes a report.

For that reason I have said to every Member of this body who has spoken to me, and there must have been 25 Senators who have asked a poll of the committee—and I have said it to every one, whether Republican or Democrat, Senator or Member of the House—that to the best of my ability I would prevent the committee from being polled, that if any bill is polled in the committee I shall object to its consideration on the floor. I intend to fight that, whether it is a bill in which I, myself, am interested or in which any friend of mine is interested. That decision will not be varied from. The House has no one but itself to blame if bills are not considered here when they are not sent over here until during the last three days of the session.

The PRESIDING OFFICER. The clerk will state the first bill on the calendar under the unanimous-consent agreement.

BILL PASSED OVER

The bill (S. 5648) to amend section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, as amended, was announced as first in order.

Mr. McKELLAR. Mr. President, in the absence of the Senator from Kansas [Mr. CAPPER] the bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

UNITED STATES VETERANS' HOSPITAL, SUNMOUNT, N. Y.

The bill (H. R. 9966) to provide for the reimbursement of certain patients at the United States veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects was considered as in Committee of the Whole.

Mr. BRATTON. Mr. President, I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Add a new section, as follows:

That the first sentence contained in the second paragraph of section 19 of the World War veterans' act, 1924, as amended, is further amended by striking out the words "within one year from the date of the approval of this amendatory act" and inserting in lieu thereof "prior to May 29, 1930," so as to make the bill read:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed to reimburse, out of the appropriation for medical and hospital services, those patients at United States veterans' hospital, Sunmount, N. Y., who suffered loss and damage to their personal effects on May 27, 1927, through the explosion of a rubber gasket in the high-pressure steam line passing through the storage room at that hospital: *Provided,* That the total amount paid hereunder shall not exceed $420. That the first sentence contained in the second paragraph of section

19 of the World War veterans' act, 1924, as amended, is further amended by striking out the words "within one year from the date of the approval of this amendatory act" and inserting in lieu thereof "prior to May 29, 1930."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRATTON subsequently said: Mr. President, in connection with the amendment adopted to H. R. 9966 I ask to have printed in the RECORD a letter from Mr. Frank T. Hines, Director of the United States Veterans' Bureau.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, February 27, 1929.

Hon. SAM G. BRATTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR BRATTON: Further reference is made to your letter of February 14, 1929, transmitting a copy of S. 5782, "A bill to amend section 19 of the World War veterans' act, 1924, as amended," which proposes to provide an additional year for filing suits on insurance contracts.

You state that the Committee on Finance of the Senate to whom this measure has been referred will transmit it for report and request that action thereon be expedited in order that your efforts to have it enacted as an amendment to some other measure may be facilitated.

The Committee on Finance has not yet transmitted this bill for report. You are advised, however, that the position of the bureau on this extension is the same as that communicated to the Congress at the last session at the time the amendment to section 19, providing a Federal statute of limitations on insurance suits, was pending. You may recall that I advised the committee that whether or not there should be such a statute of limitations, and if so the time which should be allowed, was a matter wholly for the determination of the Congress.

For your further information you are advised that there is now pending before the Committee of the Whole House on the state of the Union a bill (H. R. 16819) which, if enacted into law, will substantially accomplish the same purpose as proposed by S. 5782. This bill extends the time one year from date of its passage.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

VETERANS' HOSPITAL NO. 42, PERRY POINT, MD.

The bill (H. R. 8223) to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized to sell or otherwise dispose of the following-described buildings now situated on the reservation of the United States veterans' hospital, Perry Point, Md., which are of wooden construction and are unsuitable for the hospitalization of beneficiaries of the United States Veterans' Bureau: Fifty-seven 2-story frame dwellings, designated as types D–1, D–2, D–5, D–6, D–8, and D–10, and Nos. 1001 to 1040, inclusive; 1189 to 1192, inclusive; 1194 to 1203, inclusive; 1205, 1207, and 1208.

SEC. 2. In addition to the foregoing, the director is further authorized to sell or otherwise dispose of seven 2-story frame dormitory buildings and one 2-story frame kitchen and mess building, numbered as follows: 23, 46, 46–A, 46–B, 46–C, 46–D, 46–E, and 47.

SEC. 3. The net proceeds of such sale shall be covered into the Treasury of the United States as miscellaneous receipts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY HANLON

The bill (H. R. 8423) for the relief of Timothy Hanlon was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed to pay to Timothy Hanlon, out of the appropriation for medical and hospital services, the sum of $28.50 for services rendered in connection with the funeral and burial of Raymond F. Poore (C-541-245), deceased.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOLIET FORGE CO., JOLIET, ILL.

The bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$86,163.21 to William S. Welch, trustee of the estate of the Joliet Forge Co." and insert in lieu thereof "$25,000 to the Joliet National Bank, $15,000 to the Commercial Trust & Savings Bank of Joliet, and $10,000 to the Sharpe family, consisting of H. William, John J., Edward F., and Ellen C. Sharpe," and on page 2, line 1, to strike out the word "bankrupt" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to the Joliet National Bank, $15,000 to the Commercial Trust and Savings Bank of Joliet, and $10,000 to the Sharpe family, consisting of H. William, John J., Edward F., and Ellen C. Sharpe, of Joliet, Ill., as reimbursement for providing and furnishing additional plant facilities and materials for the construction of steel forgings.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. DENEEN. Mr. President, during the war the Joliet Forge Co. was a flourishing company which had been built up through a period of years by the Sharpe family, being owned by the family of four persons, who enlarged the plant at the request of the Government. The enlargement cost the company all the capital it had in hand, besides $50,000 borrowed from the Joliet bank. The order was made by Mr. Sessions and his letters appear on page 3 of the report. The authority for his making the order appears on page 4 by the testimony of Mr. Piez. The capacity to which they were ordered to enlarge the plant was so that 6,000 tons of steel forgings might be furnished the Government when previously 500 tons was the capacity of the company. The money was loaned by the bank on the letter and personal direction of Mr. Piez.

The company is now bankrupt. There was no occasion for the enlargement except for purposes of the war, and the banks having advanced the money presented the matter to the House committee and the amounts which were loaned, without interest, $45,000 in one instance and $15,000 in the other instance, are appropriated by the bill.

Mr. KING. I have no objection to the passage of the bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MYRON C. BOND ET AL.

The bill (H. R. 1625) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Myron C. Bond the sum of $48.04, to Guy M. Claflin the sum of $499.79, and to Edwin A. Wells $116.67, all of said persons having been officers in the Thirty-first Regiment Michigan Volunteer Infantry, war with Spain, and which said sums were reported by the Court of Claims, and said sums are hereby appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. LIZENBY

The bill (H. R. 2659) for the relief of Annie M. Lizenby was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Annie M. Lizenby, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government, the sum of $3,000 to compensate her for injury and damage sustained at Tacoma, Wash., December 14, 1922, when she was struck by a motor truck belonging to and operating under authority of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA MAE RINKS

The bill (H. R. 11500) for the relief of Ella Mae Rinks was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $772.35 to Ella Mae Rinks for personal injury

resulting from being run down by a truck belonging to the Sequoyah Orphan Training School.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

N. P. NELSON & CO.

The bill (H. R. 13992) for the relief of N. P. Nelson & Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. P. Nelson & Co., of Bozeman, Mont., as subcontractors of the Pioneer Construction Co., the sum of $1,760.31 in full settlement of all claims resulting from the requisitioning of the road construction crew of N. P. Nelson & Co. employed on the Paola section of the Belton-Java, Mont., highway project, by the forest supervisor for fire suppression work in connection with the Lost Johnnie Creek forest fire in 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF PORTER, OKLA.

The bill (H. R. 15292) for the relief of the First National Bank of Porter, Okla., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 in settlement of the error made by the Treasury Department in crediting to the account of the First National Bank of Keota, Okla., on May 27, 1909, instead of to the account of the First National Bank of Porter, Okla., the sum of $500 on account of the bank's 5 per cent redemption fund.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERTINA SAND

The bill (H. R. 7552) for the relief of Bertina Sand, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,560.25 to Bertina Sand, of Minneapolis, Minn., as reimbursement for loss of earning power and for expenses actually incurred by her as the direct result of personal injuries received by her on the 7th day of April, 1927, at Minneapolis, Minn., when she was struck by a Government motor vehicle then and there negligently operated by the Post Office Department of the United States Government, and as full compensation for said injuries, the pain and suffering from the same, and the damages resulting therefrom: *Provided*, That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 5 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than $1,000 nor more than $2,000.

Mr. KING. Mr. President, I would like an explanation of the bill.

Mr. CARAWAY. This woman was knocked down by a careless driver of a vehicle belonging to the Government. One of her arms was broken and her side was hurt. She is practically an invalid, and the department recommends that the amount included in the bill should be paid to her.

Mr. KING. The explanation is satisfactory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. A. SMITH

The bill (H. R. 14728) for the relief of J. A. Smith was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 3, to strike out "Comptroller General of the United States" and insert in lieu thereof "Secretary of the Treasury," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to J. A. Smith, out of any money in the Treasury not otherwise appropriated, the sum of $68, being the amount of check No. 131507, issued by the Veterans' Bureau to Ernest Britt, 3501 Kenesaw Avenue, Dayton, Ohio, but mailed to and received by Ernest Britt, route 1 B 68, Dillon, S. C., for whom it was cashed by J. A. Smith.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WILLIAM F. GOODE

The bill (H. R. 3537) for the relief of William F. Goode was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William F. Goode, former second lieutenant, Eight hundred and ninth Regiment Pioneer Infantry, the sum of $208, as reimbursement for medical and hospital expenses incurred by him while in military service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. M. GRAY, JR., CO.

The bill (H. R. 3677) for the relief of F. M. Gray, jr., Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow the F. M. Gray, jr., Co. the sum of $2,460.92 in full settlement of all claims under or arising out of contract dated September 21, 1921, for drilling a well at United States Public Health Service Hospital No. 2, Chicago-Broadview Hospital, Maywood, Ill., and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,460.92 with which to pay the claim.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT S. AMENT

The bill (H. R. 10045) for the relief of Robert S. Ament, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert S. Ament, of New York, N. Y., the sum of $6,301.33, in full compensation for damage to a pier at Provincetown, Mass. (of which he is lessee and which he has improved and decorated to the value of this claim), by the United States Coast Guard cutter *Morrill*, on November 16, 1926.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M'COOMBE

The bill (H. R. 13888) for the relief of Charles McCoombe was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of $600 to Charles McCoombe, as reimbursement for damages to his property as a result of the crashing of a naval airplane on March 24, 1928.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROLAND M. BAKER

The bill (H. R. 5338) for the relief of Roland M. Baker was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Roland M. Baker, postmaster at Boston, Mass., in the sum of $1,756.89. Such sum represents the amount of a deficit in the account of the said Roland M. Baker caused by the embezzlement on or about June 8, 1922, of postal funds by an employee at the North Postal Station, Boston, Mass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. J. HEINZ CO.

The bill (H. R. 10178) for the relief of the H. J. Heinz Co., Atlantic City, N. J., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to the H. J. Heinz Co., of Atlantic City, N. J., the sum of $5,606, to compensate the said H. J. Heinz Co. for property damages sustained

by them to their property in Atlantic City, known as the Heinz Pier, on August 22, 1924, caused by collision with said pier of scow *No. 22*, which was in the service of the War Department in connection with work being done by the United States dredge *Corozal* in Absecon Inlet.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY C. TASKER

The bill (H. R. 11153) for the relief of Harry C. Tasker was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry C. Tasker, of Green River, Utah, the sum of $100 for the loss of a horse loaned to the employees of the Geological Survey and not returned.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. T. NILAN

The bill (H. R. 9862) for the relief of M. T. Nilan was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized, and hereby directed, to pay out of any money in the Treasury not otherwise appropriated, to M. T. Nilan, of Eggleston, Minn., the sum of $121.10. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the issuance of a check by the Department of the Interior on December 9, 1924, to Charles Wells, an Indian, which check was cashed by said M. T. Nilan and presented by him for payment, at which time the department refused to pay said check, claiming error on the part of its agent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DON C. FEES

The bill (H. R. 11014) for the relief of Don C. Fees was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill. I notice that the claim was disallowed by the Comptroller General. We are passing these bills so rapidly that Senators scarcely have an opportunity to know what a bill is before it is passed. I wonder why the claim was disallowed?

The Senator from South Dakota [Mr. MCMASTER] is not present, so I ask that the bill may go over.

The PRESIDING OFFICER. In the absence of the Senator from South Dakota, and on objection of the Senator from Utah, the bill will be passed over.

T. D. RANDALL & CO.

The bill (H. R. 9546) for the relief of T. D. Randall & Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That T. D. Randall & Co. are hereby authorized to bring suit against the United States under purchase orders Nos. 1904 and 1914 to 1919, both inclusive, for furnishing hay to the Army during the late war, to recover whatever losses or damages they may have suffered by reason of car shortage or other war conditions. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action and to enter decree or judgment against the United States for the amount of any loss or damages as may be found to have been suffered by the said T. D. Randall & Co. under the said purchase orders, if any: *Provided*, That such action shall be brought and commenced within four months from the date that this act becomes effective.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

The bill (S. 5616) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was considered as in Committee of the Whole. The bill had been reported from the Committee on the Library with an amendment on page 3, line 13, to strike out the words "which approval shall be conclusive upon the General Accounting Office in such amounts and for the purposes herein authorized as the commission in its discretion may deem proper, notwithstanding any other provision of law," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $334,000 to enable the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, hereinafter referred to as the commission, established by the joint resolution approved December 2, 1924, to carry out and give effect to plans approved and recommended by the commission for the following purposes:

(a) For editing, printing, binding, indexing, and distribution of a definitive edition of George Washington's writings, including illustrations, facsimiles, and clerical and photostat work in preparing copy:

(b) For the preparation, printing, and distribution of handbooks of the commission entitled, "Honor to George Washington," "Reading about George Washington," and "Directions for Celebrations and Pageants";

(c) For preparing and printing a wall map for general use, to be known as the "George Washington map";

(d) For preparing, printing, and binding in cloth a "George Washington atlas";

(e) For a photolithographic print of an approved "George Washington portrait";

(f) For all necessary expenses connected therewith: *Provided*, That the printing and binding herein authorized, exclusive of maps and portraits, shall be executed at the Government Printing Office upon requisitions of the commission with the approval of the Joint Committee on Printing, which committee shall determine the number of copies and volumes to be printed of each publication and the cost thereof based upon estimates submitted by the Public Printer, and shall also determine the price at which the definitive edition of the George Washington writings shall be sold to the public in whole or in part; and the funds derived from such sales shall be covered into the Treasury as miscellaneous receipts and the amounts thereof set forth in the annual report of the Public Printer;

(g) For compensation of the historian, executive secretary, and such assistants as may be needed for stenographic, clerical, and expert services and for actual and necessary traveling, subsistence, and other expenses incurred by the commissioners and officers in the discharge of their duties; and

(h) For contingent expenses, to be expended by the disbursing officer of the commission upon vouchers approved by the chairman of the executive committee of the commission.

SEC. 2. In carrying out the provisions of this or any other act relating to the celebration of the two hundredth anniversary of the birth of George Washington, the commission is hereby authorized to procure advice and assistance from any existing governmental agency, including the services of technical and other personnel in the executive departments and independent establishments; and the Superintendent of Documents shall make available to the commission the facilities of his office for the distribution of the publications and maps herein authorized.

SEC. 3. Appropriations hereafter made in conformity with this act, and unexpended balances of appropriations heretofore made for the purpose of the commission, shall remain available until expended.

SEC. 4. That the short name for the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington shall be "The George Washington Bicentennial Commission."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL TO SIGNERS OF DECLARATION OF INDEPENDENCE

The joint resolution (S. J. Res. 188) to create a commission on a memorial for the signers of the Declaration of Independence was considered as in Committee of the Whole. The bill had been reported from the Committee on the Library with an amendment on page 2, line 20, to strike out "all expenditures of the commission shall be allowed and paid upon presentation of itemized vouchers therefor signed by the chairman," so as to make the joint resolution read:

Resolved, etc., That a commission is hereby created to be known as the Declaration of Independence Memorial Commission (hereinafter referred to as the commission). The commission shall be composed of two Senators to be appointed by the President of the Senate, two Members of the House of Representatives to be appointed by the Speaker, and three citizens of the United States to be appointed by the President. The commission is authorized and directed to consider the form of a suitable memorial to the men who signed the Declaration of Independence to be located in Washington, the method of financing such a memorial, to procure such plans and designs and make such surveys and estimates of the cost thereof as it deems advisable, and to make a report to the Congress, together with its recommendations, at the beginning of the first regular session of the Seventy-first Congress. Appointments to fill vacancies occurring in any class of the membership of the commission shall be made in the same manner as the original appointments to that class. The members of the commission shall serve without compensation; but traveling, subsistence, and other necessary expenses incurred by them in connection with the work of the commission may be paid from any funds available for expenditure by the commission.

SEC. 2. The commission may employ clerical and other assistants and make such expenditures (including expenditures for personal services at the seat of government and elsewhere) as may be necessary for the

performance of the duties vested in the commission. To carry out the provisions of this resolution there is hereby authorized to be appropriated the sum of $10,000.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MOTOR-VEHICLE TRAFFIC, DISTRICT OF COLUMBIA

The bill (S. 5757) to amend paragraphs (c) and (d) of section 9, and paragraphs (a) and (b) of section 10, of the act of Congress, entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925, was announced as next in order.

Mr. KING. Mr. President, I would like to have the Senator from Delaware [Mr. HASTINGS] explain the bill. We had a vehicular traffic bill passed a number of years ago, which those who advocated it said was a perfect measure. I thought it was very imperfect. We are tinkering with it already. I would be glad to know the necessity for this measure when we already have such a perfect measure.

Mr. HASTINGS. Mr. President, the changes made give the court the discretion of sending an offender to jail or fining him. The present law provides that he must be sent to jail in certain cases. It was pointed out by the District authorities that in many cases, such as the third conviction on a charge for reckless driving, although the last conviction may have been some years ago, the law makes it necessary for the court to send the offender to jail, and in many cases the defendant demands a jury trial when he would otherwise be satisfied to permit the court to sentence him. Those are the only changes proposed.

Mr. CARAWAY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WOMAN'S BUREAU, POLICE DEPARTMENT

The bill (H. R. 6664) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, on account of the confusion in the Chamber I did not hear the proceeding in reference to Order of Business 1856, being House bill 6664, to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes. Before it finally goes over I should like to say that there is on the calendar Order of Business 901, being the bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes.

Let me say to those who have been in opposition to the woman's police department bill that the chief objection to the original bill was that it was proposed to provide in the bill rights and privileges for women that the men do not receive. The House has passed the bill striking that offensive language from the measure. Under the House bill, which is now on the calendar, the women in the police bureau shall be subject to the same restrictions and regulations as are the men. So I think that the objections which have been raised in the past have been met by the new bill. If there is continued opposition to the bill, I do not care to press it; but if this explanation softens the objection to it, I will be very glad if the bill might be allowed to pass.

Mr. BAYARD. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BAYARD. When the Senator states that the women will be placed under the same restrictions and regulations as the men, does he mean women prisoners or women officers of the police bureau?

Mr. COPELAND. I refer to women officers.

Mr. KING. Mr. President, the House has recently passed a bill——

Mr. COPELAND. The House bill is the one of which I have been speaking.

Mr. KING. Which embodies the provisions which were reported by the Senate committee. I suggest to my friend that if we should have a little consultation before the next call of the calendar I think we may agree upon a measure that may be satisfactory.

Mr. COPELAND. Very well.

ADDITIONAL SECRETARIES IN DEPARTMENT OF LABOR

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5614) creating the positions of Undersecretary and two Assistant Secretaries in the Department of Labor, which was read, as follows:

Be it enacted, etc., That effective March 4, 1929, there shall be in the Department of Labor an Undersecretary of Labor, who shall be appointed by the President. The Undersecretary shall perform such duties as shall be prescribed by the Secretary of Labor or required by law and, under the provisions of section 177, Revised Statutes (5 U. S. C. 4), in case of the death, resignation, absence, or sickness of the Secretary of Labor, hereafter shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease.

SEC. 2. Effective March 4, 1929, there shall be in the Department of Labor two Assistant Secretaries of Labor, who shall be appointed by the President. The Assistant Secretaries shall perform such duties as shall be prescribed by the Secretary or required by law. The Assistant Secretaries, in case of the death, resignation, absence, or sickness of the Undersecretary shall, until a successor is appointed or such absence or sickness shall cease, perform the duties devolving upon the Undersecretary by reason of section 177, Revised Statutes (5 U. S. C. 4), unless otherwise directed by the President, as provided by section 179, Revised Statutes (5 U. S. C. 6).

SEC. 3. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay the salaries of the Undersecretary and the two Assistant Secretaries of Labor for the fiscal years 1929 and 1930, in accordance with the classification act of 1923.

SEC. 4. The positions of Assistant Secretary of Labor created by section 2 of the act of March 4, 1913, entitled "An act to create a Department of Labor," and Second Assistant Secretary of Labor created by the act of June 30, 1922, entitled, "An act creating the positions of Second Assistant Secretary and private secretary in the Department of Labor," are hereby abolished. The act of March 4, 1927, creating the offices of two assistants to the Secretary of Labor, is hereby repealed.

Mr. REED of Pennsylvania. Mr. President, the bill as it stands would create an undersecretary in the Department of Labor. I introduced the bill at the request of the Secretary of Labor, and without committing myself to the proposition that it contains. I can not recommend to the Senate that the bill be enacted in that form, but I do want to say this very briefly: About two years ago, when the work under the immigration law began to be very heavy, the Secretary of Labor asked me to introduce a bill creating two positions of assistants to the Secretary of Labor. He assured me at the time that when the work lightened up he would let us know, so that we could abolish one of those positions. Usually promises like that are written in sand, but the Secretary of Labor has been faithful to his promise, and he tells me that he can get along with one such official. So I want to propose an amendment to the bill as it stands on the calendar, not creating an undersecretary but creating an additional assistant Secretary and repealing the two positions of assistants to the Secretary of Labor that now exist. The result of that would be a saving to the Government in money paid in salaries, and, of course, in office expenses. The Secretary of Labor assured me that he would be able to perform the work of the department with efficiency if that shall be done. So I send an amendment to the desk, which I ask may be read.

Mr. KING. Why not wait until the next Secretary of Labor comes in and see what he wishes?

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That, effective April 1, 1929, there shall be in the Department of Labor an additional Secretary, who shall be known and designated as Third Assistant Secretary of Labor and shall be appointed by the President. The Third Assistant Secretary shall perform such duties as shall be prescribed by the Secretary of Labor, or required by law, and in case of the death, resignation, absence, or sickness of both the Assistant Secretary and Second Assistant Secretary shall, until a successor or successors are appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 177, Revised Statutes (5 U. S. C. 4), unless otherwise directed by the President, as provided by section 179, Revised Statutes (5 U. S. C. 6).

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay the salary of the Third Assistant Secretary of Labor for the fiscal years 1929 and 1930, in accordance with the classification act of 1923, as amended.

SEC. 3. The act of March 4, 1927, entitled "An act creating the offices of Assistants to the Secretary of Labor," is hereby repealed, effective April 1, 1929.

Mr. KING. Mr. President, I regret to object to the consideration of this bill, but I am not in favor of creating another

office in that department, and especially as we are going to have a new broom soon, a new administration, and, perhaps, the new Secretary of Labor might prefer a different program to that suggested by my able friend from Pennsylvania.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, before Senate bill 5614 shall be finally passed over, may it be understood that the substitute which I send to the desk is adopted instead of the original bill, and then that it be passed over.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and the amendment will be considered as agreed to, and the bill will go back to the calendar as amended.

ARTHUR E. RUMP

The bill (S. 4325) for the relief of Arthur E. Rump was announced as next in order.

Mr. KING. Let that bill go over.

Mr. HAWES. Mr. President, was objection made to that bill?

Mr. KING. I objected.

The PRESIDING OFFICER. The Senator from Utah [Mr. KING] objected.

Mr. HAWES. Mr. President, will the Senator from Utah please withhold his objection for a moment?

Mr. KING. I will withhold it if the Senator desires to speak.

Mr. HAWES. I thank the Senator. Mr. President, this is a measure which has excited considerable interest in the community in which I live, and I know it has aroused the sympathy of everyone who understands the circumstances underlying the bill. A similar bill has passed the House. The beneficiary of the bill was a clerk in the post office and was seriously injured by another clerk. He has been confined to his bed for over 10 years, and is in a very precarious condition. He is unable to live upon the money now provided for him, and this bill merely increases the sum set aside for his care.

I will say to the Senator from Utah that this measure has been discussed by the newspapers of St. Louis, and it has met with their approval. The case has been taken up by the Optimist Club and various other organizations of the city, and I know it to be a worthy one. This man is now an object of charity, a helpless invalid as the result of an injury for which the Government is responsible. He has not, as I have said, been able to leave his bed for 10 years. I certainly hope the Senator will read the report on the bill, and will withdraw his objection.

Mr. KING. Mr. President, an award was made in this case, and the man was paid $2,000. If the amount now allowed is not adequate, I am perfectly willing to pass a measure which will refer the case back to the compensation commission with authority to allow whatever is just and fair, taking into account the payments heretofore made. But I do not think it is fair, a commission having been set up for the purpose of determining what compensation should be paid and, having acted on that question, to take it out of their hands and make special provision. If that shall be done every time that one is dissatisfied with the finding of the compensation commission, an appeal will be made to Congress, and the work of the commission will be reduced to a nullity.

The PRESIDING OFFICER. Objection is made. The clerk will report the next bill on the calendar.

CAPT. WILLIAM CASSIDY

The bill (S. 4756) for the relief of Capt. William Cassidy was announced as next in order.

Mr. SMITH. Mr. President, an identical bill has passed the House of Representatives. I ask unanimous consent to substitute the House bill for the Senate bill on the Calendar and that the House bill be considered at this time. The number of the House bill is 14975.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14975) for the relief of Capt. William Cassidy, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Capt. William Cassidy, Quartermaster Corps, United States Army, in the sum of $4,740.39 on account of stoppage of pay as the result of the loss of public funds due to financial irregularities and frauds against the Government, in the handling of public funds by a civilian employee of the Quartermaster Corps at Camp Custer, Mich., during the period from April, 1924, to October, 1927, for part of which Captain Cassidy has been held responsible, and to certify the same to Congress for an appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4756 will be indefinitely postponed.

ARTHUR E. RUMP

Mr. HEFLIN. Mr. President, just a moment ago the Senator from Missouri [Mr. HAWES] asked for the consideration of the bill on the calendar preceding the bill which was just passed. I can not believe that the Senator from Utah [Mr. KING] understands the condition of the beneficiary of that bill for whom the Senator from Missouri [Mr. HAWES] is seeking relief. The Senator just told me that this man has been on his back for 10 years and is not able to do a stroke of work and is penniless. I submit that, while Senators are tired and want to get along and clean up the calendar of measures in which we are personally interested, I think the great Senate ought to pause long enough to do justice to a case like this, and I hope the Senator from Utah will withdraw his objection and let the Senator from Missouri have the bill passed.

Mr. KING. Mr. President, regular order.

Mr. HEFLIN. It appeals to my sympathy.

The PRESIDING OFFICER. Regular order has been demanded. The clerk will state the next bill on the calendar.

JOHN B. MEISINGER AND NANNIE BELLE MEISINGER

The bill (S. 4809) for the relief of John B. Meisinger and Nannie Belle Meisinger was announced as next in order.

Mr. HEFLIN. Mr. President, now I can occupy five minutes on that bill and five minutes on each succeeding bill until we can get some action on the measure for the benefit of the poor, stricken American citizen for whose relief the bill in which the Senator from Missouri [Mr. HAWES] is interested is pending.

Mr. KING. Let me say to the Senator if he will leave the matter to the Senator from Missouri and myself there will be no controversy.

Mr. HEFLIN. I am glad to hear the Senator say that.

The PRESIDING OFFICER. Is there objection to the immediate consideration of Senate bill 4809?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4809) for the relief of John B. Meisinger and Nannie Belle Meisinger, which was read, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of John B. Meisinger and Nannie Belle Meisinger; that in the administration of the aforesaid act John B. Meisinger and Nannie Belle Meisinger shall be held and considered to be the dependent parents of Dr. Clarence L. Meisinger, who was killed June 2, 1924, by the explosion of a balloon in which he was making a series of upper air observations for the United States Weather Bureau.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR E. RUMP

Mr. HAWES. I ask unanimous consent to recur to order of business No. 4325 and I ask that House bill 13430 be substituted on the calendar for Senate bill 4325, and that House bill be considered at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and House bill 13430 is substituted for Senate bill 4325. The Senator from Missouri asks unanimous consent for the consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13430) for the relief of Arthur E. Rump, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur E. Rump during his natural life the sum of $117 per month, to date from the passage of this act, as compensation for injuries sustained while in the line of his duties as registry clerk at the St. Louis (Mo.) post office, said monthly payments to be paid through the United States Employees' Compensation Commission.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senate bill 4325 will be indefinitely postponed.

ESTATE OF L. GORDON LEECH, BANKRUPT

The bill (H. R. 9385) for the relief of the estate of L. Gordon Leech, bankrupt, was announced as next in order.

Mr. ROBINSON of Arkansas. I think that bill requires explanation.

Mr. CAPPER. Mr. President, about three years ago Congress passed an act closing the bathing beach at the Tidal Basin. Mr. Leech had a contract with the Government for maintaining bathhouses there, and the contract provided that in the event the Government should close the bathing beach his property would be appraised and paid for at actual cost. The Director of Public Buildings and Parks, Colonel Grant, reports that an appraisal was made and that the amount carried in the bill was the amount due him, and Colonel Grant recommended the payment of the amount.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. CAPPER. Yes.

Mr. ROBINSON of Arkansas. The bill originally proposed to pay $5,931.32, which has been stricken out by the committee and $3,000 inserted, for damages sustained in connection with the termination of the tidal beach and other facilities, and so forth. It does not appear to be a payment for property, but it seems that it is payment of damages for closing the beach.

Mr. CAPPER. It is for the loss that this man sustained. As a matter of fact, the House thought it would compromise the amount which had been found due him in the appraisal and provided for the lump sum of $3,000, and called it damages; but that is what it refers to—the property that he lost by reason of the sudden closing of the bathing pool there.

Mr. ROBINSON of Arkansas. What was the basis for the reduction made?

Mr. CAPPER. The House was not disposed to allow the full amount.

Mr. ROBINSON of Arkansas. But this is a Senate amendment. The House allowed $5,000 plus, and the Senate strikes that out and inserts $3,000.

Mr. CAPPER. There was some difference of opinion in the committee as to the matter.

Mr. ROBINSON of Arkansas. I think the bill had better go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

ED. SNYDER AND OTHERS

The bill (H. R. 2137) for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M'COLGAN

The bill (H. R. 2425) for the relief of Annie McColgan was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie McColgan, of Philadelphia, Pa., widow of Peter McColgan, who, while a civilian employee of the Ordnance Department, United States Army, in the discharge of his duties and without fault or negligence, was killed by the explosion of fuzes at the Frankford Arsenal, Philadelphia, Pa., on February 5, 1903, the sum of $5,000, being the sum recommended to be paid her by the board of officers appointed to investigate said explosion by the commanding officer at Frankford Arsenal on February 6, 1903.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF CERTAIN ARMY OFFICERS AND OTHERS

The bill (H. R. 4265) for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

The first amendment was, on page 1, after line 8, to strike out:

Maj. E. T. Comegys, Finance Department, the sum of $152.50, on account of payments made for two typewriters for use of and now in possession of the military service.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to strike out:

Harry G. Finley, formerly second lieutenant, Quartermaster Corps, the sum of $298.66, being the amount paid by him to one who represented himself as being Lieut. Paul A. Winchell, Air Service.

Mr. SMOOT. Mr. President, I should like some explanation of this bill. There is no report about it in my file. Will the Senator from Oregon give us, in as few words as possible, an explanation of why these allowances are made?

Mr. STEIWER. Mr. President, this bill is one of a group of three or four, all of which originated in the War Department. The others have been reported out and passed. This, I think, is the last one of the group.

The bill is for the relief of certain officers who were disbursing officers, and also for the relief of certain civilians. The disbursing officers are merely allowed credits where charges have been maintained against these officers on account of the rulings of the Comptroller General's office.

The bill was carefully considered by the committee; and in all those cases where there was a difference between the figures of the Comptroller General and those of the War Department we accepted the figures of the Comptroller General, and made amendments accordingly. In about half a dozen cases, which are reflected by the amendments, we found that the Comptroller General had reversed his former ruling and had allowed some of these claims. Therefore there was no necessity for any further relief, and we eliminated them from the bill by amendment.

Mr. SMOOT. I thank the Senator for the explanation; but, Mr. President, I am going to make a statement again in relation to this class of claims against the Government.

There is not a session of the Senate at which we do not have hundreds of these claims for loss of money by theft by employees, loss of money by fires, and so forth. To the latter I take no exception; but it does seem to me that the time must come, sooner or later, when the Government of the United States will be protected by some kind of insurance against loss and stealing of public money.

No private institution in the United States would permit a situation of this kind to continue; and yet at every session of Congress tens of thousands of dollars are paid out just for the loss of money in post offices, stealing by employees of funds from this department or that department, and so on. The Government of the United States is standing the expense here, and it seems to me that passing these bills is only an invitation to all of them to go right along and be just as careless as they wish about public funds.

If the time is not already here, I say the time is approaching when the Government of the United States must insist upon having some kind of security for men who handle the funds of the Government. Particularly is that the case in the War Department and the Post Office Department; and I will say that there is not a department of the Government but that is involved in the same kind of loss of money of the United States.

I think every one of those disbursing agents—call them what you may—should carry some kind of insurance, and I will tell the Senate now that the insurance companies that would have to pay the money would constitute quite a check upon their being careless in handling funds. The quicker such legislation as that is passed the better it will be for the Government of the United States.

I am going to take it upon myself, if no one else does—and I am not a member of the Claims Committee—to work out some kind of legislation here, and ask that it be passed, so as to stop this kind of legislation.

Mr. EDGE. Mr. President, would the Senator have the Government pay the premiums on such insurance?

Mr. SMOOT. It would be far better for the Government to do that than it would be to let it go the way it is now.

Mr. EDGE. I am inclined to agree with the Senator.

Mr. BORAH. Why not get honest employees?

Mr. SMOOT. That seems to be impossible. In other words, there is quite a lot of difference between the way public money is handled and the way private money is handled.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the words "sum of," to strike out "$2,495.63" and insert "$2,492.99," so as to read:

First Lieut. Robert A. Hill, Corps of Engineers, the sum of $2,492.99, representing public funds for which he was accountable and which were lost through embezzlement by an employee of the Engineer Department on or about November 17, 1922.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to strike out:

Maj. De Witt C. Jones, Corps of Engineers, the sum of $5,450, representing the amount refunded to Gillett, Eaton, and Squire on their contract of September 4, 1917, for the construction of one pair of tandem compound condensing engines for stern paddle-wheel steam towboat.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to strike out:

Maj. C. C. Oakes, Finance Department, the sum of $136.50, representing the amount refunded to D. Kasdan in adjusting a sale of Government property.

Charles O. Pierson, disbursing officer, Washington-Alaska military cable and telegraph system, the sum of $400, which amount was stolen by an enlisted man of the Signal Corps.

Capt. Philip A. Scholl, Finance Department, the sum of $90, representing the amount paid on a fraudulent voucher.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the word "and," to strike out "seventy" and insert "eighty," so as to read:

American Commission Co., $448.08, being the value of 4,080 cans of tomatoes purchased from the Government at a sale of surplus supplies, which were seized by the Federal Food Administrator and destroyed as unfit for human consumption.

The amendment was agreed to.

The next amendment was, on page 14, line 8, after the words "sum of," to strike out "$350.48" and insert "$338.40," so as to read:

To Maj. Horace G. Foster, finance department (formerly pay clerk, Quartermaster Corps), for rental from November 13, 1912, to January 15, 1914, while stationed at the Presidio of San Francisco, Calif., the sum of $338.40.

The amendment was agreed to.

The next amendment was, on page 14, line 22, after the words "sum of," to strike out "$323.90" and insert "$321.60"; in line 24, after the words "sum of," to strike out "$278" and insert "$275"; in line 25, after the words "sum of," to strike out "$86.80" and insert "$74.40"; and on page 15, line 3, after the words "sum of," to strike out "$1,794.57" and insert "$1,776.87," so as to make the paragraph read:

Lieut. George D. Graham, Medical Corps, the sum of $301.20; to Capt. Edward D. Kremers, Medical Corps, the sum of $340; to Capt. Larry B. McAfee, Medical Corps, the sum of $293; to Capt. Laertus J. Owen, Medical Corps, the sum of $171.67; to Lieut. Col. Frederic P. Reynolds, Medical Corps, the sum of $321.60; to Capt. Adam E. Schlanser, Medical Corps, the sum of $275; and to Jay D. Whitham (formerly major, Medical Corps), the sum of $74.40, being the amounts paid by them for commutation of quarters and afterwards refunded by them from their private funds; in all, the sum of $1,776.87.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MAIL CARRIERS IN VILLAGE DELIVERY SERVICE

The bill (S. 3027) to increase the pay of mail carriers in the village delivery service was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That section 10 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, as amended, is amended to read as follows:

"SEC. 10. That the pay of carriers in the village delivery service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,350 to $1,500 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 60 cents per hour."

SEC. 2. This act shall take effect on the date of its approval.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF IMMIGRATION ACT

The bill (S. 5472) to amend the immigration act of 1924, as amended, with regard to the issuance of immigration visas, and for other purposes, was announced as next in order.

Mr. KING. Mr. President——

Mr. JOHNSON. Mr. President, the Senator from Utah spoke to me in reference to this bill, which was presented by the Senator from Mississippi [Mr. STEPHENS]. I find on examination what I did not recall when the Senator from Utah spoke to me—that it is a bill that was presented by the department, and one that is highly approved by them, and the Senator from Mississippi presented it to the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That subdivision (a) of section 2 of the immigration act of 1924 is amended by adding the following paragraphs at the end thereof:

"Whenever it shall appear to a consular officer that an immigrant applying for an immigration visa has an alien wife, husband, and/or unmarried dependent children under the age of 21 years residing outside the United States and such wife, husband, and/or children are not applicants for immigration visas, the consular officer shall require the immigrant applying for an immigration visa to make a declaration under oath, as a part of the visa application, as to whether he or she intends to have the wife, husband, and/or such children join him or her in the United States at some future time. If an immigration visa be issued and if the facts in the declaration disclose that the wife, husband, or such children will at some subsequent time apply for immigration visas, the consular officer may accept at once the applications for immigration visas of the wife, husband, and/or such children. If the consular officer finds that the wife, husband, and/or such children are in other respects eligible to obtain immigration visas under the provisions of this act, such officer shall reserve sufficient consecutive immigration visa serial numbers for the wife, husband, and/or such children, and charge such aliens to the quota then existing for the appropriate country as determined by the provisions of this act. The actual issuance of immigration visas to the immigrants for whom reserve shall be deferred by the consular officer until the immigrants are ready to immigrate to the United States. Immigration visas reserved for future use under this paragraph shall be valid for one year subsequent to date of the reservation, notwithstanding the limitations on the issuance of immigration visas in subdivision (f) of section 11 of this act and the provsions of section 6 thereof, as amended by the act of May 29, 1928, but shall be subject to all the other provisions of said act: *Provided*, That the provisions of subdivision (c) of this section shall apply only after the immigration visas have actually been issued by the consular officer.

"An alien admitted to the United States under the immigration laws for permanent residence for whose wife, husband, and/or unmarried dependent children under the age of 21 years immigration visas have been reserved under the paragraph next above, may, not less than 60 calendar days prior to the expiration of one year immediately following such reservation, apply to the Secretary of Labor for an extension of the validity of such reserved immigration visa or visas. If it shall appear to the Secretary of Labor that refusal to grant such extension will result in unusual hardship to the aliens, he may approve the application, inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration visa has been filed to issue the immigration visa."

SEC. 2. This act shall take effect on the 1st day of July, 1929.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COPELAND. Mr. President, I desire to present a report on an immigration bill which came from the House, to which the Immigration Committee has just given unanimous consideration. It relates simply to change of sovereignty. So many countries changed their rulers during the war that a man now is denied admission if he fails to name the right sovereign. This bill proposes to correct that.

I ask unanimous consent for the immediate consideration of the bill.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Chair will inform the Senator from New York that that is contrary to the unanimous-consent agreement, which was that the Senate should proceed to the consideration of bills upon the calendar, and that at the conclusion of the printed calendar it should consider any other bills that had been reported.

Mr. COPELAND. Then I will ask to have the papers sent back to me.

CLAIMS AGAINST THE UNITED STATES

Mr. McMASTER. Mr. President, I ask unanimous consent to recur to Order of Business 1714, House bill 9285, which was passed over. When this order of business was reached objection was raised to the bill, but I understand that the objection has been withdrawn.

The PRESIDING OFFICER. The Chair will say to the Senator that that is not included in the bills which are to be considered to-day. We began with Order of Business 1826.

Mr. McMASTER. I ask unanimous consent for the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, that can not be done.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 5779) to establish the Badlands National Monument in the State of South Dakota, and for other purposes, was announced as next in order.

Mr. NORBECK. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1908, to the Missouri Militia who served during the Civil War, was announced as next in order.

Mr. KING. Mr. President, when I had the honor to be a member of the Pensions Committee a number of years ago a measure of this character was before us, and, as I recall, was unanimously rejected. I do not see any reason for changing that action. I remember that at the time applications came from other States that the militia in those States should be included within the provisions of that act; and I know that the measure was before the committee when my colleague (Mr. SMOOT) was chairman. I think this bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

ANNIE E. SPRINGER

The bill (H. R. 16406) to repeal the provision of law granting a pension to Annie E. Springer was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOTTIE A. BOWHALL

The bill (H. R. 16407) to repeal the provision of law granting a pension to Lottie A. Bowhall was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHERN PACIFIC LAND GRANTS

The bill (S. 5855) to amend the act approved July 2, 1864, and the joint resolution approved May 31, 1870, relative to Northern Pacific land grants, etc., was announced as next in order.

The PRESIDING OFFICER. An identical bill is House bill 17212, which is on the calendar.

Mr. KENDRICK. Mr. President, I ask unanimous consent that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. WALSH of Montana. Mr. President, that bill is of peculiar and great importance to the State of Montana. I have sent copies of the bill out to various people of that State for comment, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

STATE OF MAINE AND CITY OF PORTSMOUTH, N. H.

The bill (H. R. 10664) for the relief of the State of Maine and the city of Portsmouth, N. H., was announced as next in order.

Mr. KING. Let that go over.

Mr. HALE. Mr. President, I hope the Senator will let us take up that bill.

Mr. KING. I am familiar with it. I will listen to the Senator, however.

Mr. HALE. I should like to explain the bill.

Mr. BLACK. I call for the regular order.

Mr. HALE. The expenditure of $500,000 for the building of a bridge across the Piscataqua River between Portsmouth, N. H., and Kittery, Me., was authorized by Congress in 1919 and an appropriation made with the understanding that the States of Maine and New Hampshire were to contribute an equal amount each.

Mr. BLACK. I asked for the regular order. There is nothing before the Senate.

The PRESIDING OFFICER. The regular order is demanded.

Mr. HALE. I hope the Senator will allow me to proceed.

The PRESIDING OFFICER. The Senator who objected withdrew his objection for the moment.

Mr. HALE. The bridge was completed in 1923. The reason for the Government participating was that the Kittery Navy Yard, situated in Kittery, Me., across the river from Portsmouth, had to get many of its supplies from across the river, and many of the workers in the yard had to cross over a ferry to reach the yard. This bridge obviated the necessity of the ferry.

In building the bridge, contracts were made, which were a little under the fifteen hundred thousand provided. The Government put in only $466,000, leaving $34,000 unexpended. Eventually, to complete the bridge, both New Hampshire and Maine had to contribute more than their proportions. The State of Maine had to contribute about $634,000, the State of New Hampshire $500,000, and the city of Portsmouth, in the State of New Hampshire, $134,000. This is simply taking the amount of $34,000, which has already been appropriated, and reappropriating it, so that half will go to the State of Maine and half to the city of Portsmouth, thus partially reimbursing them for their expenditures over and above the original project. The city of Portsmouth was not originally obliged, but assumed the obligation in order that the bridge might be completed. It seems to me a very fair proposition.

Mr. KING. I shall adhere to my objection. I have important data, and I will submit them to the Senator, and we can recur to it a little later.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

NAVAL RESERVE AND MARINE CORPS RESERVE

The bill (H. R. 7930) to amend section 24 of the act approved February 28, 1925, relative to the creation and maintenance of a naval reserve and a Marine Corps reserve, was announced as next in order.

Mr. KING. Mr. President——

Mr. ODDIE. Will not the Senator withhold his objection for a moment?

Mr. KING. I object to that bill.

Mr. ODDIE. I will ask the Senator to withdraw his objection a moment until I can explain the measure.

This is a bill intended to clarify some legislation we passed several years ago. It provides that the men of the Fleet Naval Reserve must report for inspections. There is a flaw in the law to-day, and it is an important matter. I hope the Senator will reconsider the matter and let the bill be acted on.

The PRESIDING OFFICER. Does the Senator from Utah withdraw his objection?

Mr. ODDIE. The bill provides in part:

> That any pay which may be due any member of the Fleet Naval Reserve, transferred thereto prior to July 1, 1925, shall be forfeited when so ordered by the Secretary of the Navy upon the failure, under such conditions as may be prescribed by the Secretary of the Navy, of such member to report for inspection.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. ODDIE. Certainly.

Mr. KING. There are two bills on the calendar, probably more than two, dealing with the marines, one calling for promotions much like promotions in the Navy. I object to them. Is this one of those bills?

Mr. ODDIE. No; this is not one of the bills to which the Senator refers.

Mr. FLETCHER. I understand this is recommended by the department.

Mr. ODDIE. Yes; this is recommended by the Navy Department.

Mr. KING. I withdraw the objection. I will ask the Senator if, upon examination, I find it is one of the measures I have in mind I may ask for a reconsideration.

Mr. ODDIE. That will be all right.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. WALTER R. GHERARDI

The bill (S. 5737) for the relief of Capt. Walter R. Gherardi, United States Navy, was announced as next in order.

Mr. KING. Mr. President, let there be an explanation of that.

Mr. ODDIE. Mr. President, Captain Gherardi is one of the best known and one of the ablest men in the Navy. He was

injured while in line of duty on a trip of inspection with the Secretary of the Navy some time ago, and had to undergo a severe operation, which it is believed slightly incapacitated him for sea duty, but he is admirably adapted for shore duty. The Navy Department has strongly recommended that this legislation be passed.

Captain Gherardi has had a brilliant record, which the report shows. He has performed heroic and remarkable service and has shown himself to be a brave and most capable officer. The committee has passed on the case carefully, and I hope the bill will pass.

Mr. BLACK. Mr. President, did I understand the Senator to say that the Navy Department has recommended that this bill be passed, which is, in effect, doing away with the selection board?

Mr. ODDIE. No; this makes an exception, in a way.

Mr. BLACK. I think the bill should be passed, but I desire to call attention to the fact that I have had a bill before the committee since the first session of this Congress. I have never been able to get any action on it. Finally, it was submitted to a subcommittee day before yesterday, and they were to take it up. I have endeavored at great pains to get it acted on, and I understand the naval authorities have taken the position with reference to that bill that any bill which in any manner overrides the action of the selection board should not be passed.

Mr. ODDIE. Mr. President, the Navy Department so held as to this bill as originally drawn, but the bill has been amended so as to apply to this particular case.

Mr. HALE. Mr. President, this would not result in the overriding of the action of the selection board. It simply provides that the selection board need not take into consideration the question of Captain Gherardi's physical ability to go to sea. He will have to go before the selection board, and if passed by them he will be selected. It is entirely up to the selection board.

Mr. ODDIE. A similar bill has just been passed by the House, House bill 17001, and I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection? There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17001) for the relief of Capt. Walter R. Gherardi, United States Navy, which was read, as follows:

Be it enacted, etc., That the line selection board of the Navy, as provided by United States Code, title 34, section 292, in its consideration of the officers eligible for consideration for selection for promotion to the grade of rear admiral may base its recommendation in the case of Capt. Walter R. Gherardi upon his comparative fitness for the shore duties of the grade of rear admiral: *Provided*, That in the event of his selection and subsequent promotion he shall be carried as an additional number in grade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 5737 will be indefinitely postponed.

ARMY TRANSPORT SERVICE NAVIGATORS

The bill (H. R. 10478) providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service, was announced as next in order.

Mr. REED of Pennsylvania. I move that that bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

CHARLES SILVERMAN

The bill (H. R. 9972) for the relief of Charles Silverman, was announced as next in order.

Mr. KING. Mr. President, I find that the Secretary of the Navy recommends against the enactment of this bill. Without an explanation, I shall ask that it go over.

Mr. STEIWER. Mr. President, it is true that the Secretary reported against the bill, but it involves but $76.

It seems that this man was punished for having misstated his age at the time he went into the Government service. It is true that he misstated his age, but he is of Jewish extraction, and calculated his age in accordance with the custom of his own people. The committee thought that he ought not to be penalized for a thing of that kind.

Mr. KING. Mr. President, is that the only reason why the Secretary of the Navy reported against the bill?

Mr. STEIWER. I will say, in answer to the question of the Senator, that when I read the Secretary's letter, and saw what he himself had said concerning the facts of the case, I could not imagine what occasioned him to put at the bottom of the letter the recommendation against the passage of the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP V. SULLIVAN

The bill (H. R. 4264) for the relief of Philip V. Sullivan, was announced as next in order.

Mr. BLACK. Mr. President, I desire to have an explanation of that bill. Does it provide for the retiring of this lieutenant at a higher grade than the one he now holds?

Mr. WALSH of Massachusetts. It does not. It simply provides that he should have an opportunity to have another physical examination.

Mr. Sullivan is a young man who was four years in the military service, and passed a physical examination at the academy successfully four successive years. Shortly after entering the service he was attacked by disease, and a question has arisen as to whether the disease was contracted in line of duty or not. The medical board originally decided that the disease was not contracted in line of duty, but the testimony raises some doubt about that decision. So this bill gives Mr. Sullivan an opportunity to appear again before a medical board, and to show whether his disease was contracted in line of duty or not.

Mr. BLACK. Has he already been retired?

Mr. WALSH of Massachusetts. Yes; but not with pay.

Mr. BLACK. This provides that he can now be retired——

Mr. WALSH of Massachusetts. With pay, if he satisfies the medical board that he actually contracted in the service the disease from which he is suffering.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. CHARLES H. DELANCEY

The bill (S. 801) to place Dr. Charles H. DeLancey on the retired list of the Navy as a lieutenant commander was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I note that the report of the Secretary of the Navy on this bill is adverse, and I would like to have some one explain it and justify it.

Mr. COPELAND. Mr. President, is objection raised?

The PRESIDING OFFICER. The Senator from Arkansas would like to have an explanation.

Mr. COPELAND. Will the Senator withhold his objection for a moment?

Mr. ROBINSON of Arkansas. Certainly.

Mr. COPELAND. This man, Doctor DeLancey, retired in March, 1909. He had been disabled in the line of duty, and because of that he was not physically fit to be promoted to the next rank. If he had been physically fit, he would have been promoted and retired at once.

Two years later we made provision for such cases, and this is simply to rectify the manifest injustice in his case. The Committee on Naval Affairs took pains to find if any precedent existed, and found that there were only two or three such cases, and I hope no objection will be interposed.

Mr. ROBINSON of Arkansas. I have no objection.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President of the United States hereby is authorized to appoint Dr. Charles H. DeLancey, who, while serving as a lieutenant in the United States Navy, was found by a naval retiring board to be permanently unfit for active service by reason of physical disability incurred in the line of duty as a result of an incident of the service, a lieutenant commander on the retired list of the Navy, with such retired pay as is now or may hereafter be allowed a commissioned officer of that rank and grade: *Provided*, That said Dr. Charles H. DeLancey shall not be entitled to such retired pay prior to the date of the enactment of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET VAUGHN

The bill (H. R. 12548) for the relief of Margaret Vaughn was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. FLOOD

The bill (S. 5485) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material, was announced as next in order.

Mr. SCHALL. Mr. President, I ask that there be substituted for this bill House bill 13288, which is identical.

The PRESIDING OFFICER. Is there objection? Without objection the House bill will be substituted for the Senate bill, and it is before the Senate as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, this bill is to authorize an award to the beneficiary for beneficial suggestions resulting in improvement in naval material. I think there should be an explanation of the bill.

Mr. SCHALL. Mr. President, this man was the inventor of some patents which the Navy Department wants to pay him for, and the regular practice, as I understand it, is to refer the case back to the Secretary of the Navy for such settlement. It has been reported unanimously by the Committee on Naval Affairs of the Senate and by the Committee on Naval Affairs of the House, and there is no objection to it anywhere along the line.

Mr. KING. Mr. President, may I ask the Senator if he justifies legislation that gives the Navy Department the authority, without limit, to pay whatever it pleases? One officer might find that the suggestions were worth $5,000, another might find that they were worth $50,000, and some other that they were worth nothing. What limitation is there?

Mr. TYDINGS. Mr. President, there is already a general act taking care of situations of this kind. The bill simply confers jurisdiction on the Secretary of the Navy in a particular set of circumstances not within the act. This man, working partly in Government time and partly in his own, invented a number of things which saved the Government many thousands of dollars, I understand. It authorizes the expenditure of no money, but authorizes this man to file an application. It has the approval of the Budget, and the Secretary of the Navy, it has passed the House and Senate committees unanimously, and carries no money, simply authorizing the beneficiary to make application, as other acts now on the statute books have done.

Mr. SMOOT. Mr. President, was a report made upon this bill?

Mr. TYDINGS. Yes; the letter of the Secretary of the Navy is in the report, and it is in favor of the passage of the bill.

Mr. SMOOT. There is no report in my file.

Mr. ROBINSON of Arkansas. There is a report, and it is favorable. At least, the Secretary of the Navy says that there is no objection to the consideration of the application of Mr. Flood and the passage of the bill.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Maryland permit a question?

Mr. TYDINGS. Certainly.

Mr. REED of Pennsylvania. The Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law. How is it an appropriation made by law to provide that an executive officer shall have authority to pay an unlimited amount, perhaps $5, or perhaps $5,000,000, in his discretion?

Mr. TYDINGS. If the Senator will read the report, he will find that there is a general act authorizing the Secretary of the Navy to make payment in these cases.

Mr. REED of Pennsylvania. Then I wonder whether that is constitutional.

Mr. TYDINGS. I have just said that there were certain facts in connection with this case that made jurisdiction in this man's case questionable. The bill simply authorizes him to file his application, as others are now authorized to do under an existing general law.

Mr. REED of Pennsylvania. Is there anything very secret about this case, that it should not be stated what it was he is to be paid for?

Mr. TYDINGS. It is said in the report that there were many materials which he invented and other inventions which he turned over to the Government, partly on Government time and partly on his own time, for which he received no compensation.

Mr. REED of Pennsylvania. I do not find anything in the report that describes what he did or what kind of naval material may be involved.

Mr. TYDINGS. In the first part of the report I think the Senator will find a definition of what he accomplished.

Mr. SMOOT. But this is a Senate bill, and can not possibly pass the House.

Mr. REED of Pennsylvania. It is proposed to substitute the House bill. The bill says:

> Services resulting in the improvement of naval material and in economy in manufacturing processes.

On that statement we are asked to allow an executive official to pay any amount he might see fit.

Mr. TYDINGS. I will state to the Senator from Pennsylvania that I do not remember what the report shows, but the correspondence shows definitely what the man did accomplish. I am not altogether clear in my mind what it was, but I think it was certain materials that went into a battleship which resulted in a great deal of saving to the Navy. Experiments were carried on partly under Government time and partly on the man's own time, for which he received no compensation whatsoever.

Mr. REED of Pennsylvania. We had a similar case in the Army. The inventor of the breech mechanism of a gun was involved, and the whole thing was spread out in detail and was sent to the Court of Claims to be investigated, and the man waited many years while his claim was being adjudicated.

Mr. TYDINGS. May I have just one minute further? The bill further provides that the patent which this man has a right to take out shall become the property of the United States Government. He has already let the Government use the result of his own patent when he might not have done so. If the bill is passed, the Government will have these patents for its exclusive use. The last paragraph of the bill provides for the turning over of the result of his inventions to the Government.

Mr. FLETCHER. Mr. President, I do not understand that the Secretary of the Navy can pay a cash reward and pay over the money.

Mr. TYDINGS. That is correct.

Mr. FLETCHER. Under the law there is a board which makes an investigation and collects the evidence and then recommends what shall be paid. Then Congress must act and appropriate the money to carry out the recommendations.

Mr. TYDINGS. The Senator is right in his statement. There will be no payments of money under the bill. The bill itself says that it authorizes him to file his application.

Mr. REED of Pennsylvania. No; the bill says that the Secretary is authorized, in his discretion, to pay a cash reward. There is nothing in the bill or the report to show whether the man was a Government employee or not.

Mr. TYDINGS. I do not want to take any further time of the Senate. I will talk to the Senator from Pennsylvania in private, and perhaps I can explain the matter to him satisfactorily.

The PRESIDING OFFICER. On objection the bill will be passed over.

GOLD STAR MOTHERS' PILGRIMAGE

The bill (S. 5332) to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert in lieu thereof the following:

Be it enacted, etc., That the Secretary of War is hereby authorized to arrange for pilgrimage to cemeteries in Europe by mothers and widows of members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, and whose remains are now interred in such cemeteries. Such pilgrimages shall be made at the expense of the United States under the conditions set forth in section 2.

SEC. 2. The conditions under which such pilgrimages may be made are as follows:

(a) Invitations to make the pilgrimages shall be extended in the name of the United States to the mothers and widows for whom the pilgrimages are authorized to be arranged under section 1.

(b) Upon acceptance of the invitation the mother or widow shall be entitled to make one such pilgrimage; but no mother or widow who has previous to the pilgrimage visited cemeteries described in section 1 shall be entitled to make any such pilgrimage, and no mother or widow shall be entitled to make more than one such pilgrimage.

(c) The pilgrimages shall be made at such times during the period from May 1, 1930, to October 31, 1933, as may be designated by the Secretary of War.

(d) For the purpose of the pilgrimages the Secretary of State shall (1) issue special passports, limited to the duration of the pilgrimage, to mothers and widows making the pilgrimages and to such personnel as may be selected to accompany and/or arrange for the pilgrimages, if such mothers, widows, and personnel are citizens of the United States, and (2) issue suitable travel documents, if aliens. No fee for either of such documents or for any application therefor shall be charged. Such alien mothers, widows, and personnel shall be permitted to return and be granted admission to the United States without regard to any law, convention, or treaty relating to the immigration or exclusion of aliens, if the return is made within the period covered by the pilgrimage of the particular group or, in the case of personnel, within such times as the Secretary of War shall by regulation prescribe; except that in any case of unavoidable detention the Secretary of War may extend in such case the time during which return may be made without regard to such laws, conventions, or treaties.

(e) The pilgrimages shall be by the shortest practicable route and for the shortest practicable time, to be designated by the Secretary of War. No mother or widow shall be provided for at Government expense in Europe for a longer period than two weeks from the time of disembarkation in Europe to the time of reembarkation in Europe. In the case of any mother or widow willfully failing to continue the pilgrimage of her particular group, the United States shall not incur or be subject to any expense with regard to her pilgrimage after such failure.

(f) Vessels owned or operated by the United States Government or any agency thereof shall be used for transportation at sea wherever practicable.

(g) Suitable transportation, accommodations, meals, and other necessities pertaining thereto, as prescribed by the Secretary of War, shall be furnished each mother or widow included in any pilgrimage for the entire distance at sea and on land and while sojourning in Europe and while en route in the United States from home to port and from port to home. Cabin-class accommodations shall be furnished for all transportation at sea. No mother or widow shall be entitled, by reason of any payment made by or for her, to be furnished by the Government with transportation, accommodations, meals, and other necessities pertaining thereto different in kind from those prescribed by the Secretary of War for the pilgrimage of the particular group.

(h) All pilgrimages shall be made in accordance with such regulations as the Secretary of War may from time to time prescribe as to the time, route, itineraries, composition of groups, accommodations, transportation, program, arrangements, management, and other matters pertaining to such pilgrimages.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this act. The Secretary of War is directed to make an investigation for the purpose of determining (1) the total numbers of mothers and widows entitled to make the pilgrimages, (2) the number of such mothers and widows who desire to make the pilgrimages and the number who desire to make the pilgrimages during the calendar year 1930, and (3) the probable cost of the pilgrimages to be made. The Secretary of War shall report to the Congress not later than December 15, 1929, the results of such investigation.

SEC. 4. As used in this act—

(a) The term "mother" means mother, stepmother, mother through adoption, or any woman who stood in loco parentis to the deceased member of the military or naval forces for the year prior to the commencement of his service in such forces.

(b) The term "widow" means a widow who has not remarried since the death of the member of the military or naval forces.

Mr. JONES. Mr. President, I want to offer an amendment to the committee amendment. After the word "Europe," in line 20, page 6, I move to insert the words "and the United States." I understand that the amendment is satisfactory to the author of the bill or at least to the Senator who reported it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 20, after the word "Europe," insert the words "and the United States," so the first sentence of the bill will read:

That the Secretary of War is hereby authorized to arrange for pilgrimages to cemeteries in Europe and the United States by mothers and widows of members of the military or naval forces of the United States—

And so forth.

Mr. REED of Pennsylvania. Why should the pilgrimage be confined to Europe and the United States?

Mr. JONES. Mr. President, I am going to state why I think the amendment should be adopted. I think pilgrimages should be made available to the mothers and widows of soldiers who are buried in the United States, if it is necessary for Congress to take action, as well as to enable them to make pilgrimages to Europe. I am going to cite a particular instance that I know of my own personal knowledge with reference to the situation.

In the city of Yakima, Wash., there lives a good woman whom I have known ever since I went to the State of Washington. I have known her children from the time of their birth. She had a splendid boy. He located after his marriage in New Mexico, at Gallup. He enlisted for the war, and either on the way across or after he got over in England and while in a training camp he contracted a deadly disease and died.

His body was brought back to this country and buried in a cemetery at Gallup, N. Mex., the home of his wife. His mother is a poor woman. She is unable to make the trip to his burial place. She has been anxious for years to do it. She is not able to do it. I think she has never been able to do it.

Now I do not know but there may be many other cases like it in the United States. If widows and mothers are to be provided with a trip to Europe to see the last resting place of their husbands and sons, why should not the widows and mothers in this country who by reason of their poverty and their condition are unable to visit the last resting place of a son or husband be given the same privilege? The one is just as deserving as the other.

Mr. REED of Pennsylvania. I can suggest to the Senator one reason. If the body of this veteran was brought home at the mother's request it would have been buried at the point she designated. If his body is buried in Gallup, N. Mex., it must be her fault and not the fault of the Government.

Mr. JONES. No. That is where his widow lives. His widow looked after the return of his body. At any rate, whether she looked after it or not, I think she met the body at New York and took it to Gallup, N. Mex. As I said, the mother has been unable by reason of her poverty to visit the last resting place of her boy of whom she was very justly proud and whom she loved as much as any mother loves a son. It does seem to me that cases like that are just as deserving of the consideration of the United States Government as are the cases of widows whose boys are buried abroad.

Mr. WALSH of Massachusetts. Mr. President, would not the Senator's amendment permit, at Government expense, a widow removed from one community in one State to another community in the same State to make the pilgrimage?

Mr. JONES. I have not modified or attempted to modify any of the other conditions in the bill.

Mr. WALSH of Massachusetts. It seems to me the demands upon the Public Treasury would be unlimited under the amendment offered by the Senator from Washington. The widows and mothers could go from neighboring towns at Government expense.

Mr. JONES. But there are regulations provided for on the part of the Secretary of War. I take it that the matter of expense has not been considered really in the framing of this bill. It is to give the mothers and widows the opportunity to make one pilgrimage to where their loved boys rest. Why does not one mother who gave her son to her country deserve the same consideration as another?

Mr. WALSH of Massachusetts. Yes; but we know the number of interred veterans in Europe and we do not know the number of interred veterans in this country whose graves might be visited.

Mr. JONES. That may be true, but it seems to me the same consideration should be given to the widows and the mothers in this country as anywhere else, because they are entitled to the same consideration. Furthermore, it is not difficult to determine approximately how many are in this land. I venture the expense at home will not be so great as this expense going abroad.

Mr. WALSH of Massachusetts. I fear the Senator's amendment would destroy the purpose of the original bill.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. McMASTER. Mr. President, I wish to say a word in regard to the proposed amendment. The Senator may have cited a very deserving case. There may be many other similar cases in the country. However, I wish to call the attention of the Senate to the fact that the bill provides for a foreign pilgrimage. There are special records in connection therewith. It would require special work and a special organization. Therefore I would suggest to the Senator from Washington, if he believes there are deserving cases along this line, that special legislation should be introduced for the purpose of covering the other cases in the United States. The bill, which provides exclusively for a foreign pilgrimage, may be passed; but I doubt its passage if we add these amendments to it.

Mr. JONES. Mr. President, I want to suggest to the Senator that the bill provides for transportation across the country as well as across the sea. If this woman's son was buried in Europe, she would be entitled under the bill to have transportation clear across the country and then across the ocean. The same arrangement to be made with reference to that pilgrimage may be made to apply to a mother going across the country to see her son's grave in this country as when she goes across this country on her way to Europe.

Mr. McMASTER. I agree with the sentiment expressed by the Senator from Washington. Still I feel that he is dealing with a different type of cases. These cases ought to be covered by themselves because it would require an immense amount of detail work to take care of them. The bill before the Senate is designed expressly for mothers whose sons are buried abroad. I feel that if the Senator from Washington would introduce a special bill covering that subject it no doubt would receive favorable consideration at the hands of Congress. But it ought not to be attached to the pending bill as an amendment.

Mr. COPELAND. Mr. President, to the average mother in America the ocean is very wide. It seems so to them. The gold-star mothers have tried so hard to pass this bill that I

fear the amendment offered by the Senator from Washington, who has the most worthy motive in his mind, might embarrass the passage of the bill. I shall be glad and I know many other Senators will be glad to join with him in an effort to pass a special bill to take care of such cases as he has in mind. But I hope he will withdraw the amendment.

Mr. JONES. I do not feel that I should withdraw an amendment of that kind. It seems to me it is most deserving of favorable consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. JONES. Mr. President, I shall not take the time of the Senate nor embarrass Senators by asking for a roll call, but I shall try to follow the suggestions that have been made by Senators and offer a special bill in the next Congress, and I hope it will have the support of all Senators. If the Government brings joy to a mother by taking her across the country and over the sea to her son's last resting place, how can it refuse to take a mother to her son's last resting place in this country?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries."

BILL PASSED OVER

The bill (S. 5482) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Mr. President, I ask that the bill go over without prejudice.

The PRESIDING OFFICER. It will be passed over without prejudice.

CROW TRIBAL FUNDS

The bill (H. R. 15723) authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, from funds to the credit of the Crow Tribe of Indians, the sum of $5,000, to be available for the payment of the expenses of the tribal council in holding meetings on the Crow Reservation, and for the expenses of delegates which such council may send to the city of Washington on tribal business when authorized by the Secretary of the Interior or the Commissioner of Indian Affairs and under such rules and regulations as may be prescribed by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMORIAL CHAPEL AT LAKEHURST NAVAL AIR STATION

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J., which was read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to permit the American Legion, Department of New Jersey, to erect at the Naval Air Station, Lakehurst, N. J., a memorial chapel in commemoration of those whose lives are lost in aviation and particularly in lighter-than-air-craft activities. The erection of this memorial chapel shall be subject to the following conditions:

First. The site of the memorial chapel shall be selected by the Secretary of the Navy, and its design and construction, with its individual memorials and memorial windows, shall be subject to his approval and supervision.

Second. The design and construction of the memorial chapel shall be without cost to the United States.

SEC. 2. Upon the completion and dedication of the memorial chapel, the Secretary of the Navy is authorized to accept it as an unconditional gift to the United States from the American Legion, Department of New Jersey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIR CORPS OF THE UNITED STATES ARMY

The Senate, as in the Committee of the Whole, proceeded to consider the bill (S. 5555) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, which was read, as follows:

Be it enacted, etc., That section 13a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by section 2, act of July 2, 1926 (44 U. S. Stat. L. 780–781), be, and the same is hereby, further amended by striking out the words, in lines 18 and 19, page 781, "together with those flying officers who shall have become disqualified for flying."

SEC. 2. That section 5 of the said act of June 3, 1916, as amended by said act of July 2, 1916 (44 U. S. Stat. L. 782), be further amended, in the first line of the paragraph added by said act of July 2, 1926, by striking out the word "three" and inserting in lieu thereof the word "seven."

SEC. 3. That the first two paragraphs of section 8 of the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926 (44 U. S. Stat. L. 783–784), be, and the same are hereby, amended to read as follows:

"SEC. 8. Five-year Air Corps program: For the purpose of increasing the efficiency of the Air Corps of the Army and for its further development the following 5-year program is authorized:

"Personnel: The number of promotion-list officers now authorized by law in the grade of second lieutenant of the Regular Army is hereby increased by 403, and the number of enlisted men now authorized by law for the Regular Army is hereby authorized to be increased by 6,240: *Provided*, That the increase in the number of officers and enlisted men herein authorized shall be allotted as hereinafter provided. The present allotment of officers to the Air Corps is hereby authorized to be increased by 403 officers distributed in grades from colonel to second lieutenant, inclusive, and the present allotment of enlisted men to the Air Corps is hereby authorized to be increased by 6,240 enlisted men. The President is authorized to call to active service, with their consent, for periods of six months or longer, such number of Air Corps reserve officers as he may deem necessary, not to exceed 550: *Provided*, That nothing contained in this section shall affect the number of reserve officers that may be called to active duty for periods of less than six months under existing law."

SEC. 4. This act shall take effect July 1, 1929.

Mr. KING. I should like to ask the Senator from Pennsylvania if that bill is reported unanimously by the committee and if it is needed.

Mr. REED of Pennsylvania. Yes; and it is very simple. The present law provides that 90 per cent of the officers of the Air Corps must be flying officers. It is found, as time goes on, that many officers reaching middle age cease to be able to participate in military flying. This bill merely provides that those officers who are getting old and are becoming unable to fly shall not be counted in calculating the 10 per cent of nonflying officers. It allows the retention in the Air Corps of officers who have had flying experience but do not now fly. It will not add one penny of cost to the pay roll of the Army.

Mr. ROBINSON of Arkansas. Mr. President, what is the age limit when such officers cease to be counted?

Mr. REED of Pennsylvania. There is no age limit. It is a question of periodical examination. They are examined every six months, I believe, and the examination is very severe.

Mr. KING. Mr. President, I should like to ask the Senator, when these officers cease to fly if they still receive the compensation which flyers receive?

Mr. REED of Pennsylvania. No, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. ARTHUR A. PADMORE

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4626) for the relief of Maj. Arthur A. Padmore, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. Arthur A. Padmore, United States Army, retired, out of any money in the Treasury not otherwise appropriated, the sum of $645.33, being the difference in pay and allowance from March 4, 1921, to November 21, 1921, which would have been due and payable to him had it been possible to promote him to the grade to which his seniority entitled him before his retirement by operation of law on November 21, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. DEWEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7230) for the relief of Charles L. Dewey, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles L. Dewey, who was a member of Company F, Fourth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th day of September, 1898, for gastric catarrh and rheumatism: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. CORNES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5264) for the relief of James P. Cornes, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James P. Cornes, who was a member of Company K, Twenty-second Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a second lieutenant of that organization on the 30th day of September, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, I should like to ask the Senator from New York, who reported this bill, whether that is a case of a desire to correct a military record for desertion?

Mr. TYSON. What case is that, I will ask the Senator.

Mr. KING. Let the bill be passed over temporarily.

Mr. REED of Pennsylvania. Mr. President, perhaps I can explain the bill for the Senator from New York. This young man at the age of 18, in January, 1864, was mustered into the New York Cavalry; was honorably discharged in May, 1865, in order to enable him to receive promotion for bravery. The facts are all set out in the report on the bill. He was mustered in as a second lieutenant into the Twenty-second New York Cavalry on May 19, 1865; he fought with his regiment in the Battle of the Wilderness, and served in many skirmishes. The facts of his case are set forth in the report. At the time of the Jubal Early raid he was captured by Early. He escaped from Early, was recaptured, and escaped another time.

Finally, after the war was over, there was a jubilation when he was off duty, and he and some other officers of the regiment took too much to drink. While he was under the influence of liquor he disgraced himself by using improper language, and he disgraced the uniform he wore by drunkenness and misbehavior.

However, his military record was very fine, and it seemed only just in the view of the committee that after this long delay his record should be cleared up and that he should have recognition for the good military service which he performed up until the time of this escapade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH HARDEN

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13260) for the relief of Josiah Harden, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Josiah Harden, 2233371, private in the Infantry, unassigned, United States Army, shall hereafter be held and considered to have been discharged honorably from military service of the United States as an unassigned private in the Infantry of the United States Army on November 21, 1919: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, I ask the Senator from Tennessee with regard to that case. I find in the report that the major general, speaking for the War Department, states that his sentence was reduced to confinement for one year by the reviewing authority, and the execution of the dishonorable discharge was suspended until his release from confinement. The report states:

He was transferred to the United States, arriving at Fort Jay, N. Y., July 5, 1919, and was forwarded July 8, 1919, to the United States Disciplinary Barracks at Fort Leavenworth, Kans.

The separation of this soldier—

Reads the report—

from the service was not under honorable conditions.

Does the Senator from Tennessee think, in view of the statements in the report, that the bill should be passed?

Mr. TYSON. Mr. President, this is the case of a soldier who served during the World War. He was one of the very best soldiers in the Army. After the armistice, while he was off duty on a pass, he visited a café, took too much to drink, was a little disorderly, and refused to obey some order which was given him by an officer who happened to be present.

He was given a very hard sentence and was confined for quite a long time in a prison. His companion, a soldier who was with him at the time, was tried at the same time, and, although guilty of practically the same offense, was allowed to come back to the United States, while, on the other hand, this man was kept there, as I have said, for a long time. When the trial took place he had no witnesses. It is a peculiarly deserving case, Mr. President, because of the fact that this man rose from a private to a corporal and then a sergeant and was said to have been an exemplary soldier in every way. The Military Affairs Committee felt that he had already been punished sufficiently and that it was as little as we could do to remove the dishonorable discharge against his name.

Mr. HEFLIN. He had a good record?

Mr. TYSON. He had an excellent record; he was one of the best sergeants in the whole service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PIERCE DALE JACKSON

The bill (H. R. 12867) granting an honorable discharge to Pierce Dale Jackson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Pierce Dale Jackson, who was a member of the One hundred and forty-first Ambulance Company, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 21st day of March, 1918: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. FLEMING

The bill (H. R. 12650) for the relief of John F. Fleming was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs, with an amendment on page 1, line 10, after the word "discharged," to strike out "from the date of the approval of this act" and to insert "from the military service of the United States as a member of that organization on January 16, 1919," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant an honorable discharge to John F. Fleming, Army serial No. 1310102, a member of Company A, One hundred and eighteenth Infantry, Thirtieth Division, United States Army, and that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers the said John F. Fleming shall be deemed to have been honorably discharged from the military service of the United States as a member of that organization on January 16, 1919: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WIDOW OF EDWIN D. MORGAN

The bill (H. R. 12359) for the relief of the widow of Edwin D. Morgan was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edwin D. Morgan, deceased, who was a member of Company B, Eighty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of December, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT TOWN SITES ON IRRIGATION PROJECTS

Mr. WALSH of Montana. Mr. President, I ask to recur to Order of Business 1886, being the bill S. 5482. House bill 16082—I have not the calendar number—deals with the same subject and is in exactly the same terms, except with reference to one section. I ask unanimous consent that the House bill may be substituted for the Senate bill and that the Senate proceed to the consideration of the House bill at this time.

Mr. KING. To what does the bill relate?

Mr. WALSH of Montana. It authorizes the disposition of unplatted portions of Government town sites on irrigation projects.

The PRESIDING OFFICER. Is the House bill on the calendar?

Mr. WALSH of Montana. It has been messaged over to the Senate. I think it passed the House on February 18. I am unable to say whether it is on the calendar.

The PRESIDING OFFICER. The Chair will suggest that the bill be temporarily passed over until the House bill can be found.

Mr. WALSH of Montana subsequently said: Mr. President, I ask now to recur to Order of Business No. 1886, Senate bill 5482. I have in my hand House bill 16082, dealing with the same subject, and I ask that it be substituted for the Senate bill.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives, which will be stated.

The bill (H. R. 16082) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, was read twice by its title, and considered as in Committee of the Whole.

Mr. WALSH of Montana. Mr. President, these two bills are identical except with reference to section 2 thereof. I move to strike out section 2 of the House bill, and substitute therefor section 2 of the Senate bill.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated.

The CHIEF CLERK. In lieu of of section 2 of the House bill, it is proposed to insert:

SEC. 2. The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the lands so sold where irrigation or drainage works have been constructed or are proposed to be constructed, shall be disposed of as provided in Subsection I of section 4 of the act of December 5, 1924 (43 Stat. 672). Where the project construction charge shall not have been fixed at the date of any such sale, same shall be estimated by the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5482 will be indefinitely postponed.

LAND ADJACENT TO INDIANA HARBOR SHIP CANAL

The bill (H. R. 16169) to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War, on behalf of the United States, is authorized and directed to accept from the East Chicago Co. title, free and clear of all encumbrances and without cost to the United States, to a tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind., and described as follows:

Part of the southeast quarter section 20, township 37 north, range 9 west of the second principal meridian, in the city of East Chicago, Lake County, Ind., described as follows, to wit: Beginning at the point of intersection of a line parallel to and 100 feet west of the east line with a line parallel to and 100 feet south of the north line of said southeast quarter section 20; thence west on last-described line 450 feet; thence southeasterly on a straight line 644 feet to a point in a line parallel to and 100 feet west of the east line of the southeast quarter section 20 aforesaid; and thence north on last-described line 450 feet to the point of beginning, containing 2.3237 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS X. CALLAHAN

The bill (S. 4824) for the relief of Francis X. Callahan was announced as next in order.

Mr. WAGNER. Mr. President, there is on the calendar a House bill, being Calendar No. 2048, House bill 15220, which is identical with the Senate bill. I ask that the House bill may be substituted for the Senate bill and may be considered at this time. It passed the House unanimously.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, I notice from the report that the Secretary of War says:

I can find no justification for the passage of S. 4824 and accordingly recommend that it be not favorably considered by your committee and be not enacted into law.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Dakota?

Mr. WAGNER. I give way to the Senator from South Dakota.

Mr. McMASTER. Mr. President, in reply to the suggestion of the Senator from Utah——

Mr. KING. I merely read a statement from the report.

Mr. McMASTER. Let me say that the bill was rewritten in the House to conform with the views of the War Department, and the War Department offers no objection to the House bill as it appears upon the calendar at the present time.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill and to considering the House bill at this time?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15220) for the relief of Francis X. Callahan, which was read, as follows:

Be it enacted, etc., That any disability incurred in line of duty by Francis X. Callahan while serving as an officer of the Army of the United States during the World War from August 15, 1917, to September 18, 1919, inclusive, shall be deemed and considered to have been so incurred while serving as an officer of the Army of the United States other than as an officer of the Regular Army, so as to entitle said Callahan to the benefits and privileges of the emergency officers' retirement act (Public, No. 506, 70th Cong.): *Provided*, That such disability rating is sufficient and said Callahan is otherwise eligible for retirement under the terms and conditions of said act: *And provided further*, That said Callahan shall not be entitled to any back pay or allowances by the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4824 will be indefinitely postponed.

ANTHONY MULLEN

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9014) for the relief of Anthony Mullen which had been reported from the Committee on Military Affairs with an amendment on page 1, line 9, after the word "organization" to insert "on June 16, 1899," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Anthony Mullen, who was a member of Company K, Fifteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on June 16, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

JOSEPH LEE

The bill (H. R. 4244) for the relief of Joseph Lee was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment on line 6, after the word "of" to strike out "Company," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joseph Lee, serial No. 1425235, who was a member of Headquarters Troop Seventh Army Corps, transferred to Casual Company No. 5246, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 11th day of October, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

EVERETT A. DOUGHERTY

The bill (H. R. 14242) for the relief of Everett A. Dougherty was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Everett A. Dougherty, who was a member of the United States Army Hospital Corps, Fort Wayne, Mich., shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 7th day of June, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS PERDIDO BAY, ALA. AND FLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5677) to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.," which had been reported from the Committee on Commerce with an amendment, on page 2, after line 17, to insert:

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.," be, and the same is hereby, amended so as to read as follows:

"SEC. 2. If the rights and privileges granted by said act approved June 22, 1916, shall be acquired by any one or more of the counties or States designated in section 1 of this act, it or they are authorized to transfer and assign all such rights and privileges to either or both of the counties or either or both of the States mentioned in said section 1, or to the highway commissioners or departments or other public agency of either or both of said States, but any bridge constructed or reconstructed under authority of said act of June 22, 1916, shall be maintained and operated in accordance with all the terms, provisions, and conditions of said act.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. JOHNS RIVER BRIDGE, FLORIDA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5740) to legalize a bridge across St. Johns River 2½ miles southeast of Green Cove Springs, Fla., which had been reported from the Committee on Commerce with amendments in section 1, on page 1, line 3, after the word "bridge," to strike out "now"; in line 4, after the word "miles," to strike out "southeast" and insert "southerly"; in line 5, after the word "Florida," to strike out "by the St. Augustine-Green Cove Springs Bridge Co., if completed in accordance with plans hereafter accepted and approved by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations" and insert "is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the St. Augustine-Green Cove Springs Bridge Co., its successors and assigns, to maintain and operate said bridge in accordance with the provisions"; and on page 2, line 6, after the date "1906," to strike out "other than those requiring the approval of plans by the Secretary of War and Chief of Engineers before the bridge is commenced," so as to make the bill read:

Be it enacted, etc., That the bridge constructed across St. Johns River, 2½ miles southerly of Green Cove Springs, Fla., is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the St. Augustine-Green Cove Springs Bridge Co., its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize a bridge across St. Johns River, 2½ miles southerly of Green Cove Springs, Fla."

LAKE CHAMPLAIN BRIDGE AT EAST ALBURG, VT.

The bill (S. 5802) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt., was announced as next in order.

The PRESIDING OFFICER. House bill 17023, Order of Business 2029, is identical with Senate bill 5802 as proposed to be amended. Without objection, the House bill will be substituted for the Senate bill and will be considered at this time.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17023) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt., which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt., authorized to be built by the Gulf Coast Properties (Inc.), by the act of Congress approved May 14, 1928, are hereby extended one and three years, respectively, from May 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5802 will be indefinitely postponed.

PATUXENT RIVER BRIDGE, MARYLAND

The bill (S. 5336) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, between Charles County, Md., and Calvert County, Md., was announced as next in order.

Mr. BRATTON. Calendar No. 2026, being House bill 16170, is identical with the Senate bill. At the request of the junior Senator from Maryland [Mr. TYDINGS], I ask that the House bill may be substituted for the Senate bill, and that the House bill may be now considered.

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill and will be considered at this time.

The Senate, as in the Committee of the Whole, proceeded to consider the bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection Senate bill 5336 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 5785) to establish a board of civil-service appeals and to amend an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," approved March 4, 1923 (ch. 265, 42 Stat. 1488), and for other purposes, was announced as next in order.

Mr. KING. I should like to have an explanation of that bill.

Mr. CURTIS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN J. HELMS

The bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in administration of the World War adjusted compensation act, as amended, John J. Helms, formerly private, Supply Company, One hundred and twenty-third Regiment United

States Infantry, World War, shall be held to be entitled to the benefits thereof in the same manner and with the same effect as if a separation from the military forces of the United States on October 24, 1918, had been honorable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE J. BRITTON

The bill (S. 4796) for the relief of Jesse J. Britton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives Jesse J. Britton, who served in Troop H, Second Regiment United States Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on September 22, 1900: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KIRBY HOON

The bill (H. R. 11508) for the relief of Kirby Hoon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEADOW BROOK CLUB

The bill (H. R. 14823) for the relief of the Meadow Brook Club was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNIE A. TRAVERS

The bill (H. R. 13521) for the relief of Minnie A. Travers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEDRO P. ALVAREZ

The bill (H. R. 13573) for the relief of Pedro P. Alvarez was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT PETERSON

The bill (S. 4681) for the relief of Gilbert Peterson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to redeem in favor of Gilbert Peterson United States coupon notes Nos. E-1062861 and E-1062862, in the denomination of $1,000 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922-23, called for payment December 15, 1922, with coupons due June 15, 1920, to December 15, 1922, inclusive, without presentation of such notes or coupons, such notes with such coupons and coupons due May 20, 1923, attached, having been lost or destroyed by the said Gilbert Peterson: *Provided*, That such notes shall not have been previously presented and paid and that payment shall not be made hereunder for any coupons which may have been previously presented and paid: *And provided further*, That the said Gilbert Peterson shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the notes were called for payment, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost notes and coupons herein described.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STAUNTON BRICK CO.

The bill (H. R. 5341) for the relief of the Staunton Brick Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. D. BALDWIN

The bill (H. R. 13132) for the relief of J. D. Baldwin, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CULLEN D. O'BRYAN AND LETTIE A. O'BRYAN

The bill (S. 5017) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cullen D. O'Bryan and Lettie A. O'Bryan, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement against the Government, on account of the death of their daughter, Amy Edith O'Byran, who died as a result of injuries received when the automobile which she was driving collided with an unlighted Army truck on September 16, 1927, near Bristol, Vt.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES P. GALLIVAN

The bill (H. R. 7173) granting compensation to the daughters of James P. Gallivan was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 11422) for the relief of Samuel J. D. Marshall was announced as next in order.

Mr. KING. I should like an explanation of that bill, Mr. President.

The PRESIDING OFFICER. An explanation is requested.

SEVERAL SENATORS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

ATLANTIC REFINING CO.

The bill (S. 4354) for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut* was announced as next in order.

Mr. KING. One moment, please.

Mr. REED of Pennsylvania. That bill simply allows a claim to be sued for in court.

Mr. KING. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the claim of the Atlantic Refining Co., a corporation of the State of Pennsylvania, having its principal office and place of business in the city of Philadelphia, State of Pennsylvania, owner of the American steamship *H. C. Folger*, against the United States for damages alleged to have been caused by collision in the Delaware River below the mouth of the Schuylkill River, on April 6, 1921, between said steamship *H. C. Folger* and the U. S. S. *Connecticut*, a second-line battleship owned by the United States and operated by the Department of the Navy of the Government of the United States, may be sued for by the said Atlantic Refining Co. in the District Court of the United States for the Eastern District of Pennsylvania, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damage and costs, if any, as shall be found to be due against the United States in favor of the said Atlantic Refining Co., or against the said Atlantic Refining Co. in favor of the United States, upon the same principles and measures of liability as in like cases between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. B. HEINER

The bill (S. 4931) for the relief of D. B. Heiner was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, there is a similar House bill which has been passed and messaged to us, House bill 15421. I move that the House bill be substituted for the Senate bill.

Mr. KING. Mr. President, I desire to ask the Senator from Pennsylvania if he approves of these constant appropriations by the Government to meet the defalcations, irregularities, and perhaps negligence of employees who ought to be bonded, and who perhaps are bonded?

Mr. REED of Pennsylvania. Mr. President, I was somewhat familiar with the facts of that case before I introduced the

bill. The collector was not in any way negligent. He had a bond of $10,000 on the employee who made the embezzlement. There never was the slightest indication of the theft until $19,500 had been taken. The volume of payments through that office is perfectly tremendous. It is given in the report, which shows that in the last seven years they have taken in $632,000,000. It is perfectly impossible for the collector himself to see to the handling of every cent of that vast amount, and he had no reason at all to suspect this man. All the investigation that has been made of the case shows that he was entirely blameless.

Mr. KING. Mr. President, I think provision ought to be made that bonds be given to the Government to protect it, because we are called upon repeatedly to make appropriations aggregating hundreds of thousands of dollars, or, at least, very large sums.

Mr. REED of Pennsylvania. Yes, Mr. President; and the bond was given. The man who did the embezzling was under $10,000 bond, and that bond was paid. This was the excess over the bond that the collector himself was forced to pay; and I may say that the only way they ever caught the man who was guilty of this theft was because a suspicion arose on account of the brand of automobile he was driving. That aroused some suspicion, and an investigation led to the discovery.

The PRESIDING OFFICER. Is there objection?

Mr. WATERMAN. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Yes.

Mr. WATERMAN. Was the subdisbursing officer designated by the Civil Service Commission, or was he appointed by the disbursing officer?

Mr. REED of Pennsylvania. I am sorry to say he owes his position to civil service.

Mr. WATERMAN. And yet they hold their positions without any bond over them, and they get away with money, and private bills are put in here to pay and pay, simply because these disbursing officers do not know what kind of men the Government furnishes them?

Mr. REED of Pennsylvania. This disbursing officer did have a bond, but he had no way of controlling the appointment.

Mr. WATERMAN. I understand.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives, which will be read.

The bill (H. R. 15421) for the relief of D. B. Heiner was read twice by its title.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the House bill be substituted for the Senate bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. B. Heiner, out of any money in the Treasury not otherwise appropriated, the sum of $9,500 as reimbursement for loss incurred by him as the collector of internal revenue for the twenty-third district, Pennsylvania, in paying into the Treasury of the United States the amount of the shortage of stamps in his office, caused by the embezzlement of the stamp clerk.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4931 will be indefinitely postponed.

SECOND DEFICIENCY APPROPRIATIONS

Mr. PITTMAN. Mr. President, I wish to give notice of a motion to reconsider House bill 17223.

The PRESIDING OFFICER. The motion will be received and entered.

WILLIAM B. THOMPSON

The bill (S. 5056) for the relief of William B. Thompson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William B. Thompson, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $562.80 by reason of damages to his property caused by the dumping of spoil dredged from the Chesapeake and Delaware Canal in the lowering of the water level of the said canal at the town of Summit Bridge, New Castle County, in the State of Delaware.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUC MATHIAS

The bill (H. R. 8886) for the relief of Luc Mathias was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SIMPSON AND R. C. DUNBAR

The bill (H. R. 10417) for the relief of George Simpson and R. C. Dunbar was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANS JAN WOUTERS

The bill (H. R. 11260) for the relief of Frans Jan Wouters, of Antwerp, Belgium, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 5817) to authorize the unification of carriers engaged in interstate commerce, and for other purposes, was announced as next in order.

Mr. COUZENS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RELOCATION OF MICHIGAN AVENUE

The bill (S. 5843) to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in order to relocate the line of Michigan Avenue from Franklin Street as laid down on the plan of the permanent system of highways for the District of Columbia to Lincoln Road, bordering the southeast corner of the grounds of the United States Soldiers' Home, and to straighten and shorten the route of said avenue, the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as Parcel E on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, containing 54,380 square feet, said part so closed, vacated, and abandoned to be transferred by said Commissioners of the District of Columbia to the United States as part of the grounds of the United States Military Asylum, known as the United States Soldiers' Home.

SEC. 2. That the Commissioners of the District of Columbia are authorized to use for street purposes all that part of the United States Soldiers' Home grounds designated as Parcel A, containing 57,613 square feet, and Parcel B, containing 11,870 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429; and the proper authorities having title, control, or jurisdiction are authorized to make the necessary transfer of said parcels of land to the District of Columbia for street purposes.

SEC. 3. That the Commissioners of the District of Columbia are authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as Parcel D, containing 69,336 square feet, and Parcel H, containing 7,279 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, title to said parcels so closed, vacated, and abandoned to revert in fee simple to the owner or owners of the parcel numbered on the assessment records of the District of Columbia as parcel 120/1, said closing of said street and the transfer of title thereto to be upon the condition and with the express stipulation that the owner or owners of said parcel 120/1 shall dedicate to the District of Columbia for street purposes all of the parcel known and designated as Parcel F, containing 43,161 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, and shall further, in consideration of the increase in area of the property of said owner or owners of said parcel 120/1 by reason of the transfers as provided herein, dedicate to the District of Columbia about 36,000 square feet of land, the location of which shall be mutually agreed upon by the Commissioners of the District of Columbia and the owner or owners of parcel 120/1, and that said owner or owners of said parcel 120/1 shall transfer to the United States as part of the grounds of the United States Military Asylum, known as the United States Soldiers' Home, all of the parcel known and designated as Parcel G, containing 1,543 square feet, as shown on said map numbered 1429 in the office of the surveyor of the District of Columbia: *Provided, however*, That the board of commissioners of the United States Soldiers' Home, or the proper authorities having title, control, or jurisdiction, shall transfer to the owner or owners of the parcel designated on the assessment and taxation records of the District of Columbia as parcel 120/1 all the land comprised within the parcel known and designated as Parcel C containing 4,517 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429.

SEC. 4. That the surveyor of the District of Columbia is hereby authorized to prepare the necessary plat or plats showing all parcels of

land to be transferred in accordance with the provisions of this act, with a certificate affixed thereon to be signed by the parties in interest making the necessary transfers; which plat and certificate, after being signed by the various interested parties and approved by the Commissioners of the District of Columbia, shall be recorded upon order of said commissioners in the office of the surveyor of the District of Columbia; and said plat or plats, when duly recorded in said office of the surveyor of the District of Columbia, shall constitute a legal transfer of title of the various parcels to the parties in interest according to the provisions contained in this act.

SEC. 5. That the Washington Railway & Electric Co. shall be authorized and required, upon the straightening and shortening of the line of Michigan Avenue as provided herein, to remove the tracks of said company from their present location along Michigan Avenue, from Franklin Street as laid down on the plan of the permanent system of highways of the District of Columbia to Lincoln Road, and to relocate said tracks along the center of Michigan Avenue according to the new location of said avenue between said points, as straightened and shortened in accordance with the provisions of this act, and to bring said relocated tracks to approved grade of said avenue as determined by the Commissioners of the District of Columbia, and to do all necessary work in connection therewith, the costs and expenses of the removal and relaying of tracks and replacing the trolley poles, and all necessary work incident thereto, to be borne by said Washington Railway & Electric Co.; all such work to be performed under the supervision and to the satisfaction and approval of the Commissioners of the District of Columbia.

SEC. 6. That the appropriation contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1930, for the paving of Michigan Avenue between North Capitol and Monroe Streets NE. is hereby also made available to pay any and all expenses for grading of roadways and for removing and replacing water mains and for any and all work incident thereto, including the reconstruction of the boundary fence in good condition of the United States Soldiers' Home on the boundary line of its grounds as relocated on said plat, the removal of the street pavements and sidewalks from the area transferred to said home and for bringing the surface of said area to grade with loose earth suitable for growing vegetation; any trees required to be cut in making the proposed change to remain the property of the United States Soldiers' Home and to be cut into cord lengths, split, and stacked by the District of Columbia.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized, upon the straightening and shortening of Michigan Avenue as provided by this act, to do any and all acts which may be necessary to give the Washington Railway & Electric Co. such easement or right of way over said Michigan Avenue as is necessary for the proper operation of the railway lines and cars of said company over said avenue as straightened and shortened by the provisions of this act.

SEC. 8. That the charter or act of incorporation of the Washington Railway & Electric Co. is hereby amended so as to provide for the lawful relocation of the tracks of said company as provided herein, said charter or act of incorporation to conform in all respects to the provisions of this act, and any and all provisions in said charter or act of incorporation in conflict with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COWPENS BATTLE GROUND MONUMENT

The bill (H. R. 12106) to erect a national monument at Cowpens battle ground was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 8, after the word "by," to strike out "purchase"; in the same line, after the word "gift," to strike out "condemnation, or otherwise"; in line 9, after the word "than," to strike out "10 acres" and insert "1 acre"; and on page 2, line 2, after the word "to," to strike out "purchase" and insert "accept a deed for," so as to make the bill read:

Be it enacted, etc., That in order to preserve that part of the Cowpens battle grounds near Ezell, Cherokee County, S. C., where Gen. Daniel Morgan, commanding, participated in the Battle of Cowpens on the 17th day of January, 1781, the Secretary of War be, and he is hereby, authorized and directed to acquire, by gift, not more than 1 acre of land on which he shall erect or cause to be erected a suitable monument to commemorate said battle.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, to accept a deed for the necessary lands, to make necessary surveys, maps, markers, pointers, or signs marking boundaries, for opening, constructing, or repairing necessary roads and streets and constructing markers and a suitable monument, for salaries for labor and services, for traveling expenses, supplies, and materials, the sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, and the disbursements under this act shall be reported by the Secretary of War to Congress.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

JOHN R. BUTLER

The bill (H. R. 8987) for the relief of John R. Butler was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION M. CLARK

The bill (S. 4956) to remove the charge of desertion and grant an honorable discharge to Marion M. Clark was announced as next in order.

The PRESIDING OFFICER. This bill is the same as House bill 4611.

Mr. REED of Pennsylvania. I move that the Committee on Military Affairs be discharged from the further consideration of House bill 4611, that that bill be substituted for the Senate bill now under consideration, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate Committee on Military Affairs be discharged from the further consideration of H. R. 4611 and that it be substituted for Senate bill 4956.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4611) for the relief of Marion M. Clark.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. REED of Pennsylvania. I notice that there is an amendment to the title.

The PRESIDING OFFICER. The Chair is informed that the House bill needs no amendment to the title. Without objection, Senate bill 4956 will be indefinitely postponed.

ANTOINE LAPORTE, ALIAS FRANK LEAR

The bill (S. 4237) for the relief of Antoine Laporte, alias Frank Lear, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 9, after the word "organization" to insert "on November 24, 1863," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Antoine Laporte, alias Frank Lear, who was a private in Company L, Eleventh Regiment First Vermont Volunteer Heavy Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on November 24, 1863: *Provided*, That no pay, compensation, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUGUST R. LUNDSTROM

The bill (S. 4825) for the relief of August R. Lundstrom was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, before the word "late," to strike out "Lundstrum" and insert "Lundstrom"; and on line 8, after "1903," to insert "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws August R. Lundstrom, late of Company L, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 6th day of April, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of August R. Lundstrom."

JOHN T. O'NEIL

The bill (H. R. 3737) for the relief of John T. O'Neil was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the word "battery," to strike out "C, First Regiment Connecticut Volunteer Artillery," and insert "G, Fifth United States Artillery," so as to make the bill read:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John T. O'Neil, late of Battery G, Fifth United States Artillery, Spanish-American War, shall be held to have been discharged honorably from the military service of the United States on December 1, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOWARD P. CORNICK

The bill (S. 4356) for the relief of Howard P. Cornick was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. BLAINE. Mr. President, I should like to inquire of the chairman of the committee about the adverse report, and the reason for the report.

Mr. REED of Pennsylvania. Mr. President, that was a very peculiar case. The committee gave it careful consideration.

Mr. SHORTRIDGE. I ask that the bill go over.

Mr. REED of Pennsylvania. Will not the Senator withhold his request for a moment?

Mr. SHORTRIDGE. The committee has been really negligent in not printing in full the report at all. I find no printed report.

Mr. REED of Pennsylvania. I feel that we ought to apologize to the Senator from California, and that I owe him an explanation of our reasons for reporting adversely on his bill.

Mr. SHORTRIDGE. There can not be a calm and dispassionate consideration of this bill without a printed report.

SEVERAL SENATORS. Regular order!

Mr. GLASS. Mr. President, can we not permit the Senator from California to explain his bill?

The PRESIDING OFFICER. The regular order having been demanded, the bill will be passed over.

Mr. REED of Pennsylvania. I should be very glad if the Senator from California would take the matter over from me and make the explanation himself.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is called for. The bill will be passed over.

AUGUST MOHR

The bill (S. 4907) for the relief of August Mohr was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of August Mohr, of Portage, Wis., two United States 4¾ per cent Treasury notes, No. 118443 for $1,000 and No. 16641 for $5,000, Series B–1927, issued May 15, 1923, and matured March 15, 1927, with interest at the rate of 4¾ per cent per annum from September 15, 1926, to March 15, 1927, without presentation of the said notes or the coupons representing interest thereon from September 15, 1926, to March 15, 1927, the said notes having been lost, stolen, or destroyed: *Provided*, That the said notes shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said August Mohr shall first file in the Treasury Department a bond in the penal sum of double the amount of the notes and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed notes herein described or the coupons belonging thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. C. MOORE & CO.

The bill (S. 119) for the relief of C. C. Moore & Co., engineers, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. C. Moore & Co., engineers, San Francisco, Calif., the sum of $567.90, representing the difference between freight and express charges on two evaporators and two coil sets shipped by said company, by express at the request of the commandant, to the Mare Island Navy Yard, under Government contract No. 537, dated May 21, 1917, such sum having been refunded to the United States by said company after payment thereof by the Navy Department was held by the General Accounting Office to have been unauthorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE HEITKAMP

The bill (H. R. 5399) for the relief of George Heitkamp was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARINE BIOLOGICAL STATION, KEY WEST, FLA.

The bill (S. 5860) to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment on page 2, line 15, after the word "degrees," to insert "west," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to dispose of the marine biological station at Key West, Fla., and to reconvey by quitclaim deed to the Key West Realty Co., Florida, the land conveyed to the United States by said company in deed dated June 10, 1915, and particularly described as follows:

In the city of Key West, county of Monroe and State of Florida, beginning at the southwest corner of a sea wall of concrete bearing north 58° 30′ east from a post 101.2 feet distant, said post being on the north side of the county road and at the eastern end of same, East Martello Tower bearing south 11° 30′ west, distant 5,350 feet; thence running north 23° west 465 feet to an iron bolt bearing south 63° 30′ east from a post and pile of stones 156 feet distant; thence running north 67° east 527.5 feet to an iron blot at mean high-water line; thence running southerly along said mean high-water line 640 feet to an iron bolt driven into rock; thence running south 67° west 121 feet in line with said sea wall to the place of beginning, containing 4 acres, more or less, together with riparian rights, all courses and bearings herein being magnetic.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES N. NEAL

The bill (S. 5679) for the relief of Charles N. Neal was announced as next in order.

Mr. KING. Mr. President, I see no reason for a special bill in this case. We have an omnibus retirement bill. I can not understand the necessity for a special bill.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, I beg the Senator to let me make an explanation of that bill.

This officer was hurt and became tubercular while he was in the Army as a temporary second lieutenant, which was a regular appointment. He resigned from the Army. That lost him any possible retirement privileges as a regular. He does not get any privileges under the Tyson-Fitzgerald Act because he was a regular and not an emergency officer; and so he stands to-day admittedly tubercular and incapable of self-support, without the retirement privileges of the regular and without the retirement privileges of the emergency officer.

In two or three other cases which were exactly the same, we have given him the same privilege that we have given other emergency officers. He must prove his case just the same, and he is treated like all other civilian officers.

Mr. KING. I assumed he would come under the Tyson bill.

Mr. REED of Pennsylvania. He can not, because he had a commission in the Regular Army.

Mr. KING. I have no objection.

Mr. REED of Pennsylvania. I ask that we return to the consideration of that bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate as in the Committee of the Whole, proceeded to consider the bill (S. 5679) for the relief of Charles N. Neal.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause, and to insert the following:

That any disability incurred in line of duty by Charles N. Neal while serving as an officer of the Army of the United States during the World War from March 26, 1917, to December 11, 1918, inclusive, shall be deemed and considered to have been so incurred while serving as an officer of the Army of the United States other than as an officer of the Regular Army, so as to entitle said Neal to the benefits and privileges of the emergency officers' retirement act (Public, No. 506, 70th Cong.): *Provided*, That such disability rating is sufficient and said Neal is otherwise eligible for retirement under the terms and conditions of said act: *And provided further*, That said Neal shall not be entitled to any back pay or allowances by the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CODE OF LAWS

The joint resolution (H. J. Res. 368) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements, was announced as next in order.

Mr. WALSH of Montana. Mr. President, since this joint resolution was recommended for amendment by the Committee on the Judiciary another measure has come to us from the House, House Joint Resolution 399, dealing with the same subject. I have a letter from Mr. FITZGERALD, of the House, whose diligence and attention to this particular subject is in every respect to be commended, asking for the substitution of the House joint resolution for the one on the calendar which has just been reached.

This provides for the compilation of supplements to the United States Code, for the printing and publication of the same, and also for a compilation of the same character of the laws applicable to the District of Columbia.

It likewise is an economy measure. These are great, large volumes and should not be printed in the numbers provided by the rules of both Houses for bills ordinarily. This restricts the number of copies that ought to be printed, and otherwise is a measure of economy. It has had the consideration of the Judiciary Committee, and I ask that that committee be discharged from the further consideration of House Joint Resolution 399 and that it be substituted for House Joint Resolution 368 and considered, and that House Joint Resolution 368 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Committee on the Judiciary was discharged from its further consideration and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 399) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate Joint Resolution 368 will be indefinitely postponed.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

The bill (S. 5870) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, was announced as next in order.

Mr. PITTMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FRANK L. MERRIFIELD

The bill (H. R. 4215) for the relief of Frank L. Merrifield was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES J. DOWER

The bill (H. R. 8598) for the relief of James J. Dower was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAYNES SLOUGH DRAINAGE DISTRICT, OREGON

The bill (S. 5365) granting the consent of Congress to the State of Oregon and the Haynes Slough drainage district to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, to strike out "Secretary of War" and to insert in lieu thereof the words "Chief of Engineers"; on line 4, to strike out the words "Chief of Engineers" and insert in lieu thereof the words "Secretary of War," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is granted to the State of Oregon, acting through its highway department, and to the Haynes Slough drainage district, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. E. JONES

The bill (H. R. 16867) for the relief of H. E. Jones, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $38.43 to H. E. Jones, to cover the cost of power used to operate a canceling machine in the Bristol post office from February 15, 1921, to April 30, 1923.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 5887, for the relief of H. E. Jones, will be indefinitely postponed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; and

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 13593. An act granting the consent of Congress to the village of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill.; and

H. R. 16701. An act to provide for the payment of rental to the board of commissioners of the port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and

Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The message also announced that the House had adopted the following concurrent resolution, H. Con. Res. 60, in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and Revolutionary period at New Bern, N. C.

NEW BERN (N. C.) CELEBRATION

Mr. SIMMONS. Mr. President, there has just been passed by the House of Representatives a concurrent resolution (H. Con. Res. 60), for the appointment of three Senators and three Members of the House to cooperate with the committee appointed by the Legislature of North Carolina to celebrate certain historical events occurring in the town in which I live. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER laid before the Senate the concurrent resolution, which was read and agreed to, as follows:

Resolved, etc., That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and Revolutionary period at New Bern, N. C.

NORMAN O. ROSS

The bill (S. 4661) to place Norman O. Ross on the retired list of the Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 3, to strike out the initial "O," and to insert the initial "A," so as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint Norman A. Ross, formerly a lieutenant (junior grade), Medical Corps, United States Navy, a lieutenant (junior grade), Medical Corps, United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant (junior grade), with the retired pay and allowances of that grade.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to place Norman A. Ross on the retired list of the Navy."

HOME FOR DISABLED VOLUNTEER SOLDIERS IN FLORIDA

The bill (S. 5202) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers is authorized and directed to select a tract of land approximating 300 acres now owned by the Federal Government located in the State of Florida or to acquire land by donation and without expense as a site for a branch home of the National Home for Disabled Volunteer Soldiers to be located in Florida. The land selected or acquired shall be transferred to the jurisdiction of the board of managers of said home, together with all books, maps, records, and other documents necessary for use, administration, and control of such land.

SEC. 2. The Board of Managers of the national home is authorized and directed to provide for the improvement of the land so selected or acquired and for the construction, equipment, operation, and maintenance thereon of suitable buildings for the use of a branch home.

SEC. 3. There is hereby authorized to be appropriated the sum of $3,000,000 to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF FEDERAL PENAL SYSTEM

The bill (S. 3572) authorizing an appropriation for the purpose of defraying expenses incident to the making of a comprehensive survey covering the requirements of a Federal penal system was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, to strike out the word "next"; on page 1, line 4, after the word "session," to insert the words "beginning on December 2, 1929," so as to make the bill read:

Be it enacted, etc., That the Attorney General of the United States shall submit to Congress at the commencement of the session beginning on December 2, 1929, a report with recommendations covering the establishment of an adequate Federal penal system.

SEC. 2. The Attorney General is authorized to employ by contract or otherwise, and without reference to the classification act of 1923 or to civil-service rules, such expert assistance as he may deem necessary in the preparation of this report, at rates of compensation to be fixed by the Attorney General.

SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated an amount of not exceeding $30,000, to be available for the payment of personnel, travel, and other expenses incident to the formulation of the report herein mentioned.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EASTERN JUDICIAL DISTRICT OF OKLAHOMA

The bill (H. R. 10431) to amend the act establishing the eastern judicial district of Oklahoma was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert:

Be it enacted, etc., That section 101 of the Judicial Code, as amended, be, and it is hereby, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, at Miami on the first Monday in November, and at Bartlesville on the first Monday in June of each year: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska, Miami, and Bartlesville are furnished free of expense to the United States.

"The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okfuskee, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the first Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley and Durant at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, Pauls Valley, and Durant are furnished free of expense to the United States.

"The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland,

Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday of March, at Guthrie on the first Monday of May, at Mangum on the first Monday of September, at Lawton on the first Monday of October, and at Woodward on the first Monday of November: *Provided*, That suitable rooms and accommodations for holding court at Mangum are furnished free of expense to the United States: *And provided further*, That the district judge of said district, or in his absence a district judge or a circuit judge assigned to hold court in said district, may postpone or adjourn to a day certain any of said terms by order made in chambers at any other place designated as aforesaid for holding court in said district.

"The clerk of the district court for the northern district shall keep his office at Tulsa; the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore; the clerk for the western district shall keep his office at Oklahoma City and shall maintain an office in charge of a deputy at Guthrie."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to amend section 101 of the Judicial Code, as amended."

J. H. B. WILDER

The bill (S. 5715) for the relief of J. H. B. Wilder was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. GEORGE subsequently said: Mr. President, was Order of Business 1494 objected to?

The PRESIDING OFFICER. Under objection of the Senator from Utah [Mr. KING] the bill will be passed over.

Mr. KING. I submitted an objection to it. I will withhold it, if the Senator desires to speak upon the bill. It indicates upon its face that it is a matter of interest, and the Government is not in the habit of paying interest. If it is not interest, but represents a difference in the cost of materials from those anticipated when the contract was let, then, under acts heretofore passed, relief should have been obtained.

Mr. GEORGE. It is not for interest, I will say to the Senator, and I understand the facts.

Mr. KING. We will reach the bill on the calendar again, and we can talk it over in the meantime.

Mr. GEORGE. It covers increased cost due to the coming on of the war. This contractor, like so many others, did not make his contract within the prescribed time, that is, within the definitely fixed time, but other relief bills of a similar character have been passed. The bill was introduced by my colleague. I have an impression that the House has passed a similar measure.

Mr. KING. I suggest that it be passed over now.

Mr. GEORGE. I would like to have it passed over without prejudice.

Mr. KING. I have no objection to that.

CHARLES W. TOWNSEND

The bill (S. 3691) to correct the military record of Charles W. Townsend, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles W. Townsend, late of Company F, First Battalion, Fifteenth Regiment of Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of February, 1865: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Charles W. Townsend."

MATTHIAS R. MUNSON

The bill (H. R. 14897) for the relief of Matthias R. Munson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC LIBRARY, LOS ANGELES

The bill (S. 3815) directing the copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate was announced as next in order.

Mr. SHORTRIDGE. Mr. President, House bill 14663, identical with the Senate bill, has been messaged to the Senate. I move that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. The Chair is informed that the House bill is not at present at the desk. The Chair will ask the Senator from California to allow this matter to be passed over until the bill is received.

The PRESIDING OFFICER subsequently said: The Chair will state to the Senator from California that the Chair now has House bill 14663, and, without objection, the Committee on Patents will be discharged from further consideration of the bill, the House bill substituted for the Senate bill, and it will be placed on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14663) directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate, and it was read, as follows:

Be it enacted etc., That the Commissioner of Patents is authorized and directed to supply to the public library of the city of Los Angeles, at the regular rate of $50 per annum prescribed by law for public libraries of the United States, uncertified printed copies of patent specifications and drawings published during the years 1915 to 1925, inclusive: *Provided*, That the public library of the city of Los Angeles shall pay to the Commissioner of Patents the sum of $2,500, which sum shall be deposited in the Treasury of the United States in accordance with the provisions of the act of March 6, 1920 (41 Stat. L. 512; U. S. C. title 35, sec. 79).

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, stationery, and supplies for carrying into effect this act for the fiscal year ending June 30, 1930, $2,500, to be expended by the Commissioner of Patents.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The bill (S. 3815) directing that certain copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate, will be indefinitely postponed.

MRS. MOORE L. HENRY

The bill (H. R. 7976) for the relief of Mrs. Moore L. Henry was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT C. OSBORNE

The bill (H. R. 3722) for the relief of Robert C. Osborne was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. H. E. MINER AND OTHERS

The bill (S. 4308) for the relief of Maj. H. E. Miner, Capt. A. J. Touart, Capt. J. L. Hayden, Capt. H. H. Pohl, First Lieut. C. C. Jadwin, and First Lieut. F. B. Kane, United States Army, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. H. E. Miner, $2,322.40; Capt. A. J. Touart, $672; Capt. J. L. Hayden, $6,819.90; Capt. H. H. Pohl, $7,524.62; First Lieut. C. C. Jadwin, $3,566.72; and First Lieut. F. B. Kane, $3,601.90, out of any money in the Treasury not otherwise appropriated, as reimbursement for loss by fire of personal property stored at West Point, N. Y., on August 11, 1927.

Mr. KING. Mr. President, I want to make an inquiry concerning this bill. I remember the subject has been under consideration heretofore as to the liability of the Government for property owned by officers which was lost, either upon ships or in warehouses or storage warehouses under the control of the Government. There has been a view that there ought to be a limitation of the amount for which the Government should be liable, if there was any liability at all.

Mr. CARAWAY. Mr. President, these officers were detailed to West Point, and there was not sufficient housing for them. As I now remember, it was about 44 days from the time they reported before they could get their quarters assigned. While they were waiting for their quarters to be assigned, their household effects were stored in a Government-owned building, which burned up, and all their effects burned up with it. Some

of them had insurance, which they were privileged to take out under an Army order of some kind. That has all been subtracted from the amount allowed, together with a sum for depreciation. It was the committee's impression that the officers presented a meritorious case. They put their goods where they had to put them. They were detailed to that place, and there was nothing else for them to do.

Mr. KING. I ask the Senator, and I ask for information, if he regards a measure as sound policy that would hold the Government liable for all the property which officers may carry with them to various places where they are assigned.

Mr. CARAWAY. No; I do not think so, as a general rule; but officers are compelled to go where they are sent. They furnish their own homes. Their assignments usually cover four years, so they are compelled to take what they have with them. These officers were compelled to report, there was no other place for them to put their effects until they were assigned quarters; they put them where they were directed to put them, and they were destroyed.

Mr. KING. Does not the Senator think that the Government, furnishing them with those housing facilities, should be relieved from any liability for burglaries, or fire risks, and that the owners of the property should, if they desire insurance, protect themselves?

Mr. CARAWAY. I think the officers protected themselves as far as they could. That is my impression. In a case like this, where the officer has no choice, where he is sent on an assignment, is directed to put his effects in a certain place, and does it, and without fault of his they are destroyed, I think he should be paid for them.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I do not object, but this is a very dangerous precedent. It simply means that the Government of the United States shall become an insurer for all the property of all its employees, officers, and what not, no matter what the value of the property may be. Suppose these officers had property worth twenty or thirty or forty thousand dollars each, bric a brac, and other valuable personal property. Is the Government to be responsible? It seems to me it is a very dangerous precedent. I will not object, but I shall feel constrained to vote against it. I think the precedent is wrong. I believe it will involve the Government in the payment of hundreds of thousands of dollars damages, and the result will be that the owners of personal property will not take out insurance or protect themselves as they otherwise would, feeling that if their property is in a Government house, the Government assumes the risk. It is a very dangerous precedent. I hope the bill will be rejected, but I shall not object to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. B. TRAXLER

The bill (S. 4336) for the relief of D. B. Traxler, president of the Realty Corporation of Greenville, S. C., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$5,000" and to insert "$982.70," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $982.70 to D. B. Traxler, president of the Realty Corporation of Greenville, Greenville, S. C., for damages sustained by reason of the failure of the War Department to remove certain obstructions on land leased the War Department near Greenville, S. C., for war purposes, by the said D. B. Traxler, president of the Realty Corporation of Greenville.

Mr. SMITH. Mr. President, I do not think any more worthy bill than this has ever been before the Senate. This man, D. B. Traxler, a boyhood companion of mine, owned land within certain areas leased to the Government for Camp Sevier. The contract provided that when the Government vacated it was to restore the property to the condition in which it was when received. I hope the bill may be passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK O. GOLDSMITH

The bill (H. R. 4440) for the relief of Frederick O. Goldsmith, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $1,150.95 to Lieut. Frederick O. Goldsmith, of Belmont, Mass., on account of expenses incurred by him for civilian medical treatment while sick with typhoid fever in 1923, at which time he was attached to the U. S. S. *Ramapo*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. M. GILLETT AND J. J. SWENARTON

The bill (H. R. 7330) for the relief of E. M. Gillett and J. H. Swenarton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to adjust and settle the claim of E. M. Gillett in the sum of $631.82, and the claim of J. H. Swenarton in the sum of $631.82, in connection with the inspection of tea for the Navy during the fiscal year 1926, and to pay the amounts allowed from the appropriation "Provisions, Navy, Bureau of Supplies and Accounts, 1926."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. P. BYRAM

The bill (H. R. 10508) for the relief of T. B. Byram was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office be authorized and directed to pay to T. P. Byram, lieutenant (retired), Supply Corps, United States Navy, the sum of $199.57, pay and allowances due him for active duty performed by him during the period from August 6 to August 26, 1921, inclusive, prior to the approval of his bond by the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. L. INABNIT

The bill (S. 3340) for the relief of W. L. Inabnit was announced as next in order.

The PRESIDING OFFICER. This is the same as Calendar 2010, the bill (H. R. 9530) for the relief of W. L. Inabnit.

Mr. SACKETT. I ask that the House bill be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9530) for the relief of W. L. Inabnit, and it was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized and directed to place upon its compensation roll, subject to the provisions and limitations of the compensation laws of employees of the United States, the name of W. L. Inabnit, former employee of the United States, and pay him compensation at the rate of $66.67 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The bill (S. 3340) for the relief of W. L. Inabnit will be indefinitely postponed.

Mr. SWANSON. Mr. President, there are a great number of bridge bills on the calendar next following, and I do not see why we may not pass them en bloc.

Mr. BAYARD. I shall have to object to one of the bills. With that one exception, I have no objection to the suggestion.

Mr. KING. Mr. President, the leader on this side of the aisle, the senior Senator from Arkansas [Mr. ROBINSON], has objected to that policy and I think it is wise. Therefore I object.

The PRESIDING OFFICER. Objection being made, the bills will be called in their order.

OHIO RIVER BRIDGE, NEW MARTINSVILLE, W. VA.

The bill (H. R. 15570) authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, S. R. Cox, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon S. R. Cox, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said S. R. Cox, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper repair, maintenance, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said S. R. Cox, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of West Virginia and Ohio a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of either of such highway departments shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said S. R. Cox, his heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive, for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to S. R. Cox, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 15715) authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth was announced as next in order.

Mr. BAYARD. I object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BRIDGE BILLS

The following House bridge bills, reported from the Committee on Commerce, were considered as in Committee of the Whole, reported to the Senate without amendment, read the third time, and passed:

The bill (H. R. 15717) to extend the time for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

The bill (H. R. 15718) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.;

The bill (H. R. 15916) to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

The bill (H. R. 16126) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

The bill (H. R. 16205) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

The bill (H. H. 16345) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

The bill (H. R. 16382) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

The bill (H. R. 16383) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

The bill (H. R. 16384) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

The bill (H. R. 16385) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

The bill (H. R. 16386) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

The bill (H. R. 16387) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

The bill (H. R. 16388) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

The bill (H. R. 16389) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

The bill (H. R. 16423) to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

The bill (H. R. 16425) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

The bill (H. R. 16426) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

The bill (H. R. 16427) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

The bill (H. R. 16430) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

The bill (H. R. 16431) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

The bill (H. R. 16433) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

The bill (H. R. 16448) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

The bill (H. R. 16499) to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

The bill (H. R. 16531) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.

The bill (H. R. 16603) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

The bill (H. R. 16604) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

The bill (H. R. 16605) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

The bill (H. R. 16606) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

The bill (H. R. 16609) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

The bill (H. R. 16610) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

The bill (H. R. 16640) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

The bill (H. R. 16645) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

The bill (H. R. 16791) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

The bill (H. R. 16818) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; and

The bill (H. R. 17020) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.

MAUDE A. SANGER

The bill (H. R. 4029) for the relief of Maude A. Sanger, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay to Maude A. Sanger, the mother of Paul E. Sanger, all such installments of money which she would be entitled to receive if the said Paul E. Sanger, who died on April 4, 1917, from injuries suffered in the military service of the United States, had made a valid application for war-risk insurance in the sum of $5,000 under the war risk insurance act, as amended, had named the said Maude A. Sanger as his beneficiary, and had died while such insurance was in effect. The first of such installments shall be paid within 90 days from the date of the enactment of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED L. DIEBOLT, SR., AND ALFRED L. DIEBOLT, JR.

The bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr., was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out the word "child" and the semicolon and insert the word "child," and in the same line to strike out the words "the additional sum of $10,000 is hereby appropriated"; and on page 1, line 10, to strike out "$5,000" and insert "$10,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred L. Diebolt, sr., the sum of $10,000 in full settlement for the death of his wife and child and for personal injuries and hospital expenses of Alfred L. Diebolt, sr., and his family; and a further sum of $10,000 is hereby appropriated to be paid to the legal guardian of Alfred L. Diebolt, jr., for the loss of an eye by said Alfred L. Diebolt, jr., and for pain, suffering, and disfigurement as a result of a collision between the automobile operated by Alfred L. Diebolt, sr., and an Army truck on the Plattsburg Highway near Chazy, N. Y., September 17, 1927: *Provided*, That no part of the amount of any item appropriated in this act in excess of $200 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which exceeds $200 of the amount of any item appropriated in this act on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, I must object to the further consideration of the bill.

Mr. CARAWAY. Mr. President, of all the bills on the calendar I think if the Senator had time to examine the report he would feel most inclined to let it pass.

Mr. KING. Let me state to the Senator my objection. In most of the bills which we have passed we have provided for $3,000 to $5,000 for the death of persons. I find here $10,000 provided. I wonder what is the reason for that?

Mr. CARAWAY. A professor, his wife and two boys were driving along the highway, and soldiers, under conditions which I shall not discuss, stopped a truck on the road and he was injured.

Mr. KING. We may abbreviate the matter. Does the bill provide $10,000 for each person injured?

Mr. CARAWAY. Oh, no. It gives $10,000 to a little boy 4 or 5 years old who had the side of his face caved in and other injuries.

Mr. KING. I understood the bill called for a payment of $10,000 for a death. My objection was that it would be doing something contrary to our previous practice, which was to provide $5,000. I have no objection.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

UTE INDIANS IN UTAH, COLORADO, AND NEW MEXICO

The bill (H. R. 16985) authorizing the Uintah, Uncompahgre, and the White River Bands of Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims was considered as in Committee of the Whole.

Mr. KING. Mr. President, the Senate passed a bill sometime ago that went to the House, and the House insisted upon certain amendments. Thereupon a bill was offered in the Senate incorporating the amendments as a new bill. The House passed the bill, which is the same as the one now before us.

The PRESIDING OFFICER. The House bill is now on the calendar.

Mr. KING. I ask that the House bill be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the acts of Congress of May 27, 1902 (32 Stat. 263), and March 3, 1905 (33 Stat. 1069), or arising under or growing out of any subsequent act of Congress or Executive order or arising under any treaty or agreement which said Uintah, Uncompahgre, and White River Bands of Ute Indians in Utah and Colorado may have against the United States, and arising under or growing out of the act of February 20, 1895 (28 Stat. 677), and subsequent acts

of Congress and proclamations of the President relating thereto, setting apart as a separate reservation for the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico a tract of approximately 1,056,000 acres of land, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. Said court shall determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President as if disposed of under the public land laws of the United States: *Provided*, That the value of coal-bearing lands shall not be fixed at a sum in excess of $15 per acre. The court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within two years from the approval of this act; and such suit or suits shall make the Uintah, Uncompahgre, and White River Bands of the Ute Indians parties plaintiff and the United States party defendant. A separate petition shall be filed on behalf of the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, which petition shall make said Indians parties plaintiff and the United States party defendant: *Provided*, That the Uintah, Uncompahgre, and White River Bands of the Ute Indians may be joined should this be necessary to adjudicate any rights which they may have in the matter sought to be litigated. The petition or petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Indians approved in accordance with existing law and shall set forth all the facts on which the claims for recovery are based. A copy of the petition or petitions in such suit or suits shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be desginated by him as heretofore directed, shall appear and defend the interests of the United States.

SEC. 3. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Uintah, Uncompahgre, and White River Bands of the Ute Indians and the Southern Ute and the Ute Mountain Bands of Ute Indians, but any payment, including gratuities, which the United States may have made to said Indians, shall not operate as an estoppel but may be pleaded as an offset in such suit.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any property belonging to said Indians, the damage therefor shall be confined to the value of such property at the time of such appropriation or the disposal thereof except as otherwise provided in section 1 of this act; and with reference to all claims which may be the subject matter of the suit or suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Indians in and to such property.

SEC. 5. The Court of Claims shall have full authority by proper order and process to bring in and make party to such suit or suits any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy. Said court shall determine and render separate judgment for any amount found due to the Confederated Bands of Ute Indians under the terms of the jurisdictional act approved March 3, 1909 (35 Stat. 788).

SEC. 6. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, based upon actual services rendered, together with all necessary and proper expenses incurred in preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians, and the same shall be included in the decree and shall be paid out of any sums or sums found to be due said tribes or bands: *Provided*, That said court shall enter a separate judgment under the provisions and limitations above set out for the attorney or attorneys representing the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, based upon the amount of recovery for said Indians, which recovery shall also be entered as a separate judgment: *Provided further*, That if the Court of Claims shall find that any attorney or attorneys rendered any services to the Uintah, Uncompahgre, and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, the court shall fix such compensation on the quantum meruit basis as to it shall seem reasonable, to be paid out of any sum found to be due such tribes. The total sum of attorneys' fees in no event shall exceed the limitation herein provided.

SEC. 7. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Such proceeds shall be thereafter subject to appropriations by Congress for educational, health, and industrial and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Calendar No. 1770, Senate bill 5752 of the same title, will be indefinitely postponed.

SEWER OUTLET IN THE ALLEGHENY RIVER, PITTSBURGH, PA.

The bill (H. R. 16988) to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the sewer outlet constructed in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., by the city of Pittsburgh, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the construction of said sewer outlet.

SEC. 2. That any changes in said sewer outlet which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGISTRATION OF NURSES, DISTRICT OF COLUMBIA

The bill (H. R. 15387) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia" was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That from and after June 30, 1929, the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," be amended to read as follows:

"That from and after the 30th day of June, 1929, no person shall in the District of Columbia in any manner whatsoever represent herself to be a registered, certified, graduate, or trained nurse, or allow herself to be so represented, unless she has been and is registered or is registered by the nurses' examining board in accordance with the provisions of this act.

"SEC. 2. The nurses' examining board shall be composed of five members appointed by the Commissioners of the District of Columbia. Those persons who are members of the nurses' examining board on June 30, 1929, shall continue to be members of the said board for the remainder of the terms for which they were appointed. The term of each member of said board shall be five years. All appointments shall be made so that the term of one member expires on the 30th day of June of each year. Each vacancy or unexpired term shall be filled by appointment from a list of five nominees submitted to the Commissioners of the District of Columbia by the Graduate Nurses' Association of the District of Columbia. Each nominee shall have had not less than five years' experience in the profession of nursing, be a registered nurse registered in the District of Columbia, and a member of the Graduate Nurses' Association of the District of Columbia. The Graduate Nurses' Association of the District of Columbia shall make such nominations to the said commissioners. No member of said board shall enter upon the discharge of her duties until she has taken oath faithfully and impartially to perform the same; and the said commissioners may remove any member of said board for neglect of duty or for any just cause.

"SEC. 3. The nurses' examining board shall meet in the District of Columbia between June 30, 1929, and July 15, 1929, and organize the board in accordance with the provisions of this act, and annually thereafter shall meet in the month of April for the annual organization of the board. At each such organization meeting the board shall elect from its members a president and a vice president, and it shall also appoint an executive secretary of the board, who shall not be a member of the board, but who shall possess the requirements necessary for membership in the board. The secretary-treasurer of the said board who is acting in that capacity on July 1, 1929, for the unexpired term commencing in April, 1929, shall cease to hold office as secretary-treasurer of the board on and after July 1, 1929. The executive secretary shall ex officio act as treasurer of the board and as such shall furnish a bond in the penal sum which shall be fixed by the Commissioners of the District of Columbia. The said board shall adopt such by-laws as it shall deem necessary for carrying into effect the provisions of this act and may amend such by-laws from time to time at the discretion of said board. The executive secretary shall be required to keep a record of all meetings of the board and also a register of all

nurses duly registered or reregistered under this act, and to furnish a certificate of registration or of reregistration to all such nurses; also to maintain a registry of nurses' training schools in the District of Columbia approved by said board. The board shall hold examinations not less frequently than once a year, and notice of each examination shall be given in one daily newspaper published in Washington and in one nursing journal at least 30 days prior to the examination. The executive secretary shall inspect all recognized schools of nursing in the District of Columbia, and report to said board as to the sufficiency and quality of training afforded by such schools. The executive secretary may be removed by a majority vote of the said board for neglected duty or any just cause.

"SEC. 4. That every nurse desiring to register in the District of Columbia shall make application to the nurses' examining board for examination and registration, and at the time of making such application shall pay to the treasurer of said board $15. Said applicant must furnish satisfactory evidence that she is over 21 years of age, or that she will attain the age of 21 years within six months after the date fixed for the necessary examination to be held by said board after the date of such application. Except as otherwise provided in this act, an applicant shall not be registered unless she has passed an examination by the nurses' examining board. No nurse shall be registered in the District of Columbia who has not attained the age of 21 years. Said applicant must also furnish satisfactory evidence of good moral character, and further that she holds a diploma from a training school for nurses which has been registered by the nurses' examining board of the District of Columbia: *Provided, however,* That no training school shall be registered which does not maintain proper educational standards and give not less than two years' training in a general hospital or in a special hospital with adequate affiliations, all of which shall be determined by the nurses' examining board.

"SEC. 5. That any nurse who is at least 21 years of age and of good moral character and who presents satisfactory evidence that she has, prior to July 1, 1924, graduated from a school of nursing connected with a hospital, and that she has been engaged in nursing in the District of Columbia prior to July 1, 1929, shall be entitled to registration without examination upon payment of the registration fee of $15: *Provided, however,* That application for such registration must be made on or before June 30, 1932.

"SEC. 6. That the nurses' examining board shall have power to register in like manner without examination any graduate or trained nurse registered as a nurse by examination in another State or Territory who holds a diploma from a nurses' training school outside of the District of Columbia which, in the opinion of said board, maintains a standard substantially equivalent to that provided for by this act.

"SEC. 7. Each nurse who has been registered in the District of Columbia shall be reregistered each year on the 1st day of July upon application to the executive secretary of said board and the payment of a fee of $1: *Provided,* That such fee of $1 shall not be payable in case the applicant has been originally registered within the 12 months next preceding the day for reregistration. Application for reregistration may be made within 60 days preceding the day of reregistration. Registration of any nurse who does not thus apply for reregistration for any year shall be automatically canceled as of the beginning of such year. The by-laws adopted by the nurses' examining board shall define the conditions upon which the registration of a nurse may be restored. Schools of nursing in the District of Columbia may apply to said board for registration and, with the exception of schools of nursing maintained at Government expense, shall pay a fee of $25 at the time application is made. Each such school registered shall apply each year for reregistration, and, with the exception of schools of nursing maintained at Government expense, at the same time pay a fee of $1: *Provided further,* That on the petition of any applicant to whom registration or reregistration has been denied by the nurses' examining board, the action of the board may be reviewed by the Supreme Court of the District of Columbia on a writ of certiorari, subject to appeal to the Court of Appeals of the District of Columbia, in the same manner as appeals are taken in similar cases.

"SEC. 8. No person shall file or attempt to file with the nurses' examining board of the District of Columbia any statement, diploma, certificate, credential, or other evidence when she knows, or when she might by reasonable diligence ascertain, that it is false and misleading. The Supreme Court of the District of Columbia, sitting as a court of equity, may suspend or revoke any certificate issued and any registration effected under this act upon evidence showing to the satisfaction of the court that the registrant has been guilty of misconduct or is professionally incapacitated. Proceedings looking toward the suspension or revocation of a certificate or registration shall be begun by petition filed in the Supreme Court of the District of Columbia in the name of the nurses' examining board, or of the Commissioners of the District of Columbia, or of the major and superintendent of police of said District, and shall be verified by oath. Proceedings shall be conducted by the United States attorney for the District of Columbia according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purpose and intent of this act. An appeal may be taken from the decision of the Supreme Court of the District of Columbia to the Court of Appeals of said District. Any such appeal on behalf of the Commissioners of the District of Columbia or of the major and superintendent of police of said District may be filed without bond. The Supreme Court of the District of Columbia may determine whether a certificate or registration shall be suspended or be revoked, and if such certificate or registration is to be suspended said court may determine the duration of such suspension and the conditions under which said suspension shall terminate.

"SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected from schools of nursing and from registration or reregistration of nurses. The executive secretary of said board may receive a salary to be fixed by said board at its annual organization meeting not to exceed the rate of $250 per month. Each member of the board shall receive a per diem allowance at the rate of $10 per day for each full day such member is actually engaged in the performance of duties as a member of the board. The payment of such per diem allowance shall be made from any unexpended balance in the treasury of said board remaining on June 30 of the year during which the services have been rendered, and if the unexpended balance is insufficient to meet the total amount of such per diem allowance, the rate of compensation shall be reduced to a rate which will permit payment from such unexpended balance. That such expenses shall in no event exceed the total of receipts. All registration or reregistration fees shall be paid to the treasurer of the board, and shall be paid out under the orders of the board. That it shall be the duty of the auditor of the District of Columbia to audit the accounts of the nurses' examining board at the end of each fiscal year and to make report thereof in writing to the Commissioners of the District of Columbia. The said auditor shall have free access to all books, papers, and records of the board. The nurses' examining board shall make annual reports to the Commissioners of the District of Columbia containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

"SEC. 10. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $200 or by imprisonment in the workhouse for a period not exceeding 60 days.

"SEC. 11. That nothing in this act shall be construed to prevent any person from nursing any other person in the District of Columbia, either gratuitously or for hire: *Provided,* That such person so nursing shall not represent herself as being a registered, certified, graduate, or trained nurse.

"SEC. 12. That the word 'she' and the derivatives thereof, wherever they occur in this act, shall be construed so as to include the word 'he' and derivatives."

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 4, line 19, in section 4, to strike out "$15" and insert "$10"; on page 5, line 20, in section 5, to strike out "$15" and insert "$10"; and on page 5, line 22, in section 6, to strike out the words "have power to."

The amendments were agreed to.

Mr. KING. Mr. President, may I inquire of the Senator from Kentucky [Mr. SACKETT]? The Senator will recall that at the hearings some representatives of nurses' organizations appeared and asked that a certain word be eliminated.

Mr. SACKETT. We have taken out the words "have power to" and required them to have reciprocity absolutely.

Mr. KING. That is not the point to which I refer. I refer to the use of the word "trained."

Mr. SACKETT. That is a necessary part of the bill. We can not get away from it. The bill would not amount to anything if that were not included. A woman who represented an agency asked that it be taken out, but that was the whole point to the bill and that was what the doctors of the District through their representatives brought to the attention of the committee at the second hearing. They are very dependent upon knowing the type of nurses that they use.

Mr. KING. I was not able to attend the second hearing. Let me ask the Senator if this bill as it is now agreed upon would make it an offense for any graduate nurse to pursue her calling here in the District without being registered?

Mr. SACKETT. No, it would not; but it would prevent her from going out and advertising herself as a trained nurse or graduate nurse without being registered. It would not prevent the practice of her profession.

Mr. BLACK. Mr. President, let the bill go over.

Mr. SACKETT. Oh, Mr. President, I hope the Senator will not object. It is a very necessary bill.

Mr. BLACK. I suggest that the Senators confer about it while we are passing other bills.

Mr. SACKETT. It will take us only a moment longer, I assure the Senator.

Mr. BLACK. Very well; I will withdraw my objection.

Mr. KING. Let me ask the Senator one more question. Some of the nurses, I think, have been discriminated against. The Senator will recall that one of the nurses who had rendered valuable service, who was a graduate nurse, was refused registration because she had married.

Mr. SACKETT. We could not find any such thing at all.

Mr. KING. There seemed to be some sort of discrimination, and I felt constrained at the hearings to say it looked like a de luxe organization seeking to control the nurses of the District.

Mr. SACKETT. We did not find that to be the case at all.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. This requires the board to accept the registration of nurses who desire to be registered. Those nurses who do not care to go in under registration and to have the advantages of the official employment bureau are not required to do so and nothing interferes with their practice as nurses in the ordinary sense.

Mr. KING. Then other nurses may practice their profession without being subject to fine and imprisonment.

Mr. COPELAND. Yes.

Mr. KING. I have some misgivings, but I shall not object.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, on page 8, line 17, after the words "rate of," to strike out "$250" and insert "$200," so as to read:

SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected from schools of nursing and from registration or reregistration of nurses. The executive secretary of said board may receive a salary to be fixed by said board at its annual organization meeting not to exceed the rate of $200 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSOURI RIVER BRIDGE, WASHINGTON, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16641) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES IN NEBRASKA

The bill (S. 5832) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr., was announced as next in order.

Mr. NORRIS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5833) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr., was announced as next in order.

Mr. NORRIS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, I ask unanimous consent that as to Order of Business 2006, being the bill (S. 5832) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr., and Order of Business 2007, being the bill (S. 5833) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr., which have been passed over, the amendments, which have been reported by the Committee on Commerce, may be agreed to so that if those bills ever shall again come up for consideration the amendments will be taken care of.

Mr. NORRIS. Mr. President, let me say to the Senator from New York that I know nothing about these bills.

Mr. COPELAND. Neither do I.

Mr. NORRIS. But, as the Senator knows, my colleague, the junior Senator from Nebraska [Mr. HOWELL] is ill and unable to be present. I, therefore, have been asked on his behalf to object to the consideration of these bills.

Mr. COPELAND. Let me say that I am not asking for the passage of the bills. The Committee on Commerce has reported certain amendments to them, and I ask that the amendments be agreed to and that the bills be left on the calendar.

Mr. NORRIS. I have no objection to that, but I desire that they shall then go over without any further action by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? Without objection, the amendments reported by the committee to the bills mentioned by him will be considered as having been agreed to, and the bills, as amended, will be returned to their places on the calendar.

MISSOURI RIVER BRIDGE, KANSAS CITY, KANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16824) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 15218) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. COPELAND. Mr. President I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MISSISSIPPI RIVER BRIDGE, ARKANSAS CITY, ARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Arkansas City, Ark., which had been reported from the Committee on Commerce with an amendment, in line 8, after the word "from" to strike out "the date of approval hereof" and to insert "March 29, 1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark., authorized to be built by Henry Thane, his heirs, legal representatives, and assigns, by the act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, ALMA, WIS.

Mr. DALE. I ask that the next bill on the calendar, being the bill (S. 5829) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Alma, Wis., be taken from its place on the calendar under Rule VIII and put under Rule IX.

Mr. KING. Was that bill introduced by the Senator from Wisconsin [Mr. BLAINE]?

The PRESIDING OFFICER. It was.

Mr. DALE. The Senator from Wisconsin understands all about it.

Mr. KING. I have no objection to the request of the Senator from Vermont.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

MISSISSIPPI RIVER BRIDGE, BETTENDORF, IOWA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5844) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa, which had been reported from the Committee on Commerce with an amendment on page 2, after line 2, to insert a new section, as follows:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa, authorized to be built by B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W.

Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, by the act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from May 26, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE, COOK COUNTY, ILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois, which had been reported from the Committee on Commerce with an amendment, at the top of page 2, strike out section 2, as follows:

SEC. 2. That the construction of the bridge authorized by this act shall be commenced within three years and completed within five years from the date of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, at or near Ashland Avenue in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, ARROW ROCK, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5834) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo., which had been reported from the Committee on Commerce with an amendment, on page 2, after line 2, to strike out section 2, as follows:

SEC. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of the approval hereof.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the town of Arrow Rock, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, ST. CHARLES, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5835) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo., which had been reported from the Committee on Commerce with an amendment on page 5, after line 2, strike out section 2, as follows:

SEC. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of the approval hereof.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point about 4 miles south of west of the city of St. Charles, in the county of St. Charles, Mo., to a point in St. Louis County in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR MIAMI, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5837) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo., which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Saline County, Mo., authorized to be built by Frank M. Burruss, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, ARROW ROCK, MO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5836) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo., which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo., authorized to be built by F. C. Barnhill, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, CINCINNATI, OHIO

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5845) granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, above Cincinnati, Ohio, near Coney Island, to a point above Newport, Ky., opposite the Ohio terminal, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, transferred, or who shall acquire the same by mortgage or foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHESLEY P. KEY

The bill (S. 1112) for the relief of Chesley P. Key was announced as next in order.

Mr. KING. Mr. President, the bills now being reached on the calendar have not been placed upon our desks, and therefore we are strangers to them; at least I am. I should like to have the bill read.

The Chief Clerk read the bill.

Mr. KING. Is there a report accompanying the bill?

The PRESIDING OFFICER. According to the calendar the report is No. 1989.

Mr. KING. This bill and others are not in my file of bills. It seems to me we might pass these over.

Mr. HEFLIN. I suggest that they go over temporarily and that we get through with the bridge bills, and then take the other bills up later.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read.

The bill (H. R. 14873) for the relief of Chesley P. Key was read twice by its title.

Mr. CARAWAY. Mr. President, I move to substitute the House bill just read by title for Senate bill 1112 and that the House bill be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14873) for the relief of Chesley P. Key, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, and in full settlement against the Government, to Chesley P. Key, of Collinsville, Ill., the sum of $3,500 for injuries of a permanent nature to his spine received when the skylight in the Collinsville post office fell upon him while a patron of said post office on October 27, 1918.

Mr. CARAWAY. Mr. President, I understand the Senator from Utah desires an explanation of the bill. I will make a very brief one. This man was injured permanently by a skylight which fell on him while he was in the post-office building where he went to get his mail. The injury resulted in almost total disability.

Mr. KING. I have no objection, but, Mr. President, we are under great disadvantage because these bills are not on our file and we have no knowledge of their provisions. I have, however, no objection to this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1112 will be indefinitely postponed.

LEON FREIDMAN

The bill (H. R. 3044) for the relief of Leon Freidman was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NORRIS. Mr. President, as to these bills we have no reports in our files.

Mr. WATSON. Why do we go on with these bills when there are no reports with them?

Mr. BORAH. Mr. President, there is one bill that does have a report which I should like to have considered.

Mr. CARAWAY. Mr. President, may I say a word in reference to the bill the title of which has just been read?

The PRESIDING OFFICER. In the interest of good order the Chair will ask Senators desiring to take the floor to address the Chair.

Mr. CARAWAY. Mr. President, I understood the Senator from Nebraska to suggest that there was no report with the bill the title of which has just been read. The individual named in the bill entered a plea and was fined under the Lever Act after the Supreme Court held that the law was unconstitutional and void. The Department of Justice asked that the fine be returned to him. There is no contention about the merits of the case.

Mr. NORRIS. I have no objection to the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3044) which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Leon Freidman, out of any money in the Treasury not otherwise appropriated, the sum of $2,750, the amount of a fine paid by Leon Freidman in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. EDWARD BURKE

The bill (H. R. 3047) for the relief of J. Edward Burke was announced as next in order.

Mr. KING. Mr. President, I am going to ask that the bills that have not been placed on our desks and which are not accompanied by reports may go over. We have absolutely no information concerning them. I ask that we discontinue considering such bills.

Mr. McKELLAR. The Senator does not object to bridge bills being passed, does he?

Mr. KING. No.

Mr. McKELLAR. The next bills on the calendar are bridge bills. Let them be called.

The PRESIDING OFFICER. Senators will address the Chair.

Mr. BORAH. Mr. President, I desire to ask unanimous consent for the consideration of Order of Business No. 2041, being House bill 12189.

The PRESIDING OFFICER. Is there objection?

Mr. SACKETT. Mr. President, are we not to proceed with the calendar until the call is completed? I object if we are not going to consider the remaining bills on the calendar.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does he yield to the Senator from Alabama?

Mr. BORAH. I have no desire to interfere with the orderly procedure on the calendar, but I understood that there was going to be an objection raised to the bills now being called by reason of the fact that the reports on the bills are not here. I have a bill accompanying which there is a report. I should like to secure action on the bill, as its prompt passage is urgent.

Mr. HEFLIN. I was going to say to the Senator there is only one bill on the calendar to be considered before we reach the bridge bills, of which there are several.

Mr. BORAH. Very well.

The PRESIDING OFFICER. The Chair understands that the Senator from Utah [Mr. KING] objected to Order of Business 2024, being House bill 3047, and the bill wil be passed over.

WABASH RIVER BRIDGE AT NEW HARMONY, IND.

The bill (S. 5858) authorizing the New Harmony Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, in section 1, on page 1, line 6, after the word "assigns," to strike out "or his or their heirs, legal representatives, and assigns," so as to make the section read:

That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the New Harmony Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near New Harmony, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

The amendment was agreed to.

The next amendment was in section 2, page 2, line 7, after the word "assigns" to strike out "(or his or their heirs, legal representatives, and assigns)"; so as to make the section read:

SEC. 2. There is hereby conferred upon the New Harmony Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

The amendment was agreed to.

The next amendment was in section 3, page 2, line 21, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)," so as to make the section read:

SEC. 3. The said New Harmony Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 12, after the words "expiration of," to strike out "20" and insert "5," so as to make the section read:

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Illinois, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 25, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)," and on page 5, line 17, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)," so as to make the section read:

SEC. 6. The New Harmony Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Indiana and Illinois, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said New Harmony Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

The amendment was agreed to.

The next amendment was on page 6, section 7, line 4, after the word "assigns," to strike out "(or his or their heirs, legal representatives, and assigns)"; so as to make the section read:

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New Harmony Bridge Co., its successors and assigns; and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

The amendment was agreed to.

The next amendment was on page 6, after line 11, to insert a new section as follows:

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

The amendment was agreed to.

The next amendment was on page 7, line 4, to change the number of the section from "8" to "9."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the New Harmony Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind."

COOSA RIVER BRIDGE AT GILBERTS FERRY, ALA.

The bill (H. R. 16432) granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA, TENN.

The bill (H. R. 16719) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at a point suitable to the interest of navigation opposite or near Chattanooga, Hamilton County Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAGINAW & MANISTEE LUMBER CO.

The bill (S. 5716) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co. was announced as next in order.

Mr. HAYDEN. There is on the calendar a House bill which is identical with the Senate bill. It is House bill 12198. I ask that it may be substituted for the Senate bill and considered at this time.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12198) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co., which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to grant to the Saginaw & Manistee Lumber Co. timber from national forest lands in Arizona, to be cut and removed under such conditions as the Secretary of Agriculture may require, in exchange for timber or seed trees of at least equal value, as determined by the said Secretary, on lands of the United States on which the said company has timber rights under the act of April 1, 1918 (40 Stat. p. 1358).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STOREKEEPER-GAUGERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. GEORGE. Mr. President, I think perhaps the Senator is familiar with the bill, but I may say that this bill is recommended by the Treasury Department.

Mr. KING. If the Senator will pardon me, I am familiar with the purpose of the bill. There are a large number of persons engaged as gaugers, but their time is not completely occupied.

Mr. GEORGE. They now work on a per diem basis, and they work, perhaps, for only a little while a day.

Mr. KING. And this bill is to increase the compensation for men whose work is diminishing.

Mr. GEORGE. This bill does not increase the money which the Government will have to pay, but it will enable the Government to require their entire time.

Mr. KING. It will mean, of course, that they will get more pay, but they will be used, perhaps, by other departments.

Mr. SACKETT. They will be used in other departments. There are only 260 of them left. We used to have 2,500 or 3,000. It is rather difficult work and requires an expert, and we can not get the right kind of men, on the basis of part-time employment, for the plants where alcohol is denatured and for the concentration warehouses. As I have said, only a comparatively few of these employees are still left there.

Mr. KING. But they are still there.

Mr. SACKETT. They are all under civil service. It is the only corps in the whole Treasury, as I understand, that is

still left on a per diem. In all fairness, they ought to be put in the same class as the other people in the department.

Of course, this is important in my State, where formerly we had a great many of these people, and where a few of them are left. So far as I can see, there is no effort here to do anything that is not in the interest of the Government. The bill passed the House unanimously.

Mr. KING. If they would concentrate the deposits of alcohol and liquor, and restrict the number of employees and gaugers, it would be far better for the Government; but there are a number of these employees, and of course it is desired to keep them on the roll, and they have not enough to do, and the theory is that they will be assigned to other labor.

Mr. SACKETT. I think the bill is a good bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Oh, the Government has plenty of money, and I suppose we had better let the bill go through.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF PROCEDURE

Mr. REED of Pennsylvania. Mr. President, I want to suggest, in fairness to the bills themselves, that from here on the Senate should not proceed any further with the calendar. The bills are not in the files. There are no reports. We can not act intelligently on them. Many bills would be put over that otherwise would be passed; and if we start on the calendar again we will start after those bills instead of before them.

Mr. ROBINSON of Arkansas. The reports probably will be available to-morrow.

Mr. REED of Pennsylvania. I should think so.

Mr. NORBECK. There is a good deal to what the Senator says, but there are some exceptions. In some cases we have House bills here that are exactly the same as Senate bills that have been previously passed.

The PRESIDING OFFICER. The Chair will state to the Senate that under the unanimous-consent agreement it was agreed not only that we should go through the calendar but that bills reported to-day, on which there could not possibly be printed reports, should also be considered.

Mr. NORRIS. Mr. President, in accordance with that suggestion, unless we are taking up some more of these bills on the calendar, I want to ask the Chair to lay before the Senate——

Mr. GEORGE. Mr. President, let us finish the calendar first. When we reach a bill here that can not be satisfactorily explained, of course, any Senator is privileged to have it go over.

Mr. NORRIS. I have no objection.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

PATUXENT RIVER BRIDGE, CALVERT COUNTY, MD.

The bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md., was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill inadvertently was passed over while the clerk was reading the bills, and, without objection, it will be considered at this time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMANDER FRANCIS JAMES CLEARY, UNITED STATES NAVY

The bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 7, after the word "Navy," to strike out "on the 13th day of January, 1926, as an additional number in grade to perform engineering duty only, with rank as such immediately after Capt. Earl Peck Finney, United States Navy: *Provided*, That nothing herein shall be construed to entitle Commander Francis James Cleary, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank," and to insert "on the date of this act," so as to make the bill read:

Be it enacted, etc., That hereafter Commander Francis James Cleary, United States Navy, an additional number in grade and designated to perform engineering duty only, shall be regarded as having been promoted to the rank of captain in the United States Navy on the date of this act.

Mr. REED of Pennsylvania. Mr. President, may we have an explanation of that bill?

Mr. STEIWER. Mr. President, the printed bill is not in the calendar, but it has been printed and furnished to the Senate. I have the bill before me, and also the committee's report.

The person here named, Francis James Cleary, was a commander in the United States Navy, and has been in the regular service of the Navy for 29 years. Long ago in his service he lost a leg on account of a disability incurred in line of duty. He was made an extra number in grade and promoted from time to time, first by act of Congress and subsequently by recommendation of the selection board. At the recent consideration of his case, however, he was passed over by the board; and we find, upon consideration of this House bill, a rather unusual circumstance.

Undoubtedly he is entitled to the benefit of section 1494, which provided that he need not be physically fit for sea service in order to be eligible for promotion. The evidence before the subcommittee indicated that inadvertently the benefits of that act had not been extended to him. The report of the House committee states that he had been denied promotion because of his physical defect, and that had such defect been entirely disregarded he would have been assured, by his professional career in the Navy, of selection and promotion. Testimony before a subcommittee of the Senate Committee on Naval Affairs corroborates this conclusion.

It is merely for the purpose of seeing to it that the benefits of this act are extended to this officer that this bill is thought worth our while at this time.

Unfortunately, a real emergency exists. This man will go out of the service in September next by age unless relief is extended to him at this time.

May I read just another sentence from the committee report to show the attitude of the subcommittee upon this matter? The committee state that they consider that the system of promotion by selection now in effect in the Navy is based upon firm grounds, and believe in supporting the decisions of the selection boards and discouraging private legislation seeking to override such decisions.

The promotion of Commander Cleary by this bill is not considered by the committee as negating the action of the selection boards in any sense, and is recommended only because of the special circumstances of Commander Cleary's physical disqualification by wounds received in line of duty as stated above, and to insure that this disabled officer receive the benefits of section 1494, Revised Statutes.

We felt that this case was especially deserving, and should receive favorable consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. The Chair desires to state that owing to the late hour to which the Senate sat last night, it has been impossible for the pages to distribute the printed copies of the rest of the bills on the calendar; but the printed reports are available here, and any Senator may secure a copy by calling for one at the desk.

BILL PASSED OVER

The bill (S. 5865) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887, was announced as next in order.

Mr. BLACK. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN WESLEY CLARK

The bill (H. R. 13869) for the relief of John Wesley Clark was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. JOHN J. POWERS, QUARTERMASTER CORPS

The bill (H. R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, I will ask the Senator from South Dakota, what is the amendment?

Mr. NORBECK. The bill as amended will be exactly the same as the Senate bill that passed the Senate some time ago.

The purpose of the bill is to give Porto Rico the advantage of the farm loan act, in order to meet their very distressing conditions.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 2, line 12, after the words "sum of," to strike out "$15,000" and insert "$25,000," so as to make the bill read:

Be it enacted, etc., That the second paragraph of section 4 of the Federal farm loan act (U. S. Code of Laws, title 12, sec. 672), as amended, is amended to read as follows:

"The Federal Farm Loan Board shall establish in each Federal land-bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land-bank district. Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this act are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall not exceed the sum of $25,000 to any one borrower and shall be subject to the restrictions and provisions of this act (chap. 7 of title 12, U. S. C.), except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per cent in excess of the rate borne by the last preceding issue of farm-loan bonds of the Federal land bank with which such branch bank is connected: *Provided,* That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

J. H. B. WILDER

Mr. HARRIS. Mr. President, in my absence just now a bill introduced by me was reached; my colleague made a statement about it and it went over without prejudice. It is Senate bill 5715, Order of Business 1949.

This man made a contract with the Government for the erection of a public building at Forsyth, Ga.; the war came on, and he has presented affidavits here, which the committee has read, showing his losses. I will say to the Senator from Utah that no interest is included in the bill. Not only that, but the man lost every dollar he had in the world and he is now an object of charity. He lost it because the Government bid up the prices so against him that the building cost him that much more; and that is all he is asking for.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HARRIS. Certainly.

Mr. KING. The Senator will recall that we passed a bill, or several bills, immediately after the war under which contractors who had suffered as the Senator has indicated this contractor suffered would have an opportunity to present their claims to the War Department or the Navy Department, as the case might be, and an adjustment would be made. Why did not this contractor present his claim to the Government through the channels that have been provided by the Government?

Mr. HARRIS. His books were burned, his home was burned, and he had no insurance. He lost everything on this contract, and then his home was burned, and that left him without anything; and he lost this amount because the Government bid against him after making this contract. He shows that, and the committee recommended the passage of the bill, and I sincerely hope there will be no objection to it. It is not possible to get the bill through the House at this session, but I should like to have it pass the Senate.

The PRESIDING OFFICER. Is there objection to returning to the bill?

Mr. KING. Mr. President, I shall not object to the consideration of this bill, but I wish to ask the Senator a question.

When Congress provided in a very generous mood—and I thought it was an unwise provision—for every contractor to submit his case to the instrumentalities set up and provided funds to meet the losses that resulted by reason of the change in industrial and other conditions, and persons failed to avail themselves of it and years afterwards come and ask Congress to take up their case in a special way when we had set up, as I say, machinery to determine whether there were losses and ascertain the losses and pay them, does not the Senator think it will be a bad precedent? Others will come who failed to present their claims for one reason or another; and now, years afterwards, when the evidence to ascertain the facts is out of the hands of the Government, we will be called upon to pay millions, or large sums of money, at any rate.

Mr. HARRIS. Ordinarily, I should agree with the Senator; but the man's books were burned when his home was burned, and he could not comply with some provisions of the law. He has statements here, however, from the men from whom he actually bought this material, showing his losses, and showing the difference between the prices at the time the contract was made and those that he had to pay afterwards, because the Government commandeered all this material. The case is an unusual one, and a very deserving one.

Mr. KING. I can only say in reply to the Senator that the man should have presented his claim to the Government, and alleged that his books were burned, and offered secondary evidence; and under the agency set up he could have been compensated.

I shall not object to the consideration of the bill, but I shall feel constrained to vote against it.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that the Senate return to Order of Business 1949, Senate bill 5715, which was passed over without prejudice in the Senator's absence. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5715) for the relief of J. H. B. Wilder, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to J. H. B. Wilder, of Macon, Ga., or his legal representatives, out of any money in the Treasury not otherwise appropriated, such sum as in the judgment of the Secretary of the Treasury, and not in excess of $7,106.96, would represent the approximate interest cost to said J. H. B. Wilder, based upon changed conditions due to the World War, of completing his contract for the construction of the Federal building at Forsyth, Ga.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF FOR DESERT-LAND ENTRYMEN

The bill (S. 5730) amending the act of March 4, 1915, providing relief for desert-land entrymen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and insert:

That where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1922, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has in good faith expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee 90 days from notice within which to pay to the register of the United States Land Office 50 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this act, and thereafter within one year from the date of the filing of such election to pay to the register the additional amount of $1.50 an acre, which shall entitle him to a patent for the land: *Provided,* That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458)."

H. L. REDLINGSHAFER

The bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIE ROSE JEAN BAPTISTE AND OTHERS

The bill (H. R. 12189) for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNUAL PER CAPITA COST IN INDIAN SCHOOLS

The bill (S. 5799) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools, was announced as next in order.

Mr. FRAZIER. Mr. President, Orders of Business 2042 and 2043, Senate bill 5799 and House bill 17079, are identical. I move that the House bill be passed, and that the Senate bill be indefinitely postponed.

Mr. KING. Before that is done, I should like to ask the Senator if he regards it as wise legislation to remove the limitation placed upon the per capita charge?

Mr. FRAZIER. By all means. Under the present law the provision is, as I recall, not to exceed $270 per pupil for 200 or less pupils in a school. It is impossible to feed and clothe and care for those children under those circumstances. The present Budget for this year provides for $285. They have raised it about $15 or $20, if the pupils do not exceed 200 in number. The provision for the meals, under the old schedule, is not to exceed 25 cents a day for meals, and in some instances it runs much less than that. The Budget for the coming year will provide about 30 cents a day if this bill goes through.

Mr. KING. Perhaps the limit ought to be raised, no doubt it should be, but I was wondering the Senator thought it wise——

Mr. FRAZIER. I would not object if for a year or two they had a little more than they really needed in some of these schools, because the children have been starved almost to death altogether too long.

Mr. KING. If these bills are passed, then there will be no limit whatever?

Mr. FRAZIER. The limit will be taken off; yes.

Mr. KING. And it will be left entirely to the superintendents or others in charge?

Mr. FRAZIER. It will be in the discretion of the Bureau of the Budget. Now, that we have the Budget system, there is no danger of too much money being spent on the Indian children.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 17079, to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5799 will be indefinitely postponed.

LEO BYRNE

The bill (H. R. 14850) authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of $100 a month, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from Missouri, in view of the fact that we have a compensation act, why this bill does not provide that this man shall have the benefit of the compensation act, without fixing the amount? It seems to me that is discrimination.

Mr. HAWES. Mr. President, this boy went to a training camp—Camp Knox—was ordered on a tower, and the tower fell and crushed him. He has been in Walter Reed Hospital ever since. He is completely paralyzed. I understand the legislation must take this form in order that he may receive $100 a month. The man can not live very long. His family have done everything they can.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHERRY CREEK BRIDGE, SOUTH DAKOTA

The bill (H. R. 16659), to authorize an appropriation to pay half the cost of a bridge across Cherry Creek on the Cheyenne River Indian Reservation, S. Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHEYENNE RIVER INDIAN RESERVATION BRIDGE, SOUTH DAKOTA

The bill (H. R. 16660) to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIR TRANSPORTATION OF MAIL

The bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, that appears to be an important bill.

Mr. MOSES. Mr. President, this bill is before us as a result of one of the reports made by the committees to-day, and so is included in the unanimous-consent agreement. This particular bill, I will say, is the same bill that passed the Senate about two weeks ago, but when it reached the House it was discovered that the words "or Territories" should have been included in several places in the text in order that we might have air-mail connections with the Territory of Alaska and the Territory of Porto Rico. The House in its wisdom, however, instead of making those simple amendments and sending them to the Senate for concurrence, proceeded to pass a bill of their own.

Mr. REED of Pennsylvania. Mr. President, is Porto Rico a Territory?

Mr. MOSES. It is within the jurisdiction of the present distinguished occupant of the chair [Mr. BINGHAM], the chairman of the Committee on Territories and Insular Possessions.

Mr. REED of Pennsylvania. I think it will be found on investigation that it is not a Territory.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREE PUBLIC LIBRARY, DISTRICT OF COLUMBIA

The bill (H. R. 16662) to authorize appropriations for buildings, sites, and other facilities for the free Public Library of the District of Columbia, was announced as next in order.

Mr. KING. What is that bill? Is that the one calling for an appropriation of $2,000,000?

ORDER OF BUSINESS

Mr. REED of Pennsylvania. Mr. President——

Mr. KING. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I have no desire to impede the passage of proper bills, but I submit in all earnestness that it is not befitting the dignity of the Senate of the United States to pass bills that are not on the calendar, of which copies are not available to Senators, without any reports from the committees, without knowing in many cases from what committee they came, or what Senator reported them. I object to this bill, and I am going to object to all others.

Mr. FESS. Mr. President, there has been messaged to the Senate a joint resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus, which was referred to the Committee on the Library. I ask that the Senate proceed to the consideration of the joint resolution now.

Mr. REED of Pennsylvania. We had better finish the unanimous-consent arrangement. I do not believe many Senators knew that there was unanimous consent to consider these bills in the dark.

Mr. JONES. Mr. President, I would like to say that it was a part of the unanimous-consent agreement that bills that should be reported to-day might be considered. That was a part of the agreement.

Mr. KING. If we are to consider them, let us have each one read; and if there is a report let us have that read.

Mr. RANSDELL. Mr. President, I have a bill which I think comes under the unanimous-consent agreement. It was a bill to authorize the construction of a bridge across the Red River in Louisiana. A similar bill, House bill 16928, has passed the House of Representatives, and I want to have the House bill substituted for the Senate bill.

Mr. FESS. Mr. President, what became of my request for unanimous consent?

Mr. RANSDELL. Mr. President, I want the House bill substituted for the Senate bill.

The VICE PRESIDENT. Did the Senator from Ohio ask unanimous consent?

Mr. FESS. I have made a request for unanimous consent, and I ask the clerk to read the report of the committee.

Mr. ROBINSON of Arkansas. Mr. President, ample opportunity will be afforded to-morrow to proceed with the consideration of the bills which have not been disposed of to-day. I am not going to object to the request of the Senator from Louisiana, but we have been in session now eight hours, we were in session nearly all night; and this arrangement is a very bad one, as pointed out by the Senator from Pennsylvania [Mr. REED]. I am going to object to requests hereafter for consideration of bills that had not been made before I rose. I have stated that I would not object to the request of the Senator from Louisiana.

Mr. FESS. The Senator will not object to my request, will he?

Mr. SWANSON. Mr. President, I would like to have the unanimous-consent agreement read, to see if it is being carried out in good faith. I consented to the unanimous-consent request——

The VICE PRESIDENT. The Senate will be in order.

Mr. SWANSON. These bills have to be considered. I want to know whether this unanimous-consent agreement is being carried out in good faith or not.

Mr. KING. When the unanimous-consent agreement was entered into we supposed we would have the bills and reports before us. No one supposed we would proceed in the dark. I shall move to adjourn in a few moments if this is insisted on.

Mr. WALSH of Massachusetts. May I inquire how many reports there are to be passed upon?

The VICE PRESIDENT. The Chair is informed there are 30 or 40.

Mr. SWANSON. Let us have the unanimous-consent agreement read, and see what we agreed to. We will all carry out what we agreed to. I have never known a unanimous-consent agreement to be broken in the Senate in the years I have been here.

Mr. ROBINSON of Arkansas. When any bill is called, any Senator may demand that it be passed over.

Mr. SWANSON. That is right.

Mr. ROBINSON of Arkansas. It is no violation of the agreement. I give notice that I will object to the consideration of all bills, the reports on which are not available, with the understanding that they can easily be considered to-morrow. If the Senate wants to go ahead and have a number of bills called, it is at liberty to do so.

Mr. SWANSON. Mr. President, I ask that the unanimous-consent agreement be read.

Mr. ROBINSON of Arkansas. There is no occasion for reading it.

Mr. SWANSON. Let us see whether Senators are carrying it out in good faith when they say "I will object."

Mr. ROBINSON of Arkansas. The agreement was to consider unobjected bills.

Mr. SWANSON. I insist on it being read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the unanimous-consent agreement.

Mr. REED of Pennsylvania. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. WATSON. Oh, no. Mr. President——

Mr. SWANSON. I make a point of order——

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

Mr. REED of Pennsylvania. I withdraw the motion.

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of the bill to continue the power and authority of the Federal Radio Commission. I do that with the understanding that immediately after the adoption of the motion, if it shall be adopted, we shall proceed to the consideration of executive business, to consider unobjected nominations.

Mr. JONES. Mr. President, I have a conference report here that I want to have taken up. It has been understood all afternoon that it would be taken up.

Mr. WATSON. Of course, I did not know about that.

Mr. JONES. I have been in touch with the leader on this side all afternoon.

Mr. ROBINSON of Arkansas. What is the conference report?

Mr. WATSON. The Senator has no objection to the adoption of my motion, has he?

Mr. JONES. No.

Mr. WATSON. After the radio bill is made the unfinished business I will temporarily lay it aside.

FEDERAL RADIO COMMISSION

The VICE PRESIDENT. The Senator from Indiana moves that the Senate proceed to the consideration of Senate bill 4937, continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WATSON. Mr. President, I ask that the unfinished business, the radio bill, temporarily be laid aside.

IMMIGRATION

Mr. COPELAND. Mr. President, I present a report from the Committee on Immigration and ask that with it be printed the House report, and a letter from the Department of Labor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

LOAD LINES FOR AMERICAN VESSELS

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Restore the word "foreign," and at the end of line 8, page 1, change the period to a comma and insert the words "the Great Lakes excepted," and on page 2, at the end of line 3, change the period to a comma and insert the words "the Great Lakes excepted"; and the House agree to the same.

Amendment numbered 45: That the Senate recede from its disagreement to the amendment of the House numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 9. The Secretary of Commerce is directed to make a comprehensive study of load line legislation in the coastwise and intercoastal trade and the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report."

And the House agree to the same.

W. L. JONES,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
Managers on the part of the Senate.

WALLACE H. WHITE, JR.,
FREDERICK R. LEHLBACH,
A. M. FREE,
EWIN L. DAVIS,
S. O. BLAND,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Is the report unanimous?

Mr. JONES. I move that the Senate proceed to the consideration of the report.

Mr. ROBINSON of Arkansas. Mr. President, I shall ask that the report go over under the rule if the Senator moves to proceed to the consideration of it now. Is the report unanimous?

Mr. JONES. I want to explain it. We first had a unanimous report, signed by all the conferees on the part of the House and all the conferees on the part of the Senate. The report went to the House, and a point of order was made against it on the ground that there was a provision in it for further investigation by the Secretary of Commerce. The bill went back to conference, and we agreed on the same thing we had agreed on before, except that we left out that provision.

Then all the conferees signed the report, both Democrats and Republicans. The Democratic members of the House conference committee said, "We do not care about signing the report," but

said they would make no opposition to it. It went back and was adopted by the House with very little trouble.

Mr. ROBINSON of Arkansas. The conference report has been adopted by the House?

Mr. JONES. Yes. I now move that the Senate proceed to the consideration of the conference report. That motion is not debatable.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington to proceed to the consideration of the conference report.

The motion was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JONES. Mr. President, let me make just a brief explanation. This is the load-line legislation. We passed the bill through the Senate at the last session and it has been over in the House ever since. The bill as it passed the Senate applied the load-line principle only to vessels in foreign trade. It was understood that under the language of the bill the Great Lakes were excepted. The bill went to the House as I have stated.

The bill as agreed to by the conferees is substantially the bill that passed the Senate with the express provision that the Great Lakes are excepted. That in brief is what the conference report is. The Senate bill has been practically agreed to in every respect. The House receded from their amendment applying the legislation to coastwise trade, so that the legislation does not apply in any way to coastwise trade. It simply applies to vessels engaged in foreign trade. The trade on the Great Lakes is expressly excepted, as the Senate committee believes it was excepted by the language of the bill.

Mr. COPELAND. I would like to ask, before we proceed with any discussion of the conference report, if there was some change made in the conference report to-day. Is the situation the same as it was when I discussed the matter yesterday with the Senator from Washington?

Mr. JONES. There has been no change to-day. On yesterday we had the new conference and we struck out all of section 9, which dealt with coastwise trade, and also the amendment cutting out the word "foreign" from the bill. The word "foreign" was restored in section 1 so as to make it clear that it applies only to foreign trade. Section 9 was all stricken out so that there was no application whatever to the coastwise trade.

Mr. COPELAND. Mr. President, I hope the Senator is right, but I have just looked over the report——

Mr. JONES. Mr. President, if the Senator will pardon me just a moment.

Mr. COPELAND. I yield.

Mr. JONES. Of course, I know we have been here all day and we were here nearly all night last night. If it is satisfactory to the Senator and if the Senate would prefer, I am perfectly willing to let the conference report go over until morning, with my motion pending.

Mr. COPELAND. There are certain serious objections to the bill which perhaps will be explained away by the Senator from Washington, but I would not be willing to let the conference report be adopted now without giving consideration to it.

Mr. JONES. The Senator possibly can examine it to-night. I ask that the conference report may go over, retaining its position, until the opening of the session to-morrow.

The VICE PRESIDENT. Without objection it is so ordered.

RED RIVER BRIDGE, MONTGOMERY, LA.

Mr. RANSDELL. Mr. President, I ask unanimous consent that a bill from the House (H. R. 16725) authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La., may be laid before the Senate.

There being no objection, the bill was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, L. L. Thompsen, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Red River, at a point suitable to the interests of navigation at or near Montgomery, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Louisiana, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation of expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Louisiana, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. L. L. Thompsen, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Louisiana, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Louisiana shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said L. L. Thompsen, his heirs, legal representatives and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to L. L. Thompsen, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof; and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill No. 5720, of the same title, will be indefinitely postponed.

MEMORIAL TO OSCAR S. STRAUS

Mr. FESS. Mr. President, from the Committee on the Library I report back favorably without amendment the joint resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he hereby is, authorized and directed to select a suitable site and to grant permission to any association or associations organized within two years from the date of the approval of this resolution for that purpose, to erect as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., a monument or memorial in memory of Oscar S. Straus: *Provided*, That the site chosen and the design of the monument or memorial shall be approved by the Commission of Fine Arts; that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital; and that the United States shall be put to no expense in or by the erection of said monument or memorial.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. HALE. Mr. President, when the calendar was called this afternoon the Senator from Utah [Mr. KING] objected to a bill——

Mr. NORRIS. Just a moment, Mr. President. I want to appeal to Senators not to try to bring up any other bills to-night. We are going to have an executive session, I understand; the Senator from Washington [Mr. JONES] has agreed to lay aside his conference report, and I must object to any other business being called up in this way to-night.

Mr. CURTIS. Mr. President, it is my desire to ask for an executive session and then to move that the Senate take a recess until 10 o'clock to-morrow morning and then, after the radio bill is before the Senate, I ask unanimous consent to complete the call of unobjected bills on the calendar beginning where we left off to-night.

Mr. HEFLIN. Mr. President, that is what I was just about to ask.

Mr. CURTIS. At the request of many Senators, I will change the hour of meeting until 11 o'clock to-morrow morning.

Mr. GEORGE. Mr. President, let me make an inquiry, because I did this yesterday and we seem to have gotten into a jam about it to-day. Will we be privileged to consider matters on which committees are ready to make reports?

Mr. CURTIS. Reports can be made, but if there are no reports several Senators say they will object to taking up bills. They do not care to consent to the consideration of bills where there is no report accompanying the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

TRANSFER OF FEDERAL LAND TO SAVANNAH, GA.

Mr. GEORGE. Mr. President, I ask unanimous consent that the chairman of the Committee on Public Buildings and Grounds [Mr. KEYES] be now permitted to submit a report to the Senate. I think I can explain in one minute what it is, and then I shall have no objection to the request of the Senator from Kansas.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KEYES. Mr. President, from the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (H. R. 17026) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes, and I submit a report (No. 2037) thereon.

Mr. GEORGE. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution. It simply authorizes the Treasury, in its discretion, to exchange not to exceed 22 feet of land for 65 feet of land in the city of Savannah. It is a necessary exchange for the public building authorized at Savannah.

Mr. NORRIS. Mr. President, I feel inclined to object. We can take all these matters up to-morrow. Every Senator in the Chamber is now on his feet evidently wanting something done, and I object to any further business of this kind to-night.

Mr. GEORGE. Very well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS were appointed managers on the part of the House at the conference.

ADDITIONAL REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5875) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., reported it with an amendment and submitted a report (No. 2027) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16982) authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala. (Rept. No. 2028);

A bill (H. R. 17007) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky. (Rept. No. 2029);

A bill (H. R. 17075) to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak. (Rept. No. 2030);

A bill (H. R. 17127) to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa (Rept. No. 2031);

A bill (H. R. 17140) to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio (Rept. No. 2032);

A bill (H. R. 17141) to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio (Rept. No. 2033); and

A bill (H. R. 17185) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill. (Rept. No. 2034).

Mr. JONES, from the Committee on Commerce, to which was referred the bill (H. R. 17060) to readjust the commissioned personnel of the Coast Guard, and for other purposes, reported it without amendment and submitted a report (No. 2036) thereon.

Mr. HARRIS, from the Committee on Immigration, to which was referred the bill (H. R. 16440) relating to declarations of intention in naturalization proceedings, reported it with an amendment and submitted a report (No. 2035) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 14089) for the relief of Dale S. Rice (Rept. No. 2038); and

A bill (H. R. 17101) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes (Rept. No. 2039).

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6705) for the relief of Clotilda Freund (Rept. No. 2040);

A bill (H. R. 10321) for the relief of B. P. Stricklin (Rept. No. 2041); and

A bill (H. R. 14583) for the relief of A. Brizard (Inc.) (Rept. No. 2042).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2268) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold (Rept. No. 2043);

A bill (H. R. 6698) for the relief of William C. Schmitt (Rept. No. 2044);

A bill (H. R. 8691) for the relief of Helen Gray (Rept. No. 2045);

A bill (H. R. 9396) to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War (Rept. No. 2046);

A bill (H. R. 11339) for the relief of the estate of C. C. Spiller, deceased (Rept. No. 2047);

A bill (H. R. 12255) for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased (Rept. No. 2048);

A bill (H. R. 13734) for the relief of James McGourty (Rept. No. 2049);

A bill (H. R. 13801) for the relief of John Bowie (Rept. No. 2050);

A bill (H. R. 14022) for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service (Rept. No. 2051); and

A bill (H. R. 16535) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America (Rept. No. 2052).

Mr. CARAWAY, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings (Rept. No. 2053);

A bill (H. R. 16090) for the relief of Hugh Dortch (Rept. No. 2054); and

A bill (H. R. 16122) for the relief of E. Schaaf-Regelman (Rept. No. 2055).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 10912) to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him (Rept. No. 2056); and

A bill (H. R. 16342) for the relief of Clyde H. Tavenner (Rept. No. 2057).

Mr. STEIWER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 7174) granting compensation to William T. Ring (Rept. No. 2058); and

A bill (H. R. 8401) for the relief of Jack Mattson (Rept. No. 2059).

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5995) for the relief of John F. O'Neil, reported it without amendment and submitted a report (No. 2060) thereon.

He also, from the Committee on Finance, to which was referred the bill (S. 5631) to amend the World War adjusted compensation act, as amended, reported it with amendments and submitted a report (No. 2061) thereon.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

SUPPLEMENTARY EXTRADITION TREATY, ADDING INFRACTIONS OF LAWS CONCERNING POISONOUS SUBSTANCES TO OFFENSES COVERED IN EXTRADITION TREATY OF JANUARY 6, 1909

In executive session this day the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I submit herewith a supplementary extradition treaty between the United States and the Republic of France, signed at Paris on January 15, 1929, adding "Infractions of the laws concerning poisonous substances" to the list of crimes and offenses on account of which extradition may be granted under the convention concluded between the United States and France on January 6, 1909.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 11, 1929.*

To the PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a supplementary extradition treaty between the United States and the Republic of France, signed at Paris on January 15, 1929, adding "Infractions of the laws concerning poisonous substances," to the list of crimes and offenses on account of which extradition may be granted under the convention concluded between the United States and France on January 6, 1909.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 9, 1929.

The United States of America and the Republic of France being desirous of enlarging the list of crimes and offences on account of which extradition may be granted under the Convention concluded between the United States and France January 6, 1909, have resolved to conclude a supplementary Convention for this purpose and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America:

Mr. Norman Armour, Chargé d'Affaires ad interim of the United States of America at Paris, and

The President of the French Republic:

His Excellency M. Aristide Briand, Minister for Foreign Affairs; who have agreed to and concluded the following articles:—

ARTICLE I

To the list of crimes and offences numbered 1 to 15 in the second article of the said Convention of January 6, 1909, the following, contained in a paragraph 16, is added:

16. Infractions of the laws concerning poisonous substances.

ARTICLE II

The present Convention shall be considered as an integral part of the said extradition Convention of January 6, 1909, and the second article thereof shall be read as if the list of crimes and offences therein contained had originally comprised the additional infractions of the laws specified and numbered 16 in the first article of the present Convention.

The present Convention shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties and it shall continue and terminate in the same manner as the said Convention of January 6, 1909.

In testimony whereof the respective plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

Done at Paris, this 15 day of January 1929.

NORMAN ARMOUR [SEAL]
A. BRIAND [SEAL]

ARBITRATION WITH NORWAY

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Norway, signed at Washington on February 20, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 25, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Norway, signed at Washington on February 20, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 21, 1929.

The President of the United States of America and His Majesty the King of Norway

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on April 4, 1908, which expired by limitation on June 24, 1928, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Norway:

Mr. H. H. Bachke, His Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which if they have been referred to the Permanent International Commission constituted pursuant to the treaty signed at Washington June 24, 1914, have not been adjusted as a result of this procedure, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of Norway in accordance with the constitutional laws of that Kingdom.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Norway in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the Kingdom of Norway in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Norwegian languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twentieth day of February in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
H. H. BACHKE [SEAL]

LIQUOR TRAFFIC IN AFRICA

In executive session this day the following convention was ratified, and on motion of Mr. BORAH the injunction of secrecy was removed therefrom and from the resolution agreed to in connection therewith:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the convention relating to the liquor traffic in Africa, signed at St. Germain-en-Laye on September 10, 1919.

I further transmit for the information of the Senate a report from the Secretary of State recommending that this convention be ratified with a reservation in regard to arbitral procedure.

Article 8 provides for the submission of disputes arising with respect to the application of the convention to an arbitral tribunal in conformity with the provisions of the covenant of the League of Nations. The Secretary of State feels that this Government should not be bound by the procedure provided for in that article and suggests the adoption of a reservation to the effect that any disputes in which the United States may be concerned, relating to the application of the convention, shall be submitted by agreement with the other parties and in accordance with their constitutional procedure to a court of arbitration constituted in accordance with The Hague convention of October 18, 1907, or to some other court of arbitration.

I concur in the recommendation made by the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 22, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of the convention relating to the liquor traffic in Africa which was signed at St. Germain-en-Laye on September 10, 1919, on behalf of the United States, Belgium, the British Empire, France, Italy, Japan, and Portugal. This convention has been ratified by all the signatory powers with the exception of the United States and Italy.

The purpose of the convention is to continue the struggle against the dangers of alcoholism to African natives through the prohibition of the importation of trade spirits and of beverages injurious to health into the territories in Africa under the control of the contracting parties, excepting Algiers, Tunis, Morocco, Libya, Egypt, and the Union of South Africa and into islands lying within 100 nautical miles of the coast; by the imposition of heavy duties on the importation of other distilled beverages into those territories; and by the prohibition of the manufacture of distilled beverages in the same regions and of the importation and possession of distilling apparatus. Certain exceptions are made in regard to pharmaceutical alcohols required for medical, surgical, or pharmaceutical establishments and for distilling apparatus for similar uses.

Article 7 of the convention provides for the establishment of a central international office placed under the control of the League of Nations, for the purpose of collecting and preserving documents exchanged by the contracting parties, pertaining to the application of certain provisions of the convention. This article also requires that each of the contracting parties shall publish an annual report showing the quantities of spirituous beverages imported or manufactured in the territories concerned and the duties levied and that a copy of this report shall be sent to the central international office and to the secretary general of the League of Nations. The provisions of article 7 obviously would have no application to the United States.

Article 8 provides that in the event of any dispute arising between parties to the convention relating to the application of the convention which can not be settled by negotiation, the dispute shall be submitted to an arbitral tribunal in conformity with the covenant of the League of Nations. As this country is not a member of the League of Nations, it is suggested that in giving its advice and consent to ratification the Senate may desire to make a reservation providing for arbitral reference to some other tribunal.

The United States is a party to the convention for the regulation of the importation of spirituous liquors into certain regions of Africa, signed at Brussels on June 8, 1899, and to the convention signed at Brussels on November 3, 1906, revising the duties imposed by the Brussels convention of June 8, 1899. Chapter VI of the act of Brussels of July 2, 1890, for the repression of the African slave trade, to which the United States is also a party, provides for the restriction of traffic in spirituous liquors.

The first paragraph of article 11 of the convention relating to the liquor traffic in Africa, signed at St. Germain-en-Laye on September 10, 1919, which is the subject of the present report, abrogates the provisions of former general international conventions relating to the matters dealt with in the present convention in so far as they are binding between the powers which are parties to the present convention. Such provisions of those international acts are therefore no longer in force between Belgium, the British Empire, France, Japan, and Portugal, although they are still in force as respects the United States.

While the present convention would in its application impose definite obligations only upon States having colonial possessions in Africa, it is in harmony with the attitude of the United States with respect to the liquor traffic in Africa as expressed in the earlier conventions. It is believed that this Government should continue to give its moral support to efforts to safeguard

the natives of Africa from the dangers of uncontrolled liquor traffic. By ratification of the present convention it would place its relationship to those matters on the basis now subsisting between Belgium, the British Empire, France, Japan, and Portugal in place of the provisions of the older acts which have been so largely abandoned. It is recommended, therefore, that the Senate be requested to give its advice and consent to ratification of the convention, subject to a reservation in respect of the arbitration of disputes.

Accordingly, it is recommended that, if this course meets with your approval, the Senate be requested to take suitable action advising and consenting to ratification of the convention of 1919 relating to the liquor traffic in Africa subject to a reservation that the United States reserves the right to submit any dispute in which it may be concerned, relating to the application of the convention, by agreement with the other parties and in accordance with the constitutional procedure of each State to a court of arbitration constituted in accordance with The Hague Convention of October 18, 1907, or to some other court of arbitration.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, May 22, 1928.

CONVENTION RELATING TO THE LIQUOR TRAFFIC IN AFRICA.

[Translation]

The United States of America, Belgium, the British Empire, France, Italy, Japan and Portugal;

Whereas it is necessary to continue in the African territories placed under their administration the struggle against the dangers of alcoholism which they have maintained by subjecting spirits to constantly increasing duties;

Whereas, further, it is necessary to prohibit the importation of distilled beverages rendered more especially dangerous to the native populations by the nature of the products entering into their composition or by the opportunities which a low price gives for their extended use;

Whereas, finally, the restrictions placed on the importation of spirits would be of no effect unless the local manufacture of distilled beverages was at the same time strictly controlled;

Have appointed as their plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

The Honorable Frank Lyon Polk, Under-Secretary of State;
The Honorable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE BELGIANS:

Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;
Mr. Jules van den Heuvel, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, Minister of State;
Mr. Emile Vandervelde, Minister of Justice, Minister of State;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honorable Arthur James Balfour, O. M., M. P., His Secretary of State for Foreign Affairs;
The Right Honorable Andrew Bonar Law, M. P., His Lord Privy Seal;
The Right Honorable Viscount Milner, G. C. B., G. C. M. G., His Secretary of State for the Colonies;
The Right Honorable George Nicoll Barnes, M. P., Minister without portfolio;
and:
For the Dominion of Canada:
The Honorable Sir Albert Edward Kemp, K. C. M. G., Minister of the Overseas Forces;
For the Commonwealth of Australia:
The Honorable George Foster Pearce, Minister of Defence;
For the Union of South Africa:
The Right Honorable Viscount Milner, G. C. B., G. C. M. G.;
For the Dominion of New Zealand:
The Honorable Sir Thomas Mackenzie, K. C. M. G., High Commissioner for New Zealand in the United Kingdom;
For India:
The Right Honorable Baron Sinha, K. C., Under-Secretary of State for India;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Georges Clemenceau, President of the Council, Minister of War;
Mr. Stephen Pichon, Minister for Foreign Affairs;
Mr. Louis-Lucien Klotz, Minister of Finance;
Mr. André Tardieu, Commissary-General for Franco-American Military Affairs;
Mr. Jules Cambon, Ambassador of France;

HIS MAJESTY THE KING OF ITALY:

The Honorable Tommaso Tittoni, Senator of the Kingdom, Minister for Foreign Affairs;
The Honorable Vittorio Scialoja, Senator of the Kingdom;
The Honorable Maggiorino Ferraris, Senator of the Kingdom;
The Honorable Guglielmo Marconi, Senator of the Kingdom;
The Honorable Silvio Crespi, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN:

Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at London;
Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H. M. The Emperor of Japan at Paris;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC:

Dr. Affonso da Costa, formerly President of the Council of Ministers;
Dr. Augusto Luiz Vieira Soares, formerly Minister for Foreign Affairs;

Who, having communicated their full powers found in good and due form,

Have agreed as follows:

ARTICLE 1

The High Contracting Parties undertake to apply the following measures for the restriction of the liquor traffic in the territories which are or may be subjected to their control throughout the whole of the continent of Africa, with the exception of Algiers, Tunis, Morocco, Libya, Egypt, and the Union of South Africa.

The provisions applicable to the continent of Africa shall also apply to the islands lying within 100 nautical miles of the coast.

ARTICLE 2

The importation, distribution, sale and possession of trade spirits of every kind, and of beverages mixed with these spirits, are prohibited in the area referred to in Article 1. The local Governments concerned will decide respectively which distilled beverages will be regarded in their territories as falling within the category of trade spirits. They will endeavor to establish a nomenclature and measures against fraud as uniform as possible.

ARTICLE 3

The importation, distribution, sale and possession are also forbidden of distilled beverages containing essential oils or chemical products which are recognised as injurious to health, such as thuyone, star anise, benzoic aldehyde, salicylic ethers, hyssop and absinthe.

The local Governments concerned will likewise endeavor to establish by common agreement the nomenclature of those beverages whose importation, distribution, sale and possession according to the terms of this provision should be prohibited.

ARTICLE 4

An import duty of not less than 800 francs per hectolitre of pure alcohol shall be levied upon all distilled beverages, other than those indicated in Articles 2 and 3, which are imported into the area referred to in Article 1, except in so far as the Italian colonies are concerned, where the duty may not be less than 600 francs.

The High Contracting Parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed.

The above prohibition can be suspended only in the case of limited quantities destined for the consumption of non-native persons, and imported under the system and conditions determined by each Government.

ARTICLE 5

The manufacture of distilled beverages of every kind is forbidden in the area referred to in Article 1.

The importation, distribution, sale and possession of stills and of all apparatus or portions of apparatus suitable for distillation of alcohol and the redistillation of brandies and spirits are forbidden in the same area, subject to the provisions of Article 6.

The provisions of the two preceding paragraphs do not apply to the Italian colonies; the manufacture of distilled beverages,

other than those specified in Articles 2 and 3, will continue to be permitted therein, on condition that they are subject to an excise duty equal to the import duty established in Article 4.

ARTICLE 6

The restrictions on the importation, distribution, sale, possession and manufacture of spirituous beverages do not apply to pharmaceutical alcohols intended for medical, surgical or pharmaceutical establishments. The importation, distribution, sale and possession are also permitted of:

(1) Testing stills, that is to say, the small apparatus in general use for laboratory experiments, which are employed intermittently, are not fitted with rectifying heads, and the capacity of whose retort does not exceed one litre;

(2) Apparatus or parts of apparatus intended for experiments in scientific institutions;

(3) Apparatus or parts of apparatus employed for definite purposes, other than the production of alcohol, by pharmacists holding a diploma, and by persons who can show good cause for the possession of such apparatus;

(4) Apparatus necessary for the manufacture of alcohol for industrial purposes, and employed by duly authorized persons, such manufacture being subject to the supervision established by the local administration.

The necessary permission in the foregoing cases will be granted by the local administration of the territory in which the stills, apparatus, or portions of apparatus are to be utilized.

ARTICLE 7

A Central International Office; placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the importation and manufacture of spirituous liquors under the conditions referred to in the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the quantities of spirituous beverages imported or manufactured and the duties levied under Articles 4 and 5. A copy of this report shall be sent to the Central International Office and to the Secretary-General of the League of Nations.

ARTICLE 8

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the Covenant of the League of Nations.

ARTICLE 9

The High Contracting Parties reserve the right of introducing into the present Convention by common agreement after a period of five years such modifications as may prove to be necessary.

ARTICLE 10

The High Contracting Parties will use every effort to obtain the adhesion to the present Convention of the other States exercising authority over territories of the African Continent.

This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering States. The adhesion will come into effect from the date of the notification to the French Government.

ARTICLE 11

All the provisions of former general international Conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, which will inform all the other signatory Powers.

The ratifications will remain deposited in the archives of the French Government.

The present Convention will come into force for each signatory Power from the date of the deposit of its ratification, and from that moment that Power will be bound in respect of other Powers which have already deposited their ratifications.

On the coming into force of the present Convention, the French Government will transmit a certified copy to the Powers which under the Treaties of Peace have undertaken to accept and observe it, and are in consequence placed in the same position as the Contracting Parties. The names of these Powers will be notified to the States which adhere.

In faith whereof, the above-named Plenipotentiaries have signed the present Convention.

Done at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be sent to each of the signatory Powers.

[L. S.] FRANK L. POLK.
[L. S.] HENRY WHITE.
[L. S.] TASKER H. BLISS.
[L. S.] HYMANS.
[L. S.] VAN DEN HEUVEL.
[L. S.] E. VANDERVELDE.
[L. S.] ARTHUR JAMES BALFOUR.
[L. S.] MILNER.
[L. S.] GEO. N. BARNES.
[L. S.] A. E. KEMP.
[L. S.] G. F. PEARCE.
[L. S.] MILNER.
[L. S.] THOS. MACKENZIE.
[L. S.] SINHA OF RAIPUR.
[L. S.] G. CLEMENCEAU.
[L. S.] S. PICHON.
[L. S.] L. L. KLOTZ.
[L. S.] ANDRÈ TARDIEU.
[L. S.] JULES CAMBON.
[L. S.] TOM. TITTONI.
[L. S.] VITTORIO SCIALOJA.
[L. S.] MAGGIORINO FERRARIS.
[L. S.] GUGLIELMO MARCONI.
[L. S.] S. CHINDA.
[L. S.] K. MATSUI.
[L. S.] AFFONSO COSTA.
[L. S.] AUGUSTO SOARES.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P, Seventieth Congress, first session, a convention relative to the liquor traffic in Africa, signed at St. Germain-en-Laye, on September 10, 1919, subject to the following reservation:

Should any dispute whatever arise between any of the high contracting parties and the United States relative to the application of the present convention which can not be settled by negotiation, such dispute shall be submitted to the Permanent Court of Arbitration at The Hague, established by the convention of October 18, 1907, or in such other arbitral tribunal upon which the parties to the dispute may agree.

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being under the previous order, until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 7 o'clock and 30 minutes p. m.), under the order previously entered, took a recess until to-morrow, Friday, March 1, 1929, at 11 o'clock a. m.

NOMINATIONS

Executive nomination received by the Senate February 28 (legislative day of February 25), 1929

UNITED STATES DISTRICT JUDGES

John M. Woolsey, of New York, to be United States district judge, southern district of New York. (Additional position.)

Alfred A. Wheat, of New York, to be United States district judge, eastern district of New York. (Additional position.)

UNITED STATES ATTORNEY

George R. Jeffrey, of Indiana, to be United States attorney, southern district of Indiana, vice Albert Ward, term expired.

UNITED STATES MARSHAL

John H. Vickery, of Oklahoma, to be United States marshal, northern district of Oklahoma, vice Samuel G. Victor, appointed by court.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

To Finance Department

Maj. Lee Roland Watrous, jr., Coast Artillery Corps, effective July 10, 1929, with rank from July 1, 1920.

PROMOTIONS IN THE ARMY

To be colonel

Lieut. Col. Frank Porter Amos, Cavalry, from February 27, 1929.

To be lieutenant colonel

Maj. Jarvis Johnson Bain, Corps of Engineers, from February 27, 1929.

To be major

Capt. Oliver Arlington Hess, Infantry, from February 27, 1929.

To be captains

First Lieut. Adolphus Bernard Pence, Infantry, from January 23, 1929.

First Lieut. William Lincoln Hamilton, Cavalry, from January 24, 1929.

First Lieut. Walter Leui Kluss, Field Artillery, from February 1, 1929.

First Lieut. Ralph Brittin Watkins, Infantry, from February 1, 1929.

First Lieut. Eugene Lawrence Brine, Infantry, from February 1, 1929.

First Lieut. John Edward Adamson, Quartermaster Corps, from February 2, 1929.

First Lieut. Dennis Patrick Murphy, Infantry, from February 8, 1929.

First Lieut. Chauncey Alfred Gillette, Coast Artillery Corps, from February 11, 1929.

First Lieut. Frank Denis Hackett, Air Corps, from February 11, 1929.

First Lieut. Melvin Ray Finney, Infantry, from February 19, 1929.

First Lieut. Frank Fremont Fulton, Finance Department, from February 26, 1929.

First Lieut. Alfred Percy Kitson, Field Artillery, from February 27, 1929.

First Lieut. Preston Ballard Waterbury, Infantry, from February 27, 1929.

First Lieut. Verne Clair Snell, Coast Artillery Corps, from February 27, 1929.

To be first lieutenants

Second Lieut. Heyward Bradford Roberts, Infantry, from January 23, 1929.

Second Lieut. Charles George Meehan, Cavalry, from January 24, 1929.

Second Lieut. Victor Allen Conrad, Signal Corps, from January 27, 1929.

Second Lieut. Robin Bernard Pape, Coast Artillery Corps, from February 1, 1929.

Second Lieut. John Franklin Williams, Field Artillery, from February 1, 1929.

Second Lieut. Harry Jordan Theis, Cavalry, from February 1, 1929.

Second Lieut. Amel Thomas Leonard, Field Artillery, from February 1, 1929.

Second Lieut. Clyde Massey, Cavalry, from February 2, 1929.

Second Lieut. Bruce Woodward Bidwell, Infantry, from February 8, 1929.

Second Lieut. Elmer Ernest Count, jr., Coast Artillery Corps, subject to examination required by law, from February 11, 1929.

Second Lieut. Robert Ward Berry, Coast Artillery Corps, from February 11, 1929.

Second Lieut. Harry Van Wyk, Field Artillery, from February 19, 1929.

Second Lieut. Glenn Bruce McConnell, Field Artillery, February 26, 1929.

Second Lieut. Harold Peabody Tasker, Coast Artillery Corps, from February 27, 1929.

Second Lieut. William Howard Arnold, Infantry, from February 27, 1929.

Second Lieut. Robert Lyle Brookings, Air Corps, from February 27, 1929.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. James Ault Ramsey, Medical Administrative Corps, from February 22, 1929.

CHAPLAIN

To be chaplain with the rank of major

Chaplain Clifford Lore Miller, from February 23, 1929.

PROMOTIONS IN THE NAVY

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, from the 21st day of January, 1929:

Arthur H. Mayo.

Frederick C. Bowerfind.

POSTMASTERS

GEORGIA

Cleone M. Fincher to be postmaster at Culloden, Ga., in place of C. M. Fincher. Incumbent's commission expired January 12, 1929.

Mattie M. Lewis to be postmaster at Fayetteville, Ga., in place of M. M. Lewis. Incumbent's commission expired February 7, 1929.

ILLINOIS

Alvin C. Beigel to be postmaster at Mount Prospect, Ill., in place of William Busse, jr., resigned.

IOWA

Hugh S. Pierce to be postmaster at Hopkinton, Iowa, in place of N. B. Mullan, deceased.

Harold B. Plumb to be postmaster at Waterloo, Iowa, in place of R. C. Eggert, resigned.

MAINE

George O. M. Oberg to be postmaster at Bridgton, Me., in place of P. J. Murphy, deceased.

MASSACHUSETTS

LeRoy H. Fuller to be postmaster at Allerton, Mass., in place of M. A. Alves, resigned.

MICHIGAN

Winnie M. Sinclair to be postmaster at Ada, Mich., in place of Frankie Harris, deceased.

Charles A. Turner to be postmaster at Copemish, Mich., in place of Charles Plowman. Incumbent's commission expired December 12, 1928.

MINNESOTA

Madison H. Gregg to be postmaster at Dexter, Minn., in place of L. E. Williams, removed.

MINNESOTA

Frank Schweiger to be postmaster at Ely, Minn., in place of Frank Schweiger. Incumbent's commission expires March 3, 1929.

Maurice Holden to be postmaster at Garvin, Minn., in place of L. A. Persons, deceased.

MISSISSIPPI

Bettie D. Robertson to be postmaster at Collins, Miss., in place of B. D. Robertson. Incumbent's commission expired February 17, 1929.

MONTANA

Joseph F. Dolin to be postmaster at Medicine Lake, Mont., in place of M. A. Dolin. Incumbent's commission expired December 19, 1928.

NEBRASKA

Orma Borden to be postmaster at Mascot, Nebr., in place of L. L. Swindell, removed.

Irene Hines to be postmaster at St. Columbans, Nebr., in place of Margaret Bolan, resigned.

Lillian A. Elliott to be postmaster at Westpoint, Nebr., in place of L. A. Elliott. Incumbent's commission expired December 11, 1928.

NEW YORK

Henry C. Truex to be postmaster at Bayport, N. Y., in place of E. J. Woods, deceased.

OHIO

Ralph R. Jackson to be postmaster at Piedmont, Ohio, in place of S. C. Compher, resigned.

PENNSYLVANIA

Benjamin F. Parry to be postmaster at Farrell, Pa., in place of W. W. Scowden, deceased.

WEST VIRGINIA

William O. Crawford to be postmaster at Cabincreek, W. Va., in place of C. B. Crawford, resigned.

Monroe Burns to be postmaster at Cairo, W. Va., in place of E. I. Hatfield. Incumbent's commission expired December 18, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28 (legislative day of February 25), 1929

UNITED STATES ATTORNEYS

William L. Vandeventer to be United States attorney, western district of Missouri.

Richard H. Templeton to be United States attorney, western district of New York.

Haveth E. Mau to be United States attorney, southern district of Ohio.

UNITED STATES MARSHAL

Millard M. Owens to be United States marshal, northern district of Florida.

COAST AND GEODETIC SURVEY

Clarence Allan George to be aide (with relative rank of ensign in the Navy).

George Marion Marchand to be aide (with relative rank of ensign in the Navy).

COAST GUARD

To be chief boatswains (L.)

Alfred Rimer.
Berger Benson.
Martinus P. Jensen.
Frank E. Allison.
Sigval B. Johnson.
John E. Tourgee.
Lloyd T. Doughty.
Edward Shambeau.
Ward W. Bennett.
Irwin B. Steele.
Leslie Moore.
Robert W. Hodge.
Mitchell Hamilton.
Stephen F. McInnis.
William J. McGaw.

APPOINTMENT, BY TRANSFER, IN THE ARMY

To Finance Department

Maj. Lee Roland Watrous, jr., Coast Artillery Corps, effective July 10, 1929.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Frank Porter Amos, Cavalry.

To be lieutenant colonel

Jarvis Johnson Bain, Corps of Engineers.

To be major

Oliver Arlington Hess, Infantry.

To be captains

Adolphus Bernard Pence, Infantry.
William Lincoln Hamilton, Cavalry.
Walter Leui Kluss, Field Artillery.
Ralph Brittin Watkins, Infantry.
Eugene Lawrence Brine, Infantry.
John Edward Adamson, Quartermaster Corps.
Dennis Patrick Murphy, Infantry.
Chauncey Alfred Gillette, Coast Artillery Corps.
Frank Denis Hackett, Air Corps.
Melvin Ray Finney, Infantry.
Frank Fremont Fulton, Finance Department.
Alfred Percy Kitson, Field Artillery.
Preston Ballard Waterbury, Infantry.
Verne Clair Snell, Coast Artillery Corps.

To be first lieutenants

Heyward Bradford Roberts, Infantry.
Charles George Meehan, Cavalry.
Victor Allen Conrad, Signal Corps.
Robin Bernard Pape, Coast Artillery Corps.
John Franklin Williams, Field Artillery.
Harry Jordan Theis, Cavalry.
Amel Thomas Leonard, Field Artillery.
Clyde Massey, Cavalry.
Bruce Woodward Bidwell, Infantry.
Elmer Ernest Count, jr., Coast Artillery Corps.
Robert Ward Berry, Coast Artillery Corps.
Harry Van Wyk, Field Artillery.
Glenn Bruce McConnell, Field Artillery.
Harold Peabody Tasker, Coast Artillery Corps.
William Howard Arnold, Infantry.
Robert Lyle Brookings, Air Corps.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. James Ault Ramsey, Medical Administrative Corps.

CHAPLAIN

To be chaplain with the rank of major

Chaplain Clifford Lore Miller.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

To be lieutenants

Arthur A. Clarkson.
Frank R. Walker.
John G. Brown to be lieutenant (junior grade).

To be dental surgeons

William L. Darnall.
Logan A. Willard.
John R. Barber.
George H. Reed.
Franklin L. Morey.
John V. McAlpin.
Edward E. Harris.

To be naval constructor

Noah W. Gokey.

To be commanders

Charles M. Elder.
Rush S. Fay.
Charles M. Cooke, jr.

To be lieutenant commander

Robert L. Porter, jr.

To be lieutenant

Roy R. Darron.

To be lieutenant (junior grade)

Isaac S. K. Reeves, jr.

IN THE MARINE CORPS

To be captains

Sherman L. Zea.
Frank B. Geottge.

To be first lieutenants

Caleb T. Bailey.
Clarence J. Chappell, jr.

To be second lieutenant

Louis M. Heinrichs.

POSTMASTERS

ALABAMA

John W. Johnson, Langdale.
John T. Haertel, Citronelle.
James McDonald, Winfield.

ALASKA

George Warner, Valdez.

ARIZONA

Lena E. Hempstead, Bowie.

CALIFORNIA

Nellys R. Squier, Butte City.
Pliny M. Arnold, Carlsbad.
John A. Thompson, Cloverdale.
Robert C. Ross, Cotati.
Denver C. Jamerson, Cottonwood.
Claude C. Hayes, Salida.
Virgil W. Norton, Sutter Creek.
John J. West, Willows.
Grove K. Ketchum, Burbank.
Walter W. Middleton, Costa Mesa.
Charles H. Quantock, Loma Linda.
John A. Scott, Porterville.
Clayton C. Troxel, Riverside.
Wallace P. Rouse, Thermal.

DELAWARE

Jay C. Davis, Middletown.

GEORGIA

George M. Greely, Decatur.
William A. Adams, Fitzgerald.
Nellie B. Brimberry, Albany.
Lonnie E. Sweat, Blackshear.
Henry F. Bullard, Cochran.
Cleone M. Fincher, Culloden.
John L. Dorris, Douglasville.
Mattie M. Lewis, Fayetteville.
Rosa L. Lindsey, Irwinton.
Lansing B. LeRoy, Tignall.

IDAHO

Haly C. Kunter, Ririe.

ILLINOIS

Fred H. Kientz, Alhambra.
Charles Voorhees, Bradley.
William A. Lafont, Dowell.
Richard C. Hills, Franklin.
Frank M. Allen, Hillview.
Robert F. Sexton, Kansas.
George F. Harnew, Oaklawn.
Earl L. Longfellow, Rock Falls.
Harold R. Kerchner, Walnut.
Arden S. Coryell, West Union.
Alvin C. Beigel, Mount Prospect.

INDIANA

Edna S. Beeson, Galveston.
Jacob W. Hunsberger, Wakarusa.
William Endicott, Crawfordsville.
William A. Lewis, Elwood.

IOWA

Arthur M. Burnside, Boone.
Marie Jones, Bussey.
Frank S. Smith, Carson.
Millie Hoffman, Central City.
Samuel A. McCreery, Clarion.
Clara Bentzinger, Donnellson.
Orwin W. Masching, Exira.
Martin T. Jensen, Grandmound.
John R. Irwin, Keokuk.

Ray Robertson, Maxwell.
Arthur M. Michaelson, Roland.
Boyd B. Wade, Woodward.
John M. Wright, Eldon.
Edgar M. Rhodabeck, Missouri Valley.
Clarence B. Moser, Strawberry Point.

KANSAS

Orange J. Mark, Coldwater.
Elza W. Reel, Fort Leavenworth.
Lon L. Robinson, La Crosse.
John A. Porter, Mount Hope.
Karl S. Dale, Protection.
Nora E. Stiers, Uniontown.

KENTUCKY

Rebecca Green, Barbourville.
Richard C. Duvall, Lebanon Junction.
Mary H. Buckler, Loretto.
Clarence Mathews, Maysville.
William G. Morgan, Stanford.
Homer Murray, Woodburn.
Hallie M. Duncan, Horse Branch.
Rachel F. Adams, Whitesburg.
Jackson P. Crain, Jackson.

LOUISIANA

Edith E. Steckler, Jeanerette.

MAINE

George O. M. Oberg, Bridgton.

MARYLAND

Carolyn M. Stuart, Brentwood.
Harvey N. Burgoon, Manchester.
Shadrach G. Sparks, Sparks.

MICHIGAN

Harold D. Cole, Holly.
Walter C. Oesterle, Webberville.
Charles R. Foote, Alto.
Winnie M. Sinclair, Ada.
Charles A. Turner, Copemish.

MINNESOTA

Rollo F. Dean, Blue Earth.
Aaron T. Arneson, Carver.
Oscar E. Linquist, Dassel.
Elizabeth Richardson, Delano.
Wilbert D. Hanson, Grove City.
Arthur McBride, Walker.

MISSISSIPPI

Lillie B. Carr, Sumner.
Will N. Guyton, Blue Mountain.
Bettie D. Robertson, Collins.
Walter W. Holmes, McComb.
Johnnie L. Posey, Philadelphia.

MISSOURI

Clifford R. Hayes, Salem.
Ernest Young, Verona.

MONTANA

Bruce R. McNamer, Shelby.

NEBRASKA

William E. Bales, Hershey.
Henry J. Newsom, North Bend.
Herman G. Tunberg, Verdel.
Orma Borden, Mascot.
Irene Hines, St. Columbans.
Lillian A. Elliott, West Point.

NEVADA

Robert B. Griffith, Las Vegas.

NEW HAMPSHIRE

Silas C. Newell, Newport.
Ralph E. Berry, Rye Beach.
Ernest D. Royce, Somersworth.

NEW JERSEY

Frank W. Cassedy, Cape May.
Alice M. Harkness, Marlton.
Joseph Kish, Nixon.
Florence L. Newman, Seagirt.
William B. Brown, Beachwood.
William J. Hart, Fort Lee.
Charles A. Britton, Frenchtown.
Gustav L. Meyn, Palisade.

NEW YORK

Carl H. Hamlin, Brushton.
Byron W. Cornwell, Clark Mills.
Ernest E. Fuller, Copake.
Wendell C. Wilber, Delanson.
Victor Demars, Faust.
Morgan C. Harris, Newport.
James P. Walker, Port Jefferson Station.
Agnes Siems, Wantagh.
Harry S. Bowers, Wayland.
Henry C. Truex, Bayport.
Mary A. Murphy, Forestport.

NORTH CAROLINA

Van D. Duncan, Clayton.
Ike R. Forbes, Cramerton.
Sidney A. Padgett, Ellenboro.
Robert E. Hodgin, Guilford College.
Jesse L. Riggs, Bayboro.
James P. Turnley, Cameron.
Malcolm J. Thornton, Clinton.
Robert K. Hallifield, Forest City.
David J. Lewis, Rocky Point.

NORTH DAKOTA

Roy Wigness, Fortuna.
Hugh Roan, Portal.
Jacob G. Sigurdson, Upham.
Leland Q. Perkins, Wilton.
John W. Ackerman, Wishek.
Johanes Folstad, Goldenvalley.

OHIO

Hattie L. Davison, Magnolia.

OKLAHOMA

Ada Vanscoy, Dill.
William H. McBrayer, Haworth.
Frederick W. Galer, Nowata.
Henry C. Griswold, Wetumka.

OREGON

Byron A. Bennett, Crane.
Elizabeth M. Ward, Philomath.

PENNSYLVANIA

William C. Bubb, Dalmatia.
Eliza J. Willhide, East McKeesport.
Hobart M. Lord, Hastings.
Sharp A. Caylor, Punxsutawney.
Reese Jeremiah, Shamokin.
Malcolm H. Shick, Sheffield.
William G. Hall, Avella.
Horace G. Likeley, Carbondale.
Howard D. Rushong, Collegeville.
Edward Hoffner, Edge Hill.
Chester P. McCoy, Elmora.
James G. Galbreath, jr., Glassmere.
Levi Conner, Glen Campbell.
John W. Kuhn, Green Lane.
William Millen, Lansford.
Mary F. Carey, Mahanoy Plane.
V. Ralph Miller, New Oxford.
Theodore E. Lerch, Palmyra.
C. Maurice Hershey, Paradise.
Charles S. Mayhugh, South Mountain.
Hulett M. Turner, Towanda.
Charles B. Lessig, Upper Darby.

RHODE ISLAND

James T. Caswell, Narragansett.

SOUTH CAROLINA

Thomas B. Madden, Columbia.
Marion B. Welch, Hardeeville.
A. MacLean Fletcher, McColl.
William B. Wright, jr., Shelton.
Edwin M. Watson, Trenton.

SOUTH DAKOTA

Charley L. Corrington, Kadoka.
Louis W. Carter, Highmore.
Levi J. Thomas, Ipswich.

TENNESSEE

Marguerite A. Coleman, Smyrna.
Dana H. Wolfe, Sneedville.
Edward V. Sheely, Memphis.
Haggai M. Miller, Mountain City.
Minna M. Carson, Old Hickory.

TEXAS

Alfred J. Atkins, Eldorado.
Mary P. Vernon, Hermleigh.
William W. McChristian, Alba.
John W. Fagg, Blue Ridge.
Lawrence D. Karger, Cat Spring.
John A. Noland, Crawford.
Tenos W. Elkins, Freeport.
Joseph R. Gilliland, Paradise.
Fannie Fuqua, Shiro.
Robert W. Scurlock, Tenaha.

UTAH

Horace E. Day, Fillmore.

VERMONT

Glenn E. Martin, South Shaftsbury.
John Noble, Bethel.
Dennis A. Brahana, Irasburg.
Grace B. Adams, Wells River.

VIRGINIA

Joseph W. Harvey, Montross.

WASHINGTON

Herbert A. Miller, Stevenson.

WEST VIRGINIA

William O. Crawford, Cabincreek.
Monroe Burns, Cairo.
Etta Halstead, Dorothy.

WISCONSIN

Edward C. Schwartz, Blackwell.
Thomas D. Smith, Fairchild.
Samuel P. Van Dyke, Kilbourn.
Robert W. Brown, Lakemills.
Hugh S. Caldwell, Lodi.
John J. Kocian, Milladore.
Arthur E. Schmidt, Pittsville.
Edward B. Shanks, Portage.
Herbert Hopkins, Randolph.
Arthur V. DeWitt, Sayner.
Arthur Heins, Tigerton.
Lorenzo F. Rosenthal, Beloit.
Rufus A. Jones, Black River Falls.
Edwin T. Mattison, Blair.
Fred Hennig, Bowler.
Albert L. Jochem, Cedarburg.
Edward Porter, Cornell.
William S. Cochrane, Delavan.
J. Charles Pile, Dodgeville.
Frank L. Rolson, Ellsworth.
Vilas A. Kellman, Galesville.
John I. Edwards, Hazel Green.
Albert H. Fries, Lone Rock.
Frances W. Kulwiec, Lublin.
Ellsworth N. Harris, Mineral Point.
John J. Burkhard, Monroe.
Henry B. Goodwin, Osceola.
Percy L. Miner, Pepin.
Ralph H. Tolford, Thorp.
Alfred Froseth, Washburn.
August J. Christianson, Webster.
George A. Murray, Wisconsin Veterans' Home.
Arthur Miller, Withee.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 28, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O Lord God, that in Thee we have that wisdom and love in which we find our peace and opportunity. Cleanse us from all evil; bless our motives and make them chaste and pure. In diligence and devotion may we study the needs of our country, so that our public service shall flame with high quality. Bestow upon us the blessing of consecrated courage, and let our minds have the freedom of unfettered expression of the truth. Always and ever at the altar of the Republic may we offer the sacrament of allegiance, and may all its institutions serve man and glorify our Heavenly Father. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; and

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 349. An act to supplement the naturalization laws, and for other purposes;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases; and

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 16878) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. STECK to be the conferees on the part of the Senate.

SENATE BILLS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 264. An act for the relief of Margaret I. Varnum; to the Committee on Military Affairs.

S. 2986. An act for the relief of Francis J. McDonald; to the Committee on War Claims.

S. 3623. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes,'" approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

S. 4274. An act for the relief of James Evans; to the Committee on Military Affairs.

S. 5030. An act for the relief of Eva Broderick; to the Committee on Claims.

S. 5091. An act for the relief of Edward C. Dunlap; to the Committee on Claims.

S. 5245. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes; to the Committee on Public Buildings and Grounds.

S. 5307. An act equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States; to the Committee on Agriculture.

S. 5346. An act to provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes; to the Committee on Irrigation and Reclamation.

S. 5379. An act to authorize the disposition of certain public lands in the State of Nevada; to the Committee on the Public Lands.

S. 5503. An act to amend section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended; to the Committee on the Judiciary.

S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia; to the Committee on the District of Columbia.

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; to the Committee on the District of Columbia.

S. 5676. An act to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928; to the Committee on the District of Columbia.

S. 5717. An act for the relief of the State of Nevada; to the Committee on the Judiciary.

S. J. Res. 117. Joint resolution authorizing an investigation and survey for a Nicaraguan canal; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 202. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist which is not covered by regulatory action of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

RETIREMENT FUND—PERSONAL EXPLANATION

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, on Tuesday, when we were considering the Government employees' retirement fund bill, I made certain statements relative to the amount that the Federal Government is appropriating toward that fund at the present time. I received a letter from a resident of the District this morning challenging that part of my statement in which I said that the Federal Government is contributing $19,950,000 annually to the Government employees' retirement fund. In a gentlemanly manner he bases his criticism on an editorial published in the Washington Post, which I did not happen to see, which states that the Federal retirement fund is made up entirely of contributions by the employees themselves. This information is about as accurate as the Post generally gives when it does not agree with Congress or its individual Members.

I take this time to state that I think my original statement was absolutely accurate, and for the information of the Post, providing they can understand it, I shall extend my remarks, and in that extension give the actual dates of the laws and the amounts carried in each one, which information has been furnished to me by the Committee on Appropriations this morning. When I make statements of that kind on the floor of the House I am very careful to know that they are accurate, else I would not make them. I ask unanimous consent to extend my remarks by including the letter from Mr. Sheild, the clerk of the Committee on Appropriations, and the memorandum of the laws.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The letter and memorandum referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., February 28, 1929.

Hon. BERTRAND H. SNELL,
Chairman Committee on Rules, House of Representatives.

DEAR MR. SNELL: In accordance with your inquiry this morning I attach hereto a memorandum showing the appropriations made or pending for financing the liability of the United States under the retirement act of 1920 and acts amendatory thereof.

The memorandum shows the action of Congress to date for this purpose, and is exclusive, of course, of any sums appropriated annually for clerical and other expenses of the administration of the acts.

You will note that the appropriation in the Interior appropriation act for the fiscal year 1929 reads, "For beginning the financing, etc."

My own recollection of the matter has been strengthened by inquiry of the bookkeeping division of the Treasury Department, which verifies this information.

Respectfully yours,

M. C. SHEILD, *Clerk.*

STATEMENT OF APPROPRIATIONS MADE AND PENDING FOR FINANCING THE LIABILITY OF THE UNITED STATES CREATED BY THE CIVIL SERVICE RETIREMENT ACT

In the Interior Department appropriation act for the fiscal year 1929, approved March 7, 1928 (Public Act No. 100, 70th Cong.):

"For beginning the financing of the liability of the United States created by the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts amendatory thereof, $19,950,000, which amount shall be placed to the credit of the 'civil-service retirement and disability fund.'"

Provision in the Interior Department appropriation bill (H. R. 15089), now pending in conference, for the fiscal year 1930:

"For financing of the liability of the United States created by the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts amendatory thereof (U. S. C. 1887, sec. 707a), $20,500,000, which amount shall be placed to the credit of the 'civil-service retirement and disability fund.'"

LOAD-LINE LEGISLATION

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report upon the bill (S. 1781) to establish load lines for American vessels, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Maine calls up a conference report and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the report is not yet printed?

Mr. WHITE of Maine. No.

Mr. CRAMTON. And, of course, if we give consent now no point of order would lie against the report. We have had no opportunity to learn what is in the report. Will the gentleman state to us wherein the present report differs from the former report?

Mr. WHITE of Maine. In the present report section 9 of the House bill is entirely eliminated, and if the conference report be adopted the law will apply exclusively to ships in the foreign trade.

Mr. CRAMTON. Mr. Speaker, I withdraw any objection.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LAGUARDIA. While it is disappointing to some of us, it is a very good step forward.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

Mr. ABERNETHY. Mr. Speaker, the report is short, and I request the gentleman to have the report read.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 45.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows: Restore the word "foreign," and at the end of line 8, page 1, change the period to a comma and insert the words "the Great Lakes excepted," and on page 2, at the end of line 2, change the period to a comma and insert the words "the Great Lakes excepted," and the House agree to the same.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
A. M. FREE,
Managers on the part of the House.

W. L. JONES,
CHAS. L. MCNARY,
JOS. E. RANSDELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1781, "An act to establish load lines for

American vessels, and for other purposes," submit the following written statement explaining the effect of the action agreed upon by the conference committee:

Of the 46 amendments adopted by the House, the Senate has receded from its disagreement to 44 of these amendments and has agreed to the same.

On amendment No. 3 the Senate has receded from its disagreement and agreed to the same with an amendment. In the form in which the amendment now appears, section 1 of the bill applies only to vessels engaged in the foreign trade, those on the Great Lakes excepted.

On amendment No. 45 the House recedes therefrom.

The effect of these changes is to limit the application of this legislation to merchant vessels of over 250 gross tons engaged in the foreign trade, foreign trade on the Great Lakes excepted.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
ARTHUR M. FREE,
Managers on the part of the House.

Mr. ABERNETHY. Mr. Speaker, I reserve the point of order for the purpose of eliciting information from the chairman of the committee.

Mr. WHITE of Maine. What is the point of order?

Mr. ABERNETHY. I am reserving the point of order for the purpose of eliciting information. If the gentleman does not care to give the information, very well. Will the gentleman yield?

Mr. WHITE of Maine. I will yield after I have taken the floor to make a statement.

The SPEAKER. Does the gentleman yield?

Mr. WHITE of Maine. No.

Mr. CHALMERS. Mr. Speaker, as I understand it, no point of order can be made against this conference report at this time.

Mr. ABERNETHY. Mr. Speaker, I reserve the right to make the point of order. I ask the gentleman to yield for information.

A MEMBER. Regular order!

Mr. LAGUARDIA. Mr. Speaker, if the gentleman has a point of order, let him make it.

The SPEAKER. The regular order is that the gentleman from Maine is entitled to an hour.

Mr. ABERNETHY. I am very sorry that the gentleman from Maine is in the frame of mind in which he seems to be.

Mr. WHITE of Maine. Mr. Speaker, I think it is wholly within the rights of the House to require of me a brief statement as to what has been done by the conferees with respect to this matter. Without going into detail, let me state the general effect. If the conference report is adopted, the legislation will apply exclusively to vessels engaged in the foreign trade. Section 9, the controverted amendment put on in the House, has been eliminated in its entirety. Speaking for myself and speaking for many of the other conferees, I regret exceedingly the necessity which forced us to this compromise. I agreed to it only because of my conviction that I could get nothing more at this time. However, I give notice, if this is the proper place for doing it, to those interests which oppose the extension of the load line law to our domestic trade, that they want to clear their decks for action because——

Mr. ABERNETHY. Mr. Speaker, I rise to a point of order.

Mr. WHITE of Maine. Mr. Speaker, I decline to yield at this point—because in the next Congress, if I know the Merchant Marine and Fisheries Committee, there will be reported out to this House for the consideration of this House legislation——

Mr. ABERNETHY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ABERNETHY. Mr. Speaker, the gentleman declines to yield to me, and at the same time I rise to make a point of order in all seriousness. I have a great deal of respect for the gentleman from Maine, but he is now stating that he gives notice of what the Merchant Marine and Fisheries Committee is going to do later on account of the position that has been taken. That is not discussing this conference report. What the Merchant Marine Committee is going to do to certain people or to certain Members of the House at the next session of Congress has nothing at all to do with the consideration of the matter at hand. I think the gentleman from Maine should confine himself to a discussion of the conference report.

The SPEAKER. The Chair, having been unable to hear anything that has gone on, on account of the disorder on the floor, is unable to rule; but he will ask the gentleman from Maine to proceed in order.

Mr. SABATH. In view of what the gentleman has said, is it a threat or a promise?

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield to me five minutes?

Mr. WHITE of Maine. I yield to the gentleman from North Carolina five minutes to discuss the conference report itself.

Mr. ABERNETHY. Mr. Speaker and Members of the House, I favor this conference report and intend to support it, and in justification of my support I desire to say that as it now comes in it carries out the will of the House, who at this time did not think it was wise to put all classes of shipping under the load-line legislation.

Now, there seems to have grown up some feeling among some of our committee in reference to the action taken here yesterday, when a point of order was made by me.

Mr. WHITE of Maine. Mr. Speaker, a point of order. The gentleman is not confining himself to the conference report.

Mr. ABERNETHY. I will confine myself to it.

Mr. LINTHICUM. I received a telegram this morning from one of the steamship associations opposing this bill, saying that they not only had a seagoing business but a coastwise business, and it would eliminate them from the coastwise trade.

Mr. ABERNETHY. I want to take this opportunity to say that I have a great deal of respect and admiration for the gentleman from Maine.

I rose primarily for the purpose of justifying, if I could, my support of the conference report as it now is. I think if this report is adopted this is as far as we should go at this time, as this question of regulation by governmental departments is a very serious thing. It enters into practically every activity of business in the United States. There are certain members of the Committee on the Merchant Marine and Fisheries who did not think this load-line legislation should apply to anything except the foreign trade, others thought differently, and that has been the controversy. I was one of the members who took the position that the legislation at this time should apply only to foreign shipping, and that accounts for my actions yesterday and to-day, and I am glad to know that the conferees have seen the wisdom of taking the view pursued by the Senate. [Applause.]

Mr. DAVIS and Mr. CHALMERS rose.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Mr. Speaker, I yield first to the gentleman from Tennessee [Mr. DAVIS] 10 minutes.

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. DAVIS. Mr. Speaker and Members of the House, every important nation on earth except the United States has long since enacted load-line legislation to protect all its citizens and their property against the overloading of ships by those who have more regard for a little more profit than for the lives of the seamen and of passengers and the property of the citizens. We have been trying for many years to enact a law of this kind, not only in the interest of safety of life and property but also in the interest of that large class of shipowners who do not want to overload their ships; in the interest of that class of shipowners who naturally do not want to have to compete with the unscrupulous operators who have no regard for life. Efforts along this line have up to this time been defeated by that small element who have no regard for the safety of life and property, and who wish to continue loading their vessels beyond the line of safety.

The Committee on the Merchant Marine and Fisheries during the present session first reported out a bill applying a load line to all vessels going to sea of over 250 tons, whether they were operating in the foreign trade, in the coastwise trade, or on the Great Lakes. Then, as it was near the end of the session and opposition arose on the part of certain interests, and it appeared unlikely that we would be able to pass a load line bill which could be filibustered to death by a few Members of Congress, the committee, not because they had yielded their opinion, not because they thought it was legislatively or morally right, but in the interest of expediency, reconsidered the bill and made certain specific exceptions, and we passed the bill through the House in that form. When it went to the Senate it developed that there was strenuous objection in the Senate because of the exceptions we had made with respect to certain classes, and the bill went to conference. Every one of the House and of the Senate conferees favored the resolution which was adopted and which was in the first report of the House managers. We declared ourselves in favor of applying the load line to all ships, and that in the next Congress we would undertake to do that. But realizing that the friends of some of these interests could filibuster the bill to death, we agreed upon and reported out the bill excepting the coastwise trade and the Great Lakes from the operations of the bill, and substituting in lieu a section in which we directed the Secretary

of Commerce to make an investigation and study of the advisability of applying this law to all classes of vessels and to make his report and recommendations to the next Congress.

It came to the House in that form, signed by all of the conferees. The gentleman from North Carolina [Mr. ABERNETHY], who has been making a fight for the exclusion of barges, the most dangerous type of vessels of them all, made a point of order against the provision directing an investigation. Naturally he was afraid for an investigation to be made of the dangers with regard to barges and the necessity from the standpoint of human life of having the load line law apply to barges. So he made a point of order which the Chair saw proper to sustain. Now the conferees have reported the bill back without that provision. I declined to sign the last conference report, so did my colleague, the gentleman from Virginia [Mr. BLAND] because, speaking for myself and I assume it is his view also, I was not willing to make any further concessions to that class of people who are not only opposed to a law that would prevent them from overloading, loading beyond the line of safety, but also opposed to an investigation, inquiry, and report by the Department of Commerce.

The American Steamship Owners' Association, composed of fifty-odd of the leading American steamship lines, operating in both the foreign and the coastwise trade, advocated load-line legislation. They advocated it as applicable to all ships and said, "We are willing and anxious for it to be put on us, if you put it on our competitors." But now they are properly and logically objecting to the bill in its present form. They said, "We were not going to make any fight against a bill which contained a provision for a future investigation and report, with a promise of the consideration of the other classes of vessels in the next Congress, but," they said, "when those excepted classes put themselves in the attitude of even opposing a further investigation of the subject, we think the Congress is proposing to go too far and we are protesting against the passage of this bill." I have a telegram, received from them this morning, in which they are bitterly protesting against the bill in its present form.

Now, that is the situation with which we are confronted. I do not suppose I could, if I would, defeat this conference report, but I think it is wrong; I think it is discriminatory; I think it is unfair; and I think it is a yielding to some of the very interests who ought to have the load-line legislation apply to them, certainly as much, if not more, than the class to which we are proposing to apply it.

In response to a statement made by the gentleman from North Carolina I want to say that the Merchant Marine and Fisheries Committee is in favor of a fair and comprehensive load line, and I think that fact will be demonstrated in the next Congress, and in my opinion it will be demonstrated also that the Congress is in favor of it.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DAVIS. No; I decline to yield. My time is most too valuable. That investigation provision was a notice and an evidence of good faith, and it was an excuse for receding from our position and reporting a bill which does not include all classes.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. WHITE of Maine. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, I take this opportunity of stating as a member of the committee that we regarded this bill as a great humanitarian piece of legislation and that the exemptions in the original bill were made with a view of the parliamentary situation. In view of the parliamentary situation, the conference report, it seems to me, ought to be accepted. The innovation, so called, of putting into the bill a declaration of policy for next session, may be criticized, but it does set forth the attitude of the committee.

My purpose in asking for these two minutes was to remind the House of the many confused situations during the last week of a short session and ask the Members to take notice of the fate of important bills, and read the ringing words of the gentleman from Virginia on the Dale-Lehlbach bill on yesterday. I ask the Members to read the RECORD of the other legislative branch on yesterday and last evening, and when we come back here next year let us vote to abolish the short session. It should be done. Let us think it over and realize the necessity while we are suffering from the effects of it. [Applause.]

Mr. WHITE of Maine. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Speaker, we of the Great Lakes do not oppose an investigation. We welcome it.

I want to say to the chairman of the committee and to others that, since the adoption of the Constitution of the United States 140 years ago, the Congress of the United States has appropriated $1,363,000,000 to develop the waterways of the country. Something has been said about the Great Lakes and transportation on the Great Lakes. Let me say this to the membership of the House: During the whole history of this country the Great Lakes have paid 10 per cent annually on all of the expenditures for rivers and harbors. I have that on the authority of the former Chief of Engineers, one of the best transportation experts in the country, Gen. Harry Taylor, and I have it on the authority of the present Chief of Engineers, General Jadwin. So we of the Great Lakes will favor an investigation, and we of the Great Lakes will welcome an investigation. We will be present at the hearings of the Committee on the Merchant Marine and Fisheries to present our case.

After the committee and the House understand the situation, as would necessarily follow in the orderly procedure of the House in presenting and passing a bill, then if the House wants to wring the neck of the goose that is laying the golden egg for water transportation in this country, well and good, but we of the Great Lakes will be here a year from now to present our case to the committee and to the House.

Mr. WHITE of Maine. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

BOISE NATIONAL FOREST, IDAHO

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COLTON, SMITH, and EVANS of Montana.

TETON NATIONAL PARK

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4385) to establish the Teton National Park, in the State of South Dakota, and for other purposes, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COLTON, SMITH, and EVANS of Montana.

T. L. YOUNG AND C. T. COLE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4848) with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. IRWIN, GUYER, and BOX.

HON. EUGENE BLACK

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, after 14 years of able, faithful, and distinguished service, my colleague the gentleman from Texas, Mr. BLACK, will retire at the end of this session. I am sure I voice the sentiment of the entire membership of this House on both sides of the aisle when I say that no man holds deeper the affection, the esteem, and the admiration of the entire membership of this House than does the Hon. EUGENE BLACK, from the first congressional district of Texas. [Applause.]

The State Senate of Texas recently passed a resolution commending him, and I ask that it be read in my time to the House.

The SPEAKER. Without objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

Senate Simple Resolution 75

Whereas by concurrent resolution, the Texas Legislature recently directed the National Congress to questions in which the Southern States are vitally interested; and

Whereas the Hon. EUGENE BLACK, Congressman from the first Texas congressional district, was instrumental in reading into the CONGRESSIONAL RECORD copies of resolutions urging the return of Confederate records captured by the Federals during the Civil War, and urging equalization of tariff upon raw and manufactured products; and

Whereas in discussing the contents of the two resolutions Hon. Mr. BLACK said, in part:

[Excerpt from CONGRESSIONAL RECORD of February 1, 1929, page 2629]

"Mr. BLACK of Texas. Mr. Chairman, these two resolutions that have been read, deal with meritorious subjects. I shall not speak at length upon them at this time. The first resolution deals with Confederate military records which were seized during the Civil War and which some of the States desire now returned to them for their historical archives. I think that is a reasonable and proper request, and I hope it will receive the favorable consideration of the proper committee of the House.

"The second resolution deals with the subject just discussed by the distinguished gentleman from New York [Mr. CLARKE], the question of fixing tariff rates. Our legislature has asked that when the next Congress come to write a tariff law it shall give equal protection to the products of the ranch and the farm and the orchard as is given to the products of the factory and the mine.

"In the making of tariff laws under Republican administration heretofore industry has been the favorite child of protection, and the products of the farm, the ranch and the orchards have frequently been dealt with as the stepchild of protection by those who wrote the tariff laws. I hope that the Members of Congress from the agricultural States will see to it that in the writing of the next tariff law, equal treatment and equal justice shall be given to the products of the farm, the ranch, and the orchard as is given to the products of the factory and the mine. In doing that it will be necessary to follow some sort of a consistent rule, and I think the Democratic platform which was adopted at the Houston convention is as clear and fair a declaration upon the kind of a rule that should be followed as I have seen anywhere";

And whereas Hon. Mr. Black in his brief but able defense of the two resolutions stated correctly the position of Texas legislators and the citizens of Texas: Now, therefore, be it

Resolved, That the Senate of Texas is deeply appreciative of the interest of Hon. Mr. BLACK in directing attention of our National Legislators to the contents of the two resolutions, and that we are further mindful of his deep and abiding interest in all questions that arise which touch historical, political, social, economic, and other interests of Texas and the South, and that in him the South has an able and fearless defender; be it further

Resolved, That a copy of this resolution be enrolled and mailed to Hon. Mr. BLACK.

BARRY MILLER,
President of the Senate.

I hereby certify that Senate Simple Resolution No. 75 was adopted by the Senate on February 18, 1929.

BOB BARKER,
Secretary of the Senate.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, I subscribe to all contained in the resolution just read, and in addition I want to say just one personal word about GENE BLACK and his work in the House.

It takes a superlative degree of courage to be unpopular, and Mr. BLACK never dodged a single issue because of its unpopularity. To some few of the reports which I have made as chairman of the Committee on Claims to this House, Mr. BLACK has from time to time interposed objections. I have never questioned his judgment, and have thought that if our report could not pass the scrutiny of GENE BLACK, the report was wrong, or the committee had failed to present the case clearly and convincingly.

I regret the severance of his relations with the House and believe I voice the confidence and affection, the respect, and honor which every Member of the House accords him, together with the hope that the country again may soon enjoy the advantage of his experience, judgment, and valuable service in the House. [Applause.]

REPRINT OF H. R. 8305

Mr. REECE. Mr. Speaker, some errors were made in the printing of the bill (H. R. 8305) on which I recently submitted a report from the Committee on Military Affairs, and I ask unanimous consent that the corrections may be made in the bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for a reprint of the bill (H. R. 8305) with certain corrections indicated by him. Is there objection?

There was no objection.

CHILDREN'S TUBERCULOSIS SANATORIUM

Mr. ZIHLMAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium, with a Senate amendment, and move to concur in the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The Senate amendment was agreed to.

SOLDIERS DISCHARGED FROM ARMY FOR MISREPRESENTATION OF AGE

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent to take from the Speaker's table the bill (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age and consider the same.

The SPEAKER. The gentleman from Pennsylvania, by direction of the Committee on Military Affairs, presents for consideration a Senate bill, which the Clerk will report.

The Clerk read:

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

Mr. EDWARDS. Reserving the right to object, is this a Senate bill?

Mr. MORIN. It is. It was reported out by the House committee by unanimous report. It corrects the record of the soldier who misrepresented his age, but who served from April 6 until the end of the war.

Mr. EDWARDS. I shall not object, but we have many bills over in the Senate committee which we can not get out—bills along this line.

Mr. LAGUARDIA. These are boys who served all through the war.

Mr. MORIN. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

An act (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. MORIN to reconsider the bill was laid on the table.

AMENDING SECTION 1440 OF THE REVISED STATUTES

Mr. DARROW. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent for the present consideration of the bill (S. 2410), to amend section 1440 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc, That section 1440 of the Revised Statutes of the United States be amended by adding at the end thereof the following new sentence: "*Provided, however*, That the foregoing provision shall not apply to any officer of the Navy on the retired list."

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, that does not mean anything; I think we ought to have a statement from the gentleman as to what the bill does.

Mr. DARROW. The bill means exactly what it says. It permits a retired naval officer to be utilized in the Diplomatic and Consular Service. The act prohibiting that was passed in 1868, shortly after the Civil War, in order to protect the Consular and Diplomatic Service at that time. It is a matter that is urgently requested by the State Department and by the Navy Department. It does not entail any expense whatever on the Government, but it does permit, where it seems necessary, the utilizing of retired officers in the Consular and

Diplomatic Service, particularly in some cases where there are outstanding officers who could render valuable service to the Government, or some disabled officer who could obtain a minor position without being compelled to sever all connection with the naval service. It has the unanimous indorsement of the committee.

Mr. CRAMTON. The gentleman's explanation is quite satisfactory, but it is a very poor way to draw a bill by adding a sentence without setting forth the provision amended.

Mr. DARROW. The bill was reported by the Naval Affairs Committee in the same form that it passed the Senate.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. DARROW to reconsider the vote whereby the bill was passed was laid on the table.

CONFERENCE REPORT ON THE NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I call up the conference report on the bill (H. R. 16714) making appropriations for the Naval Establishment for the fiscal year ending June 30, 1930. The statement is short, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Idaho calls up the conference report on the naval appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 20. That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 14, 16, 18, and 19 and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$170,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$12,240,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$230,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "$31,430,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1, of the matter inserted by said amendment strike out "$500,000" and insert in lieu thereof "$200,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 13, 15, and 17.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

FREDERICK HALE,
L. C. PHIPPS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 2 and 3, relating to the Naval Reserves: Establishes the limit on expenditures for maintenance and rental of armories at $170,000, instead of $160,000, as proposed by the House, and $170,000, as proposed by the Senate, the increase being intended to meet the expense of furnishing literature for the instruction of officers of the Merchant Marine Naval Reserve, and establishes the limit on expenditures incident to aviation at $882,931, as proposed by the Senate, instead of $859,875, as proposed by the House.

On No. 4: Makes available immediately $578,500 of the total sum available for "Pay, subsistence, and transportation, Navy," as proposed by the Senate.

On Nos. 5, 6, and 7, relating to the appropriation "Maintenance, Bureau of Yards and Docks": Modifies, as proposed by the Senate, the maximum price which may be paid for a motor-propelled passenger-carrying vehicle and the present replacement cost figures of passenger automobiles to be exchanged.

On No. 8: Strikes out the appropriation of $400,000, proposed by the Senate, toward extending Dry Dock No. 2 at the Puget Sound Navy Yard.

On Nos. 9, 10, and 11, relating to the appropriation "Aviation, Navy": Makes available $230,000 for the procurement of helium, instead of $160,000, as proposed by the House, and $300,000, as proposed by the Senate.

On Nos. 12 and 14, relating to increase of the Navy: Appropriates $28,550,000 for construction and machinery, as proposed by the Senate, instead of $22,750,000, as proposed by the House, making $200,000 of such increased sum, instead of $500,000, as proposed by the Senate, available toward the construction of the second increment of five light cruisers, authorized by the act of February 13, 1929, and appropriates $18,000,000 for armor and armament, as proposed by the Senate, instead of $12,000,000, as proposed by the House, making $200,000 of such increased sum immediately available toward the construction of the first increment of five light cruisers, authorized by such act of February 13, 1929, and a further sum of $200,000 available for additional machinery and equipment at ordnance establishments, as proposed by the Senate.

On No. 16: Extends the provision denying the use of appropriations for the pay of persons engaged in making studies of the time consumed by employees in the performance of work to include studies of the movements of employees in the performance of work, as proposed by the Senate.

On Nos. 18 and 19, relating to salaries, Naval Observatory: Appropriates $178,560, as proposed by the Senate, instead of $174,380, as proposed by the House.

On No. 20: Strikes out the appropriation of $154,000 proposed by the Senate for adjusting the rates of pay of the drafting group in the field services of the Naval Establishment.

The committee of conference has not agreed to the following Senate amendments:

No. 1, relating to the Naval Reserves.

No. 13, relating to the appropriation for "Increase of the Navy."

No. 15, relating to the improvement and equipment of navy yards for the construction of ships.

No. 17, relating to the performance of work in Government and private establishments.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYERS,
W. B. OLIVER,
Managers on the part of the House.

Mr. FRENCH. Mr. Speaker, at this point I shall place in the RECORD a summary of the totals at different periods of procedure on the naval appropriation bill from the time the estimates were received from the Bureau of the Budget until the report was agreed to by your conferees and which I am asking you to adopt:

Navy bill, as passed by House, carried	$347,750,448
As agreed to by conferees, including items brought back, bill carries	360,236,697
An increase of	12,486,249
The Budget estimates, original and supplemental, amount to	361,465,132
As agreed to by conferees the bill carries	360,236,697
Thus bringing the bill within the Budget estimates by	1,228,435

Senate amendments affecting amounts of money carried by bill

Object	Added to House bill	Agreed to
Naval Reserve:		
Merchant Marine Naval Reserve, literature for $20,000		
Flying by reserves of advanced age 32,069		
	$52,069	$42,069
Puget Sound Navy Yard, dry dock extension	400,000	
Aviation, Navy, purchase of helium	140,000	70,000
Increase of Navy:		
Construction and machinery	[1] 5,800,000	[1] 5,800,000
Armor and armament	[1] 6,000,000	[1] 6,000,000
Improvement of yards for shipbuilding	[1] 570,000	[1] 570,000
Naval Observatory, salaries	4,180	4,180
Pay of field-service draftsmen	154,000	
	13,120,249	12,486,249
	12,486,249	
Amount of Senate recessions	634,000	

[1] Covered by supplemental estimate—Senate Document No. 222.

Mr. Speaker, after the bill providing for appropriations for the Naval Establishment for the fiscal year 1930 had passed the House of Representatives, the President signed the cruiser-aircraft carrier measure, which authorizes the construction of 15 cruisers and one aircraft carrier, the cruisers to be begun during the years 1929, 1930, and 1931, and the aircraft carrier to be begun in 1929. The whole program calls for a total expenditure of $274,000,000, exclusive, of course, of expenditures that will need to be met in placing yards in condition in which they may do efficient construction work and other expenditures in connection with equipment that will need to be cared for later on. Following the approval of the measure by the President, the President transmitted estimates to the Congress for commencement of construction work in the amount of $12,370,000; of which amount, $570,000 was recommended for improvement and equipping of navy yards; $5,800,000 was recommended for construction and machinery; and $6,000,000 for the procurement or manufacture of armor, armament, and ammunition, all to be expended upon the first group of five cruisers and one aircraft carrier.

The Senate modified the Budget recommendations to the extent of making $500,000 available for commencement of the second increment of cruisers, five in number, during the fiscal year 1930.

In addition to the foregoing the Budget recommendations included contract authorizations for navy yard improvement work to the extent of $1,725,000.

Your conferees insisted upon reducing the item of $500,000 that had been included in the appropriation bill for commencement of the second block of five cruisers to $200,000. We did this because we believed that the cruiser building program should be worked out along the most economical lines and that such economic program suggests an orderly placement of contracts and commencement of work within navy yards so that the cost of construction in any one year will not be unduly large.

There had been much demand, even among Members of Congress and upon the part of those who were pressing for the earliest construction possible, that 10 cruisers be laid down within a comparatively short time, some proposing five in June, 1929, to be followed by five in September.

The item carried in the Senate amendment made available $500,000 for the second group but nothing was stated in the language accompanying the item or in the discussions on the Senate floor, so far as I am aware, as to the time within which it would be expected the second group of cruisers would be begun other than that they would be begun during the fiscal year 1930. The small amount of money made available would suggest that they could not be commenced economically in September. On the other hand, it was freely talked that the plan was that they should be laid down in March next.

Your conferees believed that even such a program as this latter was unwise and accordingly insisted on a reduction in the amount to be made available, to $200,000, with the distinct understanding that it is an expression of the Congress that the laying down of the second block of cruisers will be one year from the laying down of the first block, and that June, 1929, may be considered as the date for the commencement of the first block and June, 1930, the date for the commencement of the second.

The papers to-day have carried the statement that the $200,000 for the second increment of five cruisers will be available for expenditure after July 1, 1929.

According to our conference report that statement calls for comment that ought to be placed in the permanent RECORD and made to the Members of this House at this time that there may be no misunderstanding. It is true the $200,000 that will be available for the second group of five cruisers is included in the appropriation bill for the fiscal year 1930, beginning July 1, 1929, and ending June 30, 1930.

In the Senate, when the chairman of the committee reported the conference report upon yesterday, the Chairman said, as he referred to the reduction of the amount available for the second group of cruisers from $500,000 to $200,000:

> This will enable us to start these cruisers under the terms of the cruiser law in 1930. They will be started, of course, at the extreme end of that fiscal year.

May I further advise the House that at the time that we were coming to an agreement on the item for the reduction of the amount for the second group of cruisers from $500,000 to $200,000, I stated distinctly in the conference committee that I wanted to be at liberty to state upon the floor of the House that we were "proposing making the money available for expenditure in June of 1930."

During my general discussion of the naval appropriation bill, I pointed out the reasons why in the building program we should so arrange our work that an even flow of construction would be carried forward in either the public or private navy yards in shipbuilding. An even load in naval construction work is economically sound:

First. It avoids a hump in construction cost which means a hump in number of technical and mechanical men employed in the several navy yards. By refusing to lay down 10 cruisers so that their construction would be commenced at approximately the same time, we are avoiding a hump that would appear in about 18 months from now that would aggregate approximately $25,000,000 in excess of what the construction cost would be just prior to that period and immediately subsequent thereto.

Second. An even flow of construction work will reduce to the minimum investment cost in navy yards.

Third. It will reduce to the minimum uneconomic competition between Government yards and private yards for technical employees and machinists and skilled laborers of all kinds.

Fourth. It will avoid as much as possible the employment in both public and private yards of large numbers of partially trained workmen.

Fifth. It will permit the Government to take advantage of lessons that may be learned through the construction of the first group of cruisers and apply improvements to ships that will be begun at a later date.

Sixth. It will avoid as much as possible the discharge of large groups of technical employees and skilled laborers upon the completion of an excessive amount of work that through an immediate large construction program would inevitably be required to be performed during the second year.

Seventh. It would remove in large part the demand of employees and centers of population where these employees would be engaged, for new construction work without regard to actual needs, merely for the purpose of keeping men from losing employment.

Eighth. It will avoid a course of construction that would be calculated to arouse suspicion upon the part of other nations toward the United States.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. Is the gentleman carrying the inference to the House that the 3-year time limit originally desired by Congress is being lengthened to a 4-year time limit for the laying down of those 15 cruisers?

Mr. FRENCH. Oh, no. The gentleman evidently did not catch what I said. We are carrying in the bill money for the commencement of the first five cruisers within the present fiscal year, with the thought that they will be begun as of June, 1929. We are carrying $200,000 in the bill for the commencement of the second group of cruisers, with the thought that they will be begun in June, 1930.

Mr. BRITTEN. Is the gentleman quite satisfied in his mind that $12,375,000 is sufficient to justify an assurance in the 3-year program; in other words, that all of these ships will be laid down within three years, and that they can be laid down under this sort of a start?

Mr. FRENCH. With $12,000,000 the first year?

Mr. BRITTEN. Yes.

Mr. FRENCH. Let me make a statement on that point. Before reaching the particular question that the gentleman raises, let me refer again to the estimated cost of the whole program.

Under the act the cruisers will cost, as it is estimated, $17,000,000 each, or a total of $255,000,000; the estimated cost

of the aircraft carrier is $19,000,000; or a grand total of $274,000,000.

The carrier will be begun during the fiscal year 1930, and the cruisers should be begun, if regard be had for economies in construction, at intervals of about one year between groups of five.

The orderly construction of ships of this type covers a period of approximately three years each. The expenditure of money can not be made evenly on a given ship throughout the three years; that is, upon a cruiser that will cost $17,000,000, approximately $3,700,000 would be expended in orderly way the first year by the Bureaus of Construction, Engineering, and Ordnance. About $9,000,000 would be expended the second year, and about $4,300,000 would be expended the third.

On a carrier that will cost $19,000,000, the allocation of amounts to be expended per year will follow along approximately the same ratio as for the individual cruiser. From this it must appear that on a group of five cruisers and one aircraft carrier there would be expended normally during the first year approximately $20,000,000, during the second year approximately $53,000,000, and during the third year approximately $30,000,000. Should construction be arranged so that 10 cruisers would be undertaken at approximately the same time, the cost for the first year of 10 cruisers and 1 aircraft carrier would be between $35,000,000 and $40,000,000, the second year approximately $106,000,000, and the third year approximately $50,000,000 to $55,000,000.

Your committee, in studying this question, are most desirous of avoiding any such hump the second year, and for this reason we have insisted from the beginning that with the first group of five cruisers scheduled to begin in June, 1929, the second group should not follow along until approximately one year thereafter.

The gentleman from Illinois has asked me whether I think the amount recommended by the Budget is economically adequate for the commencement of the program.

Mr. BRITTEN. Oh, I beg the gentleman's pardon. I did not say for the commencement of the program. I am thinking about the finish of the program.

Mr. FRENCH. I think the gentleman has in mind the same thought that I have; in other words, the commencement of the program in such a way as to carry it to completion as to each group of ships within a period of three years for the group.

Mr. BACON. In other words, the first five will be finished within three years, and this is enough money to start the program so that they will be finished in three years.

Mr. FRENCH. I question very much whether the amount recommended by the Budget is an amount adequate for the most economical construction of the cruisers, and I would not be surprised that further consideration of that question by the department and by the Bureau of the Budget and by your Committee on Appropriations would result in our coming to the Congress next winter and asking for supplemental appropriations that would increase the amount for the coming fiscal year by some $7,000,000. What I have in mind is economical construction, the even flow of work that ought to be carried forward for the orderly building of ships and the orderly and economical expenditure of money.

Mr. BACON. As a matter of fact, is it not true that the so-called Dallinger amendment is going to retard the program a great deal?

Mr. FRENCH. I think it will retard the program and increase the cost, but the point is this: The amendment has been adopted, and your conferees in agreeing to the report have recognized that the Dallinger amendment is the expression of the present Congress, and we have shaped the bill in order to conform to the mandate of the Congress in the legislation that it has enacted.

Mr. BACON. In other words, as far as the Appropriation Committee is concerned, the money will be provided this year and next and the third year to finish the first five within the three years. And the only delay that will be caused will be due to the fact that the three out of the five ships will have to be built at navy yards, which will require quite a lot of time to enable them to do that. The delay is not going to be because of appropriations, but on account of the fact of the additional equipment needed.

Mr. FRENCH. I could not anticipate all the possible causes of delay in the next year. I had hoped the program would go through in the regular way.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. The gentleman from Idaho stated that on account of the so-called Dallinger amendment there would be a delay, and also an increase in the cost of construction. Will the gentleman give to the House information as to what part of the delay will be caused by the Dallinger amendment and what part would be caused by the increased cost of construction?

Mr. SWING. Will the gentleman include in that information the bids made by the Mare Island Navy Yard and the Bremerton Navy Yard on the last ships that were laid down, and tell how many thousand dollars cheaper those two yards bid on the cruisers than any of the private shipbuilding concerns?

Mr. VINSON of Georgia. Will the gentleman reply first to my question?

Mr. FRENCH. I am not able to answer the question, because it is impossible of being answered.

Mr. VINSON of Georgia. Is it not a fact that the appropriation has been increased by $1,795,000 on account of the so-called Dallinger amendment?

Mr. FRENCH. I think in large part that item of appropriation is increased on account of the Dallinger amendment.

Mr. VINSON of Georgia. The Dallinger amendment having been agreed upon by the House and Senate, it will cause an additional expenditure of approximately $1,795,000, will it not?

Mr. FRENCH. The items to which the gentleman refers, carried in the Senate amendment, provided for increasing the facilities of navy yards, and I think in all fairness it should be said that part of that expenditure would have had to be made even had it not been for the Dallinger amendment.

Mr. VINSON of Georgia. Would it not have required only about $550,000 increased expenditure if it had not been for the Dallinger amendment?

Mr. FRENCH. I think we must have yards enough equipped for the work to afford adequate competition in ship construction. Estimates would have been called for from navy yards and bids called for from private shipbuilding companies. When you require that three of the first five ships must be built—not may, but must be built—in Government navy yards, you force a condition upon Congress that requires it to make appropriations sufficient to bring enough navy yards up to the point where they can handle the work.

Mr. VINSON of Georgia. Therefore it is the Dallinger amendment that brought about that condition that will cause an additional expenditure of $1,200,000?

Mr. FRENCH. In part; yes.

Mr. VINSON of Georgia. Is it not a fact, and does not the gentleman from Idaho know, that the Dallinger amendment cost $1,200,000?

Mr. FRENCH. I do not think it involves that much at this time. We know not what the future may hold in store. But the 3-year time limit, plus the Dallinger amendment, made it necessary if we are to have regard for economical construction to expand the facilities of the navy yards. I have no doubt that had the amendment not been adopted it would have been necessary to have provided some of the yards with equipment and facilities and ways so that they could have stood as effective competitors with private shipbuilding companies.

Mr. VINSON of Georgia. Is it not a fact that three of the yards to-day are enough to bring about the necessary competition, and it is only necessary to have an expenditure of $500,000 to meet the requirements. And is it not a fact that the Dallinger amendment has caused the Senate to raise the estimates for the conditioning of these three yards to $2,225,000, and that this amount was reduced to $1,795,000 in conference?

Mr. FRENCH. I will give the gentleman the figures on the different yards, because they will answer the question as nearly as it can be answered. At the present time there are three cruisers being built at Government navy yards, New York, Mare Island, and Bremerton on Puget Sound. If you were to call for estimates to-day from the navy yards upon cruiser construction for 1930, the following yards would be able to offer bids, provided they could have the amount of money necessary to condition them, as I shall indicate: Boston could offer a bid for one ship if you expended $225,000 in conditioning the yard; New York could offer bids for two ships if you were to expend $150,000; Mare Island could offer bids for one ship if you were to expend $275,000; and Bremerton could offer bids for one ship if you spent $125,000.

Mr. VINSON of Georgia. What about Philadelphia?

Mr. FRENCH. Philadelphia would not be in position to offer a bid unless you expended some money, but if you expended $500,000, that yard could offer a bid for one ship. In other words——

Mr. VINSON of Georgia. Will the gentleman state to the House how much would be spent for final equipment?

Mr. FRENCH. If we are to put the yards in condition to do the work it would be incumbent upon us to allow somewhere near the amount carried in the bill.

Mr. VINSON of Georgia. How much money would that be?

Mr. FRENCH. I should say $775,000 all told for the following yards, Boston, New York, Mare Island, and Bremerton.

Mr. VINSON of Georgia. Then the view of the gentleman from Idaho is in accord with that of the gentleman from Massachusetts [Mr. DALLINGER]?

Mr. FRENCH. No; I think not. In order to enable the yards I have indicated to offer bids at all in the way I have indicated we would need to appropriate this year $775,000.

If you did not require so many ships to be built in Government navy yards we would not need to put so many of them into condition to offer bids.

In the second group, following up my answer to the questions of the gentleman from Georgia, I shall first refer to Philadelphia. If $1,000,000 were expended Philadelphia could offer bids for two cruisers in one year from now, and if $500,000 were expended that yard could offer bids for one. Norfolk, with an expenditure of $500,000, could offer bids for one. Bremerton could offer bids, upon the expenditure I have already indicated, for one in 1929 and one in 1930. In this second group I have indicated amounts for yard improvements aggregating a possible $1,500,000, of which total your conference committee agreed upon the sum of $1,000,000, thinking that if next winter it would appear that we shall need further yards, or it looked wise to provide further opportunity for bidding in 1930 we could increase the amount by $500,000 at that time.

Mr. VINSON of Georgia. Is it not a matter of fact that the Navy Department was in position to have sharp competition without the Dallinger amendment?

Mr. FRENCH. Yes; with a much smaller expenditure of money. With the requirement that three of the first group of five cruisers be built in navy yards and that they be commenced within a year necessarily we felt it incumbent upon us to recommend the appopriation of these additional moneys to put the yards into shape to offer estimates.

Mr. VINSON of Georgia. The House having approved the Dallinger amendment you are merely carrying out the provisions of the Dallinger amendment?

Mr. FRENCH. That is what we have undertaken to do.

Mr. DALLINGER. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. DALLINGER. Is it not a fact that if the Navy Department and the Government had carried out the authority and instructions of the act of 1916 and kept the navy yards up to their full efficiency, as have all the other great powers, there would not be any need of any additional money on account of the Dallinger amendment?

Mr. FRENCH. If we had done that we would have already spent untold millions on the navy yards of the United States.

Mr. DALLINGER. But the act of 1916 authorized and directed the Secretary of the Navy to do that very thing, did it not?

Mr. FRENCH. Oh, the law must be administered with regard for economies, and if we had done what the gentleman has suggested it would have cost the Government up to the present time millions of dollars for the upkeep of navy yards of the United States which have been saved to the Public Treasury.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DOUGLASS of Massachusetts. May I ask what provision is made for the Boston Navy Yard?

Mr. FRENCH. For the Boston Navy Yard for 1930 we are carrying $225,000. That is the amount we are carrying contingent upon the cruiser and aircraft program and is in addition to the amount carried in the bill as we explained to the House some two weeks ago.

Mr. MILLER. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. MILLER. I observe that the gentleman made the statement that it would require $125,000 to put the Puget Sound Navy Yard into the competitive class for the building of one of these cruisers.

Mr. FRENCH. That is the estimate of the department, and we have used their figures.

Mr. MILLER. From what department did you get that information?

Mr. FRENCH. The Navy Department, through the responsible officers.

Mr. MILLER. Did any bureau of the Navy Department recommend any such sum?

Mr. FRENCH. We had before us the Chief of Construction and Repair, Admiral Beuret, and we also had before us Admiral Yarnell, the Chief of Engineering, and in the presence of those two gentlemen the Chief of the Bureau of Construction and Repair indicated the figure to which I have referred.

Mr. MILLER. Did they indicate what it was for? Did they give any items in their estimates?

Mr. FRENCH. Does the gentleman mean that they went into detail?

Mr. MILLER. Yes.

Mr. FRENCH. It is for the general bringing up of the yard into condition so that it could make estimates, with the hope or belief that the work could be carried forward most efficiently. It is for the bringing up of the facilities of the yard generally.

Mr. MILLER. The gentleman is aware that they are building a cruiser there now?

Mr. FRENCH. That is right.

Mr. MILLER. And there is additional room in the construction dock for another cruiser of the same size, so that there will be no expense whatever in that regard.

Mr. FRENCH. But the department believes that for most efficient work in this yard it will be necessary to expend $125,000.

Mr. MILLER. If you will permit us to bid on those cruisers, that can be done without a dollar of additional expenditure, and we will go ahead. Now, another thing: Has the gentleman observed that of the six cruisers now under construction, the two built in the navy yards were $2,500,000 less than the lowest private bid?

Mr. FRENCH. Of course, the gentleman refers to estimates, but he fails to tell the House that which I told the House during general debate, that these estimates from the different navy yards are just estimates; the yards are not required to live up to them, and the Congress is repeatedly called upon to revise the appropriation sums and to give additional amounts from year to year in order to carry to completion ships begun upon the basis of estimates in navy yards.

Mr. MILLER. Yes; and that does not apply alone to navy yards but also to private yards where we have recommended appropriations over and over again increasing the amount originally appropriated.

Mr. FRENCH. Under the cost-plus contract, that I hope we have abandoned and which grew out of the World War, what the gentleman says is true; but, as a matter of fact, under our present system no such condition as that will obtain. On the other hand, it is likely to obtain in Government navy yards in view of the legislation we have enacted requiring construction of ships in navy yards.

Mr. SWING. Will the gentleman be good enough to put in his remarks the bids of the private yards and the Government yards, for the information of the Congress, on the last bids which were received on the cruisers?

Mr. FRENCH. The gentleman may make such speech as he cares to make. I have said that any such statements as that are not worth considering by the House at this time for the reason that the contractor is held responsible under his bond for his bid while the navy yard is not.

Mr. SWING. Let me make this statement in connection with that remark: The Mare Island Navy Yard, according to records of the Government, has completed every contract it has taken for construction within the past eight years within its cost estimate.

Mr. FRENCH. And that yard has done measurably better than other yards of the country, and I take it we shall not be able to place all naval-construction work in the navy yard at Mare Island.

Mr. LAGUARDIA. Will the gentleman yield right on that point?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. The gentleman says that the navy yard is not held to its estimates.

Mr. FRENCH. True.

Mr. LAGUARDIA. But, as a matter of fact, the gentleman's experience on the Committee on Naval Affairs when that committee was making the appropriations and his experience on the Committee on Appropriations now will indicate that on every contract that has been given for a battleship or a cruiser to private yards the contractor has come in for an increased amount of money after the contract has been awarded.

Mr. VINSON of Georgia. Oh, the gentleman is mistaken.

Mr. FRENCH. That would be impossible on the same type of work except with respect to some of the cost-plus contracts that were made. We have gotten away from the cost-plus contracts. We have sometimes made changes in the structure of the ship itself that have entailed expenditures in excess of original plans.

Mr. LAGUARDIA. Exactly.

Mr. FRENCH. And in doing that we have incurred expense, but it is just the expense that you as a private citizen would incur if you had awarded a contract for the building of a home and then changed the plans during the time construction was going on.

Mr. LAGUARDIA. Is it not true that, as a matter of fact, when a private yard finds itself in difficulty on account of underestimating, changes are made so as to get around the estimate or the bid?

Mr. FRENCH. No.

Mr. VINSON of Georgia. Before the gentleman yields the floor will he answer one further question? Has the gentleman any knowledge of any navy yard ever having built a ship within the original amount authorized by Congress?

Mr. FRENCH. The gentleman's question is a very comprehensive one, and I do not want to answer it offhand. The record is at the department.

Mr. VINSON of Georgia. Is it not the fact with respect to every ship built at a navy yard in recent years that it has been necessary for the Congress to make additional appropriations to finish the ship?

Mr. FRENCH. Generally speaking, that is correct.

Mr. MILLER. Will the gentleman yield for just a short question?

Mr. FRENCH. Yes.

Mr. MILLER. Will the gentleman also observe that there never has been a vessel built in a United States navy yard where an increased appropriation has been necessary unless the plans for that ship have been changed?

Mr. FRENCH. No; that is not correct; that is, to the full extent of the increase in cost. In other words, change in plans may have been responsible for part of the increase, but a great deal of the increase has been on account of the fact that the navy yard did not submit the accurate estimates it should have submitted at the time the estimates were made.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 1: Page 10 of the bill, in line 23, strike out "$4,697,931" and insert in lieu thereof "$4,750,000."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Idaho moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the sum inserted by said amendment, insert the following: "Exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate qualified to perform combat service as pilots of naval aircraft, $4,740,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 13: Page 25, line 16, after the word "expended," insert the following: "(13): *Provided*, That appropriations contained in this act on account of 'Increase of the Navy,' except the amount of $500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929, shall be immediately available, in the discretion of the Secretary of the Navy, for the employment of such clerks, draftsmen, and technical employees as may be required at navy yards, in field-inspection offices, and in the Navy Department in the District of Columbia, for the preparation of plans and the work of inspecting and constructing vessels building, such employees to be in addition to those otherwise provided for."

Mr. FRENCH. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read the amendment, as follows:

Amendment No. 13: In lieu of the matter inserted by said amendment, insert the following: "*Provided*, That of the appropriations contained in this act under the head of 'Increase of the Navy,' there shall be available immediately such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans, and the employment of additional clerks, draftsmen, and technical employees in the Navy Department and in the field owing to the construction authorized by the act of February 13, 1929."

The motion of Mr. FRENCH was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

(15) Improving and equipping navy yards for construction of ships: Toward providing and reconditioning building ways and providing additional equipment and facilities at navy yards and ordnance establishments necessary for the construction and equipment of ships, $570,000, to be immediately available, and in addition the Secretary of the Navy, upon approval by the President, is authorized to enter into obligations for this purpose, amounting in the aggregate not to exceed $1,725,000.

Mr. FRENCH. Mr. Speaker, I move to recede and concur with the following amendment.

The Clerk read as follows:

In line 9 of the matter inserted by said amendment strike out "$1,725,000" and insert in lieu thereof "$1,225,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

(17); and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, requirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the act to authorize the construction of certain naval vessels approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States except such material or parts as are not customarily manufactured in such Government plants.

Mr. FRENCH. Mr. Speaker, I move to recede and concur in in the Senate amendment.

Mr. MILLER. Mr. Speaker, will the gentleman from Idaho yield?

Mr. FRENCH. I yield.

Mr. MILLER. In regard to Senate amendment No. 8, providing for the docking facilities for the two airplane carriers, *Lexington* and *Saratoga*, in the Government yards on the Pacific coast. This, as I understand, was recommended strenuously by the Navy Department, approved by the Budget, approved by everybody, that there should be docking facilities at the navy yard to accommodate all vessels of war. I am simply pleading in behalf of the Pacific Battleship Fleet that there be a Government yard on the Pacific coast with docking facilities to dock our own vessels on that coast.

Mr. FRENCH. I explained the attitude of the committee at the time the bill was under general debate some 10 days ago. The particular item to which the gentleman refers was put on in the Senate and struck out in conference. The conference report has been approved by the Senate and just approved by the House. Therefore no further consideration can be given it until some other time.

Mr. MILLER. I understand it has passed in this bill but I hope the gentleman's committee has not sealed the fate of the Pacific Navy Yard.

Mr. FRENCH. The gentleman ascribes too much power to our committee. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Idaho to recede and concur.

The motion was agreed to.

BAPTIST YOUNG PEOPLE'S UNION

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert a statement made by the Baptist Young Peoples' Union as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia.

There was no objection.

Mr. HUGHES. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the story of the achievements of the Baptist Young People's Union of the Fifth Avenue Baptist

Church, Huntington, W. Va., by Franklin L. Burdette and Paul L. Webb.

I have a personal knowledge of the good service that is being rendered by this organization. All of the statements contained in the report of Mr. Burdette and Mr. Webb I know to my personal knowledge are true, and, in fact, this is a very modest statement with reference to the splendid work that they are doing.

The statement is as follows:

THE BAPTIST YOUNG PEOPLE'S UNION OF AMERICA AND ITS RELATION TO PROGRESS

THE STORY OF THE ACHIEVEMENTS OF THE BAPTIST YOUNG PEOPLE'S UNION OF THE FIFTH AVENUE BAPTIST CHURCH, HUNTINGTON, W. VA.

By Franklin L. Burdette and Paul L. Webb

The future of a community and of a nation can usually be forecast through the activities and training of the younger generations. The greatest empire can not retain its position in the eyes of the world if it is not constantly producing new minds embodying the ideals and principles of the fatherland. The very foundations of any nation must be laid upon the growth of youth. Every youthful mind contains the embryo of a great leader; every youthful thinker is a potential savior of his race.

Upon the development of these human resources, then, depends the future of our own country, the greatest republic that God has seen fit to establish upon the earth. It is the sacred trust of the family, the church, and the state to foster every adequate method for the proper training of those tender lives in whom lie the hopes of future greatness and expansion. It has been conceded that heredity is a great factor in determining the habits and thought of every child. In many ways the force of this heredity is uncontrollable, but there are many influences which tend to modify and perfect the character which is the birthright of every citizen of this land. Environment is a factor which in large measure polishes the rough edges of a seemingly crude character, or, unfortunate as it may be, nicks the smooth surface of the most refined nature. This latter factor may be directed in such a manner that every youth whose faltering footsteps are bent toward an ultimate disaster may become an upright citizen, a wise counselor, and a capable officeholder.

Since the creation of the human race the family has been the molder of the environment into which children are introduced. The family was the first divine institution, and it remains to-day the primary social institution of every race, civilized or barbarian. As the centuries pass, however, and the environment of the human race becomes more complicated, many of the activities which have lain only in the hands of the family are now intrusted to other agencies. Herein lies the possibility of a broader development and also the possibility of a national catastrophe. If the youthful mind can be brought into contact with clean, moral surroundings on a larger scale than in the family, this Nation has indeed a hopeful outlook upon the future. But if that same youthful mind should be placed in associations which are less elevating and inspiring than those of the family, the nations of the earth are doomed to hopeless chaos.

As the influence of the family upon the training of youth tends to decrease, the influence of the church tends to increase. In times past men have thought of the church as a place in which to worship God in the most solemn and ritualistic manner. In those days the church was not expected to participate in the training of youth for better citizenship. Its sole purpose was that of instilling an awesome dread of the divine God, a God of vengeance, into the untutored brain of youth. To-day the church is conceived as an institution for the dissemination of those great truths which have made this mighty Nation the land of the free and the home of the brave. The church has emerged from the enveloping folds of puritanic restrictions into the sunshine of truth. It is now prepared to proclaim a new God—a God of love and of mercy.

In this regeneration of the church young people have gained a glorious opportunity for a true development. By organization and by increasing interest in the affairs of the world young people have made themselves a more potent influence than at any other time in the history of mankind. It is the purpose of this article to relate the simple yet wonderful story of an organization which is typical of the efforts and achievements of young people throughout the length and breadth of this land.

Early in 1886 the young people in a small church organized themselves into a society for the purpose of teaching and practicing the great truths and religious principles for which this country was settled and for which millions of unsung heroes have laid down their lives. That church was the Fifth Avenue Baptist Church, of Huntington, W. Va. To-day that church is the greatest Baptist church in the State in membership, buildings, and equipment equal to any. That young people's society, which later became one of the organizations composing the great Baptist Young People's Union of America, was the beginning of a great influence in the lives of thousands of young people. To-day that society is one of the best-known organizations of the Baptist Young People's Union in the United States.

The zealous heartbeat of that organization has never ceased to throb. Early in its history the Baptist Young People's Union of the Fifth Avenue Baptist Church was courageous enough to oppose the sale of intoxicating liquor. At that time the liquor traffic was in its prime, saloons were wide open throughout the city, and the sale of alcoholic beverages was almost considered a reputable profession. Pioneering for the betterment of society has been characteristic of the Baptist Young People's Union of Fifth Avenue. The leaders and members of the organization have kept as the sacred keystone of their teaching the undertaking of such tasks. They have believed firmly that the city of Huntington and the State of West Virginia would be better places for American youth and American citizenship if such principles were woven into the statutory fabric of this Nation.

One of the great problems of any church is its finance. Too frequently young people are not permitted to participate in the affairs which pertain to the church budget. They are perfunctorily asked to subscribe to current expenses and missions by older members of the church who are unable to approach young people on a level of equality and understanding. The inherent enthusiasm of youth is dampened by such methods, and the result is far from satisfactory. When the Fifth Avenue Baptist Church was a small organization struggling for financial independence and for adequate equipment, the young people took the initiative in creating an atmosphere of fervent enthusiasm by which it was possible to raise sufficient funds for several needed improvements. One evening the young people invited the entire congregation to attend a meeting at which the topic "Our Church" was discussed. At this meeting many members of the church obtained a new insight into the character and ability of young people. Following the eager example of these young financiers, the congregation raised enough money to erect a larger and more beautiful edifice.

Faded and musty records reveal that the Baptist Young People's Union of Fifth Avenue did not confine itself to the financial affairs of the local church. On one occasion the Baptist Young People's Union of Fifth Avenue contributed money that inaugurated a movement for the founding of an institution that is now housed in a building worth nearly half a million dollars. This institution, with its magnificent building, is a constant source of pride to the citizens of Huntington. The sum contributed by the Fifth Avenue Baptist Young People's Union might be called small to-day, but it was enormous in the days when a church budget was no larger than the subscription of one wealthy member to-day.

Young people are often charged with spending money for purposes which bring no definite results and have no particular object. Young people are criticized for extravagant social entertainments. However true this may be of youth undirected and uncontrolled, it is not true of youth taught the principles of true thrift by conscientious leaders of organizations which have the welfare of humanity as a real aim.

The Baptist Young People's Union of the Fifth Avenue Baptist Church, functioning as it did, served as a fit place to train future lawmakers, future industrial leaders, and future commercial heads. From its assemblies they came trained to preside, trained to think accurately and reason logically, and trained to meet other people in every walk of life.

The present mayor of Huntington, the city treasurer, and other officials of the city were once active young people of the Fifth Avenue Baptist Church. The judge of the circuit court in this section of the State was on more than one occasion president of the Baptist Young People's Union of Fifth Avenue. The owner of a manufacturing industry doing a half million dollar business in Huntington annually, the owner of a commercial establishment with a vast volume of sales, and bank officials who control much of the financial life of the tri-State region of West Virginia, Ohio, and Kentucky were once members of this Baptist Young People's Union.

It would be impossible to estimate the size of the vast multitude of men and women who have gone forth from the Baptist Young People's Union of Fifth Avenue into places of prominence and responsibility in the professional world—lawyers, physicians, dentists, surgeons, and a mighty concourse engaged in other occupations who are faithfully carrying on their tasks, large and small, in the world's work.

Many of those who were once active in the affairs of the young people of Fifth Avenue have gone to other parts of the Nation, whence reports of university leaders, corporation presidents, and prominent business heads slowly trickle in. Those who have remained behind are practicing in the church and in the larger field of human contacts those principles of business, of commerce, and of helpfulness which were taught by the Baptist Young People's Union of Fifth Avenue.

The Baptist Young People's Union is not, however, in any sense an organization for training business men, commercial heads, and leaders of other professional enterprises. The primary and fundamental purpose of every Baptist Young People's Union is training in Christian leadership for the betterment of the community. The more perfectly this objective is realized the more influential is the organization in the business and professional affairs of the world. As young men and young women are convinced of the truth of the Golden Rule, in practice as well as in theory, business ethics necessarily become cleaner and more upright. This great purpose of the Baptist Young People's Union was

never forgotten at Fifth Avenue, and the great harvest in better human lives has proved the value of the conception which led to such results.

The Baptist Young People's Union has produced pastors of churches, professors in seminaries, religious leaders who now hold high positions in the denomination, teachers in the public schools, and founders of rescue missions. This splendid group of men and women have given the best part of their lives to the advancement of those principles which they learned from the Baptist Young People's Union. Many of these young people have attained prominence in new fields of activity, fields that modern thought is enlarging.

The Baptist Young People's Union of Fifth Avenue contributed trained leaders to one great enterprise which is international in its aspect. Missionaries were sent to foreign fields to become pioneers in opening up China to commerce, Africa to civilized trade, and many other nations to friendly relations with the rest of the world. The religious teachings of the Baptist Young People's Union so molded these individuals that they realized that their services could be more effectively dedicated to broader fields than Huntington and West Virginia. To-day they are extending the scope and influence of the principles that are theirs. Who can say how potent this influence will become in elevating the moral and social life of the world?

From the hazy uncertainties of yesterday and the vague hopes of to-morrow we build the realities of the present. To-day we behold a vast vortex of seething, whirling humanity which to-morrow will produce greater thoughts, mightier people, and a better civilization. Who can doubt that the young people of to-day will surpass those of yesterday? Who can doubt that the resources of the Baptist Young People's Union of Fifth Avenue, in numbers, in training, in knowledge, and in enthusiasm are greater than in 1886, 43 years ago?

What great advances will be made to-morrow we hesitate to say. The boys and girls of to-day, as all youth, were born equal; but in this age of advancement and progress every child within this land must keep up a pace the like of which the world has never known. Should there be a single hour of hesitancy, a single day of doubt, another will climb into a position higher on the ladder of success.

One statement we can make with confidence, for we believe in the youth of America, and we know that they are capable and willing successors to those who went before. As the world is filled with new executives, leaders, authors, philosophers, and scholars, America will ever be a shining example of the glory of freedom of speech, thought, and religion; and the young people of Fifth Avenue will continue to bear their share of the glad burden of the world, a burden of love and of labor.

SURVEY OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a copy of the report of the Survey of the Government of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, I present for the RECORD the report of the subcommittee which has been making a survey of the government of the District of Columbia. This report should dispel any thought that we have been devoting our time to the unearthing of scandals in the District government.

It is true that certain conditions have been called to our attention, but in each case we have turned the actual investigation over to those agencies of the Government that could legally conduct them. The charges against Frederick A. Fenning, one of the District Commissioners, were brought to the attention of the Judiciary Committee of the House; the traffic irregularities were placed before the Commissioners of the District; and the charges against Capt. Guy Burlingame, of the Metropolitan police department, were turned over to the United States district attorney and the corporation counsel. We have been careful not to trespass upon the province of the authorities whose duty it was to handle these matters.

We have pursued a plan of constructive suggestions in business methods and practices in handling the affairs of the District, after painstaking and careful investigation by experts. We especially direct attention to the summary of savings contained in the report, which covers the results of the entire survey. The specific departments referred to herein are those which have been covered since our former report to the first session of the Seventieth Congress.

The report is as follows:

REPORT OF THE SPECIAL SUBCOMMITTEE OF THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA

The special subcommittee of the House of Representatives Committee on the District of Columbia submits the following report relative to its studies of activities of the municipal government of the District of Columbia. Two previous reports, one dated March 4, 1927, and the other dated May 29, 1928, have been submitted by the subcommittee describing in some detail the studies previously undertaken and recommendations made looking to an improvement in the business administration of the government of the District of Columbia.

Since the subcommittee was created in June, 1926, it has held numerous hearings pertaining to a number of the major activities of the District government. It has also made, or caused to be made, nearly 100 studies of various functions of the District government.

The subcommittee has worked in complete harmony with the Appropriations Committee. Its work has been assisted by the United States Bureau of Efficiency. The resources of this bureau were placed at the disposal of the subcommittee and it has prepared a large number of reports relating to various activities of the municipal government. The bureau also adopted a follow-up system to keep track of its own recommendations and those of the subcommittee in order that the subcommittee might be kept informed as to progress made in improving municipal administrative procedure.

The studies so far undertaken by the subcommittee or by the Bureau of Efficiency embrace the following subjects:

I. Public schools of the District of Columbia.
II. Fiscal relations between the Government of the United States and the District of Columbia.
III. Taxation and assessments.
    1. Taxation of personal property.
    2. Taxation of motor vehicles.
    3. Sale of real property for delinquent taxes.
    4. Vault rents.
    5. Methods of business in the office of the assessor.
    6. Methods of business in the office of the collector of taxes.
    7. Special assessments for street improvements.
IV. Purchasing and property control.
    1. Purchasing of supplies for the District government through General Supply Committee contracts.
    2. Property control procedure and records.
    3. Requisitioning and purchasing procedure.
    4. Revolving fund for the purchase of construction material.
    5. Disposal of condemned automobile tires.
    6. Disposal of surplus oyster shells.
    7. Specifications for fire apparatus.
    8. Purchase of lathes for the McKinley High School.
    9. Irregularities in purchasing traffic signals.
V. Automotive transportation for the District of Columbia government:
    1. Central executive control over acquisition, use, servicing, and housing of District-owned motor vehicles.
    2. Repairing and other servicing.
    3. Distinctive tags for District-owned motor vehicles.
    4. Purchase of passenger-carrying autos out of appropriations for nonpassenger-carrying vehicles.
    5. Hire of motor trucks by the District government.
    6. Purchase of Mack trucks without competition.
    7. A consolidated municipal shop, garage, and automobile-servicing center for the District government.
VI. The Board of Public Welfare:
    1. A business manager for the Board of Public Welfare.
    2. Water-supply system and fire protection at the District of Columbia workhouse and reformatory.
    3. Power and heating facilities at the District of Columbia workhouse and reformatory.
    4. Welfare conditions at the District of Columbia jail.
    5. Prison industries at the District of Columbia penal institutions.
        (a) The working capital fund.
        (b) Manufacture of automobile license tags.
        (c) Foundry at the District of Columbia Reformatory.
        (d) Transfer of brass foundry to the District of Columbia Reformatory.
        (e) Enlargement of the brick plant at the District of Columbia Workhouse.
        (f) The use and inspection of brick produced at the District of Columbia Workhouse.
        (g) The development of laundry facilities at the District of Columbia penal institutions.
    6. Discharge gratuities for prisoners.
    7. A receiving home for children.
    8. Development of educational and vocational training activities at the workhouse and reformatory.
    9. Surplus property of the Federal Government available for transfer to the District Government.
VII. The department of insurance.
VIII. Issuance of motor-vehicle registration tags.
IX. The District of Columbia license system:
    1. Business and miscellaneous licenses.
    2. Revision of the District of Columbia license code.
X. The health department.
XI. Location and installation of traffic-signal lights in congested areas of the District of Columbia.

XII. Office of the director of traffic.
XIII. Taxicab and hack control and concessions.
1. Hotel concessions to taxicab companies.
2. Taxicab concession at Union Station.
3. Hack inspection service.
XIV. The free Public Library.
XV. Office of the municipal architect.
1. Painting and decorating school buildings.
2. Personal requirements of the municipal architect's office, 1929.
3. Scheduling of work operations on District building projects.
4. Preparation of drawings of District sites and of plant records of District buildings.
5. Modifications in contract plans and specifications.
6. Review and approval of plans prepared in the municipal architect's office.
7. Final inspection of projects and payments to contractors.
8. Work reports of inspectors.
XVI. Office of the building inspector.
XVII. The division of trees and parking.
XVIII. Disposal of refuse.
XIX. Acquisition of real estate for use of the District of Columbia government.
1. Condemnation juries.
2. Establishment by the District government of a board of real-estate purchase.
XX. Printing for the District of Columbia government.
1. Printing for the District government.
2. Consolidation of District printing offices and of duplicating equipment and work.
XXI. Fictitious real estate transactions.
XXII. Extension of civil-service principles to employees of the District of Columbia.
XXIII. Office of the recorder of deeds.
XXIV. Office of the register of wills.
XXV. Congestion in the police court of the District of Columbia.
XXVI. The highway division.

Only those studies that have been undertaken since the last report of the subcommittee will be included in this report unless further progress has been made in putting into effect the recommendations resulting from earlier studies.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

The Board of Education has taken up for consideration recommendations relating to organization and administration of the public-school system resulting from the survey of the Bureau of Efficiency made at the request of the Appropriation Committees of Congress. Many of these recommendations have already been made effective; others will require legislation. In the latter class is the recommendation for warehousing of school supplies, on a railroad siding and in a suitable structure. It was considered the economical course to include warehousing of school supplies in a building under contemplation for the joint use of the Federal and District Governments in Washington. Authorization for such a warehouse building has just passed both Houses of Congress.

FISCAL RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The subcommittee has been interested in an equitable solution of the fiscal relations between the Federal Government and the District of Columbia. The Bureau of Efficiency in its report upon this subject (H. Doc. 506) has furnished accurate and reliable data which can and is being used in making an impartial and scientific analysis of this important subject.

TAXATION AND ASSESSMENTS

Personal-property taxation: As was stated in the last report of the subcommittee, there was a definite need for a change in the tax laws to provide more adequate means for compelling the filing of personal-property tax returns and enforcing the prompt payment of personal-property taxes. A large amount of unpaid personal taxes remained due the District government at the close of each fiscal year. Moreover, several thousand persons subject to tax failed to file personal-tax returns.

The necessary legislation to correct this situation was passed by Congress (S. 4441). This legislation gives the Supreme Court of the District of Columbia jurisdiction to compel the filing of sworn returns in cases where there is no satisfactory basis for assessment. The bill also establishes July 1 instead of the previous January 1 as the determining date for taxing personal property.

Taxation of motor vehicles: It was apparent to the subcommittee that the personal property tax on automobiles was not being paid by many car owners. The subcommittee has introduced legislation which has passed both Houses of Congress (S. 4441), which provides that motor vehicles taxable by the District of Columbia shall be assessed at their value as of January 1, and further that no motor-vehicle registration tag for any tax year shall be issued for motor vehicles subject to taxation on January 1 by the District of Columbia until the amount of such tax has been paid in full.

It is estimated that this legislation will produce approximately $75,000 additional revenue annually.

Methods of business, office of the assessor: A number of changes in the assessor's office looking toward simplification in procedure and expedition of assessments were made pursuant to the subcommittee's recommendations. Excellent results have been obtained from these changes.

Methods of business, office of the collector: As mentioned in the last report, it was brought to the attention of the subcommittee that the collector of taxes was depositing money or checks received as revenues of the District of Columbia with local banks before such proceeds were deposited with the Treasurer of the United States. This practice was illegal, and has been discontinued. The revenues are now deposited directly with the Treasurer of the United States.

PURCHASING AND PROPERTY CONTROL

Improvements in the purchasing procedure of the District government resulting from the recommendations of the subcommittee have brought even greater economies than were at first thought possible. This is particularly true of the transfer to the General Supply Committee of the function of contracting for common supplies used by the District government. The purchasing officer of the District recently stated before the House Appropriations Committee that savings resulting from this change in purchasing procedure will total at least $100,000 for the current fiscal year; to this should be added a $10,000 saving reported by the District Auditor from the taking of discounts under the General Supply Committee contracts, no provision for such discounts having been made when the District government contracted for common supplies independently.

The District government has put into full effect the new system of property control recommended by the subcommittee. Among the important results is the changing of the accounts of the property yards under the control of the District purchasing office to reflect the true condition of the revolving purchase fund and to keep the fund stable.

The subcommittee has had before it on several occasions complaints that purchase specifications of the District government for special equipment and for building materials are often so drawn as to needlessly and unfairly limit competition. Specifications for the purchase of fire apparatus, wood-turning lathes, face brick, and roofing slate have been considered by the subcommittee from this point of view.

Recommendation for changes in specifications have been submitted to officials of the District government after the committee had obtained the advice of the best-informed technical experts in the Federal Government. In several instances, on the other hand, the complaints of unsuccessful bidders relative to the restrictive character of District purchase specifications have proven to be without foundation.

DISTRICT OF COLUMBIA AUTOMOTIVE TRANSPORTATION

The board of commissioners has put into full effect the recommendation of the subcommittee that the repairing of motor vehicles of the police department be transferred to the District automobile repair shop. The results of this transfer include not only the release of several patrolmen and one sergeant of police for regular police duties, but also a great improvement in the condition of these motor vehicles. This latter factor is due to the expert repairing and oiling given the vehicles at the District automobile repair shop.

In order to further reduce the heavy expense of motorization of District government activities, amounting to over $600,000 annually, the subcommittee has made recommendations which it is believed should go far toward solving this troublesome problem for Washington's municipal government. First, a comprehensive survey of the entire subject was made, during the course of which certain objectionable practices were disclosed, called to the attention of the commissioners and at once terminated. Among these was the purchase of Mack trucks without competition under the guise of repairs.

Repairing and other servicing: The subcommittee's recommendations cover the consolidation of servicing of all motor vehicles of the District government in three well-equipped shops and adequate central control over the acquisition, use, housing, and servicing of these vehicles. As the result of these recommendations, orders have been issued by the commissioners looking toward further centralization of servicing of motor vehicles at the District auto-repair shop. Full compliance with the recommendations of the subcommittee with respect to servicing and housing of District motor vehicles will be possible upon the completion of two structures for which funds are included in the District of Columbia appropriation bill for the fiscal year 1929–30. These structures, which were recommended by the subcommittee, are (1) an addition to the District auto-repair shop which will treble the capacity of this central-servicing station, and (2) a garage to house the automotive equipment of the highway division, the trees and parking division, and other branches of the District government. Both of these structures are to be erected on Government-owned land at Second and Bryant Streets NW.—an ideal location. Thus the subcommittee feels that the problems of the District government arising from motoriza-

tion are in process of solution. The machinery for central control, recommended by the subcommittee, remains to be set up.

Distinctive tags for District-owned motor vehicles: Among minor recommendations made to obviate misuse of District government vehicles is one that distinctive license tags be made for these vehicles to clearly designate them as city owned and operated. This recommendation has the approval of the director of traffic.

The board of commissioners has in the past adopted a practice in its hiring of motor trucks for city use which the subcommittee considers improper and uneconomical. It has established a list of truckers upon whom any department might draw for trucking services without securing competition. The rates to be paid were fixed by commissioners' order for each class of truck to be hired. The subcommittee has recommended that this practice be supplanted by the seeking of competitive bids. It is believed that lower truckage rates will be secured by the adoption of this recommendation, with which District officials have stated their agreement.

THE BOARD OF PUBLIC WELFARE

Water supply system and fire protection, District of Columbia workhouse and reformatory: The subcommittee has recommended, after a survey, an appropriation to provide a modern filtration plant and clear-water storage basins at the District of Columbia workhouse and reformatory. These will furnish an adequate supply of filtered and potable water for all purposes, including fire protection. The present water service has reached the limit of its capacity due to the rapid growth of the two institutions. The subcommittee is of the opinion that such a plant is essential to the health of inmates and employees of these institutions.

Power and heating facilities, District of Columbia workhouse and reformatory: The subcommittee has recommended an appropriation for the remodeling and rearrangement of the present power facilities of the District of Columbia workhouse and reformatory by consolidating two of the existing power plants. This consolidation will result in a decrease in the cost of generating electric current, and will increase the amount of current generated to meet the present needs of both institutions, while showing a considerable annual saving over present costs. The subcommittee is of the opinion that the early remodeling of the power facilities of the workhouse and reformatory is essential to the orderly development of the industrial program.

PRISON INDUSTRIES

Working capital fund: On the recommendation of the subcommittee provision was made for a working capital fund of $25,000 for the operation of industrial and farm activities at the District of Columbia workhouse and reformatory. This provision has made possible the employment of the necessary supervisory personnel and has placed the various industrial and farm activities on a businesslike basis. The wording of the law also provides for the payment of wages to inmates. This provision has not yet been placed in effect. The subcommittee is of the opinion that no more important duty devolves on those in authority than the immediate promulgation and payment of an equitable, graded schedule of wages to prisoners engaged in the industrial activities. The subcommittee believes that the payment of a small, graded wage to prisoners will undoubtedly improve morale by developing a proper interest and incentive in the individual prisoner, thereby encouraging good conduct.

As a result of a further recommendation of the subcommittee the working capital fund in the District of Columbia appropriation bill, 1930, has been increased from $25,000 to $50,000.

Manufacture of license tags in reformatory: The subcommittee has continued its interest in the operation of the automobile license-tag plant at the District of Columbia reformatory. The tags for 1929 were manufactured and delivered in ample time for issuance and the quality and workmanship were equal to the 1928 tags. This industry, aside from the saving effected to the District, has provided suitable employment for a number of inmates, and in so doing has contributed to the morale of the institution.

Inasmuch as the requirements of the District of Columbia make it unnecessary to operate the auto-tag plant at full capacity, the subcommittee is of the opinion that its excess facilities should be devoted to meeting the requirements of the several departments of the Federal Government in accordance with the provisions of the working capital fund.

Foundry at District of Columbia reformatory: The foundry established last year at the District of Columbia Reformatory following the recommendation of the subcommittee, in its development has far exceeded the expectations of the subcommittee. Not only has the establishment of this industry provided highly desirable vocational training for approximately 40 inmates, but the production for the first year is 100 per cent in excess of the anticipated production by reason of the large street-repair program. This demand will continue. Plans have been made for doubling the capacity of the plant as soon as funds are available. The subcommittee understands that as a result of its recommendation the immediate development of the foundry will include provision for the manufacture of brass, bronze, aluminum, and copper castings.

The manufacture of brick at the District of Columbia workhouse: As a result of the recommendation of the subcommittee, the District of Columbia appropriation act, 1929, provided appropriations of $28,000 for the repair of barges and repairs to the wharves at Occoquan and Washington, and $36,000 for reconditioning and enlarging the brick plant at the District of Columbia workhouse. The contemplated repairs and improvements are well on the way to completion and will increase production from 4,000,000 to 8,000,000 brick per year.

Already material production increases are apparent, and beginning with March, 1929, it is expected that production will approximate 700,000 brick per month. The total production estimated for the fiscal year 1929 is approximately 6,000,000 brick. This amount with about 4,000,000 brick on hand makes a total of approximately 10,000,000 brick available for the use of the District. The municipal architect has allocated over 5,000,000 Occoquan brick to building activities, while approximately 2,000,000 brick will be used in building construction at the workhouse and reformatory and in the sewer and other departments of the District of Columbia.

The subcommittee reports progress in its efforts to secure the full use by the District of all brick manufactured at the workhouse before purchases of common brick are made in the open market. The subcommittee has given consideration to the manufacture of face brick at the workhouse plant, but feels that this project should await the time when the production of common brick shall meet the full requirements of the District.

Development of laundry facilities at District of Columbia penal institutions and Gallinger Hospital: The subcommittee last year recommended that a laundry be established as one of the industrial activities at the District of Columbia Reformatory. This recommendation the subcommittee believes should be adopted without delay, not only to provide employment for the rapidly increasing number of inmates at the reformatory, but for sanitary reasons.

The subcommittee is of the opinion that prison labor should continue to be used in the new Gallinger Hospital laundry, thereby effecting a saving of approximately $12,000 per year, and at the same time providing necessary employment for jail prisoners.

Discharge gratuities for prisoners: The subcommittee recommended that increased gratuities in addition to clothing and transportation be furnished prisoners discharged from the District of Columbia reformatory as authorized by the act of July 3, 1926. The commissioners have adopted and placed this recommendation in effect, by ordering that the regulations of the Attorney General applicable to Federal penitentiaries shall govern the furnishing of clothing and the payment of gratuities to prisoners discharged from the District of Columbia reformatory.

Surplus property: The subcommittee has continued its efforts to obtain the transfer of needed surplus property from Federal establishments to the Government of the District of Columbia. The supplies so transferred, during the fiscal year 1928, were valued at approximately $125,000 and consisted of the following:

Automobiles, automobile parts and supplies	$6,015.61
Furniture, utensils, household equipment and furnishings	8,654.13
Livestock	860.00
Machinery, tools, hardware, metals, and supplies	56,328.93
Clothing and occupational therapy materials	636.38
Surgical instruments, drugs, hospital and laboratory equipment	52,208.19
Total	124,503.24

Through the efforts of the subcommittee the institutions under the board of public welfare are also obtaining, at considerable saving, much needed furniture from the United States Housing Corporation.

Accounting system proposed for District of Columbia workhouse and reformatory: A new organization plan and accounting system for the District of Columbia workhouse and reformatory have been adopted and are being installed. Under the new plan the accounting work for the two institutions has been consolidated and centralized in one office and a chief accountant has been employed to supervise the work. Expenditures from all appropriations are now made in accordance with approved budget allotments for the several departments or activities. The appropriation and allotment accounts are practically current under the new system, the records having been written back to the beginning of the current fiscal year (July 1, 1928). The cost accounts and inventory records are not yet current under the new system, but this work is being caught up as rapidly as possible.

The new system will make available currently to the general superintendent and to the heads of the several departments information concerning the operation of their activities which they have not had before and which is essential to efficient administration.

DEPARTMENT OF INSURANCE

The subcommittee in its last report set forth its action looking toward the revision of the insurance code of the District of Columbia. Legislation to accomplish this revision has been passed by the House of Representatives and is now pending in the Senate.

The subcommittee stated in its last report that the fire insurance companies were collecting excessive premiums in the District of Columbia in an amount approximating $600,000 annually. The Underwriters' Association of the District of Columbia has since announced a sweeping

reduction in fire insurance rates effective January 1, 1929. This action of the Underwriters' Association proved the correctness of the subcommittee's contention with respect to the then existing excessive rates. It is believed that further reductions in rates can be accomplished.

DISTRICT OF COLUMBIA LICENSE SYSTEM

Business and miscellaneous licenses: The subcommittee's recommendations designed to speed up the issuance of licenses and thus eliminate a very considerable delay in the collection of fees have been adopted, and substantial progress is reported. As of January 1, 1928, the fees collected totaled $67,204 with outstanding fees of $94,537 still to be collected. On January 1, 1929, the records showed collections of $122,049 with outstanding uncollected fees amounting to $39,692. The increase in collections for the first two months of the current license year over the corresponding period of the last year thus amounts to $54,845—an increase of 88 per cent. It is confidently expected that a still better showing will be made during the license year commencing November 1, 1929.

Revision of license code: The subcommittee's report of May 29, 1928, stated that the suggestion had been made to the commissioners that a committee be appointed composed of the superintendent of licenses, a member of the corporation counsel's office, and a member of the Bureau of Efficiency, to prepare a revised license law for submission to Congress. This suggestion was followed and the subcommittee has received from the commissioners a draft of a bill prepared by the committee, together with a comprehensive explanation, paragraph by paragraph, of the action proposed in the bill. This bill was introduced in the House of Representatives on January 23, 1929 (H. R. 16526), and referred to the Committee on the District of Columbia. Due to the real need for such legislation, it is hoped that it will receive favorable consideration at the next regular session.

FREE PUBLIC LIBRARY

Upon the subcommittee's recommendation a bill (H. R. 16662) was passed by the House of Representatives, and is now pending in the Senate, providing for the expansion of the Public Library facilities of the District of Columbia and authorizing an appropriation of not to exceed $2,000,000 for this purpose.

The present library facilities reach only about 100,000 readers out of the more than half million population. Many sections of the city are without library service, and very little progress has been made in the provision of branch libraries, there being only three branches and four subbranches in the entire District. The passage of this bill above referred to will go far toward correcting this deplorable lack of library facilities.

OFFICE OF THE MUNICIPAL ARCHITECT

Painting and decorating of school buildings: Upon receipt of information that the Commissioners of the District of Columbia contemplated the painting and decorating of 28 school buildings under outside contract, an immediate investigation was conducted of the cost and feasibility of having this work done by the District repair shop. It was found that it would be both practicable and economical to call upon the repair shop to execute the entire program, and the commissioners were advised to this effect. Accordingly, no contracts were let.

As of February 25, 1929, the work on 25 of these buildings has been completed at a cost of $49,213.52. The lowest bids for these buildings totaled $95,739, indicating a saving of $46,525.48. The Board of Education has in the meantime decided not to paint one of the schools on the original painting program because it will soon be abandoned. The lowest bid for this job was $5,580. This work would have been done had the contracts been let as was originally planned, therefore the total saving to date amounts to $52,105.48. Since the two remaining schools will not be finished until the Easter holidays, the savings to be effected can not yet be reported.

OFFICE OF THE BUILDING INSPECTOR

At the request of the subcommittee a study is being made of the building inspection service of the District of Columbia. During the course of this investigation several interim reports have been prepared for the purpose of calling to the attention of the District authorities certain conditions which have arisen, due, apparently, to nonenforcement of the building code. The reasons for this nonenforcement are now being determined and will soon be presented in a comprehensive report which will contain recommendations designed to remedy the situation.

DIVISION OF TREES AND PARKING

A survey of the administration and methods of the trees and parkings service of the District government has been practically completed. The recommendations which are in process of preparation will undoubtedly point the way toward closer coordination between tree nursery production and the tree needs of the city streets, and toward more efficient and economical methods.

DISPOSAL OF REFUSE

The recommendation made by the subcommittee for the correction of the dump nuisance by incineration of all miscellaneous refuse, including street sweepings collected in the District of Columbia, whether publicly or privately, has been followed by request for legislation authorizing the building of two incinerators.

ACQUISITION OF REAL ESTATE FOR PUBLIC PURPOSES

In order to assure that transactions relating to the acquisition of property by the District shall be conducted with the greatest possible effectiveness, the subcommittee recommended the establishment of a board of real-estate purchase to be composed of the assistant engineer commissioner charged with conducting negotiations for acquiring real estate, and the district surveyor. The recommendation proposed that the two members should jointly conduct all transactions leading to the acquisition of property, and should consult with the tax assessor regarding property assessments, sales, and fairness of offers received.

PRINTING FOR THE DISTRICT GOVERNMENT

Adoption of the subcommittee's recommendation that printing for the District Government be done by the Government Printing Office has resulted in savings, according to the District purchasing officer, amounting on the average to 31 per cent of the total District appropriations for printing, or over $20,000 yearly. The quality of work done at the Government Printing Office for the District Government has been superior to that previously obtained from private contractors.

In accordance with the subcommittee's recommendation the District Government has consolidated its estimates for printing and the District appropriation bill for the fiscal year 1930 includes one item to cover all printing for all of the municipal departments.

Further investigation of printing for the District Government and of the production of multigraphed or mimeographed forms in its several departments has led to recommendations which are directed toward additional economies. It was found that three small printing establishments are maintained by (1) the District reformatory at Lorton, (2) the superintendent of the District Building, and (3) the police department. The subcommittee has recommended that these be consolidated by setting up a printing and duplicating branch of the purchasing office and by transferring the bulk of the printing equipment to the reformatory; it has further recommended that multigraph, mimeograph, and other duplicating equipment now scattered among the several city departments—and there only partially used—be transferred to the proposed printing and duplicating branch of the purchasing office where it may be used to advantage for all departments. By these means, and by the clearance of all requests for printing or duplicating through the practical printer in the purchasing office, also recommended by the subcommittee, it is believed that printing bills may be held to a minimum and that much printing for office use may be supplanted by cheaper duplicating processes. Further, printing as a prison industry at the reformatory will be encouraged by the acquisition of much needed equipment.

CONGESTION IN THE POLICE COURT, DISTRICT OF COLUMBIA

The subcommittee endeavored to discover the reasons for and to relieve the congestion in the police court. It found this congestion to be due largely to the presence of police-officer complainants on minor traffic cases, and approved a plan whereunder complaining officers should not be required to appear in court unless their presence is absolutely necessary. It is understood the Board of Commissioners has accepted the principle of this plan and is taking steps to make it effective. This action should reduce materially the existing congestion and confusion in the police court, and keep policemen complainants on their beats.

CONCLUSION

The subcommittee had three objects in making its study: Namely, to recommend remedial legislation whenever necessary; to recommend needed increased appropriations; and to effect increased efficiency and money savings in current operations. It is therefore apparent that the results of the subcommittee's activities can not be measured in money terms; however, the actual monetary savings effected are as follows, no estimates being included where the savings can not be fairly estimated:

Annual savings

	Recommendation adopted	Recommendation pending
Discontinuing the printing of the District of Columbia general schedule of supplies	$3,500	
Purchase of supplies through the Federal general supply schedule instead of through contracts made by the Commissioners solely for District of Columbia needs	100,000	
Taking of discounts on purchases, which has been made possible by adoption of improved methods	10,000	
Production of carbon-copy record of purchase orders to replace press-copy record	1,020	
Discontinuance of charging for cement against special assessment jobs at prices in excess of actual cost	6,250	
Inspection of hay and payment for the quality of hay actually received	7,500	
Reduction in personnel office of inspector of asphalt and cement	10,000	
Use of printed forms in copying deeds for record in office of recorder of deeds	15,000	

Annual savings—Continued

	Recommendation adopted	Recommendation pending
Use of photostat machine for making copies of documents in office of register of wills	$5,000	
Manufacture at the National Training School for Girls of garments for the child wards of the Board of Public Welfare	1,000	
Purchase of printed matter from the Government Printing Office	20,000	
Printing by addressograph equipment the names and addresses of real property taxpayers and the location, area, etc., of each tract on tax bills, field books, and other records	6,500	
Manufacture of additional brick at reformatory	36,000	
Production of lime at reformatory from surplus oyster shells	3,600	
Manufacture of automobile license tags at the reformatory	5,250	
Manufacture of castings at reformatory foundry	14,000	$5,320
Issue of motor-vehicle registration tags by improved methods	1,100	
Installation of additional traffic signal lights in congested area resulting in relief of 6 full-time policemen	12,000	
Payment of personal-property tax on automobiles as a condition precedent to the issue of license tags	73,400	
Transfer of auto repair work for police department to District auto repair shop	18,000	
Preparation of personal-tax ledgers from original documents instead of from memorandum cards now especially prepared for this purpose		1,000
Preparation of paint by paint-grinding machine	4,500	
Reduction of premium rates charged by fire insurance companies to place them on a parity with the average for the whole United States	250,000	350,000
Painting of school buildings by the District repair shop instead of under contract	52,000	44,000
Adoption of photostat process by office of recorder of deeds for making copies of documents		17,000
Reduction of garbage and utilization of by-products by improved methods		126,000
Improved methods, Division of Trees and Parking		6,700
Assignment of prison labor to operate the new Gallinger Hospital laundry		12,000
Payment of one-half of personal tax due when returns are filed		48,500
Total	655,620	570,520

Specific savings (not annual)

	Recommendation adopted	Recommendation pending
Transfer to the District government of property surplus to the needs of the Federal Government	$168,000	
Decrease in cost of traffic signals due to the investigation of contracts for these signals	11,238	
Total	179,238	

The item of $168,000 was arrived at after due allowance of the amount which, based on past experience, would have been realized by the Federal Government had the surplus property been sold as was contemplated.

It will be noted from the above table that the annual savings which have been or may be realized by the adoption of the subcommittee's recommendations amount to about $1,226,140, and that there has been an additional specific (not annual) saving of about $179,238.

THE BURLINGAME CASE

On or about December 15, 1928, one Helen F. Bialock, a resident of Washington, and an owner of real estate, made a complaint to the chairman of the subcommittee, preferring charges of a serious nature against Capt. Guy Burlingame, of the Metropolitan police force. The charges were of such a nature that it was thought best to cause a check up to be made to determine if they were well founded. The Bureau of Efficiency was asked to do this; pending the check up the complainant went to Abilene, Tex., where she made the same complaint to Congressman THOMAS L. BLANTON, a member of the subcommittee. Acting upon the suggestion of the chairman, Mr. BLANTON secured from the complainant an affidavit covering these charges. This affidavit was in due course of time presented to the committee, Captain Burlingame was called before it, the affidavit was read to him; he was told that if a denial was made of any of the statements contained in the affidavits they would be withdrawn. He chose to remain silent, as was his right, and made no answer to these charges and made no attempt to explain them.

The subcommittee recommended to the Commissioners of the District that, pending investigation and action on the charges, Captain Burlingame be suspended. We felt that he should be treated the same as any other member of the police force against whom serious charges were preferred, and that to do otherwise would tend to disorganize and destroy the morale of the department. Captain Burlingame subsequently requested suspension, and it was ordered.

Charges were then filed against him involving conduct unbecoming an officer. A trial board was selected and he was duly placed on trial on the one charge.

Since then the complaining witness, who disappeared after her trip to Abilene, has been located and returned to this jurisdiction.

The office of the corporation counsel became active in the case, the Department of Justice joined, and the United States district attorney took up the matter. While the subcommittee has not fully let go of the case, it was decided that the regularly constituted officials should be left free to deal with the situation. Members of the committee are ready at any time to render assistance in order that the guilt or innocence of this high official of the Metropolitan police force may be speedily determined.

THE POLICE FORCE

An orderly investigation of the police force has been undertaken in response to many criticisms brought to our attention. This has been proceeding for some time. The inquiry has been hampered by publicity and in other ways. Situations have arisen at critical times which have served to defeat our efforts. We can not say that these were premeditated, but they certainly constitute a series of remarkable coincidences, to say the least.

In our opinion the rank and file of the membership of the police force are honest and faithful. They are dealing with a serious situation; modern crime is an organized business. Hundreds of millions of dollars are taken away from the American people annually. That crime is prevalent in the District is attested by the fact that during the last fiscal year nearly 100,000 arrests were made in the District of Columbia.

The undisputed testimony before the subcommittee is that 3,000 bootleggers are plying their trade daily in the capital city of the Nation. Gambling places have been run openly. The subcommittee caused a map to be made showing the exact location of scores of gambling joints, and presented the major and chief of police with a request that these places be closed. A more recent survey convinces us that the number of these places has not been materially decreased. Many have moved, but usually not out of the precinct where they were formerly doing business.

It is impossible to entirely stop gambling or the illicit trade in intoxicating liquors in a city of the size of Washington, but we are concerned that the police force, guarding the lives and property of the people of the Federal city, are honest and incorruptible. We are concerned that gambling be kept out of the departments and bureaus of the Government, where in the past it has materially affected the efficiency and morale of Government employees.

It is the opinion of the subcommittee that the entire police department should be reorganized on a scientific up-to-date basis. It must necessarily be reorganized to cope with the rising tide of crime. Any plan for such a reorganization requires study of the best system employed throughout the world. We have no right to criticize the system now in force here, with nothing to offer in its place. It is the purpose of the subcommittee, following its policy throughout this survey, to offer a bill carrying into effect our specific recommendations.

FORM OF GOVERNMENT

It is not our purpose to discuss in this report any proposed change of government for the District of Columbia. We feel it is our duty, however, to suggest a thorough study of forms of government in effect in the cities in this country and abroad to determine if the form now in effect is the most efficient that can be devised to suit our needs.

OTHER PROBLEMS

The members of the subcommittee have earnestly desired to completely conclude the survey during this session of the Congress, but we find ourselves confronted with other problems pressing for solution.

The apparent failure of justice in important cases recently tried before juries of the District have raised a storm of protest throughout the Nation to an extent, but even the honesty of individual jurors has been brought seriously into question. This whole situation, so closely related to the protection of the life, the liberty, and the property of the people of the Nation, is urgently necessary.

The lack of an adequate banking code requires careful attention.

It is necessary to break up the real-estate robberies under the guise of the law. Unscrupulous real-estate operators are taking a tremendous toll from people of ordinary means through dishonest methods.

FARM RELIEF

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from Nebraska [Mr. NORTON] for 15 minutes.

Mr. NORTON of Nebraska. Mr. Speaker and Members of the House, I appreciate the courtesy extended to me by the House in being permitted to discuss at this time a subject which is not now under consideration, and which has not been under consideration during the present session of Congress. I have reference to the farm problem. This subject was debated extensively

during the last session of Congress and may be debated even more during the next session. It involves legislation that is of intense interest to me, and likewise to the people whom it has been my privilege and honor to represent in Congress during the past two years.

During the last session Congress passed and President Coolidge vetoed the McNary-Haugen farm bill. Members of Congress strived earnestly to formulate legislation that would result in a just equalization of the economic situation as it affects agriculture. In that effort the farm problem was studied in all of its phases, and farm leaders and others in a position to furnish valuable and desirable information with reference to the subject were consulted. The McNary-Haugen bill was the result of that effort. But the President and Congress disagreed, and the bill was vetoed. Thereafter no effort was made to secure the passage of some other legislation upon which the President and Congress might have agreed, and Congress adjourned without the enactment of the much-needed legislation.

Now, we are promised that such needed legislation, necessary to solve this important problem, is to be enacted during the coming session of Congress, that Congress will be called into a special session for that very purpose. I have every reason to believe that the President and Congress will approach the subject with a sincere desire to secure a constructive and effective solution of the problem when that time comes.

That fact, however, does not excuse us for our failure to act during the session that is about to adjourn or to relieve the President and Congress from just criticism for the failure to act during previous sessions in which this question has been an issue.

Fortunately the country now generally recognizes that there is a farm problem, and that legislative assistance by Congress must be given to its solution. The farmers have convinced the Nation of the justice of their plea for farm relief. How could anyone doubt or deny the justice of their plea when he is familiar with the present situation, with the depreciated farm values, the abandoned farm lands, the increasing farm-mortgage foreclosures, the many bank failures in rural communities, and the continuous drift of our farm people from the farms to the cities of the country. Furthermore, the issue was brought more forcibly to the attention of the Nation in the late presidential campaign, wherein both major political parties and their candidates promised adequate farm legislation. It is true that that was not the first time that political parties and candidates for public office have made such promises. The difference now and in the past, however, lies in the fact that they have been able to disregard their promises in the past, and that they now know full well that they will not be able to repeat in such a venture. The farmers of this Nation know what they want; they know what they are entitled to receive; they know what they must have to endure; they know what they have been promised; and they are going to insist upon a prompt and faithful fulfillment of that contract or know the reason for the failure thereof.

What then is the legislation that is to be passed in an effort to effect a proper solution of this question and to satisfy the demands of the farmers of the Nation? As I have previously stated on the floor of the House, two lines of procedure are open, and the acceptance of either can be used as a means of aiding in the solution of the farm problem by means of legislation. That end can be achieved through the enactment of legislation which will aid in bringing the other industries down upon a lower economic level by denying to them some of the advantages which they have heretofore enjoyed or by passing laws which will aid in raising the agricultural industry to that higher level where the other industries now operate, so that the farmers may enjoy equal prosperity with the others. I realize that there will be no disposition on the part of Congress to pursue the former course, but that the latter will be the one that will be followed. That being true, the farm proposals that will probably be considered during the next session of Congress will dissolve themselves into the following classes: Subsidy bills, money-lending bills, stabilization plans, tariff revision, and surplus control legislation.

The farmers of America are not asking for a subsidy. They do not want to be pauperized by Government doles, and they would indignantly scorn the suggestion that they should be made the wards of the Government. The farmers who have supported the McNary-Haugen bill in the past have done so because they have realized, all statements to the contrary notwithstanding, that that measure did not provide for a subsidy. All money-lending bills, therefore, which would make Uncle Sam foot the bill for all losses incurred in handling the surpluses are justly unpopular with the farmers. They know full well that such measures will not deal adequately with the farm commodity marketing problem. Also, the money-lending bills which throw all the burden of handling the farm commodities, and particularly the surpluses, upon the members of cooperative marketing associations are likewise not enthusiastically supported by the farmers because they have learned through bitter experience that it is virtually suicidal for a cooperative association to attempt to handle crop surpluses while a majority of the producers of that commodity remain outside of the organization, bearing none of the burdens, and reaping the benefits of enhanced prices. In other words, credit by itself, whether to subsidize agriculture or to aid cooperatives in the handling of their surplus products, will never solve the farm problem. That is not to say that proper credit is not necessary, for it is. Credit is not only essential, but the proper kind which will furnish money to farmers and to cooperatives upon more favorable terms will be of distinct benefit.

To some tariff revision embodies the best and the only means of a proper solution of the farm problem. The Ways and Means Committee of the House has been holding hearings almost continuously since the first of the year, and we have been told that the tariff changes and readjustments to be recommended by the committee, and later enacted into law, will be primarily for the purpose of aiding agriculture.

I sincerely hope that that may prove to be the final result, for the farmers are entitled to whatever protection and assistance they can secure from such tariff changes, to the end they may be in a better position to compete with foreign producers of farm products in the American market. Besides, if the protective-tariff policy is to be followed with reference to the other industries of the Nation in a position to benefit thereby, the same policy should be pursued in relation to agriculture.

Whatever the intent may be with reference to tariff revision, there are forces and influences at work that may cause the tariff changes to be affected to cause the farmers of this country more harm than good. If in increasing the duties on farm products the Congress also increases, out of proper proportion, the duties on the various commodities which the farmers must buy, they may discover later that the legislation which was intended to be in their behalf as a relief measure turned out to be an increased opportunity for profiteering on the part of others at their expense. Especially will that be true if no accompanying legislation is enacted to provide for the control of farm surpluses, for since the tariff by itself will not provide an effective means of influencing the price of any commodity of which the American farmers produce a surplus, additional legislation must be provided for that purpose.

We have been assured that stabilization corporations are to be provided for whose purpose it will be to aid in the control and sale of farm surpluses. That stabilization of farm prices is desirable every student of the issue will admit. The constant upward and downward change in farm-commodity prices, whether those changes be due to speculation or to other causes, is undesirable and detrimental to the best interests of agriculture.

Any legislation, therefore, that will tend to stabilize prices so that the farmers may have a better understanding of what they will probably receive for their products, whether sold immediately after being harvested or in a later market, will be of marked advantage and benefit to them. But legislation that will tend to stabilize the market will not necessarily result in an assurance of an adequate price for the commodity. In other words, a stabilized price will not necessarily be an adequate price. Farm prices may be stabilized on too low a level. In fact, it will be easier to stabilize such prices on a lower level than to stabilize them on a higher level. Therefore, stabilization, by itself, will not necessarily mean a profitable price to the agricultural producers of the Nation, and additional legislation will be necessary in order that the price may be stabilized on a proper basis.

I have already stated that the farmers will never tolerate any plan that involves a subsidy. I have also stated briefly the benefits to be realized from a proper credit system, from favorable tariff revision, and from effective stabilization. In addition other measures will probably be offered which will provide for the control and sale of crop surpluses in a manner similar to that embodied in the McNary-Haugen bill with the equalization-fee provision. We have been told in recent weeks, especially since the November election, that the McNary-Haugen bill with the equalization-fee principle of farm relief was rejected in that election, and that the farmers themselves expressed their opposition to it by voting the Republican ticket. Nothing could be farther from the truth. As everyone should know, the result of the campaign turned on other issues and not on the farm issue.

I venture to assert that if the farmers of this Nation could have expressed themselves on the farm issue alone, devoid of all other issues, they would have voted overwhelmingly in favor

of that plan of farm relief. In other words, the last election was not a referendum on the farm issue.

Whatever the plan may be that shall finally be agreed upon as the best means of solving the farm problem, if it is an effective plan—one that will result in better prices for farm products to the end that the farmers may enjoy the prosperity to which they are justly entitled—it will be opposed as every other worth-while measure, including the McNary-Haugen bill, has been opposed in the past. If it contains a provision providing for the creation of a farm board, as it undoubtedly will, it will be assailed, and it will be claimed that the legislation will result in bureaucracy. I have no desire to defend the present tendency toward centralization and bureaucracy in this country. On the other hand, I shall welcome the day when that tendency shall cease, for our Federal Government is becoming top-heavy. However, I fail to see wherein it would be wrong to have a board or bureau whose function it would be to interest itself primarily in the welfare of agriculture, in view of the fact we have such boards and bureaus for the purpose of aiding practically every other important industry. Furthermore, it is interesting to note that some of those who oppose a farm board on the ground that it would result in bureaucracy are themselves most enthusiastic supporters of bureaucracy in other fields.

Everything seems to depend upon whose bureau it is, and as to whom is to be benefited by the operation thereof. Apparently those who so vigorously oppose the centralization and bureaucracy, which they say will result from any farm bill which would create a farm board, are not advocating that we abolish the Interstate Commerce Commission, created for the purpose of regulating railroad rates; the Federal Reserve Board, vested with authority to increase and lower interest rates; the Tariff Commission, empowered to suggest changes in tariff schedules; the Federal Trade Commission, whose function it is to investigate unfair and illegal business practices; and other similar boards, commissions, and bureaus.

If the law to be enacted will enable the farm cooperatives to gain a greater control over surplus crops, and thereby secure better prices, it will be branded as a price-fixing measure, and therefore economically unsound. There is a vast difference, however, between arbitrary price fixing and economic price influencing. There was not a provision or sentence or clause in the McNary-Haugen bill which authorized anybody or any agency to arbitrarily fix prices. Arbitrary price fixing involves the exercise of arbitrary compulsion to prevent the sale of a commodity at any other price than the one fixed by law or decree. Price influencing may secure a better price, but not a definite price. That such legislation will influence prices to the benefit of the farmers I do not deny. If it did not do that, it would be virtually worthless. If we are not going to do something to bring the farmer a better price for his products, then we are going to fail to do what ought to be done. What the farmer needs most of all is not more credit facilities but higher prices for what he has to sell, so that he can pay off some of the debts which he has already contracted, either personally or through his cooperative agencies.

The Government has already passed legislation or has created agencies which influence prices favorably for other groups in this country. We have the protective tariff whose avowed purposes and results have been to increase the domestic prices of domestic industries above the level which they would be otherwise if no duties were imposed upon imports. The protective tariff has that effect upon the prices of those farm products of which we do not produce a surplus. It is to make that tariff effective as to all farm products that surplus-control legislation has been proposed. The railroads of the country not only have price influencing but price fixing by Government decree in order to assure them of a profit. The banks have price influencing in the interest rates and rediscount rates by the Government through the Federal reserve system in order to maintain the prosperity of the banking interests in this country. Organized labor has price influencing through congressional legislation in the Adamson 8-hour law, and the various restrictive immigration acts which influence upward the wages of domestic labor by curtailing the supply of imported labor from foreign countries. No, price influencing is not a new principle in this country. If surplus-control legislation is to be rejected on this ground then the tariff act must be rejected; the restrictive immigration laws must be rejected; the Adamson 8-hour law must be rejected; the Federal reserve law must be rejected; and all the legislative proposals which influence upward the price or returns of other groups in this country must be done away with in order to be consistent.

The farmers in demanding such a plan of farm relief are not asking for price fixing, but they are asking for the enactment of a plan which will result in better prices for farm products, just as Congress has passed other laws which have brought higher prices and larger returns to other industries and groups in this country.

If the farm legislation to be enacted will promise or indicate a material increase in farm-commodity prices, it will be claimed that the enactment of such legislation will result in profiteering. Wild charges will be made by the enemies of such legislation, and they will make all sorts of absurd predictions that the consumers in the cities will be crushed under the intolerable increase in the cost of living if such a measure be enacted. Such charges are absurd and are not borne out by an analysis of the relationship existing between retail prices and farm prices. Because the price which the farmer receives is raised does not necessarily mean that the price to the consumer of the finished product will be materially increased. Most agricultural products are processed in some way or another after they leave the farm before they reach the consumer. In many instances the cost of the raw material produced on the farm is only a small percentage of the total cost of the finished product to the consumer. Labor costs, transportation costs, and processing costs frequently amount to far more than the cost of the raw material produced on the farm. For example, in the case of bread, a recent report of the Federal Trade Commission concerning the bakery industry showed that the price received by the farmer for the wheat contained in 1 pound of bread amounted to a little over 1 cent, whereas the consumer paid over 8½ cents for the pound of bread. Furthermore, a comparison of the farm price for wheat and the retail price of bread shows that the farm price of wheat may fluctuate upward and downward to considerable extent without changing appreciably the retail price of bread.

If the legislation to be enacted will be such as to indicate an increase in prices, and therefore, in profits to the farmers, it will be contended by its opponents that it will result in overproduction. That might be true if the legislation were to be formulated so as to apply to only one product, for in that event overproduction might result in that particular product, but if the measure or measures apply to practically all farm products it is difficult to see how greater overproduction would result. The farmers of the country are now producing as much as they possibly can in an effort to secure sufficient funds with which to meet operating expenses, pay interest on their indebtedness, pay increasing taxes, and have something left with which to support their families. If better prices could be secured, the farmers could more effectively do those things without increasing their production.

Because of the opposition which it has encountered, I shall be gratified if some plan, other than the equalization-fee provision, can be thought out that will accomplish the result for which that provision was intended. But if no such substitute can be secured, I would favor inclusion of that provision in the farm bill to be enacted, in order that an effective plan for surplus control may be provided.

I realize that it has been contended that the equalization-fee provision is unconstitutional, and much of the opposition to the McNary-Haugen bill has been based upon that ground. As to that, however, students of the issue differ. Many able constitutional lawyers who have studied this proposal have held it to be constitutional. The reports of both the Senate and House Committees on Agriculture contain an imposing array of court decisions upholding various principles involved in the equalization-fee plan. It is not an unwarranted delegation of legislative power, as has been alleged. The board is merely the agency of Congress in carrying out the policy outlined by Congress and is restricted and limited by the conditions set forth as to how and when the fee is to be applied and collected. This is based on a well-established legal principle. Congress has frequently delegated power to Federal agencies. Congress does not fix the freight rates of this country but has delegated that authority with certain limitations to the Interstate Commerce Commission. Congress has also delegated to the President authority to change the tariff rates upward or downward not to exceed 50 per cent. The United States Supreme Court, in a unanimous decision delivered by Chief Justice William Howard Taft, has ruled that the authority to change tariff duties, conferred on the President by the flexible provision of the tariff act, is constitutional, because the President in changing the duties is merely an executive agent in carrying out the will of Congress according to definite principles laid down by Congress. Similarly, the equalization-fee plan would authorize the Federal Farm Board to arrange for the collection of an equalization fee as the agent of Congress in carrying out its declared policy.

Nor is the equalization fee a tax on the farmers as its enemies have charged. It is not a tax but a fee collected for the purpose of conferring upon the producers and others large benefits in the form of increased prices resulting from orderly marketing

of the surplus. This orderly marketing is made possible by the collection and use of the equalization fee. The removal of the depressing effect of the surplus upon domestic prices results in an increased price to the farmers throughout the season. As the Committee on Agriculture pointed out in its report on the McNary-Haugen bill the collection of the fee by a Government agency for other purposes than for taxes is not a new principle. An equalization fee plan was provided in the transportation act of 1920 giving the Interstate Commerce Commission power to fix rail rates so as to provide fair net profit return for all the railroads in the United States and in order to equalize the returns of the roads. Authority was given to collect an equalization charge from railroads receiving excessive returns and to lend from the fund so derived to railroads earning less than a fair return. The collection of this fee was sustained in the famous Dayton-Goose Creek Railroad case (263 U. S. 456). Many other instances in which Congress is imposing a fee which is not necessarily a tax are cited in a report of the Committee on Agriculture on said bill.

But whatever the plan may be which is to be enacted into law for the purpose of solving the farm problem, I assume that it will be one which will provide suitable credit to assist in the orderly marketing of farm products; one which will readjust the tariff rates so that the farmers may receive the protection to which they are justly entitled; one which will aid in the stabilization of prices, and in addition I hope it will provide proper control of surplus crops, so that the farmers may be assured of fair and adequate prices for their commodities. If necessary legislation is passed in behalf of the farmers, they will become more prosperous, their purchasing power will be increased, and others will benefit thereby. The farm problem is not a problem that solely concerns the farmers of this country, but a problem that concerns the Nation as a whole, and, therefore, its solution is essential to insure the future progress and prosperity of our country. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

JAMES J. DAVIS, SECRETARY OF LABOR

The SPEAKER pro tempore. Under the special order the gentleman from Indiana [Mr. VESTAL] is recognized for 20 minutes.

Mr. VESTAL. Mr. Speaker and ladies and gentlemen of the House, I desire to ask the indulgence of the membership of the House for a few minutes to pay my tribute of respect to one of our public servants. The business of the House keeps the Members so occupied in attending to legislative matters that we too often fail to note our appreciation of the work of many distinguished men and women until they have passed to the great beyond. I desire to call the attention of the House to the services of a member of the Cabinet. Just now our country enjoys a state of industrial peace and good will such as it has probably never known before. This condition does not just happen to obtain. In fact, things do not "just happen" in this country. They are made to happen by policies of our Government. The industrial peace we now enjoy has been brought about to a large extent by the masterful manner in which this Cabinet officer has handled the affairs of his office. I feel we owe a debt of gratitude to this man for the conspicuous services he has rendered the Nation.

His life is a romance in itself. In a few more days he will have rounded out a political career remarkable in its way. It is given to few men to have sat in the Cabinets of two Presidents of the United States and to have served both with such outstanding ability. His life and his character are most remarkable illustrations of what America means to the boy or the girl who really desires to make a name for himself or herself. The man to whom I refer is the Hon. James J. Davis, Secretary of Labor.

Forty-eight years ago he came here an immigrant boy. Forty years later he himself was in charge of our immigration. The whole story of his ability, his energy, and his character is told in that single, striking fact. This fact illustrates another thing. It is an object lesson to all immigrant boys that America is the land of opportunity and shows what any raw immigrant boy can do if he has the will to work.

Secretary Davis was born in the mining and iron town of Tredegar, South Wales. I have heard him remark that he was born in the thick of a strike. He entered the Cabinet in the midst of strikes; and for eight years he has been smoothing out differences between capital and labor all over the country, and has done his job so well that for the past few years we have had but little disturbance except the minor disputes and differences of opinion natural to men in their search for gain. Many more serious controversies the Secretary has been able to settle before they broke. He saw them in time and stopped them.

He gets this foresight by right of inheritance. His grandfather, skilled in the family occupation for generations—that of iron worker—was called to Russia as an expert to aid in establishing the first blast furnace in that country. Later he came to this country, to Maryland, to lend his experience in building the early furnaces here. In America he was quick to see the boundless possibilities of the future and strongly urged his son to try his fortunes here. The father of Secretary Davis acted on that suggestion and came to America to find a job and prepare a home for his family. When it was safe he sent for them. I have heard the Secretary tell that when the day of their exodus came, he had to be dragged from under a bed where he had hid himself because he did not want to leave his home.

Young Davis was 8 years old when he came to America with his mother and five other children, one of them a babe in arms. They came in the steerage and landed at old Castle Garden in New York. The city staggered them with its size and they soon became acquainted with one of its peculiarities. A thief got away with much of their baggage, including a feather bed highly prized by his mother. In Wales a feather bed is a mark of standing and affluence. To the immigrant mother it still had that value in America. The theft of it was a tragedy to her and while she tried to find it, two of her children were lost for several days and most of the family savings had to be spent before they were found. At last the brood was gathered together and boarded the train for Sharon, Pa., where the father was waiting to welcome them to the home he had prepared for them.

There the Davis boy lost no time in showing his mettle. He had in his soul "that something" and proceeded to make it work. They put him in school and in Sunday school, but they could not take all his time and energy. Before he reached 11 he had tried his hand at a dozen things. The hotel keeper in Sharon supplied his house with milk from his own cows. Davis hired himself out to drive those cows to pasture at $1.25 a month. He carried papers. He blacked boots. He went about town ringing the bell for auction sales. He delivered telegrams. He turned his hand to everything that would add some little to the family income. He was the all-around chore boy of Sharon; but all the while he was learning something. He was learning what a lot of chances there are to earn a living and to get ahead in this new America he had come to, and he was making the most of those chances.

For generations the Davises in Wales had been skilled workers in iron. Davis's father was one. It was in the blood and the blood soon spoke in the boy. It took any amount of persuasion, but the boy obtained permission to find employment in an iron mill. At first he sorted nails and wore his fingers bare. Next he got a job as helper to a puddler. At the age of 16 he became a journeyman puddler himself, and a full-fledged member of the union. I believe at that time there were only four or five boys of that age in the United States who were union members.

By the time of the 1890's Davis had become a crack craftsman at his job of iron puddling—but hard times were coming on. The iron industry was badly hit. Nothing daunted, Davis set out to find employment wherever the little that existed was to be found. Often the job he heard of was at some distance, and he had no money to travel. So he allowed the railroads to have him as a guest aboard the brake bars, or in the box cars or the caboose. At one time he was in Birmingham, Ala., and when the mills closed there, he went to Louisiana and cut sugar-cane and drove mules in building a levee. But all the while he was learning that there is work to be done in America, provided you go after it. And Davis was never the man to sit down and wait for a shutdown mill to reopen. He went where the mills were going.

Finally the slack times of 1890 to 1893 hit the iron industry especially hard, but the pioneering minds thought it as well for this country to make its own tin plate instead of buying it from foreign labor. Tin-plate mills were being built and the McKinley tariff gave them protection and a start. Davis saw a better chance for steady work in this new industry and obtained a job in Elwood, Ind., in my own district. And there it was that I became acquainted with James J. Davis, when we were both young fellows around 20 years of age. I remember him yet as a black haired, blackeyed, muscular young man seeking a job. Elwood was one of the crossroad towns of Indiana that sprang up out of the fields over night as a result of new industries, and the fact that Elwood industries were able to run when hard times had closed nearly all the others. The Indiana industries had one great advantage—cheap fuel—natural gas. This fact had much to do with determining the location of the first tin-plate factory in America.

The new tin-plate works were close to the farms owned by my father and brothers, and we were all interested in seeing these new wealth-producing industries open up. It was a day long to be remembered when the sainted William McKinley, himself, came there to dedicate this new mill—the industry he believed would profit, along with every other, under his protective-tariff principle. Great crowds came from all over the State to witness that significant ceremony. Outwardly, it was the opening of a tin-plate mill; in reality, it was the opening of a great era of prosperity. McKinley took the country at the lowest ebb in its economic history. He left it five years afterwards at the highest peak of prosperity it had ever experienced up to that time. I dwell on that striking ceremony because Davis and I have always felt as if we had a personal hand in starting the country off on a fresh brust of speed!

If my colleagues will permit me to reminisce for a moment, I might say that Davis and I were both employed in this great tin-plate factory—he as a roller and I as a pickler—and we became great friends. His ambition always was to do his job a little better than any one else doing the same sort of work. If the mill was down during any of the summer months, he did not loaf around waiting for it to open, but went on the farms of the adjoining countryside and labored there until they started up again. We all knew that such a fellow would get on in the world. He was a leader even then, as if born to it.

He was soon in the higher councils of the tin workers' union. It seemed to me marvelous the way he handled ticklish questions in the new industry, adjusting wages, working conditions, and disputes. It was said among his fellow workers that he could run off backward the wage rate of every one in the tin-plate industry. Others had to go over the wage-scale books; Davis had them at his finger tips. The man already was thorough. He knew the men as he knew the business—worked with them, lived with them. And he had their unbounded respect. In the great strike of 1896 he was instrumental in obtaining a successful adjustment.

One other thing appeared to be in this man's blood—a gift and a love for politics. They early made him one of the leaders of a large delegation from Elwood to Canton, Ohio, to pay respect to William McKinley. Davis and I both cast our first vote for the martyred President, by the way. The next I knew, young Davis, hardly more than of legal age, was running for city clerk of Elwood. He always had been popular in the community, and it goes without saying that he was elected, with only a few votes against him, if I remember rightly. In fact, his success was so sweeping that it wholly obscured the opposition he had to encounter. The opposition grew out of a story worked up by his political rivals to the effect that as only a mill worker he could not possibly have the necessary education to be city clerk. It was even said that he could not read or write, not to say cipher. To answer this sort of opposition Davis took a blackboard with him wherever he made a speech, and asked any school-teacher in his audience to give him a sum to do or a sentence to write. He rang the doorbell or knocked at the door of every home in Elwood, and while the other candidates for the office sat back and issued confidence statements as to their certain success, Davis got out and did what he has always done, he worked. Perhaps that accounts for the fact that only four votes were rung up against him.

After four years as city clerk he was next elected county recorder of Madison County, one of the responsible positions in county and State administration in Indiana. But even then he never allowed success, political or otherwise, to turn his head. He knew how to be a friend and he had his friends in plenty. He never forgot one. In the hard times of the early nineties he shared his money, his food, and even his clothes with those who were harder hit than he.

One instance of his helpful friendliness comes home to me. At the time I was candidate for the office of prosecuting attorney in Madison County but because of illness was unable to attend the convention. However, my cause was not neglected. Davis was there to champion the interests of his friend. He led the fight in the township and county and did yeoman work in helping me to win the election.

After four years as county recorder he retired from political activity in Indiana, refusing a renomination at the hands of his party. The reason was that he had another and better job. It was characteristic of him to see his real opportunity wherever it showed itself, and Davis had recognized it in the work of building up a fraternal organization, the Loyal Order of Moose. Here again I watched his work at close hand, because in those days I served as general attorney and counsellor in this order. Fortune had cast before Davis one of the great and absorbing interests of his life, and he knew it. When he took over the fraternity it was a dying organization reduced to 246 members. He became the two hundred and forty-seventh, and lodge No. 1 was organized in my own city. It was a bleak prospect to revive a body so close to extinction, but Davis set to work with his characteristic vigor and energy. By then he had gained a wide knowledge of the country from his rovings, and with it a wide acquaintance and popularity. These things both served him. A born organizer and leader, success was certain. It called forth his every instinct, the instinct to help, for he is intensely human.

The whole story of Davis's work with that fraternity is told in the fact that it now has a membership of well over 700,000, with financial resources above $30,000,000. Out of the enthusiasm and energy of this one man the institution has been rebuilt and made what it is. He fired others with his own faith and optimism. At this time the organization he has built is among the most active and prosperous of them all. The Home for Aged Members, in Orange Park, Fla., and the great home and school, city of Mooseheart, founded by Davis, where the Moose fraternity is training and educating more than 2,000 orphaned children, are but two of the beneficent activities of this organization; and already Mooseheart ranks as one of the great and model educational and philanthropic institutions of the country.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. VESTAL. It was this swift and outstanding success as an organizer that attracted to Davis the attention of President-elect Harding as possible timber for the position of Labor Secretary. Few others had anywhere near his qualifications. He was still a member of the union he once served. He had an unrivaled acquaintanceship among men of all ranks, employers as well as employed. He had experience in handling large affairs. He was the custodian of great funds intrusted to his care, and on his own account he already was a business man and an employer. The combination seemed ideal, and the new President was quick to see it. And another opportunity for service offered itself to Davis. He was prepared to meet it.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. I will be glad to.

Mr. JOHNSON of Washington. I would like, in the gentleman's time, if the gentleman will permit, to pay a brief tribute to Secretary Davis for his handling of the new quota laws, undertaking a new thing—the closing of the immigration gates—and for his carrying out of the purposes of the 1921 and 1924 acts in a most efficient manner under the greatest difficulties. We of the Immigration Committee have had great benefit from the suggestions of Mr. Secretary Davis. I thank the gentleman from Indiana for what he is now saying.

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for three additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. VESTAL. How well the choice has been justified, succeeding events have proven. Two Presidents have kept him in their cabinets against his repeated wishes to retire. Organized labor, at first fearful that Davis had cooled in his attitude toward labor, are now among his stoutest supporters and capital praises his fairness. Our national industry, largely because of his unceasing efforts to spread good will and the spirit of partnership between employer and worker, now enjoys its present unprecedented peace and contentment.

We little realize what an undertaking it was to bring about this peace and contentment in the industrial world. In 1921 when the Republican Party came back to power it found the country paralyzed in the worst business recession since 1893, and with nearly 6,000,000 out of employment. But Davis is a genius at salesmanship. We went up and down the land preaching the simple fundamentals that lead to prosperity. His slogan everywhere was "The way back to prosperity is to work your way back." He literally sold the country this idea of work. His plea to employer and worker wherever he went was to pull together, to forget old rancors, to pool their common interests in a single partnership for business success. Selling the idea of work and burying the hatchet of industrial discord, however, were only two of the elements which contributed to the success of the administration of Secretary Davis. A believer in tariff on merchandise to protect American industry, he also believed in the principle of protection for labor from the unfair competition of low-paid alien labor. The first immigration law seeking to restrict the number of aliens permitted to come to America was very difficult in actual operation. We recall the

tales of hardships arising from the separation of families, racing steamers, and so forth, and thousands being turned back at ports of arrival after they had disposed of their homes and journeyed across 3,000 miles of ocean. We no longer hear these stories, because things have been smoothed out, thanks to the energy and foresight of Davis. When we passed the selective immigration law, it was said that foreign governments would not let the United States examine and select immigrants before they left home, but through Davis's persistence this is now done in all of the larger immigrant-sending countries. In other words, in the administration of the immigration law he took what appeared to be an impossible situation and made it one which now has nothing but commendation not only by our citizens but by the aliens. He has raised the dignity of citizenship by a strong administration of the naturalization laws and the furtherance of Americanization education.

Business and home affairs of the Nation have equally benefited from the executive ability of this Secretary of Labor. At the head of the Housing Corporation he was the manager of the Government Hotels in the Nation's Capital, where 1,800 women workers of Uncle Sam were housed and fed; he operated the ferries of Norfolk, and in doing so improved the service and changed the color of the figures on the balance sheet from red to black. He has profitably disposed of much war property and rented other of it.

By his efficient administration of the Children's Bureau, official reports show that infant mortality is lower and maternal deaths fewer. Especially is this true as to rural aid, in the sending out of a completely equipped clinic, known as the baby special to places where otherwise aid and instruction in maternal hygiene would be impracticable. In addition, health centers, in many communities have been established with the cooperation of the Children's Bureau. Industry has been made safer, more comfortable, and more satisfactory for women; their interests safeguarded in factories and other places where women, in our present scheme of living, find employment.

Another great bureau under the administration of the Secretary of Labor, of which record he may well be proud, is the Bureau of Labor Statistics. The accuracy and currency of the figures and facts compiled by this agency under Mr. Davis have been accepted wherever these factors are essential. He has for the past eight years been chairman of the Federal Board for Vocational Education. Always interested in education, and particularly in that phase of it which fits men for lives of useful service, he has carried the spirit of his interest into the work of this board and extended its usefulness into new and many fields.

It is hard to say which of the two achievements that stand to the credit of Mr. Davis is the greater. He built up, first, a great benevolent fraternity to bring sweetness and help into the Nation's social life. Through the administration of his Cabinet office he has helped materially to build up a new national spirit in the industrial and economic world, instrumental in bettering the Nation's material life. Either achievement would distinguish any man.

Now, he is about to turn his back on further political activity, although it is rumored that he will be retained by the incoming President. If Mr. Hoover exercises the good judgment we know he has, he will persuade Mr. Davis to continue in the office he has managed so well for the past eight years. In the words of Uncle Joe Cannon, "He could go a great deal further and do a mighty sight worse." But if he does leave the Cabinet, I hope it is to mean a return to his benevolent work. Throughout the double term of office he has never relinquished his interest in Mooseheart, the project that grew from bitter experiences in his youth. In the days when he was the iron puddler, it was often the sad experience of Secretary Davis to witness the fate of some neighboring family when accident at the mills had crippled or killed its chief bread-winner. He saw wives made widows, with broods of tiny children about their knees and with no means of support. He saw these children tossed out into the world to work at an age when they needed to be learning their A B C's. What chance had they in life, he was left to wonder? He saw brothers separated and thrown into ways of life so far apart that they never saw each other again. It was then that Davis resolved some day, when he was able, to establish a refuge for such unfortunates. The result is this city of homes and schools at Mooseheart, where orphans of the members of this organization, similarly robbed of parents and prospects, are given an opportunity with the best of us to win their places in the world.

Mr. PURNELL. Mr. Speaker, will the gentleman yield there for a minute?

Mr. VESTAL. Certainly.

Mr. PURNELL. I wish to say that I heartily indorse all the sentiments the gentleman has expressed. If I may, I should like for myself and my district to get a little of reflected glory by saying that for a short time Mr. Davis lived in the ninth congressional district of Indiana. [Applause.]

Mr. VESTAL. In addition to his achievements as Secretary of Labor, and as organizer of a great fraternal endeavor, James J. Davis also takes rank as an educational force. He has made a great Secretary—always kind and courteous to Members of the House and Senate—always willing and anxious to help them with any problem touching his department. He may be justly proud of the esteem in which he is held by the Nation; but there is yet another glory that is his. To-night, in Mooseheart, 2,400 orphaned children will kneel beside their trundle beds and say their prayers for the man who has made it possible for them to have a home and to receive an education that will fit them for the battles of life on even terms with the more fortunate children of America. Where else can we point to a life more widely rounded out in good and helpful work for humanity? Now, at this milestone in such a career it seems to me we ought to pause in our busy lives to pay due tribute not only to the achievements of the Secretary of Labor but to our good friend, familiarly known as Jim Davis! [Applause.]

Mr. COLE of Iowa. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. COLE of Iowa. As a friend and admirer of Secretary Davis I want to thank the gentleman from Indiana for the fine address he has given us. It is to me a classic in the form of a personal tribute. The life of James J. Davis is indeed an American romance. It presents the opportunities and possibilities that underlie American life. I wish that every boy and young man could read the story of that life as Mr. Davis himself has written it, The Iron Puddler, a book that reminded me of the immortal autobiography of Benjamin Franklin. [Applause.]

SPECULATION AND ITS EFFECT UPON INDUSTRY

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short editorial from the Manufacturers Record on the subject of the Federal Reserve Board.

The SEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an editorial from the Manufacturers' Record on the subject of the Federal Reserve Board. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD I include an editorial from the Manufacturers Record dealing with the warning of the Federal Reserve Board on February 6, 1929, entitled "Speculation and Its Effect Upon Industry—A Remedy Suggested," of date February 14, 1929, which is as follows:

SPECULATION AND ITS EFFECT UPON INDUSTRY—A REMEDY SUGGESTED

The Federal Reserve Board, on February 6, issued a solemn warning to the country. It declared that "the extraordinary absorption of funds in speculative security loans which has characterized the credit movement during the past year or more, in the judgment of the Federal Reserve Board, deserves particular attention lest it become a decisive factor working toward a still further firming of money rates, to the prejudice of the country's commercial interests." It then stated that the resources of the system are ample for meeting the growth of the country's commercial credit needs, provided they are competently administered, and it added: "The Federal reserve act does not, in the opinion of the Federal Reserve Board, contemplate the use of the resources of the Federal reserve banks for the creation or extention of speculative credit. A member bank is not within its reasonable claims for rediscount facilities at its Federal reserve bank when it borrows either for the purpose of making speculative loans or for the purpose of maintaining speculative loans. The board has no disposition to assume authority to interfere with the loan practices of member banks so long as they do not involve the Federal reserve banks."

This solemn warning, which immediately depressed the security markets, was addressed not to speculators but to the great member banks. No corporation can procure reserve credit. Reserve credit can be got only by member banks. They have used the facilities which have been granted them by law. There are cases where a single member bank has used more than a hundred millions of reserve credit at one time, while a heavy lender in the call market. It is these banks that the Federal Reserve Board hold responsible for the extravagant credit conditions in New York, and it is these banks, apparently that the board intends to discipline.

The Federal reserve act declares that the reserve banks may—not must—rediscount. For many months past the trans-Mississippi reserve banks, using the authority apparently conferred on them by the use of this word "may," have simply declined, in many cases, to rediscount for banks that were lending money on call in New York. By this method these trans-Mississippi reserve banks were enabled to keep their basic rate down to 4½ per cent as against the 5 per cent rate

in New York. What the board evidently intends to do, whether it says so publicly or not, is to extend to the East the practice which has been so prevalent and so successful in the trans-Mississippi territory.

It will be noted that the board specifically stated that it objected to the "further firming of money rates" on the ground that it would imperil the country's commercial interests.

The board obviously is against high rates. It has been clear for some time that the board has only sanctioned high rates because of the orgy of speculation. There has been nothing in the statistical position to justify high rates. There has been no such demand for credit from industry as to justify high rates. There has been one justification for them, and one justification only, namely, the hope that they would serve to keep speculation within moderate limits.

There would be little possibility of a member bank abusing its rediscount privilege were rediscounting confined to eligible commercial paper, as the reserve act originally contemplated. In order to finance the war, the act was amended so as to permit member banks to borrow on their own 15-day notes, using Government securities as collateral. It was formerly pointed out in these columns that this, in effect, makes the public debt the basis for credit expansion and permits the abuses against which the reserve board now complains. If the right of the reserve banks to refuse to rediscount is acquiesced in, this 15-day privilege would lose much of its importance, otherwise the great member banks actually control the money situation and the Federal Reserve Board can do little more than make gestures.

We think the board is entitled to every commendation for the effort it has made to protect legitimate business; but even that commendation must be predicated on the assumption that the board is right in assuming that control of speculation is within its functions. There were three classic methods whereby the board could control the market; to sell securities in the open market, to raise the discount rate and to permit the exportation of gold. It tried all three and all three failed. They failed because as fast as the reserve banks took credit out of the market the great corporations, having surpluses, put it back again. Where once banks furnished virtually all the call money, the corporations and outsiders now furnish almost half of all brokers' loans. On February 6, of a total of $5,669,000,000 of brokers' loans $2,621,000,000 were "for others," meaning that that amount of money was being provided from sources outside the banks, chiefly corporations, investment trusts, etc., etc.

In 1920, in a somewhat similar "extravagant situation," Governor Harding and the Federal Reserve Board demanded and got legislation authorizing the reserve banks to charge graduated rates, on the plea that this authority would be used to penalize heavy borrowers in the financial districts and to relieve the stress in the agricultural districts. But the power was actually used in just the contrary way. The graduated rates were never made effective except in those reserve banks serving agricultural districts. But, in 1923, this authority was repealed, else now the reserve banks might handle the situation by using a graduated rate.

What, then, is the actual situation? Hundreds of millions of corporate funds are withheld from productive purposes and are loaned in New York. The high rates have failed to achieve their purpose. Instead of preventing a speculative orgy, they have actually encouraged it because it is the high rate paid for call money that has made it profitable for corporations to lend their surplus funds on call. To raise the rates again will simply be to accentuate an already bad situation and to attract more and more money to New York. There is no hope in high rates. They force Europe, just beginning to get back to normalcy, to raise rates over there and thus penalize industry at the very moment when it needs and must have stimulation. High rates tend inevitably to enhance the value of gold everywhere, and that is only another way of saying that they tend to force the commodity price level down, bringing about depression instead of prosperity and leading ultimately to a revision of the wage scale and a general loss of all the progress made in advancing the standard of living. The Federal Reserve Board virtually admits this. To all intents and purposes, it confesses that in order to control stock speculation, it has for more than one year been actively penalizing business, such penalization having now reached the point, where, if persisted in or aggravated, it might well bring about, and would almost certainly bring about, a trade depression in this country and in the whole world.

That this Nation, in a time of profound peace, when its wealth is so great that it is almost inconceivable, with a supply of gold unprecedented in relative or absolute value, should be given credit only at an artificial and devastating rate is not a blunder; it is a crime. It is not only a crime against the people of this country but it is a crime against people everywhere, and particularly is it a crime against the hewers of wood and the drawers of water.

It has been demonstrated that the high rate is an abortive cure. But there must be some cure. There is, and it is a very obvious one. Instinctively, we are opposed to any arbitrary grants of authority. But, if there is in fact an excessive use of credit in speculation, and if in fact the volume of this credit must be controlled, then by all means let it be controlled not by the rate but by some more or less arbitrary determination as to the volume of reserve credit that will be extended on Government securities. There could not be any undue use of reserve credit that was based on eligible paper only, because such eligible paper measures thoroughly the legitimate needs of commerce. But that reserve credit which is based on Government securities is a credit arbitrarily granted and therefore the use of it could of right be arbitrarily controlled. It is the key to the whole situation. If it is not controlled there is going to be a very formidable movement in Congress for the repeal of the war-time amendment that permits the practice and that, we think, by reason of the fact that so much of this sort of credit has become inextricably frozen into the credit system, might well be disastrous.

A master solution is required and, as usual, because it is a master solution it is a simple solution. The basic rate should be reduced to 4 per cent and probably stabilized at that figure. The reserve banks everywhere should then pursue the policy which has been followed for many months past in the trans-Mississippi territory and, while never declining to advance credit on eligible commercial paper, should be most careful in all credit granted on the member banks' 15-day notes, collateraled by Government securities. In this way an excessive use of reserve credit in the speculative markets could be absolutely prevented. But another objective of almost equal importance would be obtained. The hundreds of millions of corporate funds now lent on call are lent on call because it is remunerative for them so to be employed. Were the incentive of profit removed by a lower basic rate in New York the greater part of this money would have to look elsewhere for profitable employment.

Much of it ought automatically to go into business enterprise. So great a sum of money put to productive uses would stimulate employment and commerce all over the country, and would be an absolute assurance of prosperous months ahead. But the proposal is not ours. It has been made, in private, by some of the foremost financial authorities in this country. They admit it would be a Napoleonic coup, but Napoleon got results.

The country fears the financial situation. It is afraid that a few men, shut up in that cold, damp Treasury Building, are frightened by statistics. The enormous increase in our wealth may make them nervous. Perhaps the financial system was not formulated to be capable of handling any such volume of business as is now normal in this country. Men talk of the tremendous amount of credit in the market. There is less money lent per unit of investment on securities in this country to-day than in any period of its history. The average margin account is probably about 50 per cent. That means that people who buy stock pay immediately one-half their cost. In the old days, on a sound stock priced at $100 it was considered quite safe to pay $20 cash and to borrow $80. Unit for unit, there is less money lent to-day on securities than ever before. Now, if our wealth is expressed in such vast figures that even comparatively low loans on the volume of securities constitutes so great an absolute sum that it imperils the smooth functioning of the financial system, then it is the financial system, not our business system, that needs revision. This world, and this country particularly, will never consent to have its progress held back and absolutely measured by the volume of gold that may happen to be in existence or be mined. Gold is not our wealth; it is a mere symbol of wealth. Certainly it is not our commerce that is obsolete and it may well be that it is the financial system, not our method of doing business, that lacks modernity.

To control stock speculation by breaking down values all over the country would be to provide a cure worse than the disease. The continuance of high rates will be ruinous, as the reserve board itself intimates. Therefore, there can be only one sound policy. A method must be found to reduce the rate for legitimate business and business men everywhere should insist that such a method be found.

MISSISSIPPI'S CONTRIBUTION TO OUR COUNTRY

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a speech made at the Mississippi Society night before last. I know it is a good speech, because I made it myself.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his own remarks in the RECORD. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker, acting upon the unanimous consent of the House to extend my remarks, I am giving something of a repetition of my address to the Mississippi Society on Mississippi's Contribution to the Military and Civil Services of our Country.

In every worthy civilization love of country has been a fundamental virtue. Without the patriotic loyalty of its citizens no country can have or ought to have either length of endurance or glory of achievement. As a pious devotion patriotism has always gone hand in hand with religion.

Breathes there a man with soul so dead
That to himself he hath not said·
This is my own, my native land,
Whose heart hath not within him burned
As home his footsteps he hath turned
From wandering on some foreign strand?
If such there be, go mark him well,
For him no minstrel raptures swell.
Proud though his title, high his name,
Boundless his wealth as wish can claim,
Despite his titles, powers, and pelf,
The wretch concentered all in self
Living shall forfeit fair renown,
And doubly dying shall go down
To the vile dust from which he sprung
Unwept, unhonored, and unsung.

Yet I am not sure but that the elemental factor in it all is local patriotism. One loves his home—his home town, his home county, his home State, and finally his country, of which these are a part.

These local attachments bind people together in smaller groups which, by union, make up the larger unit called our country.

This assembly comes together to-night bound by that close tie which unites us as Mississippians dwelling for the time in our National Capital, but rejoicing in a common love for our own State, and a common pride in her great men and women, her great spirit and her great achievements present and past. For at last the true greatness and the just pride of any State lies in the people it has produced, and in the spirit they have shown, and in the service they have rendered.

From her territorial days Mississippi began to produce citizens, soldiers, and statesmen who commanded nation-wide admiration.

Glance first at her record of service in Army and Navy. While our State was yet a Territory our country suffered the misfortune, not to say the disaster, of the second war with England. The enemy had not only invaded our borders but had reached our Capitol and set it on fire. To say the least, the conflict was bringing little glory to our arms. Discouragement and humiliation prevailed to such an extent that people in New England alarmed for their commerce and fisheries, were meeting in the Hartford Convention and discussing the matter of disrupting the Union by secession. One of the ablest and most learned of New England Congressmen has expressed to me the opinion that the people of his section would have seceded at that time had not "Old Hickory" Jackson won the battle of New Orleans, sending a thrill of courage and enthusiasm to their doubting hearts. So it seems an interesting fact that a great southern general won a signal victory and saved the Union.

But we of Mississippi rejoice especially in the fact that next to the name of Andrew Jackson comes the name of Thomas Hinds, who, with his fellow Mississippians, met the shock of the famous Scotch troops and did more than any other regiment to turn the tide of battle and give victory to the American forces.

Again in the war with Mexico Jefferson Davis, with his Mississippians in their famous V formation, turned defeat into victory at Buena Vista, and later it was a Mississippian who planted the American flag on the ramparts of the Montezumas in the City of Mexico.

In the tragic War between the States Mississippi sent to the front her full quota of brave men and gallant officers. It would take more time than can be given in this brief address to even mention the Confederate generals whose names are a credit to our State. They are known, loved, and honored by all our intelligent citizens, and any tribute that I might pay them here would contribute nothing to the facts of history and add nothing to their renown. It may be worth while, however, to remind you that Nathan Bedford Forest, whose dash and strategy has commanded the admiration of military critics the world over, may be justly claimed as a Mississippian. He had moved from Hernando to Memphis, Tenn., just before the Civil War began.

In the recent World War we can again claim our full share of the service and the glory.

Gen. P. D. Lochridge, of Itawamba County, was Chief of Staff of the American section of the Supreme War Council in France.

Gen. Fox Conner, a native-born Mississippian, held the important position as Chief of Operations on the staff of General Pershing. General Pershing's senior aide was the late Maj. John G. Quekemeyer, of Yazoo City, Miss., Maj. Gen. Henry P. McCain, of Carrolton, Miss., was The Adjutant General of the Army at our entrance into the World War, but was later assigned to the duty of training a division of combat troops for duty in France. Maj. Gens. Walter H. Gordon, now deceased, and Beaumont B. Buck were native-born Mississippians, and commanded divisions of combat troops in France with distinction. The Governor of the Canal Zone during the war was Gen. Chester Harding, a native-born Mississippian, and Gen. Robert K. Evans, another Mississippian, was taken from the Army retired list and assigned to the command of the Philippine Department during the war. One of the early casualties among field officers was that of Lieut. Col. R. J. Maxey, a native-born Mississippian. When mortally wounded, Colonel Maxey asked that he be taken first to his brigade commander to enable him to give first-hand information regarding the progress of the fight. Sergt. William Norton, of Mississippi, leading a detachment of Company I, Eighteenth Infantry, brilliantly repulsed a German raid, and as a result of this exploit was one of the first enlisted men to be decorated for bravery on the field of battle. Sam Coye, of Columbus, Miss., was one of our foremost aces during the air fighting incident to the World War. He was decorated for the success and brilliancy of his air fighting. Col. Troy Middleton, of Meridian, and Col. E. G. Peyton, Columbus, were decorated for the successful manner in which they trained and commanded their regiments in action.

But before leaving the subject of Mississippi's great men in the Army, let us remember Colonel Burgess, of Starkville, now Governor of the Canal Zone. I met him in Balboa a short while before he became governor, and was told there that he was perhaps the ablest and most influential man in the zone, and that he was really the man who ought to succeed to the gubernatorial chair.

In the Navy, three Mississippians hold the rank of admiral. They are Admiral Magruder, of Vicksburg; Admiral Leigh, of Panola County; and Admiral Dismukes, of Noxubee County. Leigh received the distinguished-service cross for his gallant and effective fight against the submarines, and Dismukes received the same honor for his remarkable skill and bravery in getting back to port with the *Mount Vernon* after she had been torpedoed by a German submarine. Thirty-seven men were killed by the explosion of the torpedo, but 1,300 more were on board and their lives were at stake. The successful rescue of this vessel and the brave boys on board was an act of skill and courage which entitles this brave Mississippi officer and his coworkers not only to the gratitude and admiration of all true Americans but to a permanent place in American history.

Thus we see that Mississippi has contributed her full quota of the brave men and gallant officers who have given or sacrificed their lives to the defense of their country.

But "Peace hath her victories more renowned than those of war." Let it be remembered that from the time of our admission into the Union we have been sending men to Washington who have won honor for their State and contributed generously to the public weal. A distinguished Washingtonian said to me, "It has become proverbial the strong men that Mississippi sends to the National Capital."

In the early period of our statehood came S. S. Prentiss, prince of American orators. We gave worthy and distinguished Cabinet members to the administrations of Pierce, Buchanan, and Cleveland, in the persons of Jefferson Davis, Jacob Thompson, and L. Q. C. Lamar.

At one time seven Members of the United States Senate were native sons of Mississippi—a record which no other State has made. And Senator KEY PITTMAN stated to me here in one of our Mississippi Society meetings that when he entered the Senate the governor and both of the United States Senators from Nevada were native Mississippians.

Mr. Fitts, Assistant Attorney General under Woodrow Wilson, said in a public speech that no other State in the Union has sent to the Senate four men equal to Mississippi's "immortal four"—Jefferson Davis, E. C. Walthall, L. Q. C. Lamar, and J. Z. George—and now we may well add the name of John Sharp Williams, making it Mississippi's "immortal five."

A distinguished ex-governor of Virginia has called my attention to the fact that Mississippi has kept at least one outstanding nationally known man in the Senate for a longer time than any other State has ever done. It began, as he said, with Jefferson Davis 75 years ago, and except for the period of the Civil War and reconstruction the chain is unbroken down to this day. In regular succession they have come—Davis, Walthall, Lamar, George, Money, Williams, and Harrison. All have rendered such service and filled such places in national affairs as to make their names known in every State of the Union. Grover Cleveland said to a Virginia Senator, "L. Q. C. Lamar has more ability than any other man I know," and Elihu Root said to this Virginia governor, "I would not say who is the ablest man in the United States Senate, but I will say that the best Senator there is Money, of Mississippi." I place the higher value on these statements because they have not come from

Mississippians but have come to me from a real Virginia statesman, for whom I have great admiration and in whom I have great confidence. But before we leave the Senate, let me say in my own name, no man who observes the "upper House" can fail to see that Mississippi's junior Senator, HUBERT D. STEPHENS, is winning an unusual reputation for effective service and is coming very rapidly to that recognition which seems to be the due of Mississippians in that great deliberative assembly.

As you will observe I have, as I purposed, discussed only those citizens of our State who have distinguished themselves in political and military service and in connection with national affairs. Scores of others have won reputation in business, in literature, in educational and religious activities, and in the political affairs of their own State. Not a lack of appreciation but brevity of time prevents our mentioning them to-night and paying them the tribute of our love and admiration.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that to-morrow the gentleman from Oklahoma [Mr. JOHNSON] may be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Oklahoma [Mr. JOHNSON] be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on H. R. 349, a bill dealing with naturalization and legalization.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker and Members of the House, the Senate made considerable changes in the naturalization act proposed by the House, striking out all after the enacting clause, and making a very thoroughgoing revision of the existing laws relating to the naturalization of aliens who have not been properly admitted into the United States.

When the bill was returned to the House, the Committee on Immigration, through its chairman, proposed seven changes in the bill as passed by the Senate. These changes can be summarized as follows:

First. Changes from July 1, 1924, to June 3, 1921, the date of entry of the immigrant.

Second. Changes the words "is a person of good moral character" to "has behaved as a person of good moral character at all times since such entry."

Third. Adds a provision for a photograph to be given to an alien who has qualified under the foregoing provisions.

Fourth. Makes the official date of his entry from the date of the register instead of the Senate provision, making it date from the date of the original admission.

Fifth. Requires new declarations of intention after registry, old declaration of intentions declared invalid.

Sixth. Provides any naturalized citizen taking an oath of allegiance to a foreign country to lose his citizenship.

Seventh. A photograph shall be required on each certificate of entry.

My present remarks will be addressed to these proposed changes.

The first change made by the House was to enable the Commissioner General of Immigration to legalize the entry of all immigrants who have arrived in the United States prior to July 1, 1924. The House wants to make that change as of June 3, 1921, which is the date of the original quota law.

I am opposed to this change of date, which the Committee on Immigration of the House saw fit to impose, as against the Senate provision making July 1, 1924, the effective date, at which time the alien must have been properly admitted if he is to take advantage of our naturalization laws.

The situation briefly is as follows:

Formerly there was much less attention paid to recording our aliens entering into the United States than is the case to-day. The result is that thousands of aliens have come into this country openly and above board without any record of their entry being made.

Most of these people fall into two groups. They are those who came over our land boundaries, particularly from Canada, without our immigration inspectors making any inspection of them. Examination of immigrants was not done as thoroughly then as it is now. Up to 1907 there was no head tax imposed on a Canadian or on a person who had lived in Canada for one year, and this absence of any financial obligation connected with entrance led to laxness in registering aliens. Furthermore and more important, the provision of the naturalization law of 1906 requiring registering of all aliens who had entered the United States after June 29, 1906, was overlooked for a number of years by the administrators of the immigration law. It was overlooked because this provision is a section of the law regulating naturalization and not a part of our immigration laws.

As a result many persons entered from Canada without being registered. People drove over the border in buggies or came in on trains without even seeing an immigration inspector. Responsibility for this situation rests clearly on our Government and not on the immigrant, who was innocent of any intention of violating our laws.

The other group, which is large, comprises those who came in as seamen at a time when our seamen's laws were not as strict as they are to-day, and who have left their vessels and went to work in the United States, remaining here permanently. Of course, there is no record of their entry, although these men clearly did not intend to enter this country illegally.

There are also aliens who were brought here in infancy and who can give no information as to the place or date of their entry. These people, for the most part, have settled down in our country, have taken their places in our commercial industrial life, have married and raised families, and have become respected members of our communities, and yet, strictly speaking, they can not be deemed to be admitted legally and, technically speaking, are improperly in the United States.

The legal situation confronting these aliens is as follows:

The naturalization law of 1906 requires an immigrant seeking citizenship to furnish a certificate of arrival. The only way he can meet this requirement, unless he can establish the fact that he had entered the country prior to 1906 and has since continuously resided here, is through the official record of his entry. If there is no such record, he is without any legal status as a resident alien, other than the fact that he is not subject to deportation, provided he has resided here continuously for three years or five years, as the case may be. We suffer him to remain, but as a sort of a legal outcast. This means that he can not become a citizen. It means that he can not obtain a permit for reentry. If he should leave the United States for a visit or on temporary work, he might be prevented from returning until he had obtained an immigration visa, which, on account of full quotas, might hold him up for several years. If he should make such a trip out of the country, should return and this fact should be discovered at any time thereafter, under the provisions of the 1924 law, he might be subject to deportation as an illegal entrant.

The change, as has been said, is of the date from which this entry is to be made legal, rather than on the principles of the bill itself.

The Senate very properly fixed the date as of July 1, 1924. This was the date which was continually recommended by our Secretary of Labor, and I am now quoting from his report in 1927:

> I can not too strongly urge it upon the Congress. The legislation to accomplish it should take the form of a statute to give authority to the administrative officer to give legal domicile to aliens who entered the United States prior to July 1, 1924, the effective date of the present quota immigration law, upon showing in appropriate hearing that they are not subject to deportation on any other grounds and that they meet the certain required standards.

The United States Chamber of Commerce in the report of its chairman urges that legalization be as of July 1, 1924. The Foreign Language Information Service urges likewise July 1, 1924, as the effective date of this proposed legislation. The Council on Adult Education for the Foreign Born urges the passage of this act. In fact, it is the desire of all those who are interested in a proper solution of this difficult question that this law be made effective as of July 1, 1924, rather than June 3, 1921.

The reason for it is obvious. Our permanent quota policy was fixed on July 1, 1924. From that date on we have very accurate, comprehensive, and complete records of every alien who entered the United States. Those who came before that day can not now be deported. It is therefore obvious that if we do not legalize the entry of these aliens who have established their residence in the United States prior to July 1, 1924, we will be making of them men without a country. I do not believe that Congress seriously intends to do anything of the kind.

I shall quote from the report of the immigration committee of the United States Chamber of Commerce two instances, typical of many which have come to light and of many others which may at any time, which will reveal the hardships arising

out of our failure to remedy a condition for which our own previous lax administration of our immigration laws is largely responsible.

A minister who came to this country from Canada in 1916. He has been preaching in one of our Middle West States for more than 10 years. He is established there. He is educating his children there. He has applied for citizenship. There is no record of his entry. He came into the country quite openly. He says that he did not see an immigration officer when he came in, and there is no reason to doubt his word. The Commissioner of Immigration is powerless to do anything about it. The man, a respected member of his community, desirous of being an American citizen, can remain here, but as a man without a country. If he ever leaves the United States, he becomes subject to all our immigration laws, without reference to the actual fact that he has lived here for years, that he is a part of our life, and to all intent an American citizen.

An Englishman, who is an accountant employed by one of our well-known concerns in a position of responsibility and trust. He came in openly from Canada. No record of his entry was made. He has been in the country 19 years. He has educated his children here. There has never been any question in his mind about the legality of his entry. His children have been brought up as Americans and he has long since regarded himself as an American. He applied for citizenship to discover that he can not become a citizen.

The fact that he has lived here 19 years, an honest, useful member of the community, can not offset the fact that there is no record of his entry. He discovered not only that we can not accept him as a citizen, but as a result of his visits on business to Canada we are compelled to deport him, or maybe as an illegal entrant. It is difficult to find words to condemn an injustice of this kind.

The other changes made by the House, which I have summarized above, are not as important as this change of the date of legalization of our unlawful entries. While much might be said against this wholesale addition of new provisions concerning photographs, identification cards, and all such other paraphernalia having to do with the mechanics of the naturalization law rather than with the merits of an alien's application for citizenship, I prefer not to discuss them in detail because of the importance which I am attaching to this one change made, which should be given very thoughtful attention and full consideration by the House.

AMENDMENT OF THE NATIONAL PROHIBITION ACT

Mr. CHRISTOPHERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2901, to amend the national prohibition act, as amended and supplemented.

The SPEAKER pro tempore. The gentleman from South Dakota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2901.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. Under the rule the time allowed for the consideration of this bill is fixed at one hour, one half to be controlled by the sponsors of the bill and the other half to be controlled by the opposition. Now, I understand there is no one on the committee who is opposed to the bill. Therefore, I claim control of the time in opposition to it.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNOR of New York. Under the rule it is true that the one hour is to be divided equally between the proponents and opponents of the bill, but it is quite usual that if there is opposition on the minority side the time be placed in the control of that opposition. It just happens that the member of the committee who would oppose the bill is in the hospital. Therefore, I suggest that the fair thing to do is to divide the opposition between those on each side.

Mr. LAGUARDIA. May I suggest that I have divided such opposition many times but have gotten nowhere?

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent that the time may be equally divided, that I control one half the time and that the gentleman who secures recognition in opposition to the bill control the other half of the time.

The SPEAKER pro tempore. Does the gentleman care to name any gentleman in his request? The rule does all the gentleman is now asking and the Chair suggests that the gentleman name some Member to control half the time.

Mr. LAGUARDIA. Mr. Speaker, I claim recognition to control half the time in opposition to the bill.

Mr. O'CONNOR of New York. Mr. Speaker, I do not think that is fair. I think the minority should be represented, and that not all of the time should be controlled on the majority side.

Mr. CRAMTON. Mr. Speaker, if no agreement is entered into and we go into the Committee of the Whole, recognition will be in the hands of the Chair, and the Chair necessarily gives priority of recognition to members of the committee.

The SPEAKER pro tempore. The Chair agrees that that is so, but in this case it seems to the Chair that it might be agreed that some Member on the majority side should be allowed to control the opposition.

Mr. DYER. The gentleman from New York [Mr. LAGUARDIA] is a member of the Judiciary Committee. He has filed minority views and I think he should control the time of those in opposition to the legislation.

Mr. CHRISTOPHERSON. Mr. Speaker, I amend my request by asking that the gentleman from New York [Mr. LAGUARDIA] may control half the time.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that one-half of the hour be controlled by himself in favor of the legislation and one-half by the gentleman from New York [Mr. LAGUARDIA] in opposition. Is there objection?

Mr. O'CONNOR of New York and Mr. O'CONNELL objected.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Dakota.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. If the House shall resolve itself into the Committee of the Whole without an agreement as to the control of the time, would it result that the gentleman from South Dakota will be recognized for one-half hour and then that some other gentleman in opposition will be recognized for one-half hour?

The SPEAKER pro tempore (Mr. SNELL). The present occupant of the chair would think that the chairman of the committee would have control and it would be in his discretion whom he would recognize for the other half hour.

Mr. GARRETT of Tennessee. Under the rule?

The SPEAKER pro tempore. Under the rule.

Mr. O'CONNOR of New York. Mr. Speaker, then what is the purpose of the agreement?

The SPEAKER pro tempore. To fix the time.

Mr. O'CONNOR of New York. The time is fixed by the rule, but I understood the motion was by the gentleman from South Dakota that the gentleman from New York [Mr. LAGUARDIA] would have one-half hour in opposition.

The SPEAKER pro tempore. That was the unanimous-consent request that was objected to.

Mr. CHRISTOPHERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CHRISTOPHERSON. If we go into committee without any agreement——

The SPEAKER pro tempore. The gentleman from South Dakota will have 30 minutes, and it will be in the discretion of the Chairman of the Committee of the Whole whom he shall recognize.

Mr. CHRISTOPHERSON. Will I have the right to yield part of the 30 minutes granted me?

The SPEAKER pro tempore. Yes; the gentleman can yield any part of the one-half hour he desires.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2901) to amend the national prohibition act as amended, and supplement it, with Mr. BEGG in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both: *Provided*, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law.

SEC. 2. This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

Mr. CHRISTOPHERSON. Mr. Chairman, as was stated yesterday in the argument on the rule, the purpose of this bill is to increase the penalties provided in the national prohibition act.

Experience has demonstrated that heavier penalties are necessary. The department believes that the amendment proposed in this bill will aid in the enforcement of the act and that it will help the courts in the administration of the national prohibition act.

I hope the measure will have the approval of the House.

Mr. Chairman, I reserve the balance of my time.

Mr. LAGUARDIA and Mr. O'CONNOR of New York rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. O'CONNOR of New York. Mr. Chairman, I demand recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman a member of the Committee on the Judiciary?

Mr. O'CONNOR of New York. No.

Mr. LAGUARDIA. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. LAGUARDIA. I demand recognition as a member of the Judiciary Committee in opposition to the bill now before the committee.

The CHAIRMAN. Under the rule which has been adopted, there is one hour of general debate, to be equally divided and controlled by those favoring and those opposing the bill. The Chair is without any hesitancy in stating that the custom as well as the practice of the House has always been that the member of the committee asking recognition in opposition to the bill is accorded such recognition.

Mr. CELLER. Mr. Chairman, may I submit an inquiry? Will the gentleman having control of the time in opposition yield any time on this side?

The CHAIRMAN. Of course, the Chair can not answer that question.

Mr. CELLER. May I ask the gentleman from New York [Mr. LAGUARDIA] that question?

The CHAIRMAN. Does the gentleman from New York care to be questioned?

Mr. LAGUARDIA. If the gentleman from New York is recognized in opposition to the bill, he will send forth his best guns and his heaviest artillery? [Laughter.]

Mr. O'CONNOR of New York. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. O'CONNOR of New York. In connection with a parliamentary suggestion.

The CHAIRMAN. The Chair does not care for any suggestions.

Mr. O'CONNOR of New York. May I state in this connection as a parliamentary inquiry, is it not also the custom in this House that the minority be recognized? If, for instance, the gentleman from New York [Mr. WELLER], who is in a hospital, were here, he would be in opposition to this bill, and if he rose, together with the gentleman from New York [Mr. LAGUARDIA], I submit that the gentleman from New York [Mr. WELLER], being on the minority side of the House, would be recognized in opposition. Because that gentleman does not happen to be here, I submit that the minority of nearly 200 Members should be represented in opposition to this bill, and that both sides should not be represented by the Republican side of the House.

The CHAIRMAN. The Chair will state we are operating under a special rule, and the rule provides that the proponents and the opponents shall have control of the time equally. The gentleman from New York [Mr. LAGUARDIA] represents the opposition.

Mr. O'CONNOR of New York. So do I.

The CHAIRMAN. And being a member of the committee, under the practice of the House——

Mr. O'CONNOR of New York. Mr. Chairman, I beg leave to submit that we have brought out rules which have stated, if I recall correctly, that the member of the committee in opposition should have control of the time or we have named men in the rule itself who should represent both sides, but this rule just refers to those in opposition and does not say anything about the committee.

Mr. LINTHICUM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. To submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. The rule says we shall have one hour of general debate. It does not say that that one hour shall be divided equally between one gentleman opposing it and another gentleman in favor of it. I thought that left the time in the control of the Chair, and the Chair would apportion the time.

The CHAIRMAN. If the gentleman from Maryland will read the rule he will find it provides that the one hour shall be equally divided and controlled by those favoring and opposing the measure.

Mr. LINTHICUM. Yes; by those favoring and opposing and not by any two Members to allot the time themselves.

Mr. CRAMTON. Mr. Chairman, as I understand, we have in this division of the wet bloc an example of a division of the irreducible minimum.

Mr. CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LINTHICUM. Mr. Chairman, another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. If the Chair recognizes the gentleman from New York, for what time is he recognized; one-half hour?

The CHAIRMAN. Yes; for 30 minutes.

Mr. LINTHICUM. Then the gentleman has the right to allot that time himself?

The CHAIRMAN. That is the decision of the Chair.

Mr. LINTHICUM. I understood the rule left the time in the hands of the Chairman to apportion among those favoring and those opposing and not that it was to be divided into two equal parts and given to two gentlemen to control.

The CHAIRMAN. The Chair has ruled otherwise.

Mr. CELLER. Will the gentleman from New York [Mr. LAGUARDIA] yield for a question?

Mr. LAGUARDIA. Mr. Chairman, is this being taken out of my time?

The CHAIRMAN. The time starts now and the gentleman from New York [Mr. LAGUARDIA] is recognized for one-half hour.

Mr. LAGUARDIA. I can not yield. Mr. Chairman, the bill before the committee is very important. It is highly penal in its character. It is more important than any ward politics for home consumption.

I reserve the balance of my time, and I yield five minutes to the gentleman from Illinois [Mr. IRWIN].

Mr. IRWIN. Mr. Chairman, I have asked for a few minutes to-day to voice my protest against the provisions of this monstrosity—this so-called amendment to our present prohibition laws. In studying its provisions I am firmly convinced that it is contrary to the letter and spirit of the Constitution of the United States, which sets out that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." My friends, where are we drifting in passing such legislation? This bill makes it a felony for a man driving along the public highway with a half pint of liquor on his person for his own personal use, and not for sale, punishable by five years in the penitentiary and a fine of $10,000. I appeal to the better judgment of the Members of this body to think seriously before voting to pass such hysterical legislation. By its drastic provisions, a farmer who drives to town with a gallon of cider for a friend might be sent to the penitentiary for five years and made to pay a fine of $10,000. I know what the proponents of this bill will say in justification of the measure; that it is aimed at the bootlegger and commercialized prohibition offender, and that the bill is so worded that it is left to the discretion of the Federal judges to determine the degree of punishment to be meted out to the offender, and that the minimum penalties still remain in the statute. But my friends, stop and think for a moment what power you are giving Federal judges—the power to send a man or a woman to the penitentiary for five years and pay a fine of $10,000 if found guilty of making a pint of home-brew for their own use. My friends, only a few days ago we listened to the splendid address delivered on the floor of this Chamber by the gentleman from Pennsylvania [Mr. BECK], former Solicitor General of the United States, eulogizing the life and character of George Washington, and in which he particularly pointed out the dangers, as feared by Washington, of breaking down the Constitution of the United States by injudicious legislation. And to-day we are asked to do this very thing by the proponents of this nefarious bill. I implore you in the name of the Constitution of our country, and its flag we all love and honor, not to place on the statute books such a law which permits a punishment of five years' imprisonment in the penitentiary and a fine of $10,000 for the first offender of the prohibition law, no matter what might be the circumstances in the individual case. Such a law would place the first offender in the same category with the murderer, the rapist, or a man who robs a train or burglarizes a bank. It is unthinkable to pass such a law in the name of law enforcement. Are we going back to the days of barbarism and are we placing ourselves in the same class with Russia, who sent her prisoners to the mines of Siberia for life for infractions of her laws? There must be

something radically wrong with the prohibition law if, in order to enforce its provisions, we must resort to such drastic, un-American legislation as is contained in the bill we are now considering.

I have always had the most profound respect for Federal courts and Federal judges, but I will call the attention of this House to what has transpired here in the past few days, namely, that resolutions have been introduced to investigate the conduct of two Federal judges in one of our near-by States. I also point out to the membership of this House that only a few months ago the House voted to impeach a Federal judge in my own State for misconduct in office. Now, in view of these facts which are a matter of record, my faith in some Federal judges has been somewhat weakened. So, my friends, I think it is unwise to give to Federal judges the great power such as is given them in this bill. I believe that a Federal law should state what it means and that Federal judges should not be required to interpret the intent of Congress. Many judges, conscientious, humane, and with a sympathetic heart, can give a first offender of the prohibition laws a 30-day jail sentence with a fine of $200 in one section of the country, while in some other part of this country a hard-boiled Federal judge for the same identical offense may send such offender to the penitentiary for five years and fine him $10,000. In conclusion, I again ask you to vote down this unwise and un-American legislation. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. MOORE].

Mr. MOORE of Ohio. Mr. Chairman, after discussion and education for almost a century, the eighteenth amendment became a part of the Constitution of the United States. Under section 2 of that amendment it therefore became our duty in the Congress to pass the prohibition enforcement act. That act, in respect to the increasing of penalties therein, is before us for amendment. You will recall that the eighteenth amendment had in it five provisions referring to the manufacture, sale, importation, exportation, and transportation of intoxicating liquors for beverage purposes. This bill deals with those five things which the eighteenth amendment prohibits.

Several penalties are provided in the prohibition enforcement act. One of the penalties which is quite generally used and which will be affected by this bill is section 29, a portion of which follows:

> Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years.

It will be observed from the above section that the maximum penalty for a first offense is a fine of not more than $1,000 or imprisonment not exceeding six months.

If this bill should become a law, it would not affect the minimum penalty that might be imposed, but it would increase the maximum penalty to $10,000 or imprisonment for five years, or both.

We are told by representatives from the Department of Justice who are responsible for the enforcement of prohibition that the penalties in the enforcement act in many instances are inadequate, and that many of the violators who carry on an illegal traffic in intoxicating liquors are not deterred by the small penalties. The object of this legislation is to increase the maximum penalty in order that adequate punishment may be meted out to one who is commercializing the traffic in intoxicating liquors. This is not aimed at the small offender but for the larger violators with the belief and expectation that a maximum prison sentence of five years or a fine of $10,000, or both, will go a long way toward breaking up these illegal practices.

We ought to be fair in this discussion. It seems to me that some of the opponents are quite unfair. They speak of these extreme penalties and hold up some imaginary case of a boy or girl technically violating the law, and intimating that judges in a case like that would give the extreme penalty. Under the law now there could be a thousand dollar fine or imprisonment for six months, but who has ever heard during the whole time prohibition has been in effect of any judge imposing the maximum penalty in trivial cases? Judges must of necessity have and ought to have good common sense among other qualifications, and most of them do. I believe they can be trusted to impose this penalty upon offenders and apply the maximum penalty only where it should be used. Some discretion must be left to the judge, for I think it is apparent to everyone that we can not in a law work out a graduated scale of fines that would cover all situations.

For several years the proposition contained in this bill of increasing penalties has been before the Judiciary Committee of the House. We have held hearings and this has not been done in haste. However, this bill has passed the Senate, and because only a few days of this session of the Congress remain, it seems to me advisable to accept this bill without amendment, although I would have preferred to have made some minor changes.

Prohibition is, as has been well said, a noble effort. Throughout the years in the public schools and elsewhere the children were taught scientific temperance. Various methods have been provided to attempt to control the liquor traffic. Until there is something better, the eighteenth amendment is in the Constitution to stay. We concede the right to amend it in the way provided in the Constitution but not to nullify it while it remains in the Constitution. We should give proper encouragement to its enforcement. I believe it is the sentiment of the House that we shall do this.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Ohio. No; I have only a few minutes. I am amazed at the remarks of the gentleman from New York [Mr. O'CONNOR], who spoke yesterday. Very soon he will want to offer dilatory amendments to this bill. I thought as I listened to his unusual and amazing words yesterday that when he came to revise his remarks they would be taken out and would not appear in the RECORD, but here they are. He says:

> I am against the eighteenth amendment.

Mr. Chairman, the eighteenth amendment is in the Constitution, adopted by the States of the Union in the prescribed way. It is a part of the Constitution. Therefore, the gentleman from New York is against the Constitution. He further says:

> I abhor it. I despise it. I have no respect for it.

And then he says concerning the prohibition enforcement act:

> I would not counsel anybody to even respect the law.

That is the situation, and he is the gentleman who will be offering amendments to this bill which aims to carry out our constitutional duty as representatives of the people.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield right there?

Mr. MOORE of Ohio. Not now. Mr. Chairman, I have great respect for the distinguished lady from New Jersey [Mrs. NORTON]. I want to be polite and courteous in what I say about her remarks during the debate on this bill, but even though a lady said it, for one I shall not let go unchallenged her statement that reflects upon the sobriety and the good name of this House. For several years I have associated with and observed the membership of this House, and I say upon my responsibility as a legislator that they have respect for the law, and the large number, generally speaking, of the Congress of the United States observe it and believe in its observance. [Applause.]

The Republican Party in its platform in the last campaign, when this question was frequently discussed, stated:

> The people, through the method provided by the Constitution, have written the eighteenth amendment into the Constitution. The Republican Party pledges itself and its nominees to the observance and vigorous enforcement of this provision of the Constitution.

We have elected a President who will carry on under that instruction. The law-enforcement officers who will work under him will also do this, if we strengthen this law and increase the maximum penalty, so that we shall not hamper those who have the responsibility of enforcing the law.

My friends, the prohibition law is not the only law that is violated. It was pointed out by the gentleman from Ohio [Mr. COOPER] yesterday that in our Federal prison at Atlanta there are more there who have violated the narcotic laws, there are more there who have violated the law relating to the theft of automobiles than the prohibition law. The trouble with the American people to-day is that we like to violate the law that suits our convenience. What we need is respect for the law, for all laws, for the Constitution as it is written, and the laws under it that we make to enforce it. This, indeed, is a noble effort, I repeat. After years of education and agitation we are determined to make every proper effort to enforce the law. Nobody defends the saloon to-day, which debauched the manhood and pauperized the womanhood and childhood of the Nation.

Why eternally bring the young people into the picture every time we discuss prohibition? The lady from New Jersey [Mrs. NORTON] says:

> We are tired of this hypocrisy that is ruining our boys and girls, who are cynically watching the farce.

My friends, because of the insinuations against the young people of this country I take occasion at this time to resent on their behalf these innuendoes. It was stated these young people were now "cynically" looking on. I take it, Mr. Chairman, that they are watching to see whether we will have respect for

the law, whether we will observe the law. I believe that the young people of to-day are the cleanest, the brightest, and the best young people that have ever lived in any age at any time. If their elders respect and observe the law, the boys and girls will be all right.

Mr. Chairman, in the interest of good government, in the interest of law enforcement, in the interest of law observance, I appeal to the House to place on the statute books this bill without amendment that we may encourage and strengthen the arm of the law that has to do with the enforcement of the eighteenth amendment. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I do not rise to appeal to the mercy of those who hold to the extreme view with respect to the enforcement of the prohibition law, because history teaches us that through all time it is useless to make such an appeal. That element of society has always proven implacable, unrelenting, and uncompromising. This may be said with equal propriety of those who take the extreme view on the other side of this question. I do not appeal to those who may not agree with the proposed legislation, but who will support it because they feel that a majority of their constituents favor it, because we all realize that self-preservation is the first law of nature, and political expediency is with them paramount. But when it is demanded that we shall obey the eighteenth amendment because it is written in the Constitution, I rise to demand that we shall respect the fourth amendment to the Constitution, which is as much a part of that instrument—just as sacred, just as binding—as the eighteenth amendment; I rise to demand that the fifth amendment to the Constitution shall be respected, with respect to confiscation of property, and with respect to double trials for the same offense which have occurred. I demand full respect for the provisions of Article VI of the Constitution, which provides for jury trials. I demand that the Constitution shall be respected in the matter of excessive fines, excessive bail bonds, and cruel and unusual punishments. All of these provisions in our Bill of Rights, amounting to eight, have been violated by our Government enforcement officials in their efforts to enforce the prohibition laws. They are each as sacred and binding upon us as the eighteenth amendment to the Constitution. Yet we hear no demand by the advocates of prohibition that these provisions of our Constitution be enforced. In the one case it is treason to violate the Constitution (eighteenth amendment); in the other it is necessary in order to enforce the sacred eighteenth. Who are the nullificationists?

Gentlemen have spoken to this bill and suggested that we can trust our courts with the discretion of enforcing this law. I do not think, Mr. Chairman, that we should leave it to the discretion of any judge as to what kind and extent of punishment he should mete out in these matters. Have we forgotten that there have been judges who have abused their trusts? History records a number of such, and all men do not entertain the same views with respect to these questions.

We abolished the saloons. The majority of us were in favor of that legislation. One of the greatest reasons for our objection to the saloon, and one of the greatest evils incident thereto, was its participation in politics and its demand that they should regulate and control our representatives in the State legislatures, in our city councils, our prosecuting attorneys, and even the judges of the courts.

We eliminated this evil only to substitute in its stead city councilmen, representatives in State and National Legislatures, prosecuting attorneys, and judges largely named and controlled by the Anti-Saloon League. Have we improved the situation? We are all human; but the milk of human kindness is no more in evidence under the dominance of the Anti-Saloon League than under that of the saloon. Indeed, we never heard of the saloon demanding that men be shot down who fled from arrest for petty offenses, or that human beings be imprisoned for life for misdemeanors committed. The saloon, with all of its evils—and there were many—never sought to break down and destroy our bill of rights in order to carry out its views. This proposed legislation is unsound, and it will not accomplish the end sought. Already the demand has been made that any amount of money shall be appropriated and more drastic laws enacted if necessary to compel those who do not agree and conform to their views. Both will be necessary. We will undoubtedly reach the day when homes will be searched and capital punishment demanded. Even so, if the lessons of history are to be reckoned as a guide, sumptuary laws will not prevail. In the early part of the seventeenth century England, by statutory law or an edict by the Crown—I do not now recall which—prohibited the importation of silks. Macaulay tells us that while the Government officials were supposed to be exercising the greatest vigilance in the enforcement of the law, French silks were offered for sale in the House of Parliament. Gentlemen upon this floor can determine whether or not conditions in and around our Capitol furnish a parallel. The penalty for violation of the English law was death, and Macaulay tells us it was a matter of common remark that it would require a gibbet upon each one-fourth of a mile of the eastern coast of England to prevent the smuggling, notwithstanding the fact that the British and Dutch fleets were constantly patrolling the Channel. The same was true in France with respect to smuggling; but the law could not be enforced, because the enforcement officers became the smugglers. Are we not finding a parallel in the Union to-day? Great profits in bootlegging have been revealed, in some instances aggregating millions of dollars. An analysis of human nature reveals that men and women, too, will face death where gain can be obtained. Advocates of prohibition close their eyes to these facts. Perhaps the same motives that prompt the bootlegger to ply his trade is behind the leaders of prohibition—money.

I deny the allegation made by some upon this floor that those who object to and oppose the eighteenth amendment and Volstead law are disloyal to the Government. We have a right to oppose any amendment to the Constitution or any law and seek its repeal and yet be quite as loyal to our Government as any other citizen, be he prohibitionist, minister of the gospel, or otherwise. Those who make this charge are, in the main, those who demand the violation and scuttling of our Bill of Rights in order to enforce the only law which they seem to consider of moment.

The extravagance of views advanced by this school of thought is evidenced in the wholesale claim that the great prosperity realized in our country since the war is due to prohibition. I have only to point to the great increase of money that flowed to our country from Europe as a result of the war, the increase by 100 per cent of wages, the increase in commodity prices in industry, and our great increase in exports to show the fallacy of this claim. Are there any so gullible as to believe that less alcohol is being consumed for beverage purposes or that less money is being expended therefor? The crowding of our jails, 75,000 arrests during the past year, Government reports of smuggling across our borders, illicit distilleries within our borders, especially in the so-called dry States, all belie the claim. Nor is this all: The total gallons of grain alcohol manufactured in the United States has increased rather than decreased. The production in 1912 was 7,630,032.8 gallons, one of the peak years of alcoholic beverage consumption. In 1927 the production was 184,000,000 gallons, an amount exceeded only during the war year of 1917. There is absolutely nothing to indicate that human consumption of alcohol has been decreased. We have merely driven it from the saloon into the home and behind closed doors.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CHRISTOPHERSON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. STALKER].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. STALKER. Mr. Chairman and members of the committee, the bill now before us (S. 2901) is similar to a bill which I introduced in the House.

I offered the following amendment to my bill (H. R. 9588) by introducing H. R. 12002:

SEC. 2. This act shall not in any way change or eliminate the minimum penalties now provided by the said national prohibition act for second or subsequent offenses, nor change or eliminate the civil penalties now imposed because of law violations.

In the bill now under consideration (S. 2901) the intention is to keep in the national prohibition act all the penalties referred to in section 2 of H. R. 12002 by inserting the words "criminal prosecution," on page 1, line 4, and adding section 2.

While I prefer the language of my own bill, I fully appreciate that if any amendments were adopted to the bill now under consideration it would be fatal to this legislation.

When the Volstead Act was adopted it was the thought of those in charge of the legislation to provide lenient penalties until the people had an opportunity to become familiar with the law. Certainly this time has arrived, and it now behooves Congress to increase the penalties to correspond with the violation. As a matter of fact, in the days prior to the eighteenth amendment, when we were legislating for revenue only, the penalties imposed because of law violations were much greater than those written into the Volstead Act. I shall only take the time of the House to refer to a few of the penalties, which were provided for in the revenue laws.

Section 3257, where a distiller attempted to defraud on any tax on spirits there was a minimum fine of $500 and six months in jail; a maximum of $5,000 and three years.

Section 3258, just possessing a still or any distilling apparatus without having registered it, there was a minimum punishment of $100 and one month in jail; a maximum of $1,000 and two years.

Section 3259, carrying on the business of a distiller without sending notice to the collector—just such an oversight as that—there was a minimum penalty of $100 and six months; and a maximum penalty of $1,000 and two years.

Section 3260, failing to give a proper bond, a minimum fine of $500 and six months; a maximum of $5,000 and two years.

Section 3266, distilling on prohibited premises, a minimum penalty of $1,000 and six months; a maximum of two years.

Section 3268, breaking or tampering in any manner with locks that were put on by internal-revenue agents, a minimum of $100 and one year; a maximum of $5,000 and three years.

Section 3229, using any notices, signs, around a distillery, minimum $1,000 and one month; maximum six months.

Section 3281, carrying on the business of a distiller without giving bond, minimum, $1,000 and six months; maximum, $5,000 and two years.

Section 3282, making any mash fit for distillation on other than registered distillery premises, minimum, $500 and six months; maximum, $5,000 and two years.

Section 3296, removing or concealing or covering up of spirits contrary to law, a minimum of $200 and three months; a maximum of $5,000 and three years.

Section 3305, making any false entries in the books that were kept, a minimum punishment of $500 and six months; maximum, $5,000 and two years.

Section 3306, using any false weights or measures, minimum, $500 and one year; maximum, $5,000 and three years.

Section 3317, carrying on the business of a rectifier, or removing rectified spirits contrary to law, a minimum of $1,000 and six months; maximum $5,000 and two years.

Section 3318, failing to keep books as a rectifier or wholesale distiller, minimum $100 and three months; maximum $5,000 to three years.

Section 3326, changing or altering any mark or brand on cask or any kind of package, minimum $100 and one month; maximum $1,000 to one year.

Section 3330, relanding spirits that were shipped for export, a fine not to exceed $5,000 (no minimum there, but it is in the conjunctive) and not more than three years.

The enforcement of the liquor laws has been a grave problem for generations. Tell me how long a dealer has been engaged in the liquor business, and I will tell you how long he has been a habitual violator of the law. The difficulty in enforcing the eighteenth amendment is due largely to the small penalties provided for in the act. In most cases they are less than the annual license fee was in the days of the legal saloon. Many of our city ordinances provide a penalty for spitting on the sidewalk almost equal to the penalty which Congress has written into the national prohibition act for violating the Constitution of the United States.

Mr. Chairman and Members of the House, this legislation has the approval of the office of the Attorney General, the Treasury Department, including the Commissioner of Prohibition, and all dry organizations.

It is the duty of Congress to provide penalties that correspond with the violations, and our neglect to do so up to this time has placed a grave doubt in the minds of the people as to whether or not Congress really desired the national prohibition act to succeed. This is a very important piece of legislation, and I trust that the bill will pass. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. COMBS].

The CHAIRMAN. The gentleman from Missouri is recognized for three minutes.

Mr. COMBS. Mr. Chairman and members of the committee, my opposition to this bill is predicated on the fact that I believe it to be a thoroughly unscientific piece of legislation. Regardless of what laws we seek to enforce, in the past we have always made some effort, at least, to classify penal infractions, to graduate punishment, and to determine the measure of its severity by the measure of the seriousness of the offense. There is in this bill absolutely no legislative discrimination between a serious offense and a purely casual offense. There is no splitting of the offense in accordance with the practice which has been recognized as the only sound juridical policy governing penal infractions of the law.

I am fully aware of the fact that there has been added to the bill a proviso which seeks to declare the intent of Congress. From a legal standpoint every man in this room knows that the proviso is in no sense binding upon any court charged with the duty of enforcing this law. It is absolutely without significance. We can declare our intent until the cows come home, and yet if the court elects to construe and administer the law in accordance with his prejudice rather than in conformity to the plain intent of Congress, he is at liberty to do so. We have the disheartening spectacle of Congress rushing through a sloppy piece of legislation, inserting a proviso that is both unscientific, and without legal validity, and realizing, as we must realize, that we are stultifying ourselves in so doing.

The problem confronting the American people is primarily one of enforcement. You can not obtain enforcement in wet communities by hurling in their faces legislation which the people of those districts know can be so construed by the courts as to constitute a cruel injustice. Public sentiment is the only real motivating force behind any law.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LAGUARDIA. Mr. Chairman,, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM]. [Applause.]

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I realize it is entirely futile to oppose this bill. It is destined to pass no matter what may be said against it—that it is poorly drawn and crudely expressed, the ablest lawyers supporting it have admitted. For instance, note the expression in line 4, the words "criminal prosecution" is used. This portion reads as follows: "The penalty or penalties prescribed in a criminal prosecution." Now, what lawyer ever heard of a penalty prescribed in a "criminal prosecution"? I presume what was intended and meant was the "violation of criminal statutes"; certainly not a penalty or penalties for a criminal prosecution. This is only an example of the draftsmanship of this bill.

Forty-three Members of this House petitioned the Judiciary Committee for a hearing upon this measure, and not only were refused a hearing, but no response was even made to the petition. I presume it went into the ash can.

I believe in temperance, not in prohibition. I do not believe that prohibition and temperance can exist in the same community or country. The moment you try to prohibit a man in the freedom which he loves so dearly, just that soon you incite him to a violation of the prohibition. We all know how the great number of citizens of this country are continually violating the prohibition act. It has become a game; people are desirous of obtaining liquor or of manufacturing liquor, because it is prohibited. Thousands of distilleries dot the mountain sides, thousands of speak-easies abound in the cities, exceeding in number the old saloons. Thousands of arrests are being made, and each year are increasing. The penitentiaries and jails of the country are crowded so that in Atlanta and Leavenworth they are sleeping two in each cell and many in the corridors, the result of which is that more penitentiaries are recommended by the National Government, by a committee appointed by Congress, and many of the States are contemplating the erection of jails and penitentiaries.

The Government has resorted to all manner of means for the enforcement of prohibition. Poisons have been placed in alcohol; many people have lost their lives by reason thereof, to say nothing of those who have been affected by blindness and other physical ailments.

This act is intended to increase the penalties to five years in imprisonment or $10,000 fine, and I venture to say will have just as little effect as all these other measures for enforcement have had. The heavier the penalty, the fewer prosecutions you are likely to have, because witnesses will not be willing to testify against a violator when the witness realizes it may mean five years in jail or $10,000 fine. Juries will not be willing to convict when they realize that the man who sits upon the bench—the judge—has it within his power to thus severely fine or incarcerate the prisoner.

I have just read of one of the big counties of our country which has in force a local option law in addition to the Volstead Act. Yet it is unable to enforce prohibition. Recently 250 witnesses were examined and 83 indictments returned, but the grand jury stated that "hardly had the surface, in so far as bootlegging was concerned, been scratched," and went on to say that in view of the extent of the evil, the reluctance of witnesses to testify, their willingness to protect violations of the law, and the general difficulties confronted in securing convictions it was not thought worth while to continue the session for the purpose of prosecuting them; in other words, there is a breakdown of the law in this dry county where power to punish exists under both State and Federal statutes.

Now, if that is the condition under the present law, what will be the effect of giving to a judge the absolute power to fine or imprison a violator five years or $10,000? Mind you,

when the case goes to the jury and the witnesses testify no one can discern the mind of the judge nor the penalty he may inflict. How would you like to testify against some person you know with this great uncertainty staring you in the face? Humanity at best is subject to so many influences, the best of us have our good days and our bad days, our patient days and our impatient days. The best of us have our indigestion days when everything goes wrong; some little irritation at home or abroad may change our whole demeanor. The judge is only human, he does his best as he interprets the evidence and construes the law, but even his best may be influenced by any one of these things; and yet he is empowered to say to a first, second, or many time offender that he will send him or her to jail for five years or inflict a fine of $10,000.

I say it is putting too much power in the hands of one man. It is creating, as has been well said by the gentleman from Colorado [Mr. WHITE], a "country of men and not a country of laws." I am just as anxious to see the liquor traffic and the liquor consumption cease as any man on the floor of this House. I have always believed in temperance, and lived up to it; but I do not believe you can bring it about by such measures as these nor by the practices I have alluded to by the prohibition unit.

I note that while some seventy-five millions or more have been appropriated for the enforcement of prohibition, the Coast Guard, more judges, support of more prisoners, and all other matters that go to make up for prohibition enforcement, sad to relate, in none of these appropriations have I noted one dollar to educate the people against the use of alcohol and the dire results from overuse of intoxicating liquors.

I should like to see us embark upon a system which gives the Government control of the liquor question by the Quebec system, and yet give the people light wines and beers which they may drink at home. I should like to see temperance preached in lieu of attempted prohibition enforcement. I believe with the saloons now gone, for which we are all thankful, we can bring about far better results than are now being attained under the present system. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CHRISTOPHERSON. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, the pending measure simply provides a heavier fine in cases where a Federal judge feels the circumstances of the case and the demands of justice make that desirable; in other words, it makes it possible for a Federal judge, when he gets one of these big offenders before him, one who is making a great deal of money, to take a larger part of his profits away from him. That seems to cause dismay on the part of the wet bloc in the House, headed by the gentleman from Maryland [Mr. LINTHICUM], who has just spoken. It causes dismay in the hearts of Tammany, which is speaking here to-day as often as their neighbor from New York [Mr. LAGUARDIA] will permit them to speak.

We know that those who are most bitterly opposed to prohibition and those who most keenly desire to see the enforcement of prohibition fail are opposed to this legislation.

It is asked for by the department that has the responsibility of enforcing the law, and I hope that everyone who favors prohibition and who favors its enforcement will unite in support of this legislation. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, may I ask the gentleman from South Dakota how many more speakers he has.

Mr. CHRISTOPHERSON. One is all I have as yet.

Mr. LAGUARDIA. And one is all I have.

Mr. CHRISTOPHERSON. The gentleman may proceed, then.

Mr. LAGUARDIA. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. STOBBS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 13 minutes.

Mr. STOBBS. Mr. Chairman and gentlemen of the committee, I am very sorry that in this debate the issue has been raised of personal views on the prohibition question. It seems to me the merits of this discussion do not involve necessarily anyone's views pro and con on the question of the eighteenth amendment or the Volstead Act.

Personally, as a member of the Committee on the Judiciary and as a Member of this House, I am only too glad to vote for any legislation which will bring about a more effective enforcement of the eighteenth amendment and the Volstead Act, as long as the two are a part of the law of this land; but I am opposed to this particular bill because I feel it is too drastic in its nature; I feel that it is poorly drawn and that it is not going to accomplish the purposes for which it is intended.

I disagree with the gentleman from Michigan [Mr. CRAMTON] and some of the other proponents of the bill that all this bill does is simply to raise the maximum penalties and to enable a judge in a more serious case to give out a more severe penalty. If that were the situation, I would not oppose the bill, but that is not what this bill provides.

Now, just what does the bill provide? I hope you will give me your attention as I discuss one or two things right in this connection. In the first place, this bill provides that there shall be an increase in the maximum penalties for first offenses under this act. The maximum penalty now for a first offense under the present act for the sale or the manufacture of intoxicating liquor is a $1,000 fine and six months in jail. This bill provides that the maximum penalty for such first offense under the act shall be increased tenfold and shall be made $10,000 or five years in prison.

Mr. MONTAGUE. Or both.

Mr. STOBBS. Or both. That is the way this bill increases the maximum.

But, again, this bill also provides that the maximum for all first offenses is increased to $10,000 fine and five years in prison. But there are some offenses under the present act, Mr. Chairman, that do not call for any prison sentence at all. Take the college boy, who, misguided perhaps, foolish perhaps, goes to a football game with a flask on his hip. He is guilty of transporting liquor. Under the present law all that can be done to that boy is to fine him; but under this bill that boy can be given the maximum penalty of five years in prison or $10,000 fine. The maximum for that offense is increased twentyfold; and not only that, but the penalties for first offenses for possession or transporting under this act are made greater than for second and third offenses under the present law.

So when our friends talk about simply increasing the maximum, I want you to understand how the maximum is being increased and to bear this fact in mind in considering the merits of the bill.

Then, there is one other thing this bill does that is not done in the present law. All distinctions between misdemeanors and felonies are entirely wiped out at one fell swoop, and every offense under this proposed act, however trivial, is made a felony and there is no such thing as a misdemeanor. That is what the bill provides.

So I say to you I am opposed to this bill as it is drawn because of its drastic character.

But this is not all. This bill takes away all the differences in degrees of crime. It takes away any distinction in law between a trivial and a serious crime. It takes away the difference in the character of the offense and leaves it entirely in the mind of an individual judge to say what the degree of the crime shall be, and its punishment.

This is absolutely unsound and unscientific legislation.

The Congress has no right to surrender its responsibility and leave in the hands of the individual judge power to discriminate between the different classifications of crime. The composite judgment of 435 men on this floor should be at all times the final test as to what is the nature of an offense, how serious that offense shall be, and what the punishment within limits to be meted out for that offense shall be, and not leave it to the individual judge.

But the proponents of this bill will say, "We can trust the individual judge; we can depend on his sense of fairness; we can depend on all the men of the judiciary to see that this law is enforced or administered the way it ought to be administered."

The judge, under the proposed legislation, has the sole decision to make as to whether or not an offense is a trivial one or a serious one. Congress, in passing this bill, actually surrenders that privilege and that decision and puts it into the hands of the judge, and instead of having uniform administration of and defining of offenses under your liquor law throughout all the United States, if you have 300 Federal judges you are going to have 300 different methods or 300 different views on the degrees of the offenses, and there will be no uniformity. One judge will consider it a trivial offense for a college boy to go to a football game with a flask of whisky on his hip. He will say that that is a trivial offense and will give him a fine of $25, and the next judge will come along and under this proposed law he is able to give that boy a prison sentence and will give him a month in jail, and the next judge will come along and give him a sentence of three months. In other words, there is no uniformity and no classification, no tying down of the hands of the judiciary, as far as any actual legislation is concerned, with respect to the differences in the degrees of this crime, and there is absolutely no way that you can control the judges in whatever decision they may make. Their decision is absolutely final.

Then, there is another angle of this bill that I would like to discuss for a moment, and that is the question of the unscientific manner in which the bill has been drawn.

If you will turn your attention to section 2 of this bill you will see that nothing in this bill—or whatever the language may be—shall in any way eliminate what they call the minimum penalty for the first or any subsequent violation of the law. Now what does that mean? What they intended to say, without any doubt, Mr. Speaker, was that whenever it happens there is a minimum offense described for the violation of law, for a second offense the judge must impose at least the minimum sentence prescribed. They do not say, however, that the penalties now described in the law for second offenses shall be retained—they say the minimum penalty—using the singular—shall not be eliminated. Instead of providing under the second paragraph or clause when a man commits an offense, the penalty of which is partly a fine and partly a prison sentence, that the penalty may be not less than such a sentence and not more than such a sentence, they say that you must not eliminate the minimum penalty. As a matter of poor draftsmanship it simply means in this farcical legislation that the judge is obliged to give the minimum penalty provided only for such second offense and not in the gradation provided in the present law. So he may, inconsistently, give more for a first offense than he could give legitimately for a second offense, because they provide that the minimum penalty only under the law shall not be eliminated.

Now I am in sympathy with the object of this bill. The object is to get after the commercial fellow, the big bootlegger. I am in hearty sympathy with that purpose. If legislation should be provided so as to reach that particular type of offender most of the Members of this House, I am sure, would be glad to vote for it. But this legislation is not going to accomplish the object it seeks to accomplish. In the first place, you are increasing the maximum penalty in first offenses to such an extent that you will have difficulty in getting convictions under this act. I have been a prosecuting attorney and have tried many violations of liquor cases, and I tell you in all sincerity that with this increase in the maximum of the penalties for first offenses under this act you will never get the convictions that you must secure in order to obtain adequate law enforcement.

Now, it is a particular bill we are dealing with, not the whole question of prohibition. The bill is carelessly and inartistically drawn. We want to see a good bill, a bill about which we can go home and look our constituents in the face and say, "We have passed a good bill." Do you want to go home and say that you have passed a bill increasing the penalties twentyfold for some trivial first-offense violations under the law? Do you want to go home and say that you have passed a bill making every violation of the liquor law a felony? Do you want to vote for a bill that is so inconsistently drawn that no one, not even the members of the Judiciary Committee of this House understand exactly what it means? [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I yield two minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, back before the eighteenth amendment, back before prohibition was a State issue, when the county was the unit, in fact, from my earliest public interest, I have fought for and with drys. During all this time my friends and neighbors know that my private habits were in keeping with my public utterances. I am and have been sincerely hopeful of seeing this issue settled for all time by the freeing of the country from the evils of intoxicating liquors through the honest enforcement of the laws.

I am getting tired of the issue being made a football of politics; tired of politicians who never before advocated or practiced the principles deceiving an unsuspecting public by loud protestations and being elected to office as champions of temperance. In this I make no distinctions—from President of the United States down to constable.

In the recent election many claims were advanced by the friends of the President elect concerning his great executive ability and genius for creating great organizations to do just such work as enforcing prohibition. "He fed Europe and was capable of drying up the United States." Since the election, however, those who made such claims have been, with the approval of the President elect, running from all opportunity to vindicate them. When Doctor Doran, prohibition head, stated that it would require $300,000,000 (less than one-tenth part of the annual expenses of the Government) the friends of the President elect immediately denounced the suggestion and defeated the Senate amendment furnishing the money. Then Mr. BYRNS, of the Appropriations Committee, offered an amendment to provide the President with $24,000,000 to cover what was actually in demand by the Coast Guard and several other enforcement units. This met the same fate from the same source.

Thus far honest-to-God enforcement is still unsought by the leaders of the party in power.

All of us who believe the fundamental principles of the Government as taught by Thomas Jefferson, who have supported the eighteenth amendment and its enforcing acts, must admit that we have at times found ourselves in embarrassing conflicts of thought. Believing the evil to be cured called for drastic treatment, we resolved our doubts in favor of legislation which we believed would be practically effective rather than theoretically sound.

Again we are confronted by this bill with the necessity of approving legislation in several ways more extreme than we would ordinarily employ or be numbered among those who have abandoned the objective for which we have labored so long and which we hold so dear.

The liquor forces, a rebellious set at all times, are responsible, by reason of their organized determination to nullify the will of the majority of the American people. I have reached that point where I believe that any appropriation, however large, and any law, however drastic, that will bring this situation to such a crisis, focussing the attention of temperance people upon the situation, to awaken them from the lethargy which permits placing in power of men and administrations who will pass legislation to satisfy the drys and so enforce it to satisfy the wets, are justifiable. We have reached the situation where the bootleggers and the law breakers are voting with those whose original purpose was to destroy them. In the early days of prohibition activities, the bootleggers voted with the wets; they now vote with the drys, and I for one am not proud of the association.

Mr. Speaker, I support this legislation not because as a legislator I approve all of the principles which it embodies but by reason of the deplorable situation which makes it necessary. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I yield four minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman and gentlemen of the committee, the apparent purpose of this bill is to authorize the Federal courts to impose penalties for the violation of the national prohibition act commensurate with the offense. It was my privilege to be a public prosecutor prior to entering Congress. I think I can, therefore, appreciate the force and effect of statements that have been made here that you can not, by merely making penalties severe, secure law observance and prevent its violation. More important than severe penalties is an alert police force fairly certain to detect violations of law, a competent prosecuting officer to speedily prosecute, and a court that will promptly administer an adequate sentence. Fairly certain and prompt detection of crime, with the certainty of immediate prosecution and upon conviction certain and immediate imprisonment, will do more to prevent law violations than mere statutory penalties that appear severe.

I appreciate this. Yet there is an occasion for substantial penalties. The penalty should be sufficient to deter not only the defendant but others from committing a similar offense. There is the possibility of great financial gain in the bootlegging business. Much money is to be made in going into the business on a large scale. There should be some place in the national prohibition act a penalty sufficiently severe to deter those who would like to violate the law.

Mr. Chairman, under section 29 of the act the maximum penalty for manufacturing or selling is a fine of not more than $1,000 or imprisonment not exceeding six months. Take, for example, the case of a person who is in the business of diverting industrial alcohol from its legitimate use and converting it into alcohol for beverage purposes. The possibility of profits runs into tens of thousands of dollars. What is a $1,000 fine to such a man? What is six months in jail with the possibilities of profits of that amount? Nothing. Under existing law even the second or subsequent offender can not be fined more than $2,000 nor imprisoned for more than five years. This is true no matter how many times he may violate the law and come up for sentence. Therefore it appears to me that if we believe in the enforcement of the laws of the land that we ought to provide penalties commensurate with the offense. [Applause.]

Gentlemen, that is what this bill does. The minimum is left where it is; that is, nothing. The maximum fine is $10,000. The maximum imprisonment is five years, or it may be both fine and imprisonment, depending upon the offense and the offender. All of this is left in the discretion of the court. That is what this bill does.

Furthermore, here is the way I look at the part the Federal Government should take in this question of prohibition enforcement. The Federal Government went into this business because it appeared that that was the only way that the evils of the liquor traffic could be successfully dealt with. There was no intention whatever to relieve the States of responsibility to

enforce the law. Therefore, both the States and the Federal Government were given concurrent power. The States, therefore, have the same police power and the same responsibility under the eighteenth amendment that they had before its adoption. It is their business to enforce the law, and especially as to the small violator of law in the various communities and localities. That is essentially a police matter. It can be done by an honest and alert police better than it can be done by Federal officials.

On the other hand, the Federal Government is in the position to better cope with the large and powerful and wholesale violator of the law. If I am correct in this, then the Federal law should provide a penalty for this type of criminal. That is what this bill is designed to do. That is where its merit lies, as I see it.

It has been said here that if this bill becomes a law, Federal prosecuting officers will not be able to proceed by information but that they will have to proceed by indictment. At the present time, it is my understanding that the United States district attorneys can prosecute under section 29 of the national prohibition act through an information instead of awaiting the action of a grand jury. Article V of the Constitution provides that no person shall be held to answer for an infamous crime, except through a presentment or indictment by grand jury. I have not had time to look up the authorities but I am inclined to think that where the maximum penalty is five years that this would be considered an infamous crime and that an indictment would be necessary. However, penalties are prescribed in the national prohibition act not only for illegal manufacture, sale, transportation, importation, or exportation but for possession and other violations of the law not embodied in these words. The small violator of the law, if prosecuted in the Federal court, can be prosecuted on a "possession" count. It is my understanding that it is common practice to-day among the United States district attorneys to charge both possession and sale, and to accept a plea of guilty to the charge of possession for the first offense. There is no reason at all why the use of information for small offenders can not be continued. Notwithstanding the objections that have been made here and after giving this measure a great deal of careful consideration, I am of the opinion that we ought to change this law, and I favor passing the bill as it has been reported out in the committee.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. LAGUARDIA. The gentleman has had experience as a prosecutor and is an able lawyer. Will the gentleman state that this bill is drawn in a lawyerlike fashion, and that it means anything definite?

Mr. NEWTON. It is not in the language that I would have used if I had been drafting it, but it is in language that can be understood, and which, in my judgment, can not be successfully misinterpreted. If we are going to change this law, we must pass it as it is. This is on account of the parliamentary situation.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. BEEDY. I am in sympathy with this law, but I want to ask the gentleman as a lawyer some questions. I have prosecuted a little myself. What does the gentleman think the court would say when it attempts to impose this penalty under the proposed bill of the language:

> That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act.

Are there ever penalties prescribed in a criminal prosecution? In other words, to make this a law under which you could impose a penalty and keep a man in jail and hold his money, have we not to cut out five words? Ought it not to be—

> Wherever penalty or penalties prescribed by the national prohibition act?

Mr. NEWTON. No; it does not mean that. It means penalties prescribed in the act for a criminal act.

Mr. BEEDY. In a criminal prosecution?

Mr. NEWTON. It means penalties imposed for a criminal act as distinguished from other penalties.

Mr. BEEDY. But it does not say that. It says—

> penalties * * * prescribed in a criminal prosecution.

No criminal prosecution prescribes penalties. The language is nonsensical.

Mr. NEWTON. That is what I meant when I answered the gentleman from New York [Mr. LAGUARDIA] as I did answer him. But at the same time the fact remains, nevertheless, that while the text is not satisfactory it is apparent what is meant. I do not believe that its meaning can be successfully misinterpreted when construed in connection with the debates in the other body, where that particular phrase was inserted. Furthermore, with reference to the original House bill (H. R. 9588), and the report accompanying it, they clearly show what the meaning is and what was intended. I want to repeat what I have heretofore said, that if I had been drafting this measure myself I certainly would not have used the language that was used.

Mr. BEEDY. I am in sympathy with the bill, but I want it right.

Mr. NEWTON. Mr. Chairman, for the reasons given I favor providing additional penalties to meet arch conspirators and violators of this law, and I hope that this measure will pass.

Mr. CHRISTOPHERSON. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman and gentlemen of the committee, I am not going to discuss the question of prohibition. Prohibition is with us, it matters not whether we like it. It is a part of the Constitution. We have but one constitutional duty, and that is to enforce the law of the land. I am one of those who believe in enforcing the law. I think no Member of this body will attribute to me the habit of being fanatical. I am not a dry fanatic and I am not a wet fanatic. I hesitated a long time as a member of the Committee on the Judiciary before I voted to bring out the Stalker bill. Because I felt that we should go slowly and accomplish as we proceed, but the time has arrived when the Department of Justice asks us, the Congress, to give it more legislation. They are asking for this particular legislation, and they want this bill passed as it is here suggested, without the crossing of a "t" or the dotting of an "i," even though it seems to me ridiculous so far as some of the language is concerned. That is a funny thing for me to say, perhaps. As a member of the Committee on the Judiciary I have no hesitation in saying that the bill as reported by the committee was a well-worded, concise bill, expressing clearly what was intended. The Jones bill in the Senate and the Stalker bill in the House were identical bills, each being favorably reported. The purpose of each bill was to increase the maximum penalty which the court might in its discretion impose for all criminal violations of Title II of the national prohibition act.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I regret I can not. The Senate, on the floor of that body, placed some amendments in this bill. The first two of those amendments do not mean anything in my judgment. They do not sound well. They are not vicious. They are perfectly harmless; they are innocuous. Section 2 of the bill was added by the Senate and has a definite purpose. This section was inserted for the purpose of saving minimum penalties provided in existing law, and the first minimum penalty referred to is found in section 29 of Title II of the national prohibition act, and is as follows:

> For a second or subsequent offense [the violator] shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month or more than five years.

Under section 2 these minimum penalties will be retained in the law, without section 2 they would be repealed. I say repealed having in mind Revised Statutes, section 13, which is a saving statute, and which in my judgment refers to offenses committed and liabilities incurred before the enactment of the repealing statute.

The gentleman from Maine [Mr. BEEDY] called attention to a particular clause in section 1. There is no question in my mind but that the phrase to which he referred was inserted in the wrong place by the Senate. If the words "in a criminal prosecution" were to be inserted, it seems to me that they should have been inserted after the word "penalties," in line 3, rather than after the word "prescribed" in the same line. I do not approve of the Senate amendment from any standpoint, but it will not destroy the purpose of section 1.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. No. I have only a minute or two. I want to call attention to some of the objections to the bill raised by the gentleman from Massachusetts [Mr. STOBBS], a member of the committee, with whom I am usually in accord on legal propositions. He tells us that there would be no uniformity of sentence if this bill becomes a law, indicating that in some jurisdictions one kind of sentence would be imposed, while in other jurisdictions more severe or less severe penalties would be imposed. I presume he adopts the reasoning of the gentleman from New York [Mr. O'CONNOR] who indicated in his remarks that the severity of the sentence would be measured by the judge's feeling toward the prohibition law. We must of necessity leave some discretion in these matters to the courts, and when we reach the stage where we can not trust the dis-

cretion of our courts in these matters, then the trouble is in the type of judge, not in the law and not in the system. If the offense against the law is burglary, the court has a discretion as to the severity of the penalty, and this is true in practically all of our criminal statutes, and there is no uniformity as to penalty unless it be a minimum and a maximum, or a definite penalty for all like offenses. Some burglaries are more aggravating than others. In some cases the offender is a hardened criminal; in others he may be a first offender, and I insist that we must not depart from the practice of lodging proper discretion in the sentencing court.

Mr. STOBBS. Mr. Chairman, will the gentleman yield right there?

Mr. MICHENER. No; I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MICHENER. The gentleman from Massachusetts joins with the gentleman from New Jersey [Mr. FORT] in arguing that to increase penalties will decrease convictions. That if this bill becomes a law that we will have less convictions and fewer people to sentence to jail for violation of the law. On the other hand, the lady from New Jersey [Mrs. NORTON] tells us that "If the provisions of this bill become law, it will cause the United States Government to go into the building business, for we have not now and could not build enough jails to provide the carrying out of the law." Quite evidently Mrs. NORTON feels that there will be more convictions because the bill provides no new minimum penalties but only increases the maximum, and the discretion would still be in the court.

Let us not forget that for first offenses under the present law the offender may be fined not more than $1,000 nor imprisoned not exceeding six months, and no one has pointed out a single case where the court has abused its discretion and sentenced the boy at the football game, of whom the gentleman from Massachusetts has spoken, and who has a flask on his hip, for the maximum penalty. This class of offender will have all the rights which he now has under the law, with the court having an additional right to give commercial violators a sentence that will really mean something. I do not find that anyone has called attention to the probation statute, a very wholesome law now on our statute books, by virtue of which the court may place on probation, without inflicting further penalty, any first-offense violator under the prohibition law. It seems to me that every safeguard is thrown around the casual offender against the prohibition law. This is as it should be, and at the same time teeth should be put into the law so that he who would violate the Constitution and the law for the purpose of making money may be dealt with in such a manner that the punishment inflicted will mean something.

If the parliamentary situation were different, I should be pleased in joining to eliminate all the Senate amendments in section 1 of the act. However, we all realize that in a few hours the Seventieth Congress will end, that an amendment to this act will in effect kill the legislation, and therefore I, for one, am willing to vote for the measure with the harmless Senate amendments. At most these amendments are surplusage. I believe the sentiment of the majority of the people of the country to-day demands that every reasonable effort be made to enforce the prohibition law, and that Congress is expected to vote sufficient funds and to enact proper law to bring about proper enforcement. Those charged with enforcement of the law insist that this measure will aid in enforcement. It can do no harm. It would work no injustice. It is not legislation new in its character, and there would be little opposition at this time if the law pertained to anything other than prohibition. Many of the leading opponents to this bill in this body have, as a rule, opposed all law and appropriations looking toward the enforcement of the law, and the time has arrived when the country is demanding that legislation be enacted to enforce the law rather than to protect the bootlegger.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That wherever a penalty or penalties are prescribed in a criminal prosecution by the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, Title II, of the national prohibition act, the penalty imposed for each such offense shall be a fine not to exceed $10,000 or imprisonment not to exceed five years, or both: *Provided*, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law.

Mr. TUCKER, Mr. O'CONNOR, Mr. CELLER, and Mr. SABATH rose.

The CHAIRMAN. The member of the committee from Virginia [Mr. TUCKER] will be recognized.

Mr. TUCKER. Mr. Chairman, I submit an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. TUCKER].

The Clerk read as follows:

Amendment offered by Mr. TUCKER: Beginning in line 9, page 1, after the words "shall be," strike out the remainder of section 1 and insert the following: "After the first offense, for a casual or slight violation of said law, a fine not to exceed $2,000 or imprisonment not to exceed one year, and for any offense for habitual sales or transportation, importation, exportation, or illegal possession, indicating a commercial business, a fine not to exceed $10,000 or imprisonment not to exceed five years, or both."

Mr. O'CONNOR of New York. Mr. Chairman, I want to offer an amendment to that amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. TUCKER. Mr. Chairman, I do not desire to discuss this bill. I am in favor of providing at this time more effective enforcement of the prohibition laws by increasing the penalties of the law. The purpose of my amendment is to do this very thing. If adopted, it will subject to more severe punishment the bootlegger and others who deliberately and systematically violate the law—selah—and at the same time it will save from that punishment which the Constitution forbids and describes as "cruel and unusual" those who may be charged with what we all recognize and the bill itself recognizes as casual and slight violations. It will make all this certain without trusting the individual judges with varied prejudices to make it certain; and if this amendment is adopted I shall vote for the bill. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I have a high regard for my good friend from Virginia [Mr. TUCKER]; nevertheless, I must oppose this amendment. I am not going to argue the merits of the amendment. I simply want to say this, that it is realized that if this bill is amended in any way, it means the death of the bill. We are wasting our time if we attempt to amend it. We must pass the bill only in its present form. You can not amend it without delaying it in the other body. [Applause.]

Mr. Chairman, I move that all debate on this amendment be now closed.

The CHAIRMAN. The gentleman from South Dakota moves that all debate on this amendment be now closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. O'CONNOR of New York. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 114, noes 103.

Mr. O'CONNOR of New York. Mr. Chairman, I ask for tellers. I am not in favor of wasting time. We have not had adequate time allowed to us.

Mr. CRAMTON. Mr. Chairman, as I understand it, the motion has reference only to the pending amendment?

The CHAIRMAN. Yes. Tellers are demanded.

Mr. O'CONNOR of New York. Mr. Chairman, I will withdraw my demand for tellers. I have an amendment to offer to the same section if I am permitted to debate it.

The CHAIRMAN. The motion to close debate on the amendment is agreed to.

All debate is closed on the amendment. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. TUCKER].

The question was taken; and on a division (demanded by Mr. TUCKER), there were—ayes 130, noes 109.

Mr. CRISP. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Chair appointed Mr. CHRISTOPHERSON and Mr. TUCKER as tellers.

The committee again divided; and the tellers reported that there were 126 ayes and 149 noes.

So the amendment was rejected.

Mr. O'CONNOR of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of New York: Page 1, lines 9 and 10, after the word "be" in line 9 strike out the rest of that line and all the words in line 10 and insert in lieu thereof the words "capital punishment."

Mr. CHRISTOPHERSON. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. O'CONNOR of New York. Mr. Chairman, I strike out one form of punishment and substitute another.

The CHAIRMAN. Does the gentleman desire to be heard any further?

Mr. O'CONNOR of New York. No.

The CHAIRMAN. Does the gentleman from South Dakota desire to be heard?

Mr. CHRISTOPHERSON. I will reserve the point of order if the gentleman desires.

The CHAIRMAN. The Chair overrules the point of order.

Mr. O'CONNOR of New York. Mr. Chairman, I offer the amendment for two purposes; first, to demonstrate the temper of the House on this question. I am confident that my amendment to provide for capital punishment, if it would not defeat the bill, would receive at least 300 votes in this House. Such is the spirit and such is the state of mind of full-grown Members of Congress on this subject of prohibition.

I rose principally to answer, probably unnecessarily, certain remarks in the nature of a gratuitous castigation of me by the gentleman from Ohio [Mr. MOORE], who claimed to be astounded at some remarks of mine in yesterday's RECORD, and more astounded that I did not revise them after having uttered them on the floor, in which I said I was opposed to the eighteenth amendment and detested the Volstead Act. He recalled to me the oath I had taken. In the first instance, I want to dispel a delusion that has permeated this land. A common phrase used throughout this land by Congressmen and by candidates for President is that when a man is elected to this body or to the Presidency he takes an oath to support the Constitution and "the laws of the land." Well, I never took such an oath. I will read you the oath. Nobody seems to recall its contents, although the distinguished Speaker must know them, because he has administered it so often. The Constitution says:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Not one word is said about "the laws of the land." That is my first point, so forever dispel that delusion from your minds.

When I swore to "support" the Constitution of the United States I did not swear to get down on my knees and worship it. I did not forever foreclose my opinion as to how I felt toward any one or more articles or amendments. Why, if you carried that argument to a logical conclusion, any time a man introduced an amendment to the Constitution he would not be "supporting" it. Under the theory of the fanatical "drys" he must love every article; he must love every amendment as a part of the decalogue. Yet, I know countless men in this body who hate and despite many of the amendments. I reserve the right, gentlemen, to challenge any amendment to the Constitution; I did not swear to "support" it as a fetish. It is ridiculous, and it is puerile to suggest that a Member can not disagree with an amendment. I do not have to worship the laws of my land, and I do not have to bow the knee at the throne upon which they are enshrined. I can move to repeal them and to amend them. I can criticize them.

Now, what is all this hullabaloo about? Who is "supporting" the Constitution of the United States? I maintain I am in the interests of millions of our people. Are you "drys" supporting the Constitution or are you bowing your knees in submission to the organizations which place themselves above the Constitution of the United States. Are you pledging your "full faith and allegiance" to the Constitution or are you catering to the Anti-Saloon League, whose leader and whose dictator sits there in the corner of the gallery watching your every move, sending messages down here to somewhere, I do not know. There he sits, Doctor McBride, the "superpresident" of the United States, shaking his black mane in approval or disapproval. Many of you are well aware he is there. His organization is the "constitution"; that is the "amendment" you drys hold in such reverence—not the eighteenth amendment of the Constitution of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. MOORE of Ohio. Mr. Chairman, I have risen in opposition to the amendment, and I object.

The CHAIRMAN. The gentleman from Ohio has been recognized, and he can not be taken off his feet.

Mr. MOORE of Ohio. Mr. Chairman, talk about ridiculous amendments. This is surely the height of ridiculousness when the gentleman from New York [Mr. O'CONNOR] offers an amendment providing the death penalty. It just shows how earnest the gentleman is in the interest of law enforcement. I am glad the gentleman read the oath that we take. I wish he had read section 2 of the eighteenth amendment, which provides that—

> the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

I look upon this, as other men do, that it became my duty to pass an enforcement statute.

The gentleman says, and I give his language again that it may not be forgotten, and I am surprised he did not apologize for it—

> I am against the eighteenth amendment.

And yet that amendment is in the Constitution and just as much the Constitution as any other part of it.

Then he says:

> I abhor it. I despise it.

I contend this is not proper respect for the Constitution of the United States. [Applause.]

And he further says:

> I would not counsel anybody to even respect the law.

And yet the gentleman is a lawmaker. I believe in being law observers, too. The gentleman is unwilling to counsel anybody to respect a law that has been enacted and passed the House and the Senate of the United States.

So I make no apology. I make this argument sincerely. Not because of the personality of the gentleman from New York [Mr. O'CONNOR], do I attack his position, but because it is untenable and because I believe he strikes at the very foundation of government itself. I concede the right to change the Constitution and the laws in the proper way but not to nullify them while they are in existence.

The gentleman referred to organizations. I do not know to which one he responds, but I may surmise. There are men here who believe in a sober nation and who believe in good, clean government, and I contend the attitude of the gentleman, as expressed in his speech the other day, is inimical to the best interests of the Government, law observance, and law enforcement. [Applause.]

Mr. CHRISTOPHERSON. Mr. Chairman, I move that all debate upon this amendment do now close.

The motion was agreed to.

The amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Chicago [laughter] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. SABATH: After the word "exceed," in line 10, strike out the word "five" and insert the word "one."

Mr. SABATH. Mr. Chairman and gentlemen, inasmuch as my good friend the Chairman recognized me as "the gentleman from Chicago," instead of in the usual manner, "the gentleman from Illinois," and since my subject is to be the Volstead Act, I take it that the Chairman and some of my other friends in the House evidently think there is something queer with Chicago so far as the subject of prohibition is concerned.

But, gentlemen, notwithstanding what you have been reading in the newspapers of late about our city, I am still proud of the fact that I am a citizen of the great city of Chicago. The fact is that during the last few years we have had a Republican mayor and a Republican administration at the helm in Chicago, and I must admit that a number of things of which we Chicagoans are not any more proud than you, have, due to prohibition, taken place. [Laughter and applause.]

I repeat that I am still proud of Chicago, however, because the great rank and file of the citizens of Chicago are just as peaceful and law-abiding, just as careful of their conduct and jealous of the reputation of their city, as are the citizens of any other community in the United States. The adverse publicity that the city of Chicago has been receiving of late is not due in the slightest degree to the average man or woman of my city, but to rival cliques of prohibition-made gangsters.

And I desire to be understood as charging here on this floor now that it is the prohibitionists and their allied forces and coworkers, the Ku-Klux Klan fanatics, that are responsible for the existence of the gunman and the racketeer in Chicago. The

bootlegging and the gang killings of my city and of other cities in the United States are not the by-product, but the direct product of the Volstead Act, and the supporters of this crime breeding legislation must claim this new cult of American criminals entirely as their own, and take the responsibility for their existence.

But it was the combination of prohibitionists and Ku-Klux Klan that brought about the defeat of Mayor William Dever, one of the cleanest mayors the city of Chicago ever had, because forsooth, he was not of their religious faith, and because he was a Democrat. The advocates of the Volstead law and the Ku-Klux Klan gave their support to bring about the election of the Republican mayor under whose misrule the gang murders you have been reading about have taken place in Chicago. But notwithstanding the fact that I am not here to defend the administration of Chicago's present mayor, I desire to state it as my opinion that even if he had tried his utmost to enforce the prohibition law he could not have done so.

BOOTLEGGERS, HIJACKERS, AND GUNMEN UNDERMINING CITY, STATE, AND NATIONAL GOVERNMENTS

This law has brought into existence a combination of forces of the underworld that is so powerful and resourceful as to be able to successfully defy control. So great has grown this evil machine of bribery and corruption that it has become a menace not only to city and State governments, but to the National Government as well.

This Congress that is now on the verge of adjournment has appropriated, directly and indirectly, around $60,000,000 for dry-law enforcement in the United States for the next fiscal year, yet we know now and in advance that there will be and can be no real enforcement; that the law will be violated every minute of the hour, every hour of the day, and every day of the coming year during which this huge sum is to be expended. We know, and if we want to be absolutely honest, we must admit that it will be violated within the very shadow of the Capitol Building in which we sit to-day, if indeed, not in this very building itself; it will be violated not only in every block in the city of Washington, but in every block in every large city of the land; in the towns and hamlets and cross-roads, out on the prairies and deep in the forests; wherever in this broad land humanity dwells. But the governments of neither the towns nor the cities nor the Nation will receive a penny of tax on this enormous liquor consumption.

The profits of this stupendous traffic in illegal and often poisonous liquor, profits amounting to a greater sum over the entire country than those of many foremost industries of the Nation, will go in their entirety to this organized machine of underworld gangsters, some of it to find its way into the pockets of public officials who will consent to be bribed, and the remainder to give still further power to the racketeer, the hijacker, and the killer. All this, unless we are too dumb to occupy a position of public trust, we know, and yet we must sit here helpless and watch this prohibition-where-there-is-no-prohibition farce continue.

NO MORE LAW VIOLATIONS IN CHICAGO THAN IN ANY OTHER LARGE AMERICAN CITY

I admit that we have a certain amount of crime in Chicago, but where is the community or the city that has not? Investigation will show there is no more crime in Chicago in proportion to its enormous population than in any other city or section of the United States. Later in these remarks I will, in fact, present to Congress official figures of the United States Government showing there is actually less law violation per capita in Chicago and the State of Illinois than in the Southern States that have sent the leading and most obnoxious "dry" advocates to Congress.

But while I have the opportunity I want to emphasize with all the vigor that I can command that the city of Chicago is as good a city as any in the United States, and that citizens and visitors there are as safe as in any place in this country. I challenge the strongest and most vicious enemy of Chicago to point out a single instance in the last five or six years where an out-of-town visitor there has been molested in any way or interfered with. Fortunately, these gangsters that you read about have the happy custom of confining their killings within their own ranks, and to their own kind.

If, instead of passing this bill to increase the penalties for violation of the prohibition law, you will take my advice and amend the Volstead law in a sane and moderate way, I can assure you that law and order will prevail in Chicago to a greater extent than in perhaps any other city, because the vast majority of our people are law-abiding, but they feel that the prohibition law is unjustifiable and should be repealed or at least amended.

CONGRESS CARRIES OUT THE ORDERS OF PROHIBITION LEADERS WHO SIT IN THE GALLERIES AND ISSUE ORDERS

The gentleman from New York [Mr. O'CONNOR] pointed out a gentleman in the gallery who is giving this House its orders. Well, he is not the only one. There are others. The Anti-Saloon League is now working in conjunction with the secret organization known as the Ku-Klux Klan, with such leaders and bishops as Cannon and Wilson, with the aid of Mr. McBride and other fanatics.

Well, I know what the result will be with respect to my amendment. I know it will not succeed. The word has been given you and you must vote, but I do want to congratulate the 126 Members who only a few moments ago, voted for practically the same amendment offered by the gentleman from Virginia.

A Member of the House, a few moments ago, attacked the gentleman from New York [Mr. O'CONNOR] because he has courage to advocate an amendment of the Volstead Act or the eighteenth amendment. Nullifiers? You, the prohibitionists, are the nullifiers and not we, who advocate the amendment of the Volstead Act or the eighteenth amendment.

When you advocated the eighteenth amendment, were you dissatisfied with the Constitution?

You were then opposed to the Constitution of the United States. You wanted to have it changed, and you changed it by the adoption of the eighteenth amendment. I want you to read Article IV in the Constitution, Article V, Article VI, Article VIII, and Article XIV, and by reading them you will be obliged to admit that you are the nullifiers of the Constitution, and not we who advocate in a proper way, in a legal way, the amending of the Volstead Act. Therefore I think it is manifestly unjustifiable on your part, you who have violated the Constitution, when you forced in a legal way the eighteenth amendment into the Constitution, to now accuse us of being the nullifiers!

If gentlemen who are giving you orders, like Bishop Cannon, and his assistants, would give a little more time to the church instead of to politics, I think they would be doing the country a great deal more good. It seems to me that instead of serving God first they seem to be in favor of the devil, and allowing the church and the people go to the devil instead of serving God. [Applause.]

BILL IS THE MOST CRUEL EVER PRESENTED TO A CONGRESS

Mr. Chairman, I can not support this bill. It is entirely too drastic. It is indefensible. After studying its provisions I am firmly convinced that it is contrary to the letter and the spirit of the Constitution of the United States, which sets out that—

excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

This bill makes it an offense for a man driving along the public highway with a half pint of liquor on his person for his own personal use, and not for sale, punishable by five years in the penitentiary and a fine of $10,000. A farmer who drives to town with a gallon of cider for a friend might be sent to the penitentiary for five years and made to pay a fine of $10,000. A man or a woman may be made to pay the same penalty if found guilty of making a pint of home brew for their own use. Five years in prison and a $10,000 fine for an offender of the prohibition law, no matter what might be the circumstances in the individual case! It is possible under this bill, and it is cruel! I for one will not be a party to it. Such a law could possibly place a trivial offender in the same category with the murderer, the rapist, or a man who robs a train or burglarizes a bank. God pity the son or the daughter of any Member of this body or of any citizen of our land who may run afoul of this barbaric law. It would ruin the entire life of such an unfortunate lad or girl. I would not wish such a law on even my worst enemy.

I know that the proponents of this bill which is soon to become a law will answer that it is so worded that it is left to the discretion of the Federal judges to determine the degree of punishment to be meted out to the offender, and that the minimum penalties still remain in the bill. But we all know there are judges and judges, and I for one am not willing to write into the statutes the power for any judge to inflict such a penalty for a minor law infraction as will become possible under this bill.

TO SEND YOUNG MEN AND WOMEN TO PRISON IS OFTEN TO SEND THEM TO HELL

I wonder whether the average Member of Congress who is supporting this legislation has ever stopped to contemplate what it means to send a young man to prison. I can not believe so, else he would ponder well before he cast an affirmative vote.

Let me present the picture here as United States Senator REED of Missouri presented it to the Senate:

In two short years 125,000 to 130,000 have been jailed (for violation of these prohibition laws), an army as great as has conquered kingdoms; a mighty host of human beings, with hearts that beat, with nerves that feel, with souls to be exalted or destroyed. Into prison cells in contact with vice, with every form of horrid crime, these men were thrust, and thereby you think you serve the good and merciful God.

Turn your eyes to that picture and answer whether a law that does a thing like that to men who have only responded to an appetite, ingrained in man from the first, is not what I denounce it to be, a crime within itself.

Look again at the picture. Poor boys and impoverished mothers are sentenced to hard labor until death shall break their prison bars. And for what, pray? Because on the testimony of a sneak and informer they were convicted of having for the second or third time been caught with a little liquor in their possession, or of selling a drink to somebody who desired to buy it. Look closely at the picture. It is a shifting panorama—a tragedy running through the years—the victims are dressed in ignominious stripes. They hear the click of the lock that shuts them in forever. They are thrust into foul cells. They are forced into the parade of the lock step. They eat loathsome prison food. They speak in whispers. They are slaves toiling beneath the muzzle of rifles at hard and unrequited tasks. They are compelled to associate with the vilest of criminals. The light of hope has faded from their eyes. Despair has settled upon their souls and left its shadow upon their faces. They long for the fresh fields. Their nostrils beg for the breath of flowers. Their hearts ache for the loved ones left at home. And these victims, sirs, in the great majority of cases are not bad people. There lie within prison walls many boys who heroically sprang from the trenches and bravely faced the fire of the machine guns in France. There lie rotting within those cells many men who were useful citizens and who beyond all doubt were never guilty of a real crime.

Look once more! One hundred and thirty thousand human beings in prison stripes are marching in the lock step. The procession extends for miles. It winds in and out like the folds of a gigantic striped serpent. Leering at it from the side lines are the hard eyes of Bishop Cannon. Truly, the dream of Wayne B. Wheeler is realized. He has made "them believe in hell." And, merciful God, this occurs beneath the American flag. But still the fanatics demand punishment and yet more punishment. The cry is that of the degenerate Roman of Rome's degenerate days, "A man for the tiger and a man for the lion this morning, O good Quirites!" To this sad estate has the Congress of the United States and the American Government come.

BILL WILL INCREASE POSSIBILITY OF BRIBERY AND CORRUPTION

I firmly believe the enactment of this increased fine and imprisonment will be followed by more bribery of police, State and Federal prosecuting and district attorneys, prohibition officers, jurors, and courts than ever. While the poor man, the individual without political influence or wealth, will fall its victim, the wealthy man, and especially the rich bootlegger, will most often escape.

The price of illegal liquor will probably advance, meaning greater profits to the men engaged in the various branches of the bootlegging industry, and they in turn will have still greater sums to spend for bribery and corruption, and greater reason than heretofore for seeking to bribe and buy their way out of tight places. The big racketeers, who already have one or more convictions to their credit, may not be as willing to risk the actual personal transportation of liquor as heretofore, but they will have no difficulty in hiring plenty of men who have no convictions standing against them to run the blockade in their stead.

With the penalty so severe as provided in this bill, there will be more demands for jury trials than ever before, and the courts, already clogged with liquor-violation cases, will become so loaded down with prohibition-enforcement matters as to seriously slow up justice everywhere.

The severity of punishment in this bill is certain, too, to make conviction even less frequent than heretofore. It is going to be difficult to find 12 men who will agree on a conviction, knowing how harsh a penalty the court may impose.

And in the case of a defendant who has grown rich in the liquor business under prohibition, no one of the 12 jurors sitting on his case will be safe from approach by bribers and blackmailers.

GREATER PER CAPITA VOLSTEAD LAW VIOLATION IN "DRY" SOUTH THAN IN ILLINOIS, INCLUDING CHICAGO

It is a curious fact that the increase of arrests for drunkenness appears markedly greater in the former so-called dry States than in the former so-called wet States.

Another peculiar fact revealed by the official report of the Commissioner of Prohibition is that some of the States which send the leading dry crusaders to Congress are greater violators of the prohibition law, in proportion to population, than some of the former so-called wet States. Much is said, for instance, about the "wetness" of my own State, Illinois. Now, I frankly admit the prohibition law is violated there, but you seldom hear the representatives of the "dry" States doing likewise. Yet the official report of the United States Commissioner of Prohibition shows that the number of arrests for violations of the prohibition amendment is greater per capita in the "dry" South, which produces our leading "dry" advocates, than in "wet" Illinois. The following figures are all taken from the report indicated, covering the year ending June 30, 1928:

State	Population estimated, 1925	Distilleries seized	Stills seized	Still worms seized	Fermenters seized	Spirits seized	Mash seized
						Gallons	*Gallons*
Alabama	2,467,190	414	308	3	4,298	8,207	377,634
Florida	1,253,957	820	581	850	20,981	36,596	1,097,287
Georgia	3,058,260	1,919	1,484	934	19,379	33,351	2,456,067
Total	6,779,407	3,153	2,373,	1,787	44,658	78,154	3,930,988
Illinois	6,964,950	330	935	191	91,431	75,193	1,618,234

This table and figures show that there were ten times as many distilleries, three times as many stills, nine times as many still worms, five times as many fermenters, and over twice the number of gallons of mash seized in the three States with a population of 200,000 less than that of the State of Illinois. And this notwithstanding that the laws are not enforced in these dry States to the exent that they are in my State.

PROHIBITION IS NOT BEING, AND CAN NOT BE, ENFORCED

Regardless of anything the advocates of prohibition may say, they can not successfully deny that the number of arrests for drunkenness is steadily increasing throughout the United States. No matter how large the appropriations for enforcement may be, no matter how severe the penalities may be, prohibition can not be enforced. Congress might, with as much prospect of successful enforcement, enact a law prohibiting man from mating with woman. It could be enforced just as easily, but no easier nor more successfully, than can prohibition, which means, in a few words, that it could not be enforced at all. Man was born in the world with certain natural instincts, and to the extent they are interferred with, even by law, he becomes to that same extent a slave, and by methods as sly and cunning as those of the slave, he may be depended upon to show his resentment of the barriers that he feels have been unjustly raised against his freedom.

The reason prohibition can not be enforced is that there are too many millions of Americans who do not believe in the justice of the law. It has been proven throughout the ages that the only law man will respect is a law that he, himself, recognizes to be based on common sense and justice. There are, for instance, millions of men and women who would not think of stealing a five cent piece, but who would not have the slightest hesitancy about accepting and drinking a cooling and refreshing glass of beer on a hot summer day even though it were a violation of a hundred laws. Now, why do men and women respect the law in one instance, and yet violate the other without the slightest quibble of conscience?

The answer to this paradoxical dilemma with which the United States is now confronted is that the wee, small voice within man which tells him what is sin and what is not sin, lets him know that it is morally wrong to steal. But he seems to receive no such dictate from his conscience when it comes to the matter of having his harmless glass of beer. He may drink it, and enjoy it, and forget it. His conscience does not seem to trouble him. Much less does he consider himself a criminal, like he would had he robbed some one. No doubt he feels within him that if on judgment day the worst thing recorded on the big book against his name is that he enjoyed his glass of beer, his chances of entering the pearly gates will be no whit less than those of the men who would have had him drawn and quartered for his exercise of this mere innocent personal pleasure, but who themselves went through life without either understanding or forgiveness for their fellow men. So the average man will indulge his beer, and he will lie down to sleep, untroubled. And the power does not exist that can convince that man that he is a criminal.

And, to my way of thinking, we may pass laws here until we are black in the face, and we may appropriate as many millions as we please to enforce them, but the masses will not respect them or obey them if they believe they are based on the other fellow's personal prejudice and not founded in justice and common sense. And in reaching a conclusion on these subjects it will be they, and not us, who will do the deciding as to whether they are based on prejudice or not.

WASHINGTON, D. C., AS A SAMPLE OF PROHIBITION ENFORCEMENT

The most practical proof of the fact that real enforcement of the prohibition law is impossible is that it never has been enforced anywhere, and it is not being enforced now. President Harding could not, or did not enforce it; Coolidge could not, or did not enforce it, and Herbert Hoover can not enforce it. He may be able to accomplish great engineering feats, but neither he nor any other man who may become President after him, not even a prohibitionist President, can change human nature.

It it were possible to enforce the Volstead law anywhere in the United States, that place logically might be expected to be right here in the city of Washington, D. C. For it is here that the Congress of the United States is located, it is here that the President of the United States resides, and what ought to be more to the point still, it is here that the chief prohibition offices of the Government are located. If there is any one little spot in the country, I repeat, where the Government ought to make a showing, it is here within the shadows of the great buildings wherein are housed the prohibition enforcement machinery which is maintained at a cost of millions of dollars annually of the taxpayers' money.

Let us, then, examine the situation here in the Capital of the United States with regard to prohibition enforcement, or, more accurately speaking, nonenforcement. It was only a few days ago that Maj. Edwin B. Hesse, superintendent of police of the District of Columbia, submitted his report for the year 1928, so that in this instance we have available information that is almost right up to the minute.

Major Hesse, in spite of the fact that the admission might seem a reflection upon the efficiency of his own department, makes public a report which shows that the number of arrests for drunkenness in Washington during 1928 broke all records. In the 12-month period the Washington police took in custody 13,706 alleged "drunks." This was 174 per cent more than were arrested here for the same cause in 1911, when the town was supposed to be "wide open."

In 1911, when there was a saloon on almost every corner, the police here arrested only 4,988 persons for intoxication. Since then, under "prohibition," the number has been steadily increasing.

The fact that 13,706 arrests were made for drunkenness in Washington last year does not by any means imply that only that number of citizens were intoxicated in this fountainhead "prohibition" city of Washington. There were very likely many, many times that number intoxicated who were not arrested. For the average policeman here and elsewhere would rather not arrest an intoxicated man than arrest him, and, as a matter of fact, only does make an arrest for such offense when actually required to do so by reason of the fact that a person under the influence of stimulants becomes so disorderly as to attract general attention. The average policeman is not in sympathy with prohibition because, in the first place, he knows it is a farce and, because, in the second place, no one enjoys a sociable drink under proper circumstances—for instance, a hot toddy on a bitter-cold night at the hands of some sympathizing friend who can be duly trusted—more than does Mr. Average Policeman himself.

But it must appear evident to the merest school boy that if 13,706 persons in Washington in the single year 1928 were able to obtain sufficient liquor to become so disorderly as to require their arrest, that there must have necessarily existed plenty of places in America's Capital City where that supposedly nonexistent commodity was in fact easily available. And that is the right answer.

For, as a matter of fact, the bootlegger and the "speak-easy" flourish in Washington much as in every other large American city, and this in spite of the presence here of Congress, the President, the heads of the law-enforcement officials, and, yes, with the utmost contempt for even the heads of the Anti-Saloon League, who sit in the galleries of the House of Representatives and the Senate telling those bodies what to do and what not to do.

It is estimated that to-day there are no less than 5,000 "speak-easies" open and operating in Washington, and if they could everyone be raided and closed to-night there would be as many more replacing them before the end of a week.

Yet in spite of the fact that prohibition has unloosed upon the country a horde of dangerous, lawless characters who are growing rich in the sale of illicit liquor, and in spite of the fact that prohibition does not make for temperance but for intemperance, and in spite of the fact that all admit the Volstead Act is being violated everywhere with impunity, yet our prohibitionist friends blandly tell us there shall be no amendment or relief though the heavens fall. And for the time being, I regret to say, this seems to be the fact. For, as one of our leading college professors recently wittily remarked:

The United States seems to be determined to have its prohibition and its liquor, too.

And he might have accurately added:

And its poisonous liquor, and its accompanying ever-increasing reign of lawlessness and public corruption, even to the very point of the destruction of the Government itself, along with its prohibition!

In fairness to the then President Coolidge I desire to make it plain that I am not intending to insinuate that he allowed the army of bootleggers to ply their trade during his administration almost under his very nose with his approval or consent. Even had he wished to do so, he could not have stopped the violation of the Volstead Act, for the simple reason that the people are not at heart in sympathy with the strict enforcement of the law. Too many of them, as the professor said, "insist upon their prohibition, and their liquor, too."

The real point that I desire to drive home in relation to Washington is that if the men in charge of the movement to make the country dry can not succeed even in the comparatively small territory through which they pass every day to and from their offices, and in which they live, how can they succeed or be expected to succeed in the cities and States far removed from their headquarters and personal influence? Again, the question answers itself: They can not.

LIQUOR IS SOLD IN WASHINGTON AS SUGAR IS SOLD IN GROCERIES

For the benefit of those who may think I am prejudiced in my picture of Volstead law violations in Washington, I will submit some evidence from the prohibition advocates themselves. The National United Committee for Law Enforcement on February 18, 1929—very recent testimony indeed—issued a statement depicting conditions here even worse than I have painted them. One heading is—

THE TRUTH ABOUT WASHINGTON

The Capital City is seething in lawlessness and saturated with poison liquor, dispensed by bootleggers under various aliases, operating openly and sold in hundreds of places as sugar is sold in groceries.

One does not need a card of introduction or speak the shibboleth of the underworld to obtain admission or accommodation; all that is required is a thirst and the price. Anybody's money is good for rotten rum in Death Valleys.

Washington is a Sodom of Suds, sold openly behind false fronts and fictitious names, containing from 4 to 60 per cent of alcoholic poison and in some cases so labeled.

We make no loose charges. We are not hiding behind "estimates" previously made, or charges now headlining the press, or being uncorked in fluid eloquence on the floors of Congress, but after personal investigation by trained operatives.

* * * * * * *

Hundreds of such places, scattered all over the city, and in some cases in solid blocks, and not far removed from the Capitol itself, are found to be operating in violation of the law.

DEATH VALLEYS IN WASHINGTON

For the past month the united committee has been making an undercover investigation into conditions in this Capital City. For this work we brought experienced and trained men from outside the city, and unknown in Washington. They report to us the places visited, the hour, the date, observations, character of premises, and purchases seen and made.

The places include hotels, back-room bars, restaurants, lunch rooms, barber shops, tailor shops, cigar, delicatessen, and candy stores, and private houses with "rooms to let."

SPECIMEN REPORTS

No. 247. Entered; E Street NW.; cigar store; 12.15 p. m.; purchased five drinks of gin, 25 cents per drink; sold in back room with sign "No admittance" on door. Time, 20 minutes.

Then there is given a list of places visited and dates, following which the statement continues:

Here are 342 places in which the law is flagrantly and openly violated and in which wine, gin, red liquor, corn, or whisky was being sold, and purchased by the drink and bottle. In addition, there are numerous places all over the city where bottled "bay rum" is sold to all comers, containing 60 per cent of alcohol.

BOOTLEGGING ONE OF THE BIGGEST INDUSTRIES OF DETROIT

Passing from Washington, let us take a peep at conditions in Detroit, one of the largest cities in a State which sends one of the leading prohibitionists to Congress. I quote from an article in the Buffalo Courier-Express, which is headed:

SO THIS IS VOLSTEADISM

As an indication of the need of definite information from presidential candidates to what they mean when they pledge themselves to prohibition enforcement, Detroit's bootlegging industry may be cited. Doubtless, comparable figures could be obtained in any city situated as

Detroit is, in a border or coast district, where rum runners ply their trade.

Detroit's liquor business, including smuggling, manufacturing, and distribution, is estimated to employ 50,000 persons, with an output valued at $215,000,000. It is second, according to a story printed yesterday morning in this newspaper, only to the automobile industry. The chemical industry is a big business in Detroit, but it is a "poor third" when compared with the bootlegging trade. Its annual production is valued at only $87,000,000, or considerably less than one-half of the estimated value of the illicit liquor business.

In referring to Michigan I wish to take advantage of this opportunity of thanking and congratulating the members of the Michigan House of Representatives for having, according to newspaper reports, voted to repeal that provision of its barbarous State law under which the mother of six children and a mere boy have been sent to prison for life as fourth offenders for violating the liquor law.

POISON LIQUOR BEING SOLD UNDER VOLSTEADISM

Statistics show a startling increase in the death rate from alcoholism and from cirrhosis of the liver, a disease attributed to alcohol. Not only do they indicate the constantly increasing use of liquor under the Volstead Act but they indicate an increasing use of poisoned liquor. The figures obtained from the United States Bureau of the Census show that in virtually every State, whether called "wet" or "dry," the death rate has been mounting, and that the highest rate in the United States was in the State of Wyoming, which has consistently voted "dry." This State was not in the reporting area when the law went into effect in 1920, but between 1922 and 1926, inclusive, its death rate from these causes had risen nearly 200 per cent and now stands at 8.9 per 100,000.

Between 1914 and the taking effect of the Volstead Act, January 17, 1920, there had been a steady decrease in the number of deaths from alcoholism until the rate then stood at 1 per 100,000. By 1926 it had risen to 3.9 per 100,000, or practically four times greater. In 1920 the rate of deaths from cirrhosis of the liver was 6.2; in the figures for 1926 it was 7.5.

Says Senator REED of Missouri:

There was a Republican convention held in Kansas City. Some of the leading "political prohibitionists" were paying the bell boys $7, $8, $9, and $10 a pint for a class of whisky that no respectable Missourian would ever think of drinking.

It is a serious count in the indictment against the Volstead Act when 11,000 or 12,000 persons die from poisonous liquor in one year.

PUBLIC OFFICIALS WHO VOTE DRY AND DRINK WET

That many, many men in public life "vote dry and drink wet" is well known. Senator JAMES REED of Missouri, in his great speech in the Senate on February 16, 1929, referring to this subject, said:

The day will soon be here when the men who vote for prohibition that they may gain or retain office and who themselves violate the letter and the spirit of the law will be held in that contempt which justice demands should be visited upon all knavish hypocrites who wear the mask of pretended virtue The day will soon come when judges who by brutal penalties have made malefactors of decent boys and men will sink into that obloquy which is the just reward of cruelty, oppression, and wrong.

Mr. President, I saw the original prohibitory law voted. I saw the veto of President Wilson incontinently overruled. I heard the affirmative vote of man after man who had drunk liquor all his life and who intended to keep on drinking. Time and time again I have seen prohibition bills came before Congress. I have heard roll call after roll call paralleling the one I have just described. Sir, the man who will vote to send his fellow man to jail for selling a drink of whisky and who will buy one himself is a coward—a canting and contemptible coward. I do not apply those terms to men who observe the doctrines they would force on others, but I hold in an abhorrence and contempt that can not be described in any tongue man has ever spoken the creature who to keep his place in the Senate or House of Representatives votes to make a felon of others for doing that which he himself connives at and practices.

SOME INTIMATE PERSONAL HISTORY OF THE BIGOTS WHO FORCED PROHIBITION ON THE UNITED STATES

It may be interesting right here to inquire into the personalities of a couple of the men who forced the crime-breeding prohibition upon the United States. One of these was the late Wayne B. Wheeler, head of the Anti-Saloon League that raised and spent, no one will ever know how much on themselves, some $35,000,000 to "sell" prohibition to the American people. The following are a few excerpts from an article by Justin Steuart, who was formerly publicity secretary to Mr. Wheeler:

Wayne B. Wheeler controlled six Congresses, dictated to two Presidents of the United States, directed legislation in most of the States of the Union, picked the candidates for the more important elective State and Federal offices, held the balance of power in both Republican and Democratic Parties, distributed more patronage than any dozen other men, supervised a Federal bureau from outside without official authority—

We know that bureau was the Prohibition Bureau of the United States Government.

Where Wheeler sat was always the head of the table. He had an instinct for preeminence. A tireless opportunist, he dramatized himself as the champion of prohibition until the general public pictured him as a mighty St. George fighting single-handed against a swarm of dragons.

* * * * * * *

He loved the limelight. Attacks pleased him nearly as much as praise. * * * He urged the need of loyalty upon others, but frequently disregarded the orders of superior officers and ignored resolutions passed by the boards of the Anti-Saloon League, which were responsible for its political or legislative policy. He waited until boards or committees had adjourned and their members returned to widely separated parts of the Nation, and then forgot them.

* * * * * * *

He loved power. If power could not be won, he loved the semblance of power. He never attacked the administration. Such attack might be construed as evidence that he lacked influence with the administration. His favorite text was: "The powers that be are ordained of God." This did not prevent his own insubordination. Because of the influence over the policy of the Prohibition Department that would be his under the Haynes régime, he supported Roy A. Haynes for Commissioner of Prohibition under the reorganization bill in the face of the objections of many of the sanest men in the league. By a political maneuver he prevented the election of the ablest man in the league to its national superintendency while he persuaded or dragooned delegates to support his own candidate.

* * * * * * *

He was the exponent of force. From his first days as superintendent of a district in Ohio, when he assailed the courts for leniency, to the end of his life he preferred threats to persuasion. * * * He desired the most severe penalties, the most aggressive policies, even to calling out the Army and Navy, the most relentless prosecution. A favorite phrase was: "We'll make them believe in punishment after death."

"PUSSYFOOT" JOHNSON HAD NO SCRUPLES AGAINST LYING AND BRIBERY TO ACHIEVE HIS ENDS

Another leading prohibition champion is "Pussyfoot" Johnson. As to this gentleman, we do not have to accept any second-handed information about him, for we take the following from his own testimony before a Senate committee. He was regularly on the pay roll of the Anti-Saloon League from 1917 to 1922:

Did I ever kill anybody? It has been often said that I did. Stories of slaughter have been repeated and printed. I let them pass, for in the wild days they served a useful purpose.

It served a useful purpose to have people think he was a killer engaged in a great moral movement!

They helped spread terror among the lawless, and that aided my work.

* * * * * * *

Did I ever lie to promote prohibition? Decidedly, yes. I have told enough lies for the cause to make Ananias ashamed of himself.

* * * * * * *

Did I ever bribe anybody? Yes. In 1913 I bribed some Russian officials to give me a lot of secret information concerning Section X of their Government administration. I bribed Eurasian railway officials all over India, because that is the accepted way of getting favors in that country. In my law-enforcement work for the Government I bribed many bad men to give me information about their associates.

That is the man who helped fix the moral standards of the people of the United States.

PRESIDENT WILSON CALLED "DRYS" "MISERABLE HYPOCRITES"

Were the late President Wilson in the White House to-day we know what he would do to the legislation now under consideration here. He would veto it. In this connection, there recently came to light information as to his reaction to the action of Congress in overriding his veto of the national prohibition amendment. His exact words on the subject were revealed by Dr. Hugh Young, of the Johns Hopkins Hospital of Baltimore, and published in newspapers throughout the United States on January 16 and 17.

Doctor Young was moved to break a silence of more than nine years by the reading of an editorial, Setting the Record, which appeared in the Baltimore Sun.

The editorial concerned the record by Ray Stannard Baker of Wilson's declaration of his belief in the advisability of the settlement of the liquor issue by local option in each community.

The war over, it was brought out that the President believed the prohibition of liquor, as enforced by the war-time prohibition act to conserve grain, was unnecessary.

At the time President Wilson expressed himself on these questions, in 1919, he was ill and was being attended by Doctor Young. As Doctor Young was conversing with the sick President, a messenger arrived at the room with the report of what the congressional body had done. The President grew very much incensed.

These miserable hypocrites, in the House and Senate—

President Wilson declared with vehemence—

voting to override my veto of the bill, many with their cellars stocked with liquors and not believing in prohibition at all—jumping at the whip of the lobbyists.

The bill is utterly unnecessary. It was passed during the war for the purpose of saving grain. The need has gone by. The country would be better off with light wines and beers.

I was tremendously impressed in Europe with what General Pershing had done to decrease drunkenness and disease by putting the American Army on a light wine and beer basis, through General Order No. 77. The war is over and there is no need for this bill.

PRESIDENT WILSON FAVORED LIGHT WINES AND BEER

In vetoing the Volstead Act, in his message to Congress of October 27, 1919, President Wilson, in part, stated:

To the House of Representatives:

I am returning without my signature H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes.

* * * * * * *

I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed.

* * * * * * *

WOODROW WILSON.

President Wilson, according to a United States Senator, who was a close political and personal friend, believed that final and permanent action on such a measure as the Volstead law should be considered and adopted only after the return of 2,000,000 men constituting the American Expeditionary Forces in Europe.

It is said that President Wilson really desired to see a plank inserted in the 1920 Democratic platform providing for a change in the alcoholic content prescribed by the Volstead Act, so as to legalize the use of light wines and beer. He mentioned the matter to United States Senator CARTER GLASS, of Virginia, chairman of the committee on resolutions at the Democratic National Convention in San Francisco in 1920, who opposed the suggestion on the ground it would submerge the League of Nations issue to—

a bitter struggle over the single issue of prohibition.

WILSON ADVOCATED A FORM OF STATE OPTION

Under date of January 20, 1924, the then ex-President Wilson prepared a tentative platform to be submitted for the consideration of the platform committee of the next ensuing Democratic National Convention. In this document he took the attitude that under the eighteenth amendment and the Volstead Act the National Government should confine its activities exclusively—

to protect the country against illegal importation from abroad and from illegal introduction of liquor from one State into another—

Adding—

that the full performance of this duty will tax the resources of the Federal Government to the uttermost.

For the rest of enforcement, he contended, there should be frank recognition of the fact "each State must look to their State governments." He gave his reasons for this latter position as follows:

The protection of the people of a State against the illegal sale within it of liquor illegally manufactured within it is a task for which the State governments are peculiarly fitted and which they should perform. That part of the task involves diversified governmental action and adaptation to the widely varying conditions in and the habits and sentiments of the people of the several States. It is a task for which the Federal Government is not fitted. To relieve the States from the duty of performing it violates our traditions and threatens the best interests of our country.

It seems obvious that Mr. Wilson's intention was that those States that desired strict enforcement should have it, and that those States that desired less stringent enforcement features under the act might be equally accommodated. He evidently believed this would make for a more contented people and, therefore, a happier Nation.

ABRAHAM LINCOLN FAVORED TEMPERANCE, BUT NOT PROHIBITION

Abraham Lincoln is frequently quoted by prohibition sponsors, but as a matter of fact Abraham Lincoln did not favor the curbing of men's personal inclinations by law. He asked for no law to compel men to be total abstainers. Lincoln regarded prohibition as "a species of intemperance in itself." Shortly before he made his great temperance speech before the Washington Society in Springfield, Ill., on February 22, 1842, he had voted "no" on a resolution to establish state-wide prohibition in Illinois by vote of its legislature.

EVEN AMERICAN CLERGY IS BECOMING LESS CONVINCED—AFTER THE HYSTERIA COMES THE REACTION

A poll taken among clergymen of the Protestant Episcopal Church in the United States reveals, according to Time, magazine, 1,032 of them favoring modification of the prohibition law, and 593 against modification, as reported by the Rev. Dr. Charles Livingston, chairman of the publicity committee of the National Episcopal Church Temperance Society.

The ministers as individuals declared prohibition had had sufficient trial.

A tabulation of the vote in the survey follows:

Is prohibition a success in your locality?
Yes, 445; no, 745.
Have we had this law long enough for a fair trial?
Yes, 950; no, 621.
Regardless of one's attitude toward the use of liquor, do you believe a prohibition law offers the best solution of the problem of intemperance?
Yes, 624; no, 1,138.
Should the Volstead Act be modified?
Yes, 1,032; no, 593.
Should the prohibition amendment be repealed?
Yes, 825; no, 793.

Mr. LAGUARDIA. Mr. Chairman, a great deal has been said this afternoon as to the obligation of Members of Congress who take the oath of office and who have taken a decided stand on the question of prohibition and the eighteenth amendment. I want to respectfully submit that it is within the power and the right of every Member of Congress to advocate a change in the Constitution by proper and constitutional methods. [Applause.] Some of us represent constituencies entirely different in viewpoint on this question. In our representative capacity we are invoking every proper, legitimate means, every constitutional means, of bringing about a change in the prohibition situation in keeping with the desires and wishes of our constituency.

Article V of the Constitution provides the means by which the Constitution may be amended. It is not a fixed and inflexible instrument. The fact that you put the eighteenth amendment on it is indicative that when the majority of the people of three-fourths of the States wish to have the eighteenth amendment taken away it will be taken away. It may some day, or perhaps its intents so narrowed as to make its enforcement compatible with conditions in all parts of the country. What some are trying to do is to bring the facts and conditions brought about by prohibition home to the American people. If perhaps in our zeal we overdo it, that is only one of the means of bringing home the point. In that respect I will say that there has been as much overzeal displayed on the dry side as has been on the wet side. It is the belief of some Members of Congress, I fear, that opposition to the policy of prohibition precludes a Member from seeking a constitutional amendment. We have as much right to argue for the repeal of the eighteenth amendment as for any other provision in the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CHRISTOPHERSON. Mr. Chairman, this amendment ought not to prevail; if adopted it would reduce the penalties rather than increase them, the very opposite of the purpose of the bill.

In regard to what has been said about parties who may or may not be in the gallery. I am reliably informed that in the gallery to-day there are members of an organization opposed to prohibition; and I wish you to bear in mind that in

the city of Washington there is an organization opposed to the prohibition law with all the resources and with men of ability, as clever lobbyists as can be found in the prohibition forces. So as far as that goes there is a perfect stand-off. Let us not be misled from the real question at hand by statements as to who is and who is not in the gallery.

Mr. Chairman, I move that all debate on the pending amendment be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from South Dakota.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. CHRISTOPHERSON. Mr. Chairman, I move that all debate on this bill and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman can not make that motion.

Mr. CHRISTOPHERSON. I move that all debate on this section close in 15 minutes, and all amendments thereto.

The CHAIRMAN. The gentleman from South Dakota moves that all debate on this section and all amendments thereto close in 10 minutes.

The question was taken; and on a division (demanded by Mr. BOYLAN) there were—ayes 143, noes 31.

So the motion was agreed to.

Mr. BLACK of New York. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLACK of New York: Page 1, line 10, after the colon insert: "*Provided*, That such penalties shall not be imposed in a case where a conviction has been had after testimony by a prohibition agent who has at any time been convicted of a crime."

Mr. CHRISTOPHERSON. Mr. Chairman, I make the point of order against that on the ground that it is an effort to change the rules of evidence.

Mr. BLACK of New York. Mr. Chairman, will the gentleman reserve his point of order?

Mr. CHRISTOPHERSON. I reserve the point of order.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, as the committee knows, I generally do not talk on this question, and I am doing it only in response to the demand made yesterday by the gentleman from Colorado [Mr. WHITE] that a Patrick Henry appear on the scene. [Applause and laughter.]

This ghastly bill is the last word in legislative inebriety. It is written in the ink of intolerance with the pen of Puritanism. It suggests Lord Jeffreys, Bluebeard, and the slave galleys. Mesmerized by prohibition potentates, Congress would bring about a reign of terror in America. Instead of recalling Patrick Henry we are recalling Fouquier-Tinville, the prosecutor of the French Revolution. The House does not need a medical doctor but a psychiatrist. If we had a guillotine working overtime on every public square we could not enforce prohibition, for three reasons:

First. It is repugnant to the age-long ubiquitous appetite of man for alcohol.

Second. Americans resent a theory of any religion sanctioned by jail punishment. If the Catholics got control of the Government and passed a law prohibiting the eating of meat on Friday, every Methodist on that day would constitute himself a one-man barbecue and get high blood pressure to show his Americanism. [Laughter and applause.]

Third. Prohibition has been a Klondike for the underworld. As the gold seekers took every risk to get the precious metal, so will the bootleggers take every chance to get their profits out of American hypocrisy. A dry yesterday said this bill would stop such things as happened in Chicago. Well, if a bootlegger will take a chance with death from hijackers and hijackers will take a chance with the legal death penalty, they will not worry about the 5-year penalty of this bill.

I say, glory to Judges Brennan and Murphy, of Detroit, who refuse to impose life imprisonment on prohibition violators. If Michigan could only send us more Murphys and Brennans instead of Cramtons and Hudsons such laws as these would not see daylight. Not that I have anything against either Mr. CRAMTON or Mr. HUDSON, because every now and then they follow my dear old leader of Tammany, Old Sitting Bull, JOHN CAREW. [Laughter.]

According to this act, the Master Himself would go to jail for five years for the miracle at Cana.

This is a bill for the shake-down racketeers clothed with official power and the blessing of the Anti-Saloon League.

What about the Hoover commission? Are you afraid to let Hoover experiment with the noble experiment? Have the drys lost faith in their champion even though he has forgotten the good services of Colonel Donovan? Have they moral biliousness waiting for the millennium?

It is a great eighteenth amendment. Here are the Senate and the House of Representatives of the United States playing button, button, who's got the button, with the $24,000,000 appropriation. [Applause.]

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN, Mr. BOYLAN, and Mr. WHITE of Colorado rose.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair understood that the gentleman had an amendment to offer.

Mr. GREEN. I move to strike out the last word, which is in order.

The CHAIRMAN. That is a pro forma amendment. The Chair recognizes the gentleman from Colorado [Mr. WHITE].

Mr. WHITE of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment offered by Mr. WHITE of Colorado: Page 1, line 3, after the word "That," strike out the remainder of line 3, all of lines 4 to 14, inclusive, and insert:

"Whenever in a criminal prosecution under the provisions of the national prohibition act, as amended and supplemented, for the illegal manufacture, sale, transportation, importation, or exportation of intoxicating liquor, as defined by section 1, title 2, of said act, and the jury, in case of conviction, or the court, in case of plea of guilty, shall also find that the defendant is a habitual violator of said national prohibition act, the court shall impose upon each defendant so convicted a fine not to exceed $10,000 or imprisonment not to exceed five years, or both."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was rejected.

Mr. BOYLAN. Mr. Chairman, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment by Mr. BOYLAN: Page 1, lines 9 and 10, after the words "shall be" strike out the remainder of the sentence and insert: "placed on probation if a first or second offender," after which strike out the balance of the section.

Mr. BOYLAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BOYLAN. For the purpose of explaining my amendment.

The CHAIRMAN. Debate has been fixed, and all time has expired.

Mr. BOYLAN. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

Mr. CHRISTOPHERSON. I object.

Mr. BOYLAN. I thank the gentleman for his courtesy.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. This act shall not repeal nor eliminate any minimum penalty for the first or any subsequent offense now provided by the said national prohibition act.

Mr. CHRISTOPHERSON. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House.

The CHAIRMAN. That is not necessary. Under the rule the committee rises automatically if there is no further amendment.

Mr. O'CONNOR of New York. Mr. Chairman, I ask that the gentleman from Florida [Mr. GREEN] may move to strike out the last word.

Mr. GREEN. I make that request.

The CHAIRMAN. Without objection, the gentleman from Florida will be recognized.

Mr. GREEN. Mr. Chairman, the other day we had a party vote, where among the Democrats all those who were dry voted for a bill which would have granted prohibition enforcement, but in order in a way to try to pull Mr. Mellon out of a hole our friends on the left—the Republicans—did not accept that,

and, joining with the wet wing of the Democratic Party, defeated it.

The situation is this: Our friends on the left would like to redeem themselves with prohibition forces in America; so I ask my colleagues on the Democratic side, in enabling them to redeem themselves, we may now get a prohibition vote.

Mr. SCHAFER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER. The gentleman is out of order. He is not talking about the last word. He is entering upon a political discussion.

The CHAIRMAN. The gentleman from Florida will proceed in order.

Mr. GREEN. I deplore and decry the fact that some of my colleagues will hurl such aspersions at a great organization which has done and is now doing so much for the moral and spiritual destiny of our Nation. I refer to the Anti-Saloon League.

Mr. SCHAFER. Mr. Chairman, a point of order. The gentleman is not confining himself to the pro forma amendment. He is not discussing the last word. He is discussing the Anti-Saloon League. I ask that the gentleman confine his remarks to the motion now pending under the rules of the House.

Mr. GREEN. Mr. Chairman, you may discuss anything in the bill, and that is a part of the bill.

The CHAIRMAN. The gentleman is discussing the last word in the bill.

Mr. GREEN. Yes. The last word of this bill is the word "act," and if ever there was a time for the American people to act, that time is now, to act for prohibition. [Applause.] It says "act," and by your act this afternoon you should convince the bootleggers of the Nation that you represent dry constituencies and that America shall be dry in fact. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. GREEN. No; I have so little time, I am sorry. We have recently read in the newspapers a great deal about the Washington bootleggers getting orders to prepare bootleg liquor for those who come to the inauguration. This nullification is outrageous.

Mr. LAGUARDIA. The gentleman moved to strike out the word "act." He is now arguing to maintain the act.

Mr. GREEN. I am talking of what has happened because of lack of proper action of the gentleman's own political party. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BOYLAN. Mr. Chairman, I rise in opposition to the paragraph.

Mr. CHRISTOPHERSON. Mr. Chairman, I move that all debate on this section be now closed.

The CHAIRMAN. The gentleman from South Dakota moves that all debate on this section be now closed. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last two words. You are trying to work the gag rule. I ask for a division.

The CHAIRMAN. A division is demanded. Those in favor of closing debate on this section will rise and stand until they are counted.

The committee divided; and there were—ayes 144, noes 35.

So the motion was agreed to.

The CHAIRMAN. The debate being closed, the committee automatically rises.

Thereupon, pursuant to the rule, the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (S. 2901) to amend the national prohibition act, as amended and supplemented, reported that that committee had directed him to report the same back to the House without amendment, with the recommendation that it do pass.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. CHRISTOPHERSON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as favor the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 284, nays 90, not voting 54, as follows:

[Roll No. 32]

YEAS—284

Abernethy	Drewry	Ketcham	Robsion, Ky.
Ackerman	Driver	Kiess	Rogers
Adkins	Eaton	Kincheloe	Romjue
Allen	Edwards	Kopp	Rowbottom
Allgood	Elliott	Korell	Rutherford
Almon	Eslick	Kurtz	Sanders, N. Y.
Andresen	Evans, Calif.	Kvale	Sanders, Tex.
Arentz	Fish	Langley	Sandlin
Arnold	Fisher	Lankford	Sears, Nebr.
Aswell	Fitzgerald, Roy G.	Larsen	Selvig
Ayres	Fitzgerald, W. T.	Leavitt	Shallenberger
Bachmann	Foss	Leech	Shreve
Bankhead	Frear	Letts	Simmons
Barbour	Free	Lowrey	Sinclair
Beedy	French	Lozier	Smith
Beers	Fulmer	Luce	Snell
Begg	Furlow	McDuffie	Speaks
Bell	Garber	McFadden	Sproul, Ill.
Black, Tex.	Gardner, Ind.	McKeown	Sproul, Kans.
Bland	Garner, Tex.	McLaughlin	Stalker
Bohn	Garrett, Tex.	McMillan	Steagall
Bowman	Gasque	McReynolds	Steele
Box	Gibson	McSwain	Stevenson
Brand, Ga.	Gifford	McSweeney	Strong, Kans.
Brand, Ohio	Gilbert	Magrady	Strong, Pa.
Briggs	Goldsborough	Major, Ill.	Summers, Wash.
Brigham	Goodwin	Major, Mo.	Sumners, Tex.
Browne	Gregory	Manlove	Swank
Browning	Green	Mapes	Swick
Buchanan	Greenwood	Martin, Mass.	Swing
Buckbee	Guyer	Menges	Taber
Burtness	Hadley	Michaelson	Tarver
Busby	Hall, Ill.	Michener	Taylor, Colo.
Butler	Hall, Ind.	Miller	Taylor, Tenn.
Byrns	Hall, N. Dak.	Milligan	Temple
Canfield	Hardy	Monast	Thatcher
Cannon	Hare	Montague	Thompson
Carss	Hastings	Moore, Ky.	Thurston
Cartwright	Haugen	Moore, Ohio	Timberlake
Chapman	Hawley	Moore, Va.	Underhill
Chase	Hersey	Moorman	Vestal
Chindblom	Hickey	Morehead	Vincent, Iowa
Christopherson	Hill, Ala.	Morgan	Vincent, Mich.
Clague	Hill, Wash.	Morrow	Vinson, Ga.
Clarke	Hoffman	Murphy	Vinson, Ky.
Cochran, Pa.	Hogg	Nelson, Me.	Wainwright
Cole, Iowa	Holaday	Nelson, Mo.	Wason
Collier	Hooper	Nelson, Wis.	Watson
Collins	Hope	Newton	Weaver
Colton	Hopkins	Norton, Nebr.	Welsh, Pa.
Connally, Tex.	Houston, Del.	O'Brien	White, Me.
Cooper, Ohio	Howard, Nebr.	Oldfield	Whitehead
Cooper, Wis.	Howard, Okla.	Oliver, Ala.	Whittington
Cox	Huddleston	Parker	Wigglesworth
Crail	Hudson	Parks	Williams, Ill.
Cramton	Hughes	Patterson	Williams, Mo.
Crisp	Hull, Morton D.	Peery	Williams, Tex.
Crowther	Hull, Wm. E.	Perkins	Williamson
Culkin	Hull, Tenn.	Pou	Wilson, La.
Dallinger	Jeffers	Pratt	Wilson, Miss.
Davenport	Jenkins	Purnell	Wingo
Davey	Johnson, Ill.	Quin	Wolfenden
Davis	Johnson, Ind.	Ragon	Wolverton
Dempsey	Johnson, Okla.	Rainey	Wood
Denison	Johnson, S. Dak.	Ramseyer	Woodruff
Dickinson, Iowa	Johnson, Tex.	Rankin	Woodrum
Dickinson, Mo.	Johnson, Wash.	Rayburn	Wright
Dominick	Jones	Reece	Wyant
Doughton	Kearns	Reed, N. Y.	Yates
Dowell	Kelly	Reid, Ill.	Yon
Drane	Kerr	Robinson, Iowa	Zihlman

NAYS—90

Aldrich	Deal	Kahn	Prall
Andrew	DeRouen	Kemp	Quayle
Bacharach	Dickstein	Kent	Ransley
Bacon	Douglas, Ariz.	Knutson	Sabath
Black, N. Y.	Douglass, Mass.	LaGuardia	Schafer
Bloom	Doyle	Lampert	Schneider
Boylan	Dyer	Lehlbach	Seger
Britten	Englebright	Lindsay	Sirovich
Burdick	Estep	Linthicum	Somers, N. Y.
Campbell	Fenn	McCormack	Spearing
Carew	Fitzpatrick	McLeod	Stobbs
Celler	Fort	Martin, La.	Sullivan
Chalmers	Freeman	Mead	Tatgenhorst
Clancy	Gambrill	Morin	Tilson
Cochran, Mo.	Glynn	Niedringhaus	Tinkham
Cohen	Golder	Norton, N. J.	Tucker
Cole, Md.	Graham	O'Connell	Ware
Combs	Griffin	O'Connor, La.	Watres
Connery	Hale	O'Connor, N. Y.	Welch, Calif.
Corning	Hancock	Oliver, N. Y.	White, Colo.
Crosser	Igoe	Palmisano	Wurzbach
Cullen	Irwin	Peavey	
Darrow	Kading	Porter	

NOT VOTING—54

Anthony	Curry	Kendall	Reed, Ark.
Auf der Heide	Doutrich	Kindred	Sears, Fla.
Beck, Pa.	England	Kunz	Stedman
Beck, Wis.	Evans, Mont.	Lanham	Strother
Berger	Fletcher	Lea	Tillman
Blanton	Fulbright	Leatherwood	Treadway
Boies	Garrett, Tenn.	Lyon	Underwood
Bowles	Griest	McClintic	Updike
Bulwinkle	Hammer	Maas	Warren
Bushong	Harrison	Mansfield	Weller
Carley	Hoch	Merritt	White, Kans.
Carter	Hudspeth	Mooney	Winter
Casey	Jacobstein	Moore, N. J.	
Connolly, Pa.	James	Palmer	

So the bill was passed.

The Clerk announced the following pairs:
On this vote:

Mr. Maas (for) with Mr. Weller (against).
Mr. Kendall (for) with Mr. Mooney (against).
Mr. Stedman (for) with Mr. Merritt (against).
Mr. Hoch (for) with Mr. Moore of New Jersey (against).
Mr. McClintic (for) with Mr. Carley (against).
Mr. Lanham (for) with Mr. Kindred (against).
Mr. Hammer (for) with Mr. Kunz (against).
Mr. Blanton (for) with Mr. Auf der Heide (against).
Mr. Reed of Arkansas (for) with Mr. Beck of Pennsylvania (against).
Mr. Tillman (for) with Mr. Connolly of Pennsylvania (against).

Until further notice:

Mr. Carter with Mr. Casey.
Mr. Griest with Mr. Warren.
Mr. Doutrich with Mr. Evans of Montana.
Mr. James with Mr. Hudspeth.
Mr. Leatherwood with Mr. Lea.
Mr. Bushong with Mr. Underwood.
Mr. Curry with Mr. Garrett of Tennessee.
Mr. Palmer with Mr. Fletcher.
Mr. Treadway with Mr. Sears of Florida.
Mr. Winter with Mr. Mansfield.
Mr. England with Mr. Lyon.
Mr. Anthony with Mr. Bulwinkle.
Mr. White of Kansas with Mr. Fulbright.
Mr. Bowles with Mr. Harrison.
Mr. Boles with Mr. Jacobstein.
Mr. Strother with Mr. Berger.
Mr. Updike with Mr. Beck of Wisconsin.

The result of the vote was announced as above recorded.

On motion of Mr. CHRISTOPHERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent that all Members may have three legislative days in which to extend their remarks upon the bill just passed.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that all Members may have three legislative days in which to extend their remarks upon the bill just passed. Is there objection?

There was no objection.

THE PROHIBITION ENFORCEMENT ACT

Mr. WILLIAM E. HULL. Mr. Speaker, on the question of prohibition I have been as neutral on the subject as my conscience will allow me.

In all of my campaigns for a Member of Congress, I have been opposed by the so-called Anti-Saloon League. They have consistently indorsed my opponent. However, it has never affected my election as is indicated in the last one whereby my opponent was indorsed by the Anti-Saloon League and still I received a majority of nearly 22,000.

In making this statement, I do it not with the thought that I am peeved at their action but merely to lay a foundation for the few remarks that I am to make.

Being a distiller for 28 years and operating one of the largest plants in the United States I am classified as a wet. However, I would desire that the Members of the House should realize that before prohibition went into effect my firm disposed of every drop of spirits that they owned, and therefore since prohibition has been a law the firm have not sold, transported, or disposed of spirituous liquors.

I have held myself in readiness to be of any assistance to the Government that I could in bringing about a law or regulations that would be helpful to the cause. What I mean is this: The Constitution now contains the prohibition law and the laws affecting it are probably inoperative and it may be necessary in the future to change them. No matter how inoperative they are, I have always contended that prohibition should be given a fair chance. In other words, every opportunity should be given those who are favorable to it to make it a success, if they can. Then, if that is done by the Congress of the United States and they fail, they should then consider the change of the law. I have always thought that the drastic law is the cause of nonenforcement.

Some time ago, if you will recall, I made a speech on the floor of the House indicating a thought that I had of liberalizing under the law by medicinal use of whisky by having it manufactured on a basis of 10 cents a gallon profit by selling it for medicinal use through the druggist, and that he should not make more than 100 per cent, thus allowing good 4-year-old Government whisky to be sold at 80 or 90 cents a pint.

This, as I said before, would eliminate the bootlegger, would cause the unscrupulous druggist not to mix the whisky with cheaper goods, because the profit would be too small to cause him to do so and would guarantee to the purchaser a good, wholesome medicinal whisky at pre-war prices. I also believed when I made that statement that that would eliminate largely the desire that exists under present conditions.

I am going to give the House some figures, not for the purpose of influencing you on this bill, but I think they are figures that should be in the RECORD. I therefore have taken the years of 1911, 1912, and 1913, which were the banner years for distilling, and I quote you as follows, by years:

	Gallons
1911	183, 355, 527
1912	187, 571, 808
1913	193, 606, 257
Making a total in three years' time of	564, 533, 592
Or an average of	188, 177, 864

Now, in comparison to that, I have taken the years of 1926, 1927, and 1928, since prohibition has been in effect, which are as follows:

	Gallons
1926	203, 809, 944
1927	185, 471, 897
1928	169, 149, 904
Making a total in three years' time of	558, 431, 745
Or an average of	186, 143, 915

Thus you can see by this that we are making now within 2,000,000 gallons per year of spirits, compared to what we did previous to prohibition.

The argument, of course, on these figures will be that the first quotation was under the law and for beverage purposes, while the second, under the law, was for mechanical purposes, or denatured alcohol. However, I have not the figures to verify my statement, but, knowing the business as I do, I think I am correct in making this statement that as we had denatured alcohol back as far as 1908 and that while it has grown largely in proportion as to what it was then, it has not grown to any extent as exists in these figures and, besides, large portions of the denatured alcohol of to-day are merely taking the place of tax-paid alcohol in previous years. I use Listerine as an example. At one time they were tax paying two to three cars every week for their uses. Now they simply send their ingredients to Peoria and pay no tax.

That applies to other manufacturers in the same way.

Making the deductions in my own way, I am convinced that a large portion of the 186,000,000 gallons of alcohol being made to-day is used for beverage, more than half at least.

Now I want to call your attention to some other figures that might be interesting to the House. I have taken the years 1911, 1912, and 1913 as a basis for importation of spirits from foreign countries which would cover everything and they are as follows:

	Gallons
1911	3, 674, 354
1912	3, 650, 736
1913	4, 080, 710

So, you can see by these figures that there were less than 4,000,000 gallons imported during the previous period, and it is my belief and judgment, not only from statements that we have in the newspapers but of the confiscations that are reported, there are at least twenty times as much liquor coming from foreign countries under the smuggling process as there was under the legal process.

I have not said anything in reference to the illegal manufacture of spirits, but knowing the procedure and understanding how easily it is made and how correct the bootlegger can be in the manufacture so as to make it palatable, I would not be surprised, if the truth were known, but what the quantity illegally made at the present time would be surprising in gallons if it could be computed to this Congress.

Now, after making this statement, which is done for the purpose of getting the facts before you, I am going to state what I am going to do in reference to this bill. Ever since I have been in Congress I have voted consistently for every appropriation to enforce prohibition because it is a law and a part of the Constitution and because I have believed that it was my duty as a Congressman to lend every assistance to those who are in power on this subject and to give them all of the money that they need for a try out of prohibition.

I believe this is a bad bill for them. It is my thought, as expressed on the floor of this House by Congressman FORT, that this law will be more injurious to the cause than it will be of benefit. But, on the other hand, I am still going to do what I started out to do when I came to Congress, to let those who favor prohibition run it up to a point where it is found they can or can not carry it out successfully, if that time ever comes, and I am voting against my best judgment on this bill—I am going to vote for it.

Mr. WATRES. Mr. Speaker, I am as anxious as any Member to strengthen the cause of law enforcement in every way possible. I am opposed to the bill under consideration because I am convinced that its effect will be to weaken rather than to strengthen the enforcement of the law. I am not, however, in sympathy with many of the arguments made against the bill by those who are opposing prohibition enforcement.

It is conceded even by the advocates of the bill that it will increase the difficulty of securing convictions.

I recognize that it is the function of Congress to provide adequate laws for enforcement. The present bill makes possible an extremely tyrannical, oppressive, and unreasonable application of the law, resulting in resentment against it and less respect for the law. I feel thoroughly convinced that the best hope for improving conditions is through placing greater emphasis on law observance rather than on law enforcement.

Mr. Hoover has stated that he intends to appoint a commission to consider ways and means of improving present conditions. He will take office on Monday next. Congress should await recommendations from that commission.

INDEX AND DIGEST TO THE LEGISLATION OF THE STATES OF THE UNITED STATES ENACTED DURING THE BIENNIUM 1925–26

Mr. KIESS. Mr. Speaker, I ask unanimous consent that the letter of the Acting Librarian of Congress, dated February 11, 1929, transmitting to the House of Representatives the first index and digest to the legislation of the States of the United States enacted during the biennium 1925–26, and referred to the Committee on Printing, be taken from the files of the House and returned to the librarian, inasmuch as a provision has been included in the legislative appropriation act for the printing of this report as a publication of the Library of Congress.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the letter of the Acting Librarian of Congress, dated February 11, 1929, transmitting to the House of Representatives the first index and digest to the legislation of the States of the United States enacted during the biennium 1925–26, and referred to the Committee on Printing, be taken from the files of the House and returned to the librarian, inasmuch as a provision has been included in the legislative appropriation act for the printing of this report as a publication of the Library of Congress. Is there objection?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army supply base, New Orleans, La.

The message also announced that the Senate insists upon its amendment No. 39, as amended, to the bill H. R. 15089 entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes," requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. CURTIS, Mr. KEYES, Mr. HARRIS, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 1, 13, and 15 to the bill H. R. 16714 entitled "An act making appropriations for the Navy Department for the fiscal year ending June 30, 1930, and for other purposes."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, the bill (H. R. 17223) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes," insists upon its amendments to the said bill, asks a conference with the House thereon, and appoints Mr. WARREN, Mr. CURTIS, Mr. KEYES, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

BRIDGE ACROSS THE ST. CLAIR RIVER, MICH.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5847, authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich., now on the Speaker's table, and ask that it may be considered, a similar House bill having been reported and now being on the calendar.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE ST. LAWRENCE RIVER, N. Y.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5706, authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y., a similar bill having already passed the House.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SEWER OUTLET, ALLEGHENY RIVER, PITTSBURGH, PA.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5746, to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa., now on the Speaker's table, a similar House bill having already passed the House.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER of Texas. Do the rules authorize the calling up of a Senate bill when a similar bill has passed the House and gone to the Senate?

The SPEAKER. The Chair thinks the situation is the same whether the bill be on the calendar or has been passed; in fact, the Chair is sure of that, because he has made a ruling to that effect.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FOOT BRIDGE ACROSS FOX RIVER, ILL.

Mr. DENISON. Mr. Speaker, I call up H. R. 13593, granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill., with a Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois calls up House bill 13593, with a Senate amendment, and moves to concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

NEW BERN HISTORICAL SOCIETY

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, I call up House Concurrent Resolution No. 60.

The SPEAKER. The gentleman from New York calls up House Concurrent Resolution No. 60, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 60

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and revolutionary period at New Bern, N. C.

Mr. SNELL. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. POU], who will make a statement in regard to this resolution.

Mr. POU. Mr. Speaker, this resolution provides for the representation of Congress at a great pageant which the people of North Carolina will give during the month of May. It is a pageant intended to reproduce the historical events of that section of the Nation before and immediately after the Revolution. There is precedent for this resolution. To the Stone Mountain celebration, we sent a representation of Congress. The resolution carries no appropriation at all.

The concurrent resolution was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF NEW MEXICO AND OKLAHOMA

Mr. SMITH. Mr. Speaker, I call up conference report on H. R. 6496, granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested.

The SPEAKER. The gentleman from Idaho calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6496) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6496) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the Conference Committee and submitted in the conference report.

The Senate amendment to the House bill (H. R. 6496) struck out of section 2 the words "from the Department of the Interior," from which amendment the Senate has receded.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF NEW MEXICO, OKLAHOMA, AND TEXAS

Mr. SMITH. Mr. Speaker, I call up the conference report on the bill (H. R. 6497) granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6497), entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H. R. 6497, entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the conference report:

The Senate amendment to the House bill, H. R. 6497, struck out of section 2 the words "from the Department of the Interior," from which amendment the Senate has receded.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF NEW MEXICO AND ARIZONA

Mr. SMITH. Mr. Speaker, I call up the conference report on the bill (H. R. 6499) granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6499) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6499), entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the conference report.

The Senate amendment to the House bill (H. R. 6499) struck out of section 2 the words "from the Department of the Interior," from which amendment the Senate has receded.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO AND NEW MEXICO

Mr. SMITH. Mr. Speaker, I call up conference report on the bill (H. R. 7024) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7024) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7024) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The amendment of the Senate struck out the words in section 2 "from the Department of the Interior" and in lieu thereof inserted the following: "from any department of the United States Government," to which amendment the House agrees.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

Mr. CRAMTON. Will the gentlemen yield for about one minute?

Mr. SMITH. I yield.

Mr. CRAMTON. Under the conditions, all parties have agreed to this compromise, but I think the RECORD ought to show that some of us do not consider that the action taken on this bill and the one which the gentleman has in his hands is to be taken as a precedent to control future action.

In my judgment the Reclamation Service is the division of the Government which is charged with the responsibility of protecting the interests of the Government in such matters, and it is as unwise to call on the Department of War or Navy or Commerce to act in a matter affecting reclamation as it would be to call on the Reclamation Service to act in a matter affecting the national defense. But in these particular cases, one of them seems to have been under way already under somewhat similar circumstances, and I am not disposed to contest it.

Mr. SMITH. Mr. Speaker, I wish to say in reply to the gentleman that the amendment adopted gives the President authority to designate some one from any department of the Government instead of confining it to the Department of the Interior.

The conference report was agreed to.

COMPACTS OR AGREEMENTS BETWEEN THE STATES OF COLORADO, OKLAHOMA, AND KANSAS

Mr. SMITH. Mr. Speaker, I call up conference report on the bill (H. R. 7025) granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7025) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7025) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested," submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report.

The amendment of the Senate struck out the words in section 2 "from the Department of the Interior" and in lieu thereof inserted the following "from any department of the United States Government," to which amendment the House agrees.

ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The conference report was agreed to.

MARY MARTIN HARRISON

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7244, with a Senate amendment, and agree to the Senate amendment, and I may say that I am doing this by direction of the Committee on Naval Affairs.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what does the Senate amendment do?

Mr. BRITTEN. This is the case of an appropriation for the mother of an aviator who was killed in the line of duty. It conveys to the mother eleven hundred and some dollars, or six month's pay. There is some question as to just how dependent the mother was on the son and that is the reason for the bill; otherwise it would not have been necessary.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

JOINT-STOCK LAND BANKS

Mr. McFADDEN. Mr. Speaker, I call up the bill (S. 4039) to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914, as amended, this bill having been considered by the Committee on Banking and Currency and a similar House bill being on the calendar.

The Senate amendments were read.

Mr. CRAMTON. Will the gentleman advise us whether there is an identical House bill on the calendar?

Mr. McFADDEN. This is the same bill; this is a Senate bill that I am calling up.

Mr. CRAMTON. I asked the gentleman if there is a House bill on the calendar?

Mr. McFADDEN. Yes.

Mr. LaGUARDIA. It is the bill that I objected to the other day.

Mr. CRAMTON. Does it meet with the approbation of the gentleman from New York?

Mr. LaGUARDIA. I am not objecting to it.

Mr. CRAMTON. Do they hold any securities of public or private irrigation projects?

Mr. McFADDEN. Not that I know of.

The SPEAKER. The Clerk does not find any similar House bill on the calendar.

Mr. McFADDEN. My recollection is that the House considered the Senate bill.

Mr. CRAMTON. My question was whether there was a similar House bill on the calendar. I think we had better leave it until it can be investigated. I object.

CONSOLIDATION OF CERTAIN TIMBER STANDS ON THE BOUNDARIES OF YOSEMITE NATIONAL PARK

Mr. ENGLEBRIGHT. Mr. Speaker, I call up from the Speaker's table the bill S. 5880, an identical House bill being now on the calendar.

The SPEAKER. The gentleman from California calls up the bill S. 5880.

The Clerk read the bill, as follows:

A bill (S. 5880) to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes

Be it enacted, etc., That for the purpose of preserving and consolidating certain timber stands along the western boundary of the Yosemite National Park, the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands: Sections 19, 20, 29, 30, 31, and 32, township 1 south, range 20 east, Mount Diablo meridian; east half section 1; east half section 12; southeast quarter section 24, township 2 south, range 19 east, Mount Diablo meridian; sections 4, 5, and 6; north half section 7; sections 8 and 9, and 19 and 20, township 2 south, range 20 east, Mount Diablo meridian, approximately 9,000 acres.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, does this take in all of the timber stands?

Mr. ENGLEBRIGHT. This takes in a very beautiful tract of timber.

Mr. SABATH. Is that the tract in question between the Senate and the House?

Mr. ENGLEBRIGHT. No; that is still pending in conference.

Mr. SABATH. This will take care of some of it?

Mr. ENGLEBRIGHT. Yes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion by Mr. ENGLEBRIGHT to reconsider the vote whereby the bill was passed was laid on the table.

THE PUBLIC SERVICE OF HON. CLEMENT C. DICKINSON

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the public services of the Hon. CLEMENT C. DICKINSON.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Mr. Speaker, of the valiant knights who, when knighthood was in flower, rode over medieval France, battling in open field, in tournaments, from castle to castle, and from city to city, in defense of country, liege lord, honor, and virtue, none was more intrepid or more perfectly exemplified heroic courage and all that was best in the romantic age of chivalry than Pierre Terrail, Seigneur, better known as Chevalier de Bayard, acclaimed by his contemporaries and historians as "sans peur et sans reproche" (without fear and without reproach).

He was a perfect pattern of knighthood. Blameless in life, character stainless, actuated by a high sense of honor, dauntless in attack, fearless in defense of truth and virtue, loyal to country and humanity, vigilant champion of right, aggressive in redressing wrongs, his sharp spear and delicately tempered sword unerringly pierced his adversary's armor, and his buckler broke the fierce onslaughts of every foe. While "his bones are now dust, his good sword rust, and his soul is with the saints, we trust," yet in every age of the world's history since he rode forth to battle there have been those who like him excelled in courage, honor, true merit, stainless lives, sincere friendship, and unfailing fidelity to country and duty.

In Missouri, the great Commonwealth that gave me birth, we have had many men whose lives reflected the virtues and chivalric courage of Chevalier Bayard. For 19 years a man of this type has been a Member of this House. I refer to the distinguished gentleman from the sixth district of Missouri, Hon. CLEMENT C. DICKINSON, who, like Bayard of old, has lived a long and useful life, without fear and without reproach, an outstanding type of that high standard of citizenship that is the crowning glory of our civilization.

In all the relations of life CLEMENT C. DICKINSON has been circumspect, sincere, candid, unassuming, upstanding, forward looking, loyal to his friends, conscientious, aggressively wholesome in thought and example, and at all times actuated by well-considered convictions and devotion to duty.

An able and successful lawyer; a faithful servant of his Commonwealth in its general assembly; an honorable Representative of a great district and State in Congress, Judge DICKINSON has acted well his part and discharged with fidelity and distinction his duties and responsibilities, both in private and public life. His escutcheon is unblemished and his record above reproach. His was not a little, shriveled, or pulseless soul. He pulled no man down in order to promote his own politcial fortunes. He had a big heart, and all who know his sterling character and enviable qualities of mind and heart will agree that he has made a worth-while contribution to the forces that promote the public weal.

It is a source of profound regret that he will not be a Member of the Seventy-first Congress, but we do not look on him as one whose public career has ended. Time has dealt gently with him and he is still blessed with a strong body, vigorous intellect, and an admirable, gracious, and benign personality that equip him for many more years of efficient public service.

His failure to be returned to the Seventy-first Congress implies no lack of confidence in him by his constituents, who still hold him in high esteem and appreciate his valuable services in their behalf. He was the victim of unprecedented political conditions which he did not create, could not control, and for which he was not responsible.

It is indeed unfortunate he fell outside the breastworks in the recent political upheaval while many of his colleagues who are less worthy were returned to this Chamber. It is difficult to understand why his public career should have been halted and some of us who are less deserving, less capable, less able, less useful, and less lovable, were elected. But whether or not CLEMENT C. DICKINSON ever returns to public life, the Members of this House well know, his constituents well know, and the people of Missouri well know, that he has with ability, fidelity, distinction, and with signal honor, served his day and generation. Oh, that there were more Members of this House like him, who will not—

> Crook the pregnant hinges of the knee,
> Where thrift may follow fawning.

I am sure I reflect the sentiment of every Member of this House when I say that Judge DICKINSON, when he leaves this Chamber, will carry with him the implicit confidence, genuine good will, and the very best wishes of his colleagues, all of whom sincerely regret his departure and unite with me in saying:

Well done, thou good and faithful public servant.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 16701, and agree to the Senate amendment to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE DEATH OF BRIGADIER GENERAL PULASKI

The SPEAKER. Under authority of House Joint Resolution 304 providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission, the Chair appoints the gentleman from Indiana [Mr. WOOD] and the gentleman from New York [Mr. MEAD].

DEFICIENCY APPROPRIATIONS

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 17223, the deficiency appropriation bill, disagree to all of the Senate amendments, and agree to the conference asked by the Senate. Also, that the managers on the part of the House on H. R. 17223, the second deficiency appropriation bill, and H. R. 15848, the first deficiency bill, be authorized to agree to Senate amendments notwithstanding the provisions of clause 2 of Rule XX.

The purpose of this request is this: Unless this is granted we will have to bring back here all of the amendments put on by the Senate, whether we agree to them or not, because they are new items of legislation.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SCHAFER. Mr. Speaker, if we agree to that unanimous consent request the House will not have an opportunity to vote on the $24,000,000 amendment if the conferees accept it.

Mr. WOOD. This would only embrace those items that are not controversial. It is for the purpose of expediting and saving time, and the possibility of saving this deficiency bill.

Mr. SCHAFER. Then there is no danger whatever that the House conferees will agree to the $24,000,000 amendment and the House be precluded from having a vote on it?

Mr. WOOD. I can safely promise the gentleman that.

Mr. SCHAFER. Then I shall not object.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. NEWTON. Is there an item there for $150,000 for the Isthmian Canal? Is there any language in that directing any work or merely an appropriation?

Mr. WOOD. It is just the appropriation, as I understand it. I saw the item yesterday, and it is just the appropriation for the survey of the Nicaraguan canal and the Panama Canal.

Mr. HUDDLESTON. Mr. Speaker, I have not been able to hear what has been said, but I caught a word that I am considerably interested in. I reserve the right to object, if this is the proper stage of the proceedings to do that. It is my understanding that this deficiency bill carries the Nicaraguan canal investigation item?

Mr. WOOD. Yes.

Mr. HUDDLESTON. A piece of legislation, with also an appropriation. That is a matter that is embraced within the bill which has to-day been reported to the House by the Committee on Interstate and Foreign Commerce, and which should come up in some formal way so that opportunity for debate would be afforded. The gentleman's request would give the conferees the authority to agree to that item and it would come in here in such fashion that there would not be any opportunity to discuss it. That would not be at all fair to those who are opposed to it. Having that in mind, I am unable to agree to the gentleman's request, unless that item is excluded from the request.

Mr. WOOD. Mr. Speaker, I am very glad that the gentleman has raised this question. In all probability we will have to bring back some matters that may be in disagreement. Our purpose in making this request is that we need not encumber the disagreed items with a whole lot of trivial items that would consume a great deal of time. It is for the purpose of saving time. If there are any of these matters that gentlemen specify they wish brought back, if they are in disagreement, we will be pleased to give them consideration.

Mr. HUDDLESTON. I would not be able to grant consent to the gentleman's request without some understanding that this item is not brought back to the House until the House has considered the bill which was reported to-day.

Mr. WOOD. I could not agree to that. If we did that, we would not get this bill back here at all in all probability.

Mr. HUDDLESTON. That is not the fault of those who object to the item. It is rather the fault of those who insist in putting this item in in an improper manner.

Mr. WOOD. I have made the request.

Mr. HUDDLESTON. I object to the request.

Mr. DENISON. Would not the gentleman from Alabama be satified if the gentleman from Indiana would say that the item would be brought back to the House before it is approved?

Mr. HUDDLESTON. The trouble about that is that the item ought to be debated. The gentleman will bring back a conference report and will have the opposition at his mercy. He need not give them any opportunity to discuss it. For that reason it is not possible to make an agreement. If the gentleman will take that item from his request, I shall not object to it.

Mr. WOOD. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 17223, the deficiency appropriation bill, disagree to all of the Senate amendments, ask a conference with the Senate or agree to the conference asked by the Senate; also, that the managers on the part of the House on H. R. 17223, the second deficiency bill, and H. R. 15808, the first deficiency bill, be authorized to agree to Senate amendments notwithstanding the provisions of the clause 2 of Rule XX.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. HASTINGS. Has the gentleman consulted with the gentleman from Tennessee [Mr. BYRNS]?

Mr. WOOD. Yes; and also with the gentleman from Tennessee [Mr. GARRETT]. This is agreeable to both of those gentlemen.

Mr. HUDDLESTON. Mr. Speaker, in view of the gentleman's motion, I am compelled to make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 33]

Aldrich	Eaton	Kent	Ransley
Andrew	England	Kerr	Rayburn
Anthony	Englebright	Kindred	Reece
Auf der Heide	Estep	Kopp	Reed, Ark.
Bacharach	Evans, Mont.	Kunz	Robsion, Ky.
Bankhead	Fish	Kvale	Rutherford
Beck, Pa.	Fitzgerald, W. T.	Lampert	Sanders, N. Y.
Beck, Wis.	Fletcher	Lanham	Sanders, Tex.
Berger	Frear	Leatherwood	Sears, Fla.
Blanton	Free	Lindsay	Sinclair
Boles	Freeman	Linthicum	Stedman
Bowles	Fulbright	Lowrey	Stobbs
Brand, Ohio	Fulmer	Lyon	Strother
Britten	Garrett, Tenn.	McClintic	Sullivan
Browne	Garrett, Tex.	Maas	Sumners, Tex.
Browning	Gibson	Major, Ill.	Swick
Burdick	Glynn	Major, Mo.	Tillman
Burtness	Golder	Martin, La.	Tinkham
Busby	Greenwood	Merritt	Treadway
Bushong	Griest	Monast	Tucker
Byrns	Hadley	Montague	Underhill
Carew	Hammer	Mooney	Underwood
Carley	Harrison	Moore, N. J.	Updike
Carter	Hickey	Morgan	Vinson, Ga.
Casey	Hoch	Murphy	Warren
Cole, Md.	Hopkins	Nelson, Mo.	Weaver
Connolly, Pa.	Howard, Okla.	Nelson, Wis.	Weller
Curry	Hudspeth	Norton, N. J.	White, Kans.
Davenport	Hughes	Palmer	Williams, Mo.
Davey	Hull, William E.	Parks	Williams, Tex.
Dempsey	James	Prall	Wilson, Miss.
Dickinson, Mo.	Kading	Purnell	Winter
Doutrich	Kelly	Quayle	Woodrum
Driver	Kendall	Quin	

The SPEAKER. Two hundred and ninety-five Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and take from the Speaker's table the bill H. R. 17223, the deficiency appropriation bill, disagree to all of the Senate amendments, and ask a conference with the Senate or agree to the conference asked by the Senate. Also, that the managers on the part of the House on H. R. 17223, the second deficiency appropriation bill, and H. R. 15848, the first deficiency bill, be authorized to agree to Senate amendments, notwithstanding the provision of clause 2 of Rule XX.

Is a second demanded?

Mr. HUDDLESTON. I demand a second.

Mr. WOOD. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Indiana is recognized for 20 minutes and the gentleman from Alabama [Mr. HUDDLESTON] for 20 minutes.

Mr. WOOD. Mr. Speaker and Members of the House, I will say that the purpose of this motion is to send the second deficiency bill to the conference which the Senate has asked for. I am also asking as a part of this motion that the conferees be directed, notwithstanding section 2 of Rule XX, to agree to certain Senate amendments that otherwise would have to be brought back to the House. The purpose of this is to save time and possibly save this deficiency bill.

That is all there is to it. This practice has been in vogue for some time. I remember about this time at the last session the gentleman from Illinois, Mr. Madden, then chairman of the Committee on Appropriations, made a similar motion.

Mr. TILSON. Is this an agreement of the conferees on both sides of the House?

Mr. WOOD. I have conferred with the gentleman from Tennessee, Mr. GARRETT and also with the gentleman from Tennessee, Mr. BYRNS.

Mr. GARRETT of Tennessee. Of course, I am not one of the conferees, but the gentleman advised me of what he desired to do, and I told him it was satisfactory to me. I am not in disagreement with the gentleman. There is nothing unusual about the proceeding.

Mr. WOOD. I spoke to the gentleman from Tennessee [Mr. BYRNS], who is, or will be, one of the House conferees, and he told me it was entirely agreeable to him.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. GRIFFIN. Would the gentleman mind stating briefly what is the purport of these amendments to which he proposes to bind the House?

Mr. WOOD. I am not proposing to bind the House except on this matter of amendments proposed by the Senate which we would be required to bring back here. I will say to the gentleman that if there are any controversial questions of importance on which we can not agree I will bring them back.

Mr. GRIFFIN. These amendments embrace some of the items put on the bill when it was passed by the Senate?

Mr. WOOD. These only apply to those put on in the Senate.

Mr. GRIFFIN. We have no knowledge of what they are. Can the gentleman give us a line on them?

Mr. WOOD. They have put on some with reference to the expenses of their own chamber. They have put on some with reference to a dead Member, one that I recall, and an amendment with reference to a clerk who has done some special work.

Mr. GRIFFIN. The gentleman says they are not material?

Mr. WOOD. They are not material.

Mr. HUDDLESTON. Mr. Speaker, this is a motion to suspend the rules and to disagree to the Senate amendments to the deficiency bill, to appoint conferees, and to authorize them to agree to the numerous items of legislation which have been incorporated in the bill by Senate amendments.

The bill H. R. 17223 carries numerous items of important legislation. What all of them may be I do not know, and I venture to say that not even the gentleman from Indiana [Mr. WOOD] himself knows all the items of legislation in this bill. Yet he asks that three Members of the House be authorized as conferees to speak on behalf of the House and to agree to any or all of these items accordingly as they may be advised. He asks that the House abdicate its functions and delegate its power to legislate to the committee of conferees.

Some one said that this is not an unusual procedure. May I say that during my 14 years' membership in the House there has been no occasion on which, for want of a unanimous-consent agreement to send a bill of this kind to conference, has such a motion to suspend the rules been made. And furthermore, may I say that on no previous occasion probably within the legislative life of anyone who may now be a Member of the House has a measure carrying so many items of important legislation, about which the House knows nothing, been presented in a deficiency bill.

A LEGISLATIVE ATROCITY

This is a legislative atrocity which would not be attempted at any other time in a session or at any other hour in a day. It is an atrocity attempted upon the theory that the House will submit to anything under such conditions.

I am especially interested in one particular item added by Senate amendment to this bill—an item of legislation which both authorizes and makes an appropriation for the purpose of investigating the feasibility of the so-called Nicaraguan canal and the cost of constructing and maintaining it. That is one of the items put into the bill by the Senate as an amendment. It is an item about which the Committee on Appropriations knows absolutely nothing.

A year ago a bill was introduced in the Senate to accomplish this purpose. About the time the bill was introduced a Budget estimate of $150,000 was submitted to make the proposed investigation. The amount was so grossly inadequate to what will actually be required for the purpose that you can not think of it as anything more than merely an opening wedge for a great appropriation.

The bill went its course in the Senate. As I am informed, no hearings were held upon it, yet we find that within the last two or three weeks, a very determined effort has been disclosed to put the bill through. Finally, not over two or three days ago, the bill was passed by the Senate.

In order to get it through the Senate, the proponents of the bill were forced to accept an amendment which also authorized an investigation of the possibility of enlarging the present Panama Canal and also of still a third route, the so-called San Blas route over the isthmus. A new estimate came up from the Budget, yet it was for only the same amount of $150,000. To do three or possibly five times the work contemplated by the original bill only the same amount was estimated.

THE BILL WAS "JUGGLED WITH"

When the bill was passed by the Senate it was sent to the House. It was held here upon the Speaker's table for a day or two. The bill was believed to rightfully belong to the Committee on Interstate and Foreign Commerce. For reasons best known to the Speaker the bill was not so referred. It was merely taken up informally in the committee by the chairman and members of the committee were then informed that a motion to suspend the rules would be made to pass that bill.

Opposition to the bill developed in the committee and obviously the chairman of the committee reached the conclusion that he would not be able to pass a motion to suspend the rules by the required vote. Then what transpired? Then, only this morning, the bill was referred by the Speaker to the committee. No hearings were held by the House committee and no hearings were held by the Senate. Without any real information the committee to-day ordered the bill reported. A minority report was also made in which five members joined in opposition to the bill. That minority report is as follows:

MINORITY VIEWS ON SENATE JOINT RESOLUTION 117

If this were a proposal merely to investigate the need for an increase in the facilities of the Panama Canal, we should not oppose it. However, it is obvious that the inclusion of the canal was merely an afterthought, and that the measure has no sincere purpose for such an investigation.

As the resolution was originally drawn it related only to a canal through Nicaragua. The Budget estimate of May, 1928, was for $150,000 for investigation of the Nicaraguan route alone. Amendments were forced into the resolution in the Senate, against the opposition of its proponents, which include an investigation of an enlargement of the Panama Canal and of the so-called San Blas route. To meet these amendments a new estimate of only the same amount, $150,000, has been submitted.

The present use of the Panama Canal averages only 19 vessels daily. Its capacity is more than double that number and when certain improvements now being made are completed the canal's capacity will be 54 vessels daily. It is estimated that even at the present rate of increase in use, such rate being more than improbable, the canal will have sufficient capacity for the next 60 to 70 years.

It is wholly obvious that no emergency exists and that the haste and pressure with which it is sought to force the adoption of this measure is wholly uncalled for so far as any legitimate purpose which it can have. We are therefore warranted in believing that its adoption is sought for some hidden purpose and to accomplish some secret end.

During the last session of Congress the excuse which the administration advanced for keeping our marines in Nicaragua was to preserve order and to help in the election of a president. That election was held months ago, but several thousand of our marines are yet in Nicaragua in violation of the promise to evacuate them. No excuse has been offered for the failure to bring our marines home. We are unwilling to afford the administration such an excuse through the adoption of this resolution. Our position is that we should not further meddle with the internal affairs of Nicaragua, and that we should not take any action with relation to the concession for a Nicaraguan canal until our marines have been withdrawn and the control of their country restored to the Nicaraguans.

ABANDONING ORDERLY PROCESSES OF LEGISLATION

Now we find that the Senate, not content with having passed the measure several days ago, are unwilling to await the orderly processes of legislation, have placed in this deficiency bill an item of legislation which has the same legal effect as the prior bill which is now pending before this body. Without waiting for the House to act upon that bill and without waiting for the House to authorize the appropriation, the Senate has made the appropriation and it is included in this deficiency bill. You are now asked to authorize the conferees on the part of the House to agree to that provision.

I ask you gentlemen: Do you mean to have orderly processes of legislation? Do you desire to have fair and open debate upon matters of great importance, matters which will probably affect our international relations, or are you willing to hide your heads in the sand like an ostrich and let the committee on conference, which has had no hearings and has no information upon the subject, agree to the item and bind your hands in that way?

Mr. DICKSTEIN. Will the gentleman yield?

Mr. HUDDLESTON. For a brief question.

Mr. DICKSTEIN. Do I understand that the gentleman objects to the item for investigating the Nicaraguan canal, which was purchased by the Government for several million dollars during the Wilson administration?

Mr. HUDDLESTON. If I have not spoken to very poor purpose, I have gotten that idea over, I should imagine. [Laughter.]

THE FALSE DISGUISE AS AN "EMERGENCY"

This bill is pressed as though it were an emergency measure. We are told that the Panama Canal is inadequate to the demands which are being made on it and that it is very necessary that we take immediate action. There is, so they say, no time

to consider this in an orderly and reasonable way. Yet what are the facts? The facts are that the use of the Panama Canal averages only 19 ships a day, while its present capacity is more than double that number. The facts are that we are now improving our water supply by work and when that work is completed, as it will be within a short time, the capacity of the canal will be 54 ships a day.

And what are the further facts? At the present rate of increase in the use of the canal, a rate which can not be maintained because it has been abnormal—a rate which must inevitably reach its peak within a few years—even at that present rate the canal, with the improvements making possible the passage of 54 ships a day, will be adequate for the next 70 years. That is what the Governor of the Canal Zone says.

There is no real purpose and no real desire to investigate the possibilities of enlarging the Panama Canal. It is merely an afterthought—an amendment thrust into the bill in the Senate against the wishes of the proponents of the measure. Their eyes are fixed solely upon Nicaragua. They are thinking of nothing but Nicaragua. The proposed appropriation is intended only for the Nicaraguan situation. And I ask why? Well, there is no reason that can be told to the public. There is no reason that you gentlemen, mere Representatives of the people, are fit to know. You ask me when such a scheme is attempted to be put over to agree to it. I say no. This measure demands debate, the House needs information, and the committee which has charge of this matter should have some opportunity to get that information.

NO REASON FOR INTEMPERATE PRESSURE

If any Member can give me a single reason why we should jam this matter through without giving any opportunity for investigation, then I will gladly yield the floor and accord to those who are advocating the measure the wish of their hearts, the passage of the bill.

Is there any Member present who knows why this measure should be pressed by such extreme measures? Is there anybody here who knows any reason which would make of this an emergency measure? If there be, I will yield to him to tell me what that reason is. What is it? I pause for an answer. Silence, silence.

I observed a moment ago sitting in the Chamber the chairman of the House Committee on Foreign Affairs, and I observe before me the chairman of the Committee on Interstate and Foreign Commerce, who is pressing this measure. I ask them, why is this an emergency measure; why can not it wait until the next Congress? No answer comes. [Applause.]

"A BUG UNDER THE CHIP"

Gentlemen, am I not warranted under the circumstances in saying that there is "a bug under this chip?" I do not know what it is. I do not know the nature of the vermin; but I know it is there. I know the bug is there. Of course, we can but speculate. A distinguished Senator said in the Senate last night—and, by the way, in my judgment he is the biggest man around Washington, GEORGE NORRIS—he said that he believed the real purpose of this measure was to afford the administration an excuse for continuing to keep our marines in Nicaragua. I do not say that is the reason, but it looks like a pretty good guess. I do not know what the reason is. Apparently nobody knows, for nobody will tell you. They seem to expect us, sheeplike, to jump the fence behind some leader. I fancy Senator NORRIS's is just about as good a guess as anybody could make.

I said to our chairman—fine gentleman that he is—that I would cheerfully agree to a measure to investigate the possibilities of increasing the facilities of the Panama Canal so that it would take care of any prospective increase in commerce, and asked, "Why do you not strike out the Nicaraguan end of this bill and leave us to investigate merely the enlargement of the Panama Canal?" I hope I do not betray his confidence when I say here in his presence that his reply was "You can not get the bill through in that shape."

So I come back to the statement that the purpose of this bill is to deal with the Nicaraguan canal route, that it has no application to the Panama Canal, and that its proponents do not want it for the purpose of enlarging the Panama Canal. Then I ask, What do they want it for?

Of course, with any fair opportunity for debate——

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. HUDDLESTON. Yes; for a question.

Mr. JACOBSTEIN. Has the gentleman received, as I have received, letters from back home, apparently, from parties owning land down in Nicaragua, wanting this survey to be made?

Mr. HUDDLESTON. No; I have not. My constituents do not write me much about such things; they always know pretty well what I am going to do.

NO OPPORTUNITY FOR FAIR DEBATE

If we had an opportunity for any fair debate in this Chamber, I would like to discuss the Bryan-Chamorra treaty. I would like to point out the circumstances under which the treaty was signed and how the Nicaraguan Government, for the pitiful sum of $3,000,000, gave us in perpetuity the exclusive right of building a canal across their country. I would like to call attention to the fact that the Chamorra government was merely a puppet government and under the domination of the United States. I would like to go on down the line and present to you the history of the relations between the United States and the Government of Nicaragua, and to show you that our present administration regards Nicaragua as merely an American protectorate.

I am unwilling to send a troop of engineers into Nicaragua as long as we keep the marines there. Let us bring back the marines. Let us cease to meddle with Nicaraguan affairs. Let us accord to Nicaraguans the right of self-government which we assert for ourselves. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WOOD. I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker and gentlemen, the gentleman from Alabama is characteristically suspicious. He generally sees something dark and sinister about any bill he does not agree with. The motion before us is to send this bill to conference. It does not necessarily mean that the conferees will agree to the proposal being discussed, but in the interest of legislation, the bill ought to be sent to conference, and I hope the motion of the gentleman from Indiana will prevail.

The gentleman from Alabama has indicted the former Secretary of State, Mr. Bryan, who was known as a friend of the people, and who was generally interested in the welfare of the people. He was Secretary of State when the treaty with Nicaragua was negotiated. He has indicted a former Democratic administration. The treaty was negotiated under President Wilson's administration. He has indicted the Senate, which approved and consented to the treaty.

We made this treaty with Nicaragua by which that government agreed that, in consideration of the payment of $3,000,000, the United States should be granted the exclusive right to construct an interoceanic canal across the Republic of Nicaragua. And the treaty provided that whenever we got ready to construct the canal an agreement will be entered into between the two countries providing the details of the terms upon which the canal shall be constructed, operated, and maintained.

Nothing can be done until another treaty has been negotiated between the Nicaraguan Government and our Government, which will have to be approved by the Senate. We have no reliable information as to what such a canal would cost or the place it should be constructed. We have had no information about it since the report of the Isthmian Canal Commission made to Congress in 1901. Since then we have constructed the Panama Canal, and our experience has given us a great deal of information about constructing canals that we did not have when the last report was made.

In view of modern developments in the construction of canals, in view of modern improvements in machinery, and in view of our experience in constructing the Panama Canal it is believed that the report of the Isthmian Canal Commission on the practicability and costs of a canal on the Nicaraguan route is out of date and no longer reliable, and that we ought to have a later investigation and report.

The Senate bill now pending before the House merely authorizes an investigation and collection of facts to be reported to the Congress. Why should anyone entertain any fears or suspect any sinister motives back of a mere proposal for an investigation and survey and report of the facts back to Congress? I do not think the gentleman from Alabama is justified in the inference that he draws. I want to say to the House that the Senate resolution has been carefully considered by the Committee on Interstate and Foreign Commerce and has been reported back to the House entirely changed. We have stricken out all after the enacting clause and reported an entirely new resolution in its place.

This new resolution simply provides for an investigation and survey, first, of the practicability and probable cost of enlarging the locks and other facilities of the Panama Canal; and, second, for an investigation and survey of the practicability and probable cost of the proposed canal across the Republic of Nicaragua; and third, for an investigation and survey of the practicability and probable cost of any other interoceanic canal in the Republic of Panama.

During the month of January this year there passed through the Panama Canal an average of something over 23 vessels a day. During the year 1928 there passed through the canal an average of 19 vessels a day. The total capacity of the canal under the very best and most favorable conditions will be about 54 vessels a day. Our water supply is running low, and we are now arranging to build another reservoir. It will take four or five years to complete that.

If we should undertake to enlarge the capacity of the present canal by the construction of additional lock chambers and the enlargement of other facilities, if that should be found to be practicable, it will take at least 10 years' time to complete the work; and those who are interested in this subject believe that it is the part of wisdom to look ahead and secure the information necessary for legislation if Congress should decide to consider legislation to provide canal facilities for the growing commerce of the future. [Applause.]

Why should we not do that? And while we are getting the information as to the practicability and probable cost of enlarging the Panama Canal to take care of the commerce of the future, why should we not also get information as to the practicability and probable cost of constructing another interoceanic canal where we have the right to construct such a canal by treaty? Why should that arouse anyone's suspicions? The fact is that my friend from Alabama is opposed to our marines being in Nicaragua, and, following the leadership of one Member of another legislative body, he wants to hold up all these appropriations until we withdraw the marines from Nicaragua. I hope the House will not go along with him in that. This proposition is not connected in any way with the maintenance of our marines in Nicaragua. There is no connection between them. Why should the presence of our marines in Nicaragua prevent Congress from obtaining information on the practicability and probable cost of constructing a canal where we have the right to do so under a treaty? The information is not going to hurt anybody. The resolution now before the House does not commit this Government to the construction of any canal or to any other project. It merely seeks information to enable Congress to act intelligently, and to enable us to act in time. We ought not to wait until there is an actual emergency before we secure the information necessary to enable us to pass legislation to meet that emergency.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes; I yield to the gentleman from Minnesota.

Mr. NEWTON. It does not commit, and, if I understand the resolution correctly, neither does it emphasize one route over the other or anything of that kind.

Mr. DENISON. The gentleman from Minnesota is correct. It is merely a resolution to authorize an appropriation of $150,000 to be used by the President to secure up-to-date information on these very important subjects which sooner or later must receive the attention of Congress.

Mr. DICKSTEIN. Does that include both the investigations in respect to the Panama and Nicaragua?

Mr. DENISON. Yes; and the House resolution places the proposal for the investigation and survey of the Panama Canal first.

Mr. SIMMONS. As I understand it, the question before us now is not this survey. The question is sending the deficiency appropriation bill to conference, with the right of the conferees to make certain violations of the ordinary rules of the House regarding this particular legislation.

Mr. DENISON. In order that this very important bill may pass and become a law before Congress has to adjourn on the 4th of March.

Mr. SIMMONS. And this involves a whole series of amendments that are in conference.

Mr. DENISON. Exactly. The merits of the legislative proposal for these investigations will be presented to the House probably to-morrow. When the resolution, as amended by our committee, is before the House, where it can be seen and understood, I am sure there will be no serious opposition to it. I have for years been intensely interested in our great canal project at Panama. It is the greatest project ever undertaken and successfully completed by any government. I doubt if an interoceanic canal will ever become necessary through Nicaragua. But none of us can see very far into the future, and it is the part of wisdom to look forward as far as we can. All of us ought to be willing to have the best available information that may be needed to enable us to meet this great problem of the world's growing commerce and our own increasing interests.

Mr. WOOD. Mr. Speaker, I do not want anybody here to get it into his head that by voting for the motion that I have made he is committing himself to the Nicaraguan canal proposition. I am opposed to it myself. [Applause.] I do not want anyone here to think this committee is trying to take advantage of this House. Our only purpose is in trying to expedite the passage of this deficiency bill. We have been trying for a long time to get the first deficiency bill passed, and thus far we have failed. If we fail in getting this one passed, a great many of the activities of this Government are going to suffer. I don't believe anybody wants to take any unnecessary responsibility for such a possibility as that. I say to the Members of this House that all that is involved in the question raised by the gentleman from Alabama [Mr. HUDDLESTON] is whether or not we shall ascertain the facts with reference to existing conditions concerning the Nicaraguan route. We have to ascertain facts with reference to whether or not it is necessary to build a new dam in Panama. Whether it is necessary to spend millions of dollars to build a road up to the place where they are to build this new dam. All of these things are informative. Even those opposed to the Nicaraguan route will want to know the facts if the matter is ever presented to the House for the establishment of a Nicaraguan route. There is nothing to fear by reason of the adoption of this motion so far as Nicaragua is concerned. The same objection might be made with reference to many other amendments on this bill.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and send the bill to conference.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 238, noes 6.

So two-thirds having voted in favor thereof, the rules were suspended and the motion agreed to.

Mr. TILSON. Mr. Speaker, did the Chair announce the vote?

The SPEAKER. I have announced it.

Mr. TILSON. Has the Chair announced the fact that two-thirds had voted in the affirmative?

The SPEAKER. The Chair did. The Chair will announce as the conferees on the part of the House Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS.

A MARRIAGE ANNOUNCEMENT

Mr. BOYLAN. Mr. Speaker, I desire to make a very important announcement to the House, and with the permission of the Speaker I will make it; and that is that our distinguished colleague from New York, Representative LAGUARDIA, was married to-day. [Applause.]

Our ministerial colleague, the gentleman from Minnesota, Mr. KVALE, tied the knot, and I move you, sir, that the felicitations of the House be extended to the happy couple. [Applause.]

The SPEAKER. It is carried unanimously. [Applause.]

NEW BERN (N. C.) HISTORICAL PAGEANT

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks on House Concurrent Resolution No. 60, in relation to the historical pageant at New Bern, N. C., and to include historical statement prepared by the legislative reference bureau of the Library.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the people of North Carolina are contemplating a great historical pageant during this year, to be held in the city of New Bern, the capital of North Carolina, during the colonial period of our history.

The Legislature of North Carolina has passed a resolution recognizing this great historical occasion as being of national and state-wide importance, and has appointed a committee to attend the celebration. The North Carolina Society of the Daughters of the American Revolution have also passed appropriate resolutions commending this occasion as being one of national and state-wide importance and of great historical value.

The National Society of the Daughters of the American Revolution, through its president, Mrs. Alfred E. Brosseau, and also through the chairman of the national legislative committee, Mrs. Edwin C. Gregory, have indorsed this occasion. It is very desirable that the Congress of the United States should be represented on this occasion.

Outside of the national historical significance of the occasion, the people of North Carolina feel that as their State has forged ahead so materially and is now the second State in the Union in the payment of Federal taxes, that it would be mete and proper for the Congress to send representatives for this occasion. We feel that the precedents are ample and, even if they were not, that the occasion justifies the passage of this resolution. The resolution does not call for any more than the ap-

pointment of three Members of the Senate and three Members of the House to attend the celebration.

This pageant will be a very elaborate affair and will commemorate the early history of the State of North Carolina, beginning in 1584, when Sir Walter Raleigh sent out expeditions from England and they landed on North Carolina shores, and also the birth of the first white child born of English parentage in America, Virginia Dare; and then will be a picturization of the early Indian tribes and the early colonial history up until the time of the settlement of the State by the French Huguenots and the Swiss, headed by Baron de Graffenreid, the city of New Bern being named for the Swiss city of Berne.

It is the purpose and intent of those in charge of the celebration to have present on this occasion the Swiss ambassador and other notables.

A very beautiful part of the pageant will be the representation of the Spirit of the Cypress, one of the native trees, and then the Sprites of the Rivers, the Neuse and the Trent, these two rivers being named for Indian tribes. Then the pantomime Homeland Memories of the Settlers, concerning the early Indians, with King Hancock, a notable Indian, being represented with his band of Indian braves.

Then will be represented Baron de Graffenreid and the Palatines and the Swiss.

The Quakers will be represented. These were descendants of the early Pennsylvania Quakers who moved from Pennsylvania to North Carolina.

Then will be pictured Pastor Philip de Richebourg and the bagpipers and Scottish young people.

Then will be pictured John Lawson, the great surveyor general of that period.

It may be of interest in this connection to state that John Lawson was out among the Indians with Baron de Graffenreid, and that they were tried by the Indians, and that de Graffenreid was released on the idea that he was a king, and that John Lawson was stripped naked and his body filled with pine splinters and he was burned to death. The narratives of Lawson's doings are of very great historical value, not only from a state-wide standpoint but from a national standpoint as well.

The second act will picture a ball at the Tryon Palace. Governor Tryon will be represented; also Mrs. Tryon, Miss Esther Wake, Richard Caswell, who was afterwards the first Governor of North Carolina under the Constitution, John Ashe, Abner Nash, Rev. James Reed, Mary Hooks, friend of Esther Wake, and Col. Ezekiel Slocumb. Mary Hooks later married Ezekiel Slocumb and was the heroine of the Battle of Monroe Creek Bridge (which the Government has recognized by turning the battle field into a national military park). John Hawks, an early historian of this country, will also be represented. Mr. Tomlinson, an early schoolmaster of the New Bern Academy, will be represented. Mr. Gifford, an actor from Wilmington, Hermon Husband, a Regulator who took part in the war of the Regulators, Mr. Joseph Hewes, a signer of the Declaration, born in New Jersey, in Kingston, in 1730, and moved to North Carolina and was honored by our State, will be represented in the pageant, and many others who took part in the early formation of our Government.

When I introduced this resolution I had the legislative reference service of the Library of Congress to furnish me a brief showing the historical significance of this occasion as it applied to the Nation as a whole, and I am herewith making the same a part of my remarks.

Although the colony which Raleigh undertook to establish in North Carolina was a failure it planted the seed which produced the fruit at Jamestown. His failure contained a lesson and showed the place at which success would be found. His faith in the expansion of English power was communicated to others, the patriotic faith of his colony hung over the imagination of his countrymen, and the cause of colonization was not forgotten. (Bassett, Short History of the United States, 1921, pp. 43, 44.)

Dr. Clarence R. Williams, one of the best historians of the country, who furnished this brief sets forth the principal reasons why this pageant will have national historical signficance. He quotes Bancroft's History of the United States, volume 4, pages 390 and 391, in which it is stated, "The people of North Carolina were the first in America to vote an explicit sanction of independence."

This one fact alone justifies the passage of this resolution. The pageant will also take into consideration and will celebrate the first revolutionary fight at Alamance, the Declaration of Independence, Mecklenburg declaration of independence, the famous Edenton tea party, Battle of Moores Creek Bridge, Battle of Guilford Court House, Battle of Kings Mountain, and other matters of state-wide and national importance.

NORTH CAROLINA AND AMERICAN HISTORY

NORTH CAROLINA AND COLONIAL HISTORY

North Carolina possesses the site of the first attempt of the English to plant a colony within the present bounds of the United States, and here was born Virginia Dare, "first offspring of the English race in what is now the United States," on the 18th of August, 1585.

The efforts of Sir Walter Raleigh to plant a colony on Roanoke Island and the pathetic and romantic story of the "lost colony" are too well known to require repetition.

Although this colony proved a failure, Raleigh "did, indeed, at Roanoke Island plant the seed which produced fruit at Jamestown. His failure contained a lesson and showed the place at which success would be found. His faith in the expansion of English power was communicated to others, the pathetic faith of his colony hung over the imagination of his countrymen, and the cause of colonization was not forgotten." (Bassett, Short History of the United States, 1921, pp. 43, 44.)

NORTH CAROLINA AND INDEPENDENCE

The people of North Carolina were the first in America to vote an explicit sanction to independence.

"North Carolina, proud of its victory over domestic enemies, and roused to defiance by the arrival of Clinton in their great river, met in congress at Halifax on the 4th of April [1776]; on the 8th appointed a select committee, of which Harnett was the head, to consider the usurpations and violences of the British Parliament and King; on the 12th, after listening to its report, unanimously 'empowered their delegates in the Continental Congress to concur with the delegates of the other colonies in declaring independency and forming foreign alliances.' At the same time they reserved to their colony the sole right of framing its own constitution and laws. *The people of North Carolina were the first in America to vote an explicit sanction to independence.*" (George Bancroft, History of the United States, N. Y., Appleton, 1884. Vol. IV, pp. 390, 391. Quoted from the author's last revision.) (Italics added.)

The events in North Carolina during the summer of 1775 which preceded this decisive step are recounted by Bancroft in the following words:

"In North Carolina, fourth among the thirteen colonies in importance, all classes, for the distance of a hundred miles from the sea, were penetrated with enthusiasm for liberty. Men whom royalists revered as of 'the first order of people in the country,' of unblemished integrity and earnest character, loyal by nature, after thoughtful consideration decided irrevocably against the right of the British Parliament to tax the colonies. In Brunswick County Robert Howe, formerly captain of Fort Johnston, employed himself in training the people to arms. At New Bern, the capital whose name kept in memory that its founders were from Switzerland, volunteers formed themselves into independent companies.

"On the waters of Albemarle Sound, over which the adventurous skiffs of the first settlers of Carolina had glided before the waters of the Chesapeake were known to Englishmen, the movement was assisted by the writings of young James Iredell from England, by the letters and counsels of Joseph Hewes, and by the calm wisdom of Samuel Johnston, of Edenton, a native of Dundee in Scotland, a man revered for his integrity, thoroughly opposed to revolution if it could be avoided without yielding to oppression. Using a power with which the last Provincial Congress had invested him, on the 10th of July he summoned the people of North Carolina to elect their delegates. Two days later Dartmouth wrote from the King: 'I hope that in North Carolina the governor may not be reduced to the disgraceful necessity of seeking protection on board the King's ships'; and just then Martin took refuge on board a British man-o-war.

"Richard Caswell, hastening home from the general congress and reluctantly admitting the necessity of American resistance, advised the most resolute conduct and even censured the New Bern committee for suffering the governor to escape.

"On the 21st of August [1775] the people of North Carolina assembled at Hillsboro in a convention of more than 180 members. A spirit of moderation controlled their zeal. * * * In a vituperative, incoherent proclamation, Martin [the royal governor] had warned them against assembling as tending to unnatural rebellion; they voted his proclamation 'a false and seditious libel,' and ordered it to be burnt by the hangman. They professed allegiance to the King and resistance to parliamentary taxation. They resolved that the people of the Province, singly and collectively, were bound by the acts of the Continental Congress and their provincial convention, because in both they were represented by persons chosen by themselves. * * *

"The meditated resistance involved a treasury, which for the time was supplied by an emission of paper money; the purchase of ammunition and arms; a regular force of 1,000 men; an organization of the militia of the colony; an annual provincial congress to be elected by all freeholders; a committee of safety for each of the six districts into which the Province was divided; a provincial council, consisting of the

president of the convention and two members from each of the six divisions, as the great executive power. * * *

"On the 24th [of August, 1775], Franklin's plan of a confederacy was introduced by William Hooper. * * * The proposition was about to be adopted when Johnston interposed, and on the 4th of September it was voted, but not unanimously, that a general confederation ought only to be adopted in the last necessity. Hooper acquiesced; and the house, in its address to the inhabitants of the British Empire, unanimously disavowed the desire for independence, asking only to be restored to the state existing before 1763." (Bancroft, History of the United States. 1884, Vol. IV, pp. 258–260.)

The events leading up to the action of North Carolina in authorizing her delegates to support independence have been described by John Spencer Bassett, a native of North Carolina, as follows:

"By the close of 1775 only the exporters and merchants of England thought of yielding to America. As further notice of the unyielding intention of the British, Falmouth, Me. (Portland), was burned in October and Norfolk, Va., on January 1, 1776. * * * It was now so evident that the Colonies must submit or fight that most of the Conservatives gave up their opposition to independence. * * *

"By the spring of 1776 the Conservatives were driven to the last ditch. They desired some form of colonial home rule which should preserve British sovereignty and leave the Colonies a large measure of self-direction. They were strong in the Middle Colonies, especially in Pennsylvania and New York, where the older settlements felt much apprehension at the prospect of a democratic upheaval which should disturb the political center of gravity. New England, Virginia, and North Carolina were clearly with the Radicals and South Carolina and Georgia were undecided. * * *

"While Congress thus hesitated in hope of uniting the two factions within its membership, *North Carolina, the one democratic southern Colony, authorized her delegates at Philadelphia to support independence.* It was the step uppermost in the minds of the Radicals, and other Colonies followed rapidly. May 15 Congress advised the Colonies to continue no longer in the parlous state in which they then were, but to erect themselves into States, with governments resting on the consent of the people. The advice had already been anticipated by Virginia, where a convention met on May 5, and on the 15th declared Virginia independent of Great Britain. This action by the oldest and largest of the thirteen Colonies had a most powerful effect on the hesitating ones. * * *

"June 7 Richard Henry Lee, of Virginia, gave further evidence of the leadership his State had assumed when he introduced in Congress three important resolutions. They declared: (1) That the thirteen Colonies were and ought to be free and independent, * * *." (Bassett, John Spencer, A Short History of the United States. New York, Macmillan, edition of 1921, pp. 186, 187. Italics added.)

The feeling at this time of the people of North Carolina is graphically described by Hooper and Penn, the former writing to their colleague, Hewes, who with them represented North Carolina in the Continental Congress in Philadelphia, under date of April 17, after arrival at Halifax, N. C.:

"The language of Virginia is uniformly for independence. If there is a single man in the Province who preaches a different doctrine, I had not the fortune to fall in his company. But rapid as the change has been in Virginia, *North Carolina has the honor of going far before them.* Our late instructions (passed April 12) afford you some specimen of the temper of the present Congress and of the people at large. It would be more than unpopular—it would be Toryism—to hint the possibility of future reconciliation."

At the same time Penn was writing John Adams—

"As I came through Virginia I found the inhabitants desirous to be independent from Britain. However, they were willing to submit their opinion on the subject to whatever the General Congress, i. e., the Continental Congress, should determine. *North Carolina by far exceeds them,* occasioned by the great fatigue, trouble, and danger the people have undergone for some time past. Gentlemen of the first fortune in the Province have marched as common soldiers; and to encourage and give spirit to the men have footed it the whole time, Lord Cornwallis with seven regiments is expected to visit us every day, Clinton is now in Cape Fear with Governor Martin, who has about 40 sail of vessels, armed and unarmed, waiting his arrival. The Highlanders and regulators are not to be trusted. Governor Martin has coaxed a number of slaves to leave their masters in the lower parts; everything base and wicked is practiced by him. These things have wholly changed the temper and disposition of the inhabitants that are friends of liberty; all regard or fondness for the King or nation of Britain is gone; a total separation is what they want. Independence is the word most used. They ask if it is possible that any colony, after what has passed, can wish for a reconciliation? The convention has tried to get the opinion of the people at large. I am told that in many countries there was not one dissenting vote." (Quoted from Conner, R. D. W., History of North Carolina, Vol. I, pp. 396, 397. Italics added.)

The account of how this resolution was passed and its precise wording is briefly stated as follows:

"The Fourth Provincial Congress of North Carolina, meeting at Halifax on April 4, 1776, on the 8th appointed a committee 'to take into consideration the usurpation and violence attempted and committed by the King and Parliament of Great Britain against America, and the further measures to be taken for frustating the same, and for the better defense of this Province.'"

On April 12 the committee submitted the following which was unanimously adopted by the provincial congress:

"*Resolved,* That the Delegates for this Colony in the Continental Congress be *impowered* to *concur* with the Delegates of the other Colonies *in declaring independency* and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a constitution and laws for this Colony, and of appointing Delegates from time to time (under the direction of a general representation thereof), to meet the Delegates of the other Colonies for such purposes as shall be hereafter pointed out." (Conner, History of North Carolina, Vol. I, p. 398. Italics added.)

A copy of this resolution was immediately sent to Philadelphia to Joseph Hewes, then representing the Colony in the Continental Congress, to be laid before that body. "Its effect on the movement for independence was immediate and widespread. The newspapers gave it wide publicity. Leaders in the Continental Congress hastened to lay it before their constituents." "I hope to see my native Colony follow this laudable example," wrote Elbridge Gerry of Massachusetts, John Adams, Samuel Adams, and Caesar Rodney of Delaware wrote to like effect.

"*On May 15, Virginia followed North Carolina's lead,* and on the 27th of the same month, just after Joseph Hewes had presented to the Continental Congress the resolution of the North Carolina Congress, the Virginia Delegates presented their instructions. Virginia had gone one step further than North Carolina, for while the latter 'impowered' her Delegates to 'concur' with the other Colonies in declaring independence, the former 'instructed' her Representatives to 'propose' it. Hence it was that Richard Henry Lee, of Virginia, and not Joseph Hewes, of North Carolina, won the distinction of moving 'that these United Colonies are and of right ought to be free and independent States' [June 7]." (Conner, History of North Carolina, Vol. I, p. 399. Italics added.)

Among other writers emphasizing the same fact the following may be quoted, in which we have put in italics the statements:

"North Carolina was thoroughly aroused by the Tory peril that was stemmed at Moore's Creek and by the presence of a hostile foe under Sir Henry Clinton on the Cape Fear River. *Her provincial convention was the first body of the kind to give explicit approval to the proposal of independence* (April 13, 1776), and the same day it appointed a committee to prepare a tentative draft of a constitution." (Nevins, Allan, The American States During and After the Revolution, N. Y., Macmillan, 1924, p. 111.)

"*This was the first vote in America giving explicit sanction to independence.* Some of the Colonies were loth to separate from the English Government for fear of losing satisfactory internal governments. This was not the case in this Colony. The distractions of internal administration had so alienated its affections that it was not loathe to part with the system. But the colonists were jealous of weaving their internal governments with those of the other Colonies. This Province specifically reserved for itself the power of making its own laws and establishing its own form of government." (Sikes, E. W., The Transition of North Carolina from Colony to Commonwealth, Baltimore, Johns Hopkins Press, 1898, p. 59.)

"*North Carolina was the first Colony to act as a unit in favor of independence.* It was fourth in importance of the United Colonies. Its provincial congress had organized the militia, and vested the public authority in a provincial council for the whole Colony, committees of safety for the districts, and county and town committees."

After quoting from the resolution of April 12, 1776, and telling how it was passed unanimously, the writer goes on to say:

"Thus the popular party carried North Carolina as a unit in favor of independence, while the Colonies—from New England to Virginia—were in solid array against it [sic]. The example was warmly welcomed by the patriots and commended for imitation. The bold instructions and the military triumph were the sequence of the King's expedition. The royal indignation was soon (May 5, 1776) embodied in a proclamation, declaring a rebellion in North Carolina but promising pardon to all who would return to their duty except Cornelius Harnett and Robert Howe." (Frothingham, Richard, The Rise of the Republic, Boston, Little, Brown, 1890, pp. 502, 504.)

"North Carolina alone bound her inhabitants in honor to obey the acts of the Congress to which she was sending Delegates [i. e., the Continental Congress]." (S. van Tyne, Claude H., Causes of the War of Independence, 1922, p. 438.)

NORTH CAROLINA AND THE REVOLUTION

As the Encyclopedia Britannica says: "North Carolina fought under Washington at Brandywine and Monmouth and played a still more important part in the southern campaigns of 1778–1781. The State was twice invaded, in 1776 and in 1780–81, and two important battles were fought upon her soil, Moore's Creek on the 27th of February, 1776, and Guilford Courthouse on the 15th of March, 1781." (Encyclopedia Britannica, 11th ed., Vol. XIX, p. 777.)

North Carolina had a part also in the great victory of Kings Mountain, of which Bancroft speaks as follows:

"The victory at Kings Mountain, which in the spirit of the American soldiers was like the rising at Concord, in its effects like the successes at Bennington, changed the aspect of the war. The loyalists of North Carolina no longer dared rise. It fired the patriots of the two Carolinas with fresh zeal. It encouraged the fragments of the defeated and scattered American Army to seek each other and organize themselves anew. It quickened the North Carolina Legislature to earnest efforts. It inspirited Virginia to devote her resources to the country south of her border. The appearance on the frontiers of a numerous enemy from the settlements beyond the mountains, whose very names had been unknown to the British, took Cornwallis by surprise, and their success was fatal to his intended expedition. He had hoped to step with ease from one Carolina to the other, and from these to the conquest of Virginia; and he had now no choice but to retreat." (Bancroft, History of the United States, 1885, Vol. V, p. 400.)

It is true that the battle field of Kings Mountain is in South Caroline, about a mile and a half south of the North Carolina line (though the mountain itself, which is 16 miles in length, extends across the State boundary), but in the battle the men of North Carolina played their part and played it well.

The second British invasion of the South began with the seizure of Savannah, December, 1778, and the surrender by Lincoln of Charleston, May, 1780. South Carolina was at the mercy of the enemy and Clinton, thinking the province well conquered, returned to New York, leaving to Cornwallis the task of extending the conquest into North Carolina. The Continental Congress sent Gates the "hero of Saratoga," down (against the advice of Washington), who was crushingly defeated at Camden, S. C., August 16. After his flight to North Carolina he was succeeded in command in the South by General Greene, the choice of Washington, who was appointed on December 2, 1780.

"Before that time the British had met their first check in the South, at Kings Mountain, October 7, 1780. After Camden, Cornwallis moved into North Carolina, gathering food and horses. He halted at Charlotte * * * while Major Ferguson, with 1,000 Tories, scoured the country to the west, collecting supplies and enlisting recruits; for that country was strongly loyal. The Whigs fled before him and alarm spread even to the transmontane settlements of Watauga and Kentucky. From this distant region, bands of mounted men, under leaders of their own choosing, marched eastward, September 26, to bag Ferguson. Having crossed the mountains, they were joined by 510 North Carolinians and 400 South Carolinians, a total force of 1,800. Ferguson heard of their approach and moved toward Charlotte (where Cornwallis was). Thirty-five miles from that place he came to Kings Mountain, the northern end of which is cut by the State line. It is a hill 60 feet high, flat at the top, a third of a mile long, and Ferguson believed it impregnable. On its top he placed his 900 men and awaited attack. The Whigs were riding hard behind, and October 7, a picked band of the best mounted arrived at the hill, surrounded its base, and began a vigorous attack. On alternate sides they charged up the slopes and then fell back, using whatever cover they could find. Early in the fight, Ferguson was killed, and at the end of an hour the white flag was raised; 700 survivors surrendered; the rest were slain. It was a small battle, reckoned by the numbers engaged; but it was very important. It forced Cornwallis back into South Carolina, it gave courage to the Whigs in the Carolinas, and it checked the advance of the British until Greene could arrive and organize his defense. It marked the change of the tide in the South." (Bassett, Short History of the United States, 1921, p. 208.)

"The battle had lasted about an hour. No victory could be more complete. Ferguson's corps was entirely wiped out. Himself and 119 of his men were killed, 123 wounded, and 664 captured. This signal achievement had cost the Americans 28 killed, 62 wounded. It was the first ray of light to pierce the general gloom which had enveloped the country since the fall of Charleston. Washington saw in it 'a proof of the spirit and resources of the country'; Clinton lamented it as a 'fatal catastrophe.' Everywhere patriots hailed it as the turning point in the struggle. * * *

"It 'threw South Carolina [wrote Clinton] into a state of confusion and rebellion.' It 'totally disheartened' the Tories, 'disconcerted Cornwallis's' plans, and made his position at Charleston untenable. Deserted by his friends and threatened by fresh swarms of enemies, Cornwallis thought no longer of conquest, but of flight, and on October 12, hastily abandoning Charlotte, fled 'with great precipitation' to Winnsboro, S. C. * * * Thus was the soil of North Carolina once more freed from the invader." (Conner, History of North Carolina, Vol. I, p. 474.)

GREENE IN NORTH CAROLINA

General Greene, when he took command of the American Army in the Carolinas, had but 2,300 men, half of them regulars, while Cornwallis had a larger force, all trained soldiers. Greene sent Morgan with 600 men to threaten the British in western South Carolina at Ninety-Six, and to encourage the Whigs, thus dividing his force. Cornwallis was between at Winnsboro, and sent Tarleton to drive off Morgan, but at Cowpens Morgan won, the survivors of the British force surrendering January 17, 1781.

Cornwallis, to avenge the defeat, marched against Morgan, who, on the afternoon of his victory, started to retire northward to make a junction with the force which Greene had ordered to retire from Cheraw. There resulted a race across North Carolina, the Americans trying to unite their divided forces, and Cornwallis endeavoring to attack and destroy Morgan before this could be accomplished. Greene, on his part would lure Cornwallis as far as possible from his base of supplies, and after uniting his forces, turn and destroy him. The American forces did unite at Guilford Courthouse, but Greene, not feeling strong enough for attack, continued his retreat until across the Dan River. However, after being reinforced by militia from North Carolina and Virginia, until he had about 4,400 men, he returned and attacked Cornwallis with 2,200 regulars at Guilford Courthouse.

Concerning this masterly retreat across North Carolina and its hardships Conner says (p. 479):

"Greene's management of this retreat entitles him to a place among the first soldiers of his age. * * * His personal participation in the dangers and hardships of the retreat was a constant inspiration to his men, whose suffering and heroic endurance equaled, if it did not surpass, that of Washington's men in the Trenton campaign. It was the depth of winter. The weather was wet and cold. The roads were knee-deep in mud and ice. Drenched with constant rain and sleet; often compelled to wade waist deep through foaming rivers; without tents, without blankets; pinched with hunger; half naked; marking the line of their march with the blood which flowed from their bare feet; constantly fighting rear-guard actions. Greene's men outmarched, outmaneuvered, and outfought their better-equipped adversaries, and when, after a continuous retreat of 22 days, they finally united forces with Huger at Guilford Courthouse, the British at Salem, 25 miles distant, were no nearer to them than they were on the day of Morgan's victory at Cowpens."

After Greene had placed an impassable river, the Dan, between himself and his enemy, he had not only saved his own army—

"He had led his enemy into a trap from which he could extricate himself only at great sacrifice, for Cornwallis was 230 miles from the base, in the enemy's country in dead of winter, without supplies, among timid friends, and with an ever-increasing hostile militia swarming in his rear. Greene's campaign elicited the highest praise from both enemy and friends. 'Every movement of the Americans during their march from the Catawba to Virginia,' wrote Tarleton, 'was judiciously designed and vigorously executed.' 'The rebels conducted their enterprises in Carolina,' declared Lord Germain, 'with more spirit and skill than they have shown in any other part of America.' 'Your retreat before Cornwallis,' wrote Washington, 'is highly applauded by all ranks.'" (Conner, History of North Carolina, Vol. I, pp. 479, 480.)

When Greene, with his reinforced army, struck at Guilford Courthouse on March 15, 1781, Cornwallis, by putting forth his best efforts in a desperate attack, caused the retirement of Greene with the loss of his artillery and 1,307 men, including 1,046 militia who dispersed to their homes. Greene retired to a strong position about 10 miles from the battle field to await his opponent's next move. Cornwallis, though nominally victorious, felt that his losses had been too heavy (532) to justify an offensive while his precarious position, far from his base, made it dangerous to simply hold the ground gained. He decided to retire to Wilmington, then in possession of a British force, where he could be protected by the British fleet. Therefore, on March 18, abandoning his wounded, he broke camp and retired to Cape Fear. Greene for a time followed, offering battle until he was assured of the destination of the British, then turned against the posts they held in the interior of South Carolina. Greene attacked the British at Eutaw Springs on September 8, but the British commander rallied his troops and drove the Americans from the field, though forced after the engagement to retire to Charleston. Meanwhile similar movements in Georgia had there driven the British into Savannah.

Thus Greene, by a series of movements in which he lost every battle but won every campaign, had wrenched Camden, Augusta, Ninety-Six, and all other interior posts, besides Georgetown, on the coast, from the grasp of the British. In all these campaigns the North Carolina troops took part.

"There were 248 North Carolina Militia at Hobkirk's hill and more than 200 of the new North Carolina Continentals at the siege of Augusta. At Eutaw Springs September 8 about half of Greene's army of 2,300 men were North Carolinians. A few were militia, the rest, brigaded under Gen. Jethro Sumner, were the 'Guilford Runaways,' now serving in the continental establishment. Discipline and training had turned them into excellent soldiers, and at Eutaw Springs they completely recovered the prestige which they had lost at Guilford Courthouse. The North Carolina Militia, forming the center of Greene's front

line, after fighting gallantly, fell back before the charge of British Regulars. As they retired, Sumner's Continentals rushed forward in a charge which Greene himself declared 'would have graced the veterans of the great King of Prussia,' and restored the line. 'I was at a loss which to admire most,' said Greene, 'the gallantry of the officers or the good conduct of the men.' * * *

"After Eutaw there was no further serious fighting in either South Carolina or Georgia. The British then held only Charleston and Savannah, from which, without sea power, the Americans could not hope to drive them, but elsewhere throughout those two States the American governments were firmly reestablished." (Conner, History of North Carolina, Vol. I, pp. 485–486.)

On April 25, 1781, Cornwallis set out for Virginia, leaving Wilmington and marching through the eastern section of the State. North Carolina was finally freed from the armies of the King, though the struggle between loyalists and patriots continued locally, even after his surrender at Yorktown, October 19, 1781.

CLARENCE R. WILLIAMS.

FEBRUARY 14, 1929.

ABRAHAM LINCOLN

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by Dr. B. J. Cigrand, of Batavia, Ill. Doctor Cigrand has for years been pronounced by the press as an authority on Lincoln and the United States flag.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. REID of Illinois. Mr. Speaker, under the leave to extend my remarks in the RECORD I include an address by Dr. B. J. Cigrand, of Batavia, Ill. Doctor Cigrand has for years been pronounced by the press as an authority on Lincoln and the United States flag. He is a scholar and lecturer, has been a member of the faculty of the University of Illinois for 32 years, and is the State commissioner of patriotism of the American Legion. One of his outstanding accomplishments was the organization of the American Flag Day Association, of which he was the first secretary and twice elected president. Thirty-five years ago he directed attention to the birthday of the flag—June 14, 1777—and by earnest, patriotic effort made it a national holiday, and is president of the National Flag Day Association, which induced President Woodrow Wilson to proclaim it an annual holiday.

This address was delivered at the Aurora Rotary Club celebration of Lincoln's birthday at the Union League Club, Aurora, on February 12, 1929. The subject was Lincoln Remained Unchanged. The address follows:

Few indeed are the world's leaders who have not changed radically their political, religious, and domestic careers. It is the exception and not the rule when they have maintained the ideals and enjoyments of their youth. When we study the biographies of the famed of the world we often find them, in their latter days championing—or advocating—what in their youth they opposed and showed intense antagonism for. Take as an example St. Paul, one of the greatest orators, and one of the most pronounced aides of Christianity, and you learn how when a young man he opposed and even resented at every opportunity the broad liberal views of Jesus Christ and with what severity he imprisoned and even tortured and killed Christians—yet calm reflection changed him and he became the most powerful convert in the history of Christianity.

Then, there was Constantine the Great, of Rome—with what vigor and enthusiasm he advocated paganism and later embraced with devotion the Christian creed. Oliver Cromwell when a lad was an intensified advocate of the reign by the royal family of England. The Bible reading and the contact with the working world led him eventually to be one of the greatest heroes in the battle of popular government. Others could be swung into this list of the Old World, including even the stern Napoleon of France.

But how of our own world and Nation? Well, there was Franklin, one-time king worshiper, then king hater. Washington, saturated in the aristocratic, regal atmosphere, yet against the wishes of his mother, he became one of the leaders of our Revolution. But primary and emphatic is the nature of Jefferson by his very blood and brain a real revolutionist—it compels opposition in his youth of the British idea of government. Antagonistic—and resentful—and finally the man who wrote the document that set us free.

But in Lincoln, whose memory grows brighter as time reflects his greatness founded on goodness—we get a new type of American. Born in the land of leadership, reared in a republic, nurtured in the forest, where the songs of freedom reign, he was completely satisfied with the form of government. The Constitution he learned was wisely formed. The basic structure, the Declaration of Independence, was most emphatic and correct; in fact, the land—its history, growth, and destiny—seemed a part of his career. In fact he may well be called our man of destiny.

MADE BY INFLUENCE

Recently one of Lincoln's biographers—who has written so many sides of Lincoln that no geometric figure represents its multitudinous planes—stated in a New York paper that Lincoln was made by environs—circumstances, local influences. A deep study of the life of this American will teach you that it was the blood that flowed in his veins—the impulse received from long line of ancestry that made him the giant among men. He had in him the spirit of the love of freedom and that quality of mind would assert itself no matter in what part of the country he lived—no matter what type of work had he had, no matter in what country he might have first seen the light of day.

Circumstances did a few—and but very few—things to make him great. Circumstances may have polished some of his way, given him a degree of culture and refinement—but the jeweler who polishes a diamond does not make the diamond. He could polish many a hard stone but it would not be a diamond—and so with Lincoln—he was a diamond in the rough, and circumstances only assisted in bringing out the luster. Lincoln was a great character and he did not suddenly—like another biographer recently published—become great just because a chance was given him to walk into the light of publicity. He was an eager student of men, books, and nations, and his greatness does not begin at any particular place or point—he was just an advocate of righteousness at all periods of his adult life—and his eventual greatness was only in keeping with his introduction to an evolution of tasks. It was just as hard for him to tell a man in his youth, "No thanks, I do not gamble," as later to reply, "No, I do not smoke," and the man who offered him the cigar, said, "If you don't smoke you never will amount to anything," and Lincoln replied, "I am of the same opinion."

HUMAN AND KIND

Don't let me lead you to think him faultless—or sinless—but let me picture him as human and of a particularly kind, helpful, and constructive turn of mind.

Let me quote Lincoln as to the topic of circumstances. In 1837 he heard Dr. Peter Akers give an address on the glorious Republic we live in and the speaker said: "Who can tell but that the man who shall lead us through this strife may be standing in this presence." And Lincoln, the boy of 23 years, remarked to a group of his friends: "Gentlemen, you may be surprised, and think it strange, but when the preacher was describing the war—I distinctly saw myself, as in second sight, bearing an important part in that strife." Nor is that the only time when impulse and inspiration begot the vision picture for Lincoln of future events. When he was a representative at the State capital he made an address in which he said, in part: "I never feel myself so fully rising to the complete exercise of the faculties which God has given me, as when I contemplate my country, assailed and in danger, and I, alone, standing between her and the perils that surround her."

Do not those words carry a prophecy and paint a picture that came to pass? And does that youth vision show that future circumstances might prepare him—or do the words indicate that he was always prepared? Lincoln was a fighter, a scrapper, an athlete in his tendencies—not seeking trouble—not looking for strife, but when it came, instantly before him—he like his own, his real, his actual father Thomas Lincoln—they could tell it in words—with grappling fingers—with clinched fists and with cowhide boots. They were persons, father and son, who could tell a story, narrate a tale, and if need lick the bully of the community.

His liberty of spirit was inborn with him—though his Catholic, Methodist, Baptist, and Congregationalist teachers helped to polish up the stone. He, like Christ, made circumstances.

It is no wonder the world loves Lincoln—he loved the world and reflected the glory of an unselfish idealism—exemplified in the pages of a book we call the Bible, the substructure of our Republic, and Lincoln was not only familiar with that great book but he applied its philosophy and lived it—in a most exemplary way—and no man in the history of the world, since the days of Christ—so cheerfully and emphatically accepted all men as deserving—equality before the golden rule—as did this same greatly revered Lincoln—master of men, and servant of mankind.

To-day when the magazines and many books are filled with detracting articles pertaining to American leadership, and when many poorly informed scripters are pronouncing Lincoln a form of lucky politician, it behooves us on his birthday to take invoice on facts. Besides the statements are made that he was far from being a statesman, but that those whom he had about him and whom he had wisely selected—they and not Lincoln were the real statesmen; and that they and not he were in control during the soul-trying period of the Civil War. And that instead of him being the leader of his Cabinet, he just congenially followed in the route, set by these members of the Cabinet. Let us see

if such is the case. Recently disclosed memoranda from the Nicolay papers show that at one time there was considerable unrest in the Cabinet, that several members, among them Seward and Stanton, were suggesting removals of some of the comembers of the Cabinet. The public was quite generally informed of the situation and the press editorialized about the affair. Then Lincoln, always slow to disturb affairs, decided he would put an end to the squabbling and he prepared a notice for the entire Cabinet. When it again assembled he handed the following to Seward with instructions: "When you have read this, hand it to the next member, and when all of you have read it, let the sheet come back to me," and here is the notice:

"I myself must be the judge how long to retain in, and when to remove any of you from his position. It would greatly pain me to discover any of you endeavoring to procure another's removal, or in any way to prejudice him before the public. Such endeavor would be a wrong to me; and much more, a wrong to the country. My wish is that on this subject, no remark be made, nor question asked, by any of you, here or elsewhere, now or hereafter."

CONTROLLED CABINET

That shows quite conclusively who was the schoolmaster. I could illustrate the point with scores of similar items to show that Lincoln not only controlled but directed his Cabinet, and as a commanding personality he, like all truly great men, kept himself slightly in reserve. No big giant mind tries to dictate. All famed leaders are reluctant about using all their power; they refrain from employing all their strength and are always timid about displaying their supreme command of a situation. It's only the little man who desires to impress the thought of his superiority.

Did not Lincoln manifest a great wisdom when the sons of Gen. R. E. Lee were captured and when all the leaders suggested they be not only held as prisoners but some even said, "Shoot them at sunrise"? Lincoln, with a Bible in his hand, called to see Stanton, severe military man, and who enforced war discipline. Lincoln said, "This book teaches mercy. I have come to tell you to send a wire stating, 'Release the sons of Robert E. Lee and restore them to their father.'" Here we have a double point in Lincoln's favor. It shows who was master, and it tells again in fondest terms that he would not use his entire power.

Though Lincoln was not always so mild, and at no time in all his writings do I find him setting aside the merciful as July 30, 1863, when he actually avowed the Mosaic law, "a tooth for a tooth and an eye for an eye." He practically told the South if you enslave any more of our captured men, we will enslave such of yours as we captured; if you kill any of our men in prison, we will kill such of yours as we hold captive. This, I believe, is the severest example in the career of Lincoln. He was driven to distraction, and I have a copy of that entire message in my possession.

HAD MILLIONS OF FOLLOWERS

There are many who overdo the laudation to Lincoln by saying he stood alone in the great Civil War. That is only fractionally true and applies to all leadership. The head must take the brunt. But he was not alone. He had millions of loyal hearts with him and hundreds of thousands of men were willing to offer up their lives that our country might receive salvation. No; Lincoln did not stand alone. Nor did Lindbergh fly across the Atlantic alone. Both had with them the lessons of our land. They could see Valley Forge; they visioned the fortitude, faith, and courage of Franklin, Washington, Jefferson, Madison, and Monroe. They had with them millions of inspiring memories, and they, too, had strength when hearts grow weak and minds act sluggish and eyes become dimmed by doubt and fear.

No man, no woman, no child stands alone when engaged in noble work. Friends, seen and unseen, lead us on by a smile, prayer, and thought, I do not share in the lines of Ella Wilcox, "Laugh and the world laughs with you; weep and you weep alone." You never in all your life really shed tears about a real disappointment, but what some other heart beat quicker. You never lay your head on the pillow, restless and stricken, but what some other mind, conscious of your grief, sobbed and hoped you be relieved. I am one who believes all this world is closely tied in a silvery chain of memories, and as Americans we surely are one in thought and action, for the principles so splendidly exemplified by our own idealist and leader, Abraham Lincoln.

HON. JAMES J. DAVIS, SECRETARY OF LABOR

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks on Mr. James J. Davis.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, James J. Davis has been Secretary of Labor for eight years. During his incumbency in office it was my good fortune to become very closely associated with him. As a member of the Immigration Committee I had quite a deal of official contact with him and it was often necessary for me to importune Mr. Davis for considerate treatment. His courtesy is proverbial, his patience is unlimited, and his good humor never fails him. Every one of us who had occasion to come into contact with him is full of praises and happy beyond words to have dealings with this splendid public official.

Now that Mr. Davis's incumbency is coming to an end, let me use this opportunity to thank him for the wonderful manner in which he made me appreciate the great work of his department, the efficiency of his subordinates, and the spirit of helpful cooperation which you find on all sides when dealing with the Department of Labor.

Mr. Davis is a Republican, while I am a Democrat. During the years of Mr. Davis's incumbency my party was in the minority in the House of Representatives, but while in the minority in the House and while our party did not have a member representing it in the Cabinet during the eight years just past, I do not believe that any public official selected from my party could have discharged the duties of the office as Secretary of Labor in a more fitting, more industrious, and more intelligent manner than James J. Davis.

The administration of his department was a model and will forever remain a model for his successors in office, both in the efficiency and management of the tasks which were to be performed by him, as well as of any work which was to be done by his subordinates.

As I am saying these words, word comes to us that Mr. Davis will be continued in the new administration as Secretary of Labor. This is mighty good news for me and mighty good news for the public. Mr. Davis should be continued as long as he himself desires to conduct the great office to which he was first called by the late President Harding.

I only regret that we have far too few public officials of the type of Mr. Davis. Like Abou Ben Adhem, we can only wish that his "tribe may increase."

OREGON SECURES NOMINATION OF LINCOLN

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, the importance of preserving historical data relating to our country can not be appraised too highly. Especially is this true if the data concerned touches the lives of our outstanding statesmen and heroes or the history of political procedure. Under the privilege granted by the House to extend my remarks, I am therefore submitting the following from the pen of one of our distinguished citizens, Judge Austin Mires, of Ellensburg, Wash.:

JESSE APPLEGATE, OF UMPQUA VALLEY, OREGON, AND THE PART HE PLAYED IN THE FIRST NOMINATION OF ABRAHAM LINCOLN—A BIT OF UNWRITTEN HISTORY

By Judge Austin Mires

The name Umpqua is applied to that section of southern Oregon lying between the Calipooia Mountains on the north and Cow Creek Mountain on the south, the Cascades on the east, and the Coast Range Mountains on the west, embracing all the territory drained by the Umpqua River and its numerous tributaries.

Well to the northern part of Umpqua Valley, surrounded by oak-clad hills, lies the beautiful valley of Yoncalla.

To this locality in the year 1849 came that chief of Oregon pioneers, Jesse Applegate, who settled on land as a homestead a short distance north of the present town of Yoncalla, which spot was thenceforth his permanent home.

In his early days Applegate had received important assistance from Edward Bates, of Missouri, whom he ever held in highest esteem. He named one of his boys Edward Bates Applegate, who when 14 years of age was capsized and drowned in the rapids of the Columbia River on the downward journey of a part of the Oregon emigration of 1843, and he kept up a regular correspondence with Mr. Bates from his Oregon home and after Bates became Attorney General in the Cabinet of Abraham Lincoln. Jesse Applegate is too well known and remembered by Oregonians as well as everyone who has any acquaintance with early Oregon history to require any effort to show his influence over affairs in this new land or to prove the integrity of his character or the fullness of his gratitude.

In the year 1860 Edward Bates was a prominent Republican and a candidate for the nomination for President of the United States. It is needless to say Jesse Applegate was an ardent supporter of the candidacy of his old Missouri benefactor.

Leander Holmes had been the nominee of the Republican Party of Oregon for secretary of state in 1858. At the Republican State con-

vention held April 21, 1859, he, along with Dr. W. Warren and A. G. Hovey, were chosen delegates to the Republican National Convention for 1860 and were instructed to use their influence for William H. Seward for nomination for President. It was claimed that these Seward resolutions were slipped over on the convention by B. J. Pengra, editor of the Peoples Press, of Eugene, Oreg., after the convention had made arrangements to adjourn and half the members had left, supposing there was nothing more to be done. At all events the Republican State convention, which met April 19, 1860, readopted the platform of the preceding convention with the omission of the Seward resolutions.

It is a well-known fact that Horace Greeley, through his paper, the New York Tribune, in the days of which we write, exercised a greater influence throughout the country north of the Mason and Dixon line than any other man or set of men. His paper found its way to almost every fireside, and with the great majority of the voting population, especially the farming element, it was the highest political authority.

Some years prior to 1859 Greeley had broken loose from W. H. Seward and Thurlow Weed, his erstwhile political colleagues, and was at this time opposed to Mr. Seward for the Presidency. On account of this opposition he was kept off the New York delegation to the Chicago convention, which delegation was solid for Seward.

Jesse Applegate and Leander Holmes were fast friends, and when it was discovered that Holmes could not attend the national convention Applegate persuaded him to send his proxy to Horace Greeley, whom he adored, with instructions to use it in the interest of Edward Bates.

It is said the New York delegation had no intention that Greeley was to have a voice in the convention until the roll call of States. When Oregon was reached in the call, Mr. Greeley stood up and responded as one of its delegates. At this turn of affairs consternation showed in the faces of the New Yorkers. They knew Greeley was in position to wage a fight against their candidate that had not been dreamed of, let alone counted on, and among them were heard some genuine swearing and strong epithets. They chaffed and bantered him, calling out, among other things: "When did you move?" "Go west—go west and stay there."

Greeley was given a place on the committee on platform and resolutions, and he wielded a greater influence in that convention than any other man.

On the first and second ballots the Oregon vote went to Edward Bates. As between Lincoln and Seward, the leading candidates, the vote stood: First ballot, Seward 173½, Lincoln 102; second ballot, Seward 184½, Lincoln 181. There were 465 votes in the convention, with 233 necessary for a choice. It is reported that "During the third ballot there was tolerable order until Oregon declared for Lincoln, rendering his nomination certain. At this point the enthusiasm became irrepressible; the wigwam was shaken with cheers from 23,000 Republicans." Truth to say, the Oregon vote did not render Lincoln's nomination absolutely certain, but it brought his vote up to 231½, within 1½ votes of nomination, and before the vote was announced other States changed to Lincoln, and no further ballot was taken.

Through the influence of Mr. Greeley the Oregon vote was first cast for Edward Bates and finally for Abraham Lincoln. It might be well to here state that Oregon had 6 votes in the Chicago convention. The State convention in 1859 had chosen the three already mentioned and had constituted a Republican central committee composed of Henry W. Corbett, afterwards United States Senator, W. Cary Johnson, and E. D. Shattuck. When it was discovered that Oregon had been assigned six delegates instead of three this central committee appointed three additional delegates in the persons of H. W. Corbett, Franklin Johnson, and Joel Burlingame, who resided at the time at the little town of Scio, in Linn County, Oreg. He was the father of Anson Burlingame, the distinguished Representative in Congress from Massachusetts in 1856.

It has all along been conceded that Horace Greeley brought about the first nomination of Abraham Lincoln. His nomination was rendered certain by the defeat of W. H. Seward. Mr. Seward himself, in his autobiography, lays his defeat to Greeley. But Mr. Greeley could never have achieved this had he not been a member of that memorable convention. His place in that convention was owing to no other than Jesse Applegate, who induced Leander Holmes to send him his proxy.

I know of but one man now living who knew how Horace Greeley happened to get a proxy from Oregon to the Chicago convention of May, 1860, and that man is Hon. Binger Hermann, of Roseburg, Oreg., who was 83 years old on the 19th day of February, 1926, and died April 15, 1926. He came to Oregon from Maryland in 1859 and in 1862 taught school in the Applegate district, which school was attended by several of Jesse Applegate's children, and he lived for some time in the Applegate home. He was assisted in numerous ways by Mr. Applegate in the days of his young manhood, and knew him intimately and loved him well. He was elected to Congress from the State of Oregon in 1884, and represented the State in that capacity, all together, 16 years, and was for 4 years Commissioner of the General Land Office. He has always taken a lively interest in the political affairs of his country and knows a wonderful lot of Oregon history.

Just a little way south of Drain, Oreg., the Pacific Highway passes through the old homestead of Jesse Applegate. Less than a quarter of a mile from where the old dwelling house of Mr. Applegate stood, up on the spur of the hill, is a little cemetery; and here the "Sage of Yoncalla" and his good wife, Cynthia, sleep side by side. The spot is marked by a humble sandstone slab or monument, 2½ feet by 20 inches by 6 inches in dimensions, facing north and south. The stone was fashioned by Mr. Applegate himself, assisted by his son, Peter Skeen Applegate, who did the graving; and was placed there at the time of his wife's death some seven years before the death of Mr. Applegate. The south side, or face, now bears the following inscription: "Jesse Applegate Bn–7–31–1811 Dd 4–22–1888." The north face "Cynthia Applegate Bn 8–13–1813 Dd 6–1–1881."

This little monument is of soft substance and is fast crumbling away, and ere long there will remain nothing in the material world to show the stranger where rest entombed the ashes of the greatest of all Oregon pioneers, that stalwart Republican who, from these precincts, this part of old Umpqua in that elder day sent forth an influence that gave direction to the destiny of the American Republic.

ARMY PROMOTION

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of Army promotions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, no Member of Congress will dispute the fact that present conditions affecting promotion and retirement in the Army are most unsatisfactory, breeding discontent that will inevitably impair the efficiency of our national defense.

Promotion is in a state of stagnation, due principally to the fact that there are about 5,000 officers of approximately the same age who started their commissioned service in the Army within a period of two years. Under existing laws, as interpreted, the promotion of this group of officers, comprising what is generally referred to as the "hump," as well as the promotion of the officers who come behind them, will be discouragingly slow and marked with inequities that would seem to demand immediate attention. When the senior officer in the "hump" is a colonel, it has been pointed out, the junior will be facing the dismal prospect of remaining a captain for a number of years.

Both in the Senate and in the House members of the Military Affairs Committee have given freely of time and effort to bring forth legislation designed to accelerate promotion, correct outstanding injustices, and provide for an orderly flow of advancement in the future. It is to be regretted that the apparent conference impasse, arising out of an honest divergence of opinion as to the best methods of solving this perplexing problem, brings despair to the officers of the Army and those who had hoped to see a solution, as fair and as complete as might humanly be expected, arrived at during this session.

Those who will give their further attention to this important matter will be interested in the final results of the survey conducted by the Army and Navy Journal. Efforts were made to contact every promotion-list officer, and the final tabulation gives the individual opinion of more than 60 per cent of the officers who will be affected by pending legislation.

Mr. Bertram Kalisch, managing editor of this service paper, has advised me that 6,000 officers returned cards setting out their views on basic promotion principles, and the response gives the ratio of practically 10 to 1 in favor of promotion based upon length of service, many indicating that the adoption of this basic principle in any legislation enacted would go far toward remedying the current stagnation.

There were 203 cards returned which are indicated as nontabular. Sixty-eight were from general officers, whose comments are worthy of note in view of the fact that these officers would not be affected by any clause except the removal of retirement restrictions. The remaining 135 nontabular replies were solely written expressions indicating that the officer was for or against certain pending bills or problems. Thirty-three were for revision, with no other comment; 75 were against revision. Ten expressed themselves as being in favor of the Black bill, 10 for the Reed bill, and 7 for the Furlow Air Corps bill. The general summary cards also contained comments on these measures, 99 indorsing the Reed measure and 48 favoring the Black-McSwain bill.

Final tabulation—Army and Navy Journal promotion survey

	Infantry	Cavalry	Field Artillery	Engineers	Air Corps	Chemical Warfare Service	Coast Artillery Corps	Quartermaster Corps	Signal Corps	Ordnance Department	Adjutant General's Department	Judge Advocate General's Department	Finance Department	Medical Corps	Retired [1]	Philippine Scouts	Total
Total cards	1,945	454	764	293	356	62	590	402	145	189	30	59	38	20	419	35	[2] 5,801
(a) Service in grade:																	
For	1,738	396	680	253	333	51	537	363	127	156	24	50	35	18	294	34	5,089
Against	185	47	74	32	12	5	43	32	13	28	6	6	1	-------	94	1	579
Failed to indicate	22	11	10	8	11	6	10	7	5	5	-------	3	2	2	31	-------	133
(b) No restrictions in grades:																	
For	1,602	371	613	233	291	47	497	329	119	145	21	46	34	12	262	30	4,652
Against	293	66	123	47	40	9	71	63	16	38	9	8	3	5	118	5	914
Failed to indicate	50	17	28	13	25	6	22	10	10	6	-------	5	1	3	39	-------	235
(c) (1) Retirement of lieutenant colonels after 26 years:																	
For	1,697	363	649	242	294	52	520	361	120	155	28	47	33	13	244	31	4,849
Against	199	68	84	37	37	5	52	35	16	23	2	5	3	3	131	4	704
Failed to indicate	49	23	31	14	25	5	18	6	9	11	-------	7	2	4	44	-------	248
(2) Retirement on application—																	
For	1,830	408	724	271	316	56	536	380	136	179	28	51	31	14	297	32	5,289
Against	83	29	23	14	19	2	42	18	3	8	2	3	6	3	77	1	333
Failed to indicate	32	17	17	8	21	4	12	4	6	2	-------	5	1	3	45	2	179
(3) Removal of restrictions on retired officers—																	
For	1,895	437	735	288	335	58	577	394	138	180	29	50	36	18	396	34	5,600
Against	26	7	13	2	14	-------	6	2	1	6	1	3	2	-------	12	-------	95
Failed to indicate	24	10	16	3	7	4	7	6	6	3	-------	6	-------	2	11	1	106
(4) Enforced separations—																	
For	243	69	126	78	61	15	77	35	30	43	4	3	32	3	93	3	920
Against	1,665	361	617	202	258	46	497	363	108	142	26	50	5	13	264	30	4,647
Failed to indicate	37	24	21	13	36	1	16	4	7	4	6	6	1	4	57	2	233
(5) Voluntary separations—																	
For	1,857	416	717	274	319	55	567	386	132	176	29	54	5	15	344	33	5,379
Against	46	13	19	8	14	2	9	6	5	6	1	-------	31	3	18	1	182
Failed to indicate	42	25	28	11	23	5	14	10	8	7	-------	5	2	2	57	1	240
(d) A separate bill to secure passage of these principles:																	
For	1,700	377	638	240	304	47	521	352	121	153	25	49	37	16	319	27	4,926
Against	136	37	49	22	11	4	32	21	12	21	2	4	-------	1	35	5	392
Failed to indicate	109	40	77	31	41	11	37	29	12	15	3	6	1	3	65	3	483

[1] Cards received from Medical Corps. No attempt was made to canvass this corps or the Chaplain Corps as their members are not on the promotion list.
[2] Total this table.

Recount by grade—Major generals

	Active (7 cards)		Retired (23 cards)	
	Yes	No	Yes	No
(A) Service in grade	5	-------	12	9
(B) No restriction in grade	5	2	10	11
(C)—(1) Retirementof lieutenant colonels after 26 years	4	3	12	8
(2) Retirement on application	7	-------	13	8
(3) Removal of restrictions on retired officers	7	-------	23	-------
(4) Enforced separations	2	5	9	14
(5) Voluntary separations	7	-------	22	-------
(D) A separate bill to secure passage of these principles	6	-------	18	2

Recount by grade—Brigadier generals

	Active (14 cards)		Retired (21 cards)	
	Yes	No	Yes	No
(A) Service in grade	10	2	14	5
(B) No restriction in grade	8	2	14	4
(C)—(1) Retirement of lieutenant colonels after 26 years	6	7	12	8
(2) Retirement on application	12	-------	14	5
(3) Removal of restrictions on retired officers	13	-------	19	2
(4) Enforced separations	2	11	5	12
(5) Voluntary separations	13	-------	16	1
(D) A separate bill to secure passage of these principles	10	-------	16	2

LEAVE TO ADDRESS THE HOUSE

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to speak for 10 minutes to-morrow after the House convenes.

The SPEAKER. The lady from Massachusetts asks unanimous consent that after the reading of the Journal and the disposition of matters on the Speaker's table to-morrow, at the conclusion of the speech of the gentleman from Oklahoma [Mr. JOHNSON], she may address the House for 10 minutes. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C. title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 12793. An act for the relief of Alonzo Durward Allen.

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, District of Columbia;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass, connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.; and

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921.

The SPEAKER also announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 675. An act to establish the Ouachita National Park in the State of Arkansas;

S. 1338. An act for the relief of James E. Jenkins;

S. 1727. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended;

S. 2360. An act relating to the tribal and individual affairs of the Osage Indians in Oklahoma;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 4517. An act to authorize the appropriation of tribal funds of Indians residing in the Klamath Reservation, Oreg., to pay expenses of the general council and the business committee, and for other purposes;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co. at Denver, Colo.;

S. 5684. An act to amend the war finance corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

S. 5749. An act authorizing the presentation of the distinguished-flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey; and

S. 5776. An act for the relief of Wynona A. Dixon.

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

S. J. Res. 196. Authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38) and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico *v.* Texas (vol. 276, p. 557, U. S. Sup. Ct. Repts.), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries expect the Gila River.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Railway;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 5952. An act for the relief of Robert Michael White;

H. R. 9009. An act for the relief of Francis Leo Shea;

H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;

H. R. 12390. An act for the relief of Frank C. Messenger;

H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 12666. An act for the relief of William S. Shacklette;

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;

H. R. 13658. An act for the relief of Hugh Anthony McGuigan;

H. R. 13632. An act for the relief of Ruth B. Lincoln;

H. R. 13721. An act for the relief of Edwin I. Chatcuff;

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";

H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. 356);

H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15330. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;

H. R. 15651. An act for the relief of Leonidas L. Cochran;

H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;

H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;

H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;

H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 16612. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.;

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 11722. An act to establish a national military park at the battle field of Monocacy, Md.;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and

other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 13931. An act to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America;

H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass, connecting Bainbridge Island with the mainland in Kitsat County, State of Washington;

H. R. 16565. An act authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.;

H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes; and

H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Friday, March 1, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Cape Fear River below Wilmington, N. C., and between Washington and Navassa (H. Doc. No. 615), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. J. Res. 117. A joint resolution authorizing an investigation and survey for a Nicaraguan canal; without amendment (Rept. No. 2774). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILBERT: Committee on the District of Columbia. H. R. 16723. A bill to amend the Code of Law for the District of Columbia, as amended; without amendment (Rept. No. 2776). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16981. A bill authorizing the city of Wheeling, W. Va., to construct, maintain, and operate a free highway bridge across the Ohio River at or near Wheeling, W. Va.; without amendment (Rept. No. 2777). Referred to the House Calendar.

Mr. KNUTSON: Committee on Pensions. H. R. 14807. A bill to apply the pension laws to the Coast Guard; without amendment (Rept. No. 2778). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. R. 16395. A bill to reduce rates on adjusted-compensation loans; with amendment (Rept. No. 2779). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia; without amendment (Rept. No. 2780). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHRISTOPHERSON: Committee on the Judiciary. S. 5717. An act for the relief of the State of Nevada; with amendment (Rept. No. 2781). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 13541. A bill to provide for the establishment of the Fort Boonesboro National Monument in the State of Kentucky, and for other purposes; with amendment (Rept. No. 2787). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Civil Service Commission (Rept. No. 2788). Ordered to be printed.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Post Office Department (Rept. No. 2789). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 16856. A bill extending benefits of the World War adjusted compensation act, as amended, to John J. Helms; with amendment (Rept. No. 2775). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAJOR of Missouri: A bill (H. R. 17307) to provide for the erection of a monument to commemorate the battle of Wilson Creek, Mo.; to the Committee on Military Affairs.

By Mr. HAWLEY: Joint resolution (H. J. Res. 432) to authorize the members of the Committee on Ways and Means of the House of Representatives to hold hearings after March 4, 1929; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CLAGUE: Memorial of the State of Minnesota Legislature and the Minnesota Farm Bureau Association, opposing a tariff on logs, lumber, and shingles; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Minnesota, memorializing Congress for an adequate agriculture tariff; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Minnesota, favoring the retention of flexible tariff; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EATON: A bill (H. R. 17308) granting an increase of pension to Louisa M. Crissey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17309) granting an increase of pension to Elizabeth Sterling; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 17310) for the relief of Edward Dietrich; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13552. By Mr. CULLEN: Petition of the Merchants and Manufacturers Association of Bush Terminal, Brooklyn, N. Y., urging Congress to favorably consider the tariff demands of the California Almond Growers Exchange; to the Committee on Ways and Means.

13553. By Mr. W. T. FITZGERALD: Petition of sundry citizens of Delphos, Allen County, Ohio, protesting against a tariff on hides; to the Committee on Ways and Means.

13554. By Mr. FORT: Petition of Calvary Baptist Church, East Orange, N. J., with a membership of 420, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13555. By Mr. GARBER: Petition of the Independent Oil Association of Oklahoma, urging the enactment of legislation imposing a protective tariff of not less than $1 per barrel on

crude oil imported into this country; to the Committee on Ways and Means.

13556. Also, petition of the Merchants' Association of New York, in opposition to any restriction or limitation to the free movement of products between continental United States and its Philippine possessions in either direction; to the Committee on Ways and Means.

13557. Also, petition of the American Institute of Architects, indorsing House bill 15524 and Senate bill 5876; to the Committee on the District of Columbia.

13558. By Mr. GRAHAM: Petition signed by several prominent Scandinavian-Americans and others in Philadelphia, for the repeal of the national origins provision of the immigration act of 1924; to the Committee on Immigration and Naturalization.

13559. By Mr. GOLDSBOROUGH: Petition of residents and voters of Talbot County, Md., for legislation to provide for the digging out of Knapps Narrows, located at the north end of Tilghmans Island, between Tilghmans Island and the mainland; to the Committee on Rivers and Harbors.

13560. By Mr. LAMPERT: Petition of residents of Malone and Fond du Lac Counties, Wis., requesting increase in tariff on foreign sugar; to the Committee on Ways and Means.

13561. Also, petition of residents of Campbellsport, Wis., requesting increase in tariff on foreign sugar; to the Committee on Ways and Means.

13562. By Mr. McCORMACK: Petition of Louise A. Carven, 34 Centre Street, Dorchester, Mass., also Elizabeth F. Brosnahan, 23 Westcott Street, Dorchester, Mass., protesting against enactment of the Newton maternity bill and the equal-rights amendment; to the Committee on Interstate and Foreign Commerce.

13563. By Mr. MEAD: Petition of Eden Grange, No. 1199, urging a higher tariff on dairy and farm products; to the Committee on Ways and Means.

13564. Also, petition of Wyandale Grange, No. 1369, urging a higher tariff on dairy and farm products; to the Committee on Ways and Means.

13565. Also, petition of retail shoe dealers of Buffalo, N. Y., with customers, opposed to any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13566. By Mr. MORGAN: Petition of 38 members of Presbyterian Church, Utica, Ohio; to the Committee on the District of Columbia.

13567. By Mr. SELVIG: Petition of four residents of Becker County and two residents of Clay County, ninth district, Minn., urging the enactment of House bill 10958; to the Committee on Agriculture.

SENATE

FRIDAY, *March 1, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Simmons
Barkley	Fess	McKellar	Smith
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steck
Black	George	Mayfield	Steiwer
Blaine	Gerry	Metcalf	Stephens
Blease	Glass	Moses	Swanson
Borah	Glenn	Neely	Thomas, Idaho
Bratton	Goff	Norbeck	Thomas, Okla.
Brookhart	Gould	Norris	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Ransdell	Wagner
Caraway	Hastings	Reed, Mo.	Walsh, Mass.
Copeland	Hawes	Reed, Pa.	Walsh, Mont.
Couzens	Hayden	Robinson, Ark.	Warren
Curtis	Heflin	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kendrick	Sheppard	
Edge	Keyes	Shortridge	

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is unavoidably absent from the Senate. I ask that this announcement may stand for the day.

Mr. NYE. I wish to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent on account of illness. This announcement I ask to stand for the day.

Mr. BRATTON. Allow me to announce that my colleague [Mr. LARRAZOLO] is necessarily absent on account of illness. This announcement may stand for the day.

Mr. WATERMAN. I desire to announce the absence of my colleague the senior Senator from Colorado [Mr. PHIPPS] because of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

SALARY ADJUSTMENT FOR CONGRESSIONAL OFFICERS AND EMPLOYEES

The VICE PRESIDENT. In pursuance of a provision of the act (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, the Chair appoints as members on behalf of the Senate of the joint committee to investigate and report on adjustments in salaries of officers and employees of the Senate and House of Representatives, and other offices, the Senator from Wyoming [Mr. WARREN], the Senator from Indiana [Mr. WATSON], and the Senator from Arkansas [Mr. ROBINSON].

OBSERVANCE OF HISTORICAL EVENTS AT NEW BERN, N. C.

The VICE PRESIDENT. Pursuant to House Concurrent Resolution 60, authorizing the appointment of a committee to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events at New Bern, N. C., the Chair appoints on behalf of the Senate the Senator from North Carolina [Mr. SIMMONS], the Senator from Ohio [Mr. FESS], and the Senator from Virginia [Mr. SWANSON].

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, pursuant to law, a copy of the annual report of the Federal Reserve Board covering operations during the year 1928, which was referred to the Committee on Banking and Currency.

FEDERAL LAND BANK SYSTEM

Mr. BLEASE. Mr. President, I send to the desk a short article from the Charleston (S. C.) News and Courier, which I ask to have printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the article was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

[From the News and Courier, Charleston, S. C., Thursday morning, February 28, 1929]

HOLDS COMPANY NOT RESPONSIBLE—JUDGE RULES FOR PLAINTIFF IN OFFSHOOT OF BEAUFORT BANK FAILURE

Another echo from the Beaufort bank failure was heard in eastern district United States court yesterday, when Judge Ernest F. Cochran held in an opinion that the Truckers' Supply Co., which went under with the bank, is not liable for notes which it indorsed. The notes were made worthless by the subsequent failure of the Beaufort bank.

The company was not authorized to indorse the notes, the court holds, and therefore the doctrine of ultra vires (beyond its power) holds good to nullify their validity. The case is brought by William J. Thomas, trustee in bankruptcy for the Truckers' Supply Co., against the Federal intermediate credit bank, which sought to collect on the notes and the mortgage which the company gave as security.

According to the Federal intermediate credit bank, the Truckers' Supply Co. reaped benefits from indorsing the notes of farmers, because the farmers would then buy supplies from the company. The court sustained the report of the special master, however, who held that there was no way of showing such benefits, and that, even so, the company's charter did not give the power to indorse such notes.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Foreign Relations:

STATE OF WISCONSIN.

Senate Joint Resolution 11, relating to the Great Lakes-St. Lawrence waterway

Whereas the people of this State, regardless of their differences of opinion upon other questions, are unanimous in regarding the Great Lakes-St. Lawrence waterway as the greatest possible boon not only to this State and the Northwest but to the entire country as well; and

Whereas conditions appear now to be favorable to the conclusion of a treaty with Canada and the enactment of the necessary legislation to make this project a reality: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature hereby again expresses the great interest of the people of the

State of Wisconsin in the early completion of the Great Lakes-St. Lawrence waterway project and respectfully memorializes the President of the United States to conclude a treaty with Canada upon this waterway, and the Senate to promptly ratify such a treaty, if submitted, and the Congress to pass necessary legislation to give effect thereto; be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, to the presiding officers of both Houses of the Congress of the United States, and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Immigration:

STATE OF WISCONSIN.

Senate Joint Resolution 49, relating to the national-origins clause of the Federal immigration act of 1924

Whereas the immigration act of 1924 included a provision known as the "national-origins clause," under which the number of immigrants admitted to the United States from the several European countries was to be determined by the relative number of descendants of people born in these several countries in the population of the United States; and

Whereas the commission, consisting of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, which was created by the immigration act of 1924 to work out the quotas allowed to each country under the national-origins clause, has reported that there is no reliable basis for determining national origins and that this clause of the immigration law is arbitrary, uncertain, and unjust; and

Whereas President-elect Hoover, who, as Secretary of Commerce, served as a member of the commission to work out the quotas under the national-origins clause, in his campaign for President advocated the repeal of this clause; and

Whereas Congress has twice postponed the taking effect of the national-origins clause, due to its unfairness and uncertainty; and

Whereas, despite the practically unanimous disapproval of the national-origins clause by officials charged with its administration, this clause will come into effect on July 1, 1929, unless the present Congress before its adjournment will pass the Nye resolution, or some similar measure, postponing the date of the taking effect of this provision: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of Wisconsin hereby respectfully memorializes the Congress of the United States to promptly enact legislation either repealing the national-origins clause of the immigration act of 1924 or indefinitely postponing the time of its taking effect; be it further

Resolved, That duly attested copies of this resolution be sent to the presiding officers of both Houses of Congress and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of the State of Montana, praying for the passage of legislation permitting the owners of land in the Upper Milk River irrigation districts to enter into contracts permitting payments for the St. Marys diversion charges to be made in 40 years, and to allow deduction of nonproductive land, which was referred to the Committee on Irrigation and Reclamation.

(See identical memorial printed in full when presented today by Mr. WALSH of Montana.)

The VICE PRESIDENT also laid before the Senate joint memorials of the Legislature of the State of Montana, praying for the passage of necessary legislation to protect the beet-sugar and livestock industries, which were referred to the Committee on Finance.

(See identical memorials printed in full when presented today by Mr. WALSH of Montana.)

Mr. WALSH of Montana presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Irrigation and Reclamation:

Senate Joint Memorial 1, to the Congress of the United States, to enact such legislation as will permit the owners of land in the upper Milk River irrigation districts to enter into contracts permitting payments for the St. Marys diversion charges, to be made in 40 years, and to allow deduction of nonproductive land

To the honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent that—

Whereas the honorable Secretary of the Interior has advised the several irrigation districts in the upper Milk River Valley, in Montana, that unless they sign a contract agreeing to pay for the St. Marys diversion and storage charges in 20 years at $15 per acre they will not be permitted to use the waters from the St. Marys storage system during the year 1929; and

Whereas the said landowners in the upper Milk River Valley originally held valuable priority rights to the waters of the Milk River, while landowners in the lower Milk River Valley had no such rights; and

Whereas as a part of the inducement to encourage the diversion of such St. Marys River into the Milk River, the said upper valley landowners consented to waive their priority water rights, when the St. Marys water should be turned in, and assume an equal responsibility with lower Milk River landowners for payment of charges for the St. Marys diversion works; and

Whereas by an act of Congress, approved May 25, 1926, known as the "adjustment act," 39,900 acres of land were relieved of payment for storage and diversion charges by reason of temporary nonproductivity of the soil, and 1,770 acres more were relieved of storage and diversion charges by reason of permanent nonproductivity of the soil; and

Whereas in conformity with the provisions of said act of Congress, irrigation districts in the lower Milk River unit have been permitted to enter into contracts with the honorable Secretary of the Interior, relieving them from payments on 29,930 acres, as temporarily nonproductive, and 1,770 acres as permanently nonproductive, and providing for payment of storage and diversion charges during a period of 40 years; and

Whereas by proposed contracts of the Department of the Interior, irrigation districts in the upper Milk River unit are denied deductions of nonproductive land amounting to 3,000 acres, allowed by said act of Congress, and are required to make payment in 20 years: Be it

Resolved, That it is the sense of this Twenty-first Legislative Assembly of the State of Montana that the Congress of the United States enact such legislation as will permit the irrigation districts in the upper Milk River unit to enter into contracts on equal terms of payment with those permitted in the lower Milk River districts, and provide therein for a deduction of 3,000 acres of nonproductive land as allowed by act of Congress; and be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States, Secretary of the Interior, and to each of the Senators and Representatives of the State of Montana in Congress.

Approved by J. E. Erickson, governor, February 12, 1929.

Mr. WALSH of Montana also presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on the Judiciary:

House Joint Resolution 2, expressing the desire of the people of the State of Montana to the Congress of the United States of America that they take into further consideration the resolutions heretofore introduced in both bodies of Congress relating to an amendment to the Constitution respecting the time at which the President and Vice President and Members of Congress shall assume their official duties

Be it resolved by the House of Representatives of the State of Montana (the Senate concurring), That we respectfully urge that Congress pass legislation for an amendment to the Constitution of the United States providing that the President, Vice President, and Members of Congress shall take office the January following their election; be it further

Resolved, That we do most earnestly urge upon the Senators and Representatives in the Congress from the State of Montana that they cooperate in suitable legislation to carry out the intent of this resolution; be it further

Resolved, That copies of this resolution be forwarded to the Senators and Representatives in Congress from the State of Montana.

Approved by J. E. Erickson, governor, February 18, 1929.

Mr. WALSH of Montana also presented the following joint memorials of the Legislature of the State of Montana, which were referred to the Committee on Finance:

House Joint Memorial 1, to the Congress of the United States, requesting the enactment of such legislation as may be necessary to protect the beet-sugar industry

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana (the House and the Senate concurring), respectfully represent:

Whereas it appears that the Congress of the United States will in the near future enact a tariff law; and

Whereas the schedules of said law may have a vital effect upon the agriculture industry of the State of Montana, and particularly upon the raising of sugar beets in this State; and

Whereas the growing of sugar beets and the production of sugar is now an important industry in the State of Montana, and it appears that said industry will become of increasing importance in the future; and

Whereas by reason of the large importation of sugar from points outside of continental United States of America, which sugar has in the past come in free of duty, or at excessively low-tariff rates, the very life of the domestic beet-sugar industry is threatened; and

Whereas the loss of such industry or the impoverishment thereof would be harmful and dangerous to the business life of this State: Now, therefore, be it

Resolved, That it is the sense of your memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation adequately protect our beet-sugar industry from foreign importations to an extent at least sufficient to equalize the cost of production at home and abroad; and to limit the free entry of sugar from wheresoever it may come, to the end that such sugar may not be in competition in the domestic market with that portion of the total consumption of sugar in the United States, which can be supplied by domestic production; and be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved by J. E. Erickson, governor, February 9, 1929.

House Joint Memorial 2, to the Congress of the United States, requesting the enactment of such legislation as may be necessary to protect the livestock industry

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana (the house and the senate concurring), respectfully represent:

Whereas it appears that the Congress of the United States will in the near future enact a tariff law; and

Whereas the schedules of said law may have a vital effect upon the livestock industry of the State of Montana; and

Whereas the policy of this country and of the present administration is one of protection to native industries; and

Whereas alone among important raw materials cattle hides remain on the free list; and

Whereas the importation of beef products, particularly of canned beef, has increased and is still increasing in volume; and

Whereas the beef growers of the United States are entitled to the advantage of a tariff, so called, that it will effectually diminish the volume of such imports; and

Whereas such imports originate in countries where the cost of production of livestock is materially less than in the United States; and

Whereas the sheep growers of this State are now receiving the benefits afforded by a protective tariff on wool and lambs; and

Whereas such tariff protection is absolutely necessary to the development and success of the sheep-growing industry: Now, therefore, be it

Resolved, That it is the sense of your memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation adequately protect the interests of the livestock industry by placing a duty on hides and by maintaining the present tariff on wool, and especially by increasing the tariff on beef and lamb; be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana, and Senator KENDRICK, of Wyoming, in Congress.

Approved by J. E. Erickson, governor, February 13, 1929.

Mr. WHEELER presented four joint memorials of the Legislature of the State of Montana identical to those just above presented and printed in full, which were referred to their appropriate committees, as above indicated.

Mr. WATSON presented the following joint resolution of the Legislature of the State of Indiana, which was referred to the Committee on Commerce:

STATE OF INDIANA,
DEPARTMENT OF STATE.

Joint resolution concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such a system

Whereas Representative NOBLE J. JOHNSON, of the fifth congressional district of Indiana, has introduced two bills in Congress, designated, respectively, as H. R. 9034 and H. R. 9309, authorizing and directing the Secretary of War to make an examination and survey of the Wabash River, flowing through the State of Indiana and between the State of Indiana and the State of Illinois, for the purpose of widening and deepening the channel of the Wabash River, for purpose of navigation, and the construction of the necessary canals, dams, and reservoirs to constitute a continuous waterway through the State, and maintain an adequate flood of water therein for the purpose of navigation, and for the control of the floods of the Wabash River in accordance with the provisions of section 3 of the flood control act approved March 1, 1917; and

Whereas the enactment of these bills into law will be of paramount consequence and importance to the citizens of the State of Indiana and of widespread and lasting economic benefit generally; and

Whereas it is the sense of the General Assembly of the State of Indiana that every encouragement should be given to the establishment and construction of a comprehensive system of inland waterways: Therefore be it

Resolved by the General Assembly of the State of Indiana:

SECTION 1. That the General Assembly of the State of Indiana hereby approves of the establishment, construction, and operations of a comprehensive system of inland waterways; and that the Wabash River should be included in and made a component and integrated part of the system of waterways so established and constructed. The General Assembly of the State of Indiana hereby approves of the general purport of the bills introduced in Congress by Representative NOBLE J. JOHNSON providing for a survey of the Wabash River, and hereby urges and instructs the Senators and Representatives in Congress from this State to strive by all honorable means to secure the passage of these bills as introduced, or in such amended form as the Congress, in its discretion, may deem to be most suitable.

SEC. 2. The secretary of the state is hereby directed to forward a certified copy of this resolution to each of the Senators and Representatives in Congress from the State of Indiana and likewise to forward a certified copy to the Speaker of the National House of Representatives and the President of the United States Senate.

JAMES M. KNAPP,
Speaker of the House of Representatives.
EDGAR D. BOUH,
President of the Senate.

Approved, January 13, 1929.

HARRY G. LESLIE,
Governor of the State of Indiana.

Mr. SCHALL. For my colleague [Mr. SHIPSTEAD] and myself we present four memorials of the Legislature of the State of Minnesota: One in favor of a 9-foot channel on the upper Mississippi River, another in favor of retaining the principle of the flexible tariff, another to amend section 5219 of the Revised Statutes, and another for the relief of Lake of the Woods citizens who have been damaged by overflow on their property.

The memorials were referred as follows:

To the Committee on Commerce:

Concurrent resolution memoralizing the President of the United States, the Secretary of War, and the Congress of the United States to urge the establishment of a 9-foot channel on the upper Mississippi River

Whereas Maj. C. L. Hall, district United States engineer at Rock Island, has overridden the protests of the Mississippi Valley Shippers Association and of shippers generally throughout the Northwest, and has recommended to the Secretary of War in opposition to the establishment of a 9-foot channel on the upper Mississippi River; and

Whereas the establishment of a shallower channel for barge traffic will not adequately care for the vast amount of shipping which awaits the improvement and development of river transportation; and

Whereas the Secretary of War, or Gen. Edgar Jadwin, Chief of Army Engineers, and as last resort the Congress of the United States, has the power and authority to reject Major Hall's report and establish a 9-foot channel; and

Whereas the United States Senate has approved a $10,000,000 river-equipment appropriation for the Federal barge line system, with which $4,000,000 worth of barge equipment on the upper Mississippi will be purchased this year, and which equipment must necessarily be adapted to the type of channel which the Government will provide or will in the future be rendered obsolete because of changes in that channel; and

Whereas a trade outlet to tidewater has been claimed and recognized as an economic right by all nations, and the inland empire of land-locked States in the Mississippi Valley, greater in area, in population, and in resources than a dozen European nations, is still deprived of access to the sea. Though restrained from independent action by the Federal

pact, these States have not lost or waived their economic rights; the duty to secure them has merely been transferred to the Federal Government, and they must look to that agency for redress; and

Whereas the operation of the Panama Canal, coupled with increased rail rates, has moved the Mid West economically farther from the seaboard and has not only placed a handicap on its outbound products but has added to the costs of inbound supplies. The Mid West has, therefore, a special right to demand that its balanced trade relations destroyed by governmental action be speedily restored, and that the benefits of the Panama Canal be extended to all those who were assessed for its cost. The duty to correct these distorted conditions rests with the Government responsible for their creation; and

Whereas agriculture is the basic industry of the Mid West, and transportation burdens bear most heavily on that industry because the farmer has no control over his selling prices. He can not add the freight to his costs and pass it to the consumer; he stands at the end of the line and pays the freight both ways: Now, therefore, be it

Resolved by the Senate of the State of Minnesota (the House concurring), That the State of Minnesota does hereby urge the President of the United States, the Secretary of War, and the Congress of the United States to provide a 9-foot channel adequate to care for commercial river navigation on the upper Mississippi; be it further

Resolved, That the secretary of state of Minnesota be instructed to send a copy of this resolution to the President of the United States, the Secretary of War, and to each Member of Congress of Minnesota, and to those elected whose term begins after the close of the present short session.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 25th day of February, 1929.

G. H. SPAETH,
Secretary of the Senate.

Passed the house of representatives the 26th day of February, 1929.

JOHN I. LEVIN,
Chief Clerk, House of Representatives.

Approved February 27, 1929.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed February 27, 1929.

MIKE HOLM, *Secretary of State.*

To the Committee on Finance:

Concurrent resolution memorializing the President of the United States and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that we favor the retention of the principle of the flexible tariff law

Whereas the administration of tariff laws requires close and intelligent supervision; and

Whereas tariff schedules can not be drawn which will continually represent the fair and reasonable relationship between various commodities or between the production cost of the same commodity in this country as compared with its production cost in countries which are importers or prospective importers; and

Whereas such relationship can be maintained by the wise and honest administration of a flexible tariff: Therefore be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That we favor the continuance of the principle of the flexible tariff law; and be it further

Resolved, That the secretary of state of Minnesota be instructed to send copies of this resolution to the President of the United States, the Members in Congress from the State of Minnesota, and to the President-elect Herbert Hoover.

JOHN A. JOHNSON,
Speaker of the House of Representatives.
W. I. NOLAN,
President of the Senate.

Passed the house of representatives the 25th day of January, 1929.

JOHN I. LEVIN,
Chief Clerk, House of Representatives.

Passed the senate the 15th day of February, 1929.

G. H. SPAETH,
Secretary of the Senate.

Approved February 16, 1929.

THEODORE CHRISTIANSON,
Governor.

Filed February 18, 1929.

MIKE HOLM, *Secretary of State.*

To the Committee on the Judiciary:

Joint resolution memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis

Whereas the several States of the Union are prohibited from taxing the personal property of national banks, and may tax their shares only as permitted by Congress under the provisions of section 5219 of the Revised Statutes of the United States, which, in effect, permits the taxation of such shares only at a rate not higher than the tax imposed upon money owned by individuals and by them invested in mortgages, bonds, and other securities (commonly known as money and credits) in which national banks may invest their funds; and

Whereas it is unfair to tax an individual so using his own funds at as high a rate as bank shares which derive the benefit of the investment returns of from seven to ten times their own amount in the form of deposits; and

Whereas every attempt at taxation of money and credits at more than a relatively nominal rate has always proved a failure, and the practice of taxing them at low rates has in each of the many States employing that method resulted in reaching enormously greater amounts of such property and in producing a larger revenue and in the better distribution and equalizing of the burden of maintaining government; and

Whereas the courts have held invalid taxes levied on bank shares in States that undertake to tax money and credits at the same rate as bank shares on the ground that a substantial part of such money and credits are not, and by reason of the failure of owners to declare them for taxation at a relatively high rate can not be taxed at all; and

Whereas the schemes contained in section 5219 of taxing bank shares by income or excise rather than by value are neither practicable nor adaptable to States raising their revenue by the ad valorem method of taxation, which method has always been and now is in use by substantially all of the States in the Union; and

Whereas the American Bankers' Association and the association of bankers in various States, entrenched behind the wall raised about them by this act of Congress, have declared that they do not trust State legislatures to tax them, have united in exerting every effort in opposition to relief to the States by the necessary amendment of that section, and have demanded that the States abandon their present well-tried and satisfactory methods of taxation and substitute an income or excise tax, the result of which has been to reduce the tax on bank shares by more than one-half in every one of the three States in which it has been adopted, with the consequent increase of the burden to be borne by other taxpayers; and

Whereas there is no organization corresponding to the bankers' associations to protect the interests of the general taxpaying public in the 40 States whose present methods of taxing bank shares are now found to be unworkable and invalid under section 5219; and

Whereas the deplorable situation in which these States find themselves, faced as they are with the choice of radically altering their present taxation systems in compliance with the wishes of the bankers or of virtually exempting banks from taxation, demands immediate action in the amendment of section 5219 so as to permit the taxation of national banks on a basis that is fair and equitable to themselves and to the general taxpaying public: Therefore be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), That the Congress of the United States be, and the same hereby is, urgently petitioned and requested to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of the shares of national banks upon a fair and equitable basis, as contemplated by bills now pending before the Senate and the House of Representatives of Congress and amendments proposed thereto.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 30th day of January, 1929.

G. H. SPAETH,
Secretary of the Senate.

Passed the house the 13th day of February, 1929.

JOHN I. LEVIN,
Chief Clerk, House of Representativess.

Approved February 14, 1929.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed February 15, 1929.

MIKE HOLM, *Secretary of State.*

To the Committee on Foreign Relations:

Joint resolution memorializing the President, the President elect, and the Congress of the United States for the relief of the Lake of the Woods settlers for past damages suffered at the hands of power corporations and enterprises in Canada, in accordance with the convention between the United States and Great Britain to regulate the level of the Lake of the Woods, by providing that the settlers may have their claims heard and tried in the courts of the land

Whereas the Norman Dam, located at the outlet of the Lake of the Woods at Kenora, in the Province of Ontario, Dominion of Canada, has been so regulated by the power companies under the authority of the Government of the Dominion of Canada as to flood the lands and property of the American settlers living upon the Minnesota shore of the Lake of the Woods; and

Whereas the residents of the Lake of the Woods area have for many years protested by petitions, letters, and resolutions to their Senators and Congressmen, and to the Department of State of the United States of America against the maintenance of the Lake of the Woods above its natural level; and

Whereas these protests were uniformly referred to the War Department for investigation and report, and the reports made by the engineers of that department have conveyed to the authorities and the representatives of the United States the erroneous impression that the dam in question has not interfered with lake levels; and consequently the Government of the United States, relying upon such reports prior to the investigation by the International Joint Commission hereinafter mentioned, and believing that the complaints of the settlers were unfounded, for many years took no action to relieve the settlers or to compensate them for their damages; and

Whereas a joint investigation made by the United States and the Dominion of Canada through the agency of the International Joint Commission and independently of the engineers of the War Department, disclosed that the dam had in fact raised the waters of Lake of the Woods by from 4 to 6 feet above their natural level, and following such investigation a treaty was entered into between the two Governments looking to the acquisition by condemnation proceedings of a flowage easement upon the littoral lands so as to provide a regulated flow for the development of an enormously high amount of hydroelectric power out of the waters of the Lake of the Woods at sites in the Winnipeg River and elsewhere in Canada, and providing also for the payment to the settlers of the damages suffered by them in the past; and

Whereas under the act of Congress passed pursuant to that treaty the War Department and its engineers have been required to ascertain, and authorized to fix, the amount of such past damages, and in so doing have taken the position that in the ascertainment of such damages the settlers must be bound by the earlier inadequate and erroneous reports made to the War Department, and hence be treated as trespassers upon, rather than owners of, the lands they occupy, thereby depriving the settlers of the benefit intended to be afforded them by such act of Congress in the form of payment of past damages; and

Whereas under the present act of Congress the determination of damages by the agents of the War Department is final and conclusive and not subject to review: Now, therefore, be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), That the President, the President elect, and the Congress of the United States be, and they hereby are, most earnestly requested to so amend the acts in question as to permit the settlers to appeal to the courts of the United States and to the courts of the State of Minnesota from the determination of the War Department of the damages suffered by them from the artificial flooding of their lands on the Lake of the Woods in years past, and to give to said courts jurisdiction to hear and determine appeals so taken; be it further

Resolved, That the secretary of state of the State of Minnesota be, and he hereby is, instructed to transmit certified copies of this resolution to the President of the United States, the President elect of the United States, the chairman of the Committee on Foreign Affairs of the House of Representatives, the Secretary of War, the Chief of Engineers of the War Department, and to each Senator and Member of Congress from Minnesota.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 6th day of February, 1929.

G. H. SPAETH,
Secretary of the Senate.

Passed the house the 6th day of February, 1929.

JOHN I. LEVIN,
Chief Clerk, House of Representatives.

Approved February 8, 1929.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed February 8, 1929.

MIKE HOLM, *Secretary of State.*

REPORTS OF COMMITTEES

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 16666) for the relief of Katherine Elizabeth Kerrigan Callaghan, reported it without amendment and submitted a report (No. 2062) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 11659) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md. (Rept. No. 2063);

A bill (H. R. 16691) to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7* (Rept. No. 2064); and

A bill (H. R. 15489) for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy (Rept. No. 2068).

Mr. CAPPER also, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16792) to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia, reported it without amendment and submitted a report (No. 2065) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 217) amending the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928, reported it without amendment and submitted a report (No. 2066) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5881) authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River at or near Francis, Okla., reported it without amendment and submitted a report (No. 2067) thereon.

COTTON PRICES (REPT. NO. 1376, PT. 2)

Mr. SMITH, from the Committee on Agriculture and Forestry, submitted a report of the subcommittee of that committee, pursuant to Senate Resolution 142, relative to investigating the recent decline in cotton prices.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills:

S. 675. An act to establish the Ouachita National Park in the State of Arkansas;

S. 1338. An act for the relief of James E. Jenkins;

S. 2360. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; and

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VANDENBERG:

A bill (S. 5898) to admit Gullizar Yazidjian permanently to the United States (with an accompanying paper); to the Committee on Immigration.

By Mr. HAYDEN:

A bill (S. 5899) to amend the act approved March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes"; to the Committee on Pensions.

A bill (S. 5900) to abolish the Papago Saguaro National Monument, Arizona, to provide for the disposition of certain lands therein for park and recreational uses, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 5901) to reserve certain lands on the public domain in Arizona, for the use and benefit of the Papago Indians, and for other purposes; to the Committee on Indian Affairs.

CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 10817) to provide for suit against the United States by the Merrill Engineering Co., and it was referred to the Committee on Claims.

PUBLIC-UTILITY COMPANIES IN THE DISTRICT (S. DOC. NO. 261)

Mr. CAPPER. I ask unanimous consent for the usual order, authorizing the printing of the annual reports of the public-utility companies of the District of Columbia for the year ended December 31, 1928. I move that they be printed as a Senate document.

The motion was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On February 28, 1929:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4276. An act granting a pension to Edith Bolling Wilson;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying; and

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows.

On March 1, 1929:

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.);

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes; and

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; and

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 13593. An act to legalize a bridge across the Fox River at East Dundee, Ill.; and

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army supply base, New Orleans, La.

NORTHERN PACIFIC RAILROAD LAND GRANT

Mr. KENDRICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. KENDRICK. On yesterday the Chair laid before the Senate the bill (H. R. 17212) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes, and I requested that the House bill be substituted for a similar Senate bill. Was the request granted?

The VICE PRESIDENT. The Chair is informed that the Senator from Montana [Mr. WALSH] objected to the consideration of the bill. The bill can be placed on the calendar.

Mr. WALSH of Montana. Mr. President, I did not object.

Mr. KENDRICK. No; I do not understand that the Senator from Montana objected.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. KENDRICK. I ask that Senate bill No. 5855, bearing the same title, may be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed.

EMPLOYMENT IN NAVY YARDS

Mr. WALSH of Massachusetts. Mr. President, I have some correspondence which I have had with the Secretary of the Navy and with the office of the chief coordinator with respect to stabilization of employment in the navy yards, and ask unanimous consent that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is ordered.

The correspondence is as follows:

UNITED STATES SENATE,
January 23, 1929.

OFFICE OF THE CHIEF COORDINATOR,
Arlington Building, Washington, D. C.

DEAR SIRS: I have been giving considerable thought to the consideration of the subject of stabilizing employment in our navy yards. I am convinced that if employment therein could be stabilized, the advantage would be tremendous to the Government. A good deal of unrest exists among employees at navy yards, particularly due to the large fluctuations of the force. When continuous work is in sight, employees have a different mental attitude toward their work than they do when they realize that employment is only temporary. This feeling is, of course, reflected in their efficiency and attitude toward the management and toward their work. A large turnover is expensive, especially in a navy yard where there are many established customs, rules, and regulations, and systems of planning and executing work. Large increases in force always lead to the employment of a certain amount of labor which ranks among the most inefficient in ratings.

Some statistics which I recently gathered show that at one navy yard in the calendar years from 1922 to 1928, out of a maximum number of employees of about 2,600, the fluctuations were, in two of these seven years, nearly 1,000; in three other years between 700 and 800; and only in one year less than 500.

It has occurred to me that a possible remedy for individual navy yards would be a systematic way of distributing the repair work and the modernization work. It has also occurred to me that another method would be to place more of the work for other Government departments in our navy yards—both manufacturing work and work on vessels and equipment afloat. This could be made to have a stabilizing effect by coordination of the various departments and by planning sufficiently in advance. Other departments referred to include the Treasury Department (Coast Guard and Customs Service), Department of Commerce (Lighthouse Service), and War Department (Quartermaster's Department).

I can appreciate the difficulties involved in the solution of this problem, but it does seem to me the fluctuation could be greatly reduced. Each navy yard must have a minimum total force which should be employed in order to do work economically. If the force falls much below this, which apparently happens frequently, the overhead rate increases rapidly.

I should appreciate your suggestions upon the subject, and I am sure your views, as a result of your experience, will be interesting and helpful.

The subject is of particular interest at the present time, as one of the committees of the Senate is considering the question of unemployment, and, as well, the question of stabilization as one of the important phases of the unemployment problem. Several private industries have given testimony of remarkable progress that has been made to this end.

Sincerely yours,

DAVID I. WALSH.

OFFICE OF THE CHIEF COORDINATOR,
Washington, January 23, 1929.

Hon. DAVID I. WALSH,
United States Senate.

MY DEAR SENATOR: I beg to acknowledge receipt of your letter of the 22d instant, in regard to suggestions that would assist in stabilizing employment in our navy yards.

I will be very glad to give this matter study along the lines of your letter and will advise you further in regard to this matter at the earliest possible date.

Sincerely yours,

H. H. ROSSEAU,
Chief Coordinator.

OFFICE OF THE CHIEF COORDINATOR,
Washington, February 26, 1929.

Hon. DAVID I. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: Confirming our conversation of this morning and in reply to your letter of January 22, 1929, the following information has been obtained by this office concerning the fluctuation in the number of employees at the various navy yards:

The primary function of the navy yards is the repair and overhaul of ships in commission and the manufacturing of parts and equipment for such ships. The number of men employed for this work depends upon the amount of money appropriated by the Congress for this purpose. The assignment of naval vessels to the various yards must depend necessarily upon the service in which the vessels are engaged. With the major portion of the fleet engaged in service on the Pacific Ocean, where the two large navy yards are located, the repair and overhaul of the active fleet can be controlled so that the employment of labor for this purpose can be kept at practically a constant level.

The fluctuation in the number of employees at the West coast yards is caused by the construction of new vessels, which entails the employment of additional personnel whose services are no longer required after the new construction is completed.

Large jobs undertaken for other Government departments bring about the same fluctuation as construction jobs. On the East coast, where there are six navy yards, exclusive of the naval gun factory at Washington, there are fewer ships in active service and, consequently, there is less overhaul and repair work for each yard. The modernization of certain old battleships has been done and is being done at the east coast navy yards. This work also entails the employment of additional personnel, whose services are no longer required when the modernization is completed. In like manner, any large alterations or major repairs to vessels belonging to other departments of the country cause similar fluctuations.

So far as the Navy Department is concerned, both the office of the Chief of Naval Operations and the navy yard division of the Secretary's office devote constant attention to the matter of keeping the work of overhaul and repair of the active ships as equitably distributed as possible between the various yards. The amount of work done depends upon the amount of money appropriated by the Congress and the availability of ships for overhaul.

If I can be of any further use to you in this matter, please advise me.

Very truly yours,

H. H. ROUSSEAU,
Chief Coordinator.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, January 22, 1929.

MY DEAR SENATOR: I beg to acknowledge the receipt of your letter of January 14, 1929, requesting available information as to what the Navy Department is doing to stabilize employment in navy yards.

Stability of work conditions at navy yards has been accepted without question as a most important agency in securing economy of work and well-being of personnel, and has, therefore, been the subject of much continuous study. While it has not been possible to maintain stabilized conditions at all yards throughout all months of the year, on account of the many and changing factors involved, it is fair to state that our projected programs of work represent sincere and persistent efforts in that direction. It will be appreciated that the purposes for which funds are appropriated by Congress and the amounts of such appropriations exert an important influence on work conditions.

There are, exclusive of the naval gun factory at the navy yard, Washington, 8 continental navy yards, 2 on the West coast and 6 on the East coast. These eight yards perform work, the character of which may be classified roughly as follows:

(a) Repair and overhaul of ships in commission.
(b) Manufacturing parts and equipment.
(c) Modernization projects of certain vessels.
(d) Construction of new vessels.
(e) Preservation of vessels out of commission and of equipment.
(f) Work for other Government departments.

Of the foregoing, the only classifications which seriously influence employment conditions are the repair and overhaul of ships in commission, modernization projects, and new construction; work for other Government departments does so only when work is extensive.

Modernization projects, new construction, and extensive work for other government departments each involve so much work and extend over such long periods that additional workmen must usually be employed to accomplish them. Consequently, when that particular work is completed, with no similar projects at hand, it becomes necessary to make drastic discharges. This is not satisfactory, yet the department feels that its own modernization work in particular should be performed in navy yards.

The repair and overhaul of vessels in active service is considered the major mission of our navy yards; it is necessarily fluctuating in character and extent at different yards and, hence, seriously affects local employment conditions. The effect is less detrimental at the two yards on the West coast, where, since the major portion of our fleet is based on the coast, it is possible to so distribute the vessels throughout the year as to maintain reasonably stabilized conditions.

Conditions on the East coast, where there are six yards in operation, are by no means so satisfactory. The vessels based on these

yards do not provide enough work for all to have stable work loads. The proposition of closing certain yards has been mooted from time to time with a view to the concentration of all work in the remaining yards; but this has met with opposition and apparently can not be carried out. As it is, some improvement in employment conditions might be effected by concentrating modernization and new construction in some one or two yards and performing all ship repair work in other yards. However, such procedure is dependent on securing from Congress appropriations to carry on a continuing program of modernization and new construction work which would thus provide for those yards in question.

All vessels in commission are assigned home yards at which, as a general proposition, they receive their annual overhauls. These overhauls are scheduled some months in advance and are in general carried out. Copies of the Schedule of Tentative Availability for Ships at Navy Yards are furnished for your information. These schedules are prepared semiannually and represent considerable study and work. They are based primarily on the operations of the fleet, for the department feels that the yards exist for the fleet and not the fleet for the yards. The need for stabilizing work conditions is, however, kept in mind, and the schedules forwarded herewith indicate the extent the department has gone to meet this end.

I trust that the foregoing outline of the procedure of the Navy, as regards the subject matter, will serve your purposes. However, should you desire, I will be glad to furnish your committee with any particular information requested, or, if preferable, have department representatives appear before the committee.

Sincerely yours,

CURTIS D. WILBUR.

HON. DAVID I. WALSH,
United States Senate.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a brief article from the New England Journal of Medicine of February 21, 1929, relating to the bill pending relating to a national institute of health; also a brief article by the famous Harvey W. Wiley on the same subject which appeared in Good Housekeeping for March, 1929; also an article from the New Orleans States giving a brief interview with the governor of my State with reference to a plan which he has in contemplation for treating 5,000 State insane. I am anxious that Senators shall read all three of the articles.

The VICE PRESIDENT. Without objection, the articles will be printed in the RECORD.

The articles are as follows:

[From New England Journal of Medicine, February 21, 1929]

AN UNWARRANTED ASSUMPTION

The Congress of the United States has before it for consideration three bills authorizing the establishment of a national institute of research, among the purposes of which is to provide for investigations in the medical sciences on subjects particularly pertaining to the public health. The Surgeon General of the United States Public Health Service would be its administrative head, and the members of the service, especially those assigned to the Hygienic Laboratory, would be the agents for carrying on the various researches. The United States Public Health Service has an eminent and enviable national and international reputation for scientific ability and integrity, and its Hygienic Laboratory ranks high among similar institutions throughout the world for its contributions to medical knowledge as well as for the scrupulous and meticulous care it exercises over the manufacture and distribution of biologic products. While we are not familiar with all the provisions of these bills, we understand that they will authorize the Government to accept financial contributions for the support and furtherance of these investigation activities. We know of no applications of private or public funds which would bring any greater ultimate benefit to the people of the country than the one proposed and we know of no more conscientious administrators of such moneys than men of the type that constitute our Public Health Service.

It is, therefore, with amazement and, we feel, quite proper resentment that we read in the February 2 issue of the Journal of the American Medical Association a communication implying that the acceptance of funds from commercial firms or private foundations would corrupt this service. The correspondent goes so far as to say, "Passage of any of the proposed bills authorizing acceptance of private donations for the United States Public Health Service would amount to turning the United States Public Health Service over to the commercial manufacturers and private foundations."

It seems to us that this statement is entirely unwarranted and is a gratuitous insult to a department which has a history of long and beneficent service and distinguished traditions, and we regret that our usually esteemed contemporary opened its columns to such a letter.

To be sure, the writer of this letter pays his respects to the present Surgeon General and the personnel of the Hygienic Laboratory, but his fears for the character of the future members of this service lead him to make a statement which would be ridiculous if it were not sinister. This contributor is surely aware that for a long time just such funds have been accepted by many of our leading colleges and universities, with no consequent lowering of their high ethical standards, and that similar contributions to various scientific or welfare societies and other altruistic enterprises have in the main been conscientiously administered. We, therefore, do not share the correspondent's fear that with the acceptance of private funds venality will take the place of the independent and unbiased attitude that has so long characterized the decisions of our Federal health authorities, and we heartily and fully support any proper measures which will assist and extend the valuable work of our United States Public Health Service.

[From Good Housekeeping, March, 1929]

MORE THAN ANYTHING ELSE THIS COUNTRY NEEDS A NATIONAL INSTITUTE OF HEALTH, SAYS HARVEY W. WILEY, M. D.

When the Constitution was accepted by the thirteen original States, with it was accepted the plan of a Cabinet of advisors to the President, who would each specialize in one branch of government interest and supervise the national activity in that branch.

A Secretary of War was essential, every one admitted. The war just concluded established the possibility of future wars. A Secretary of State was necessary to conduct the diplomatic affairs of the new Republic. A Secretary of the Treasury was required to mold the Nation's financial structure. And so on through the list.

Several other members have been added to that first Cabinet list, but the most essential of all we have thus far omitted—a secretary of health. Upon that branch of the Government all the other activities depend. Without healthy citizens we can wage no successful war. Without healthy citizens there can be no healthy state. Without healthy citizens the education we have made free to every child, rich or poor, will fail in its effect, will be wasted, its opportunities neglected or ignored.

The chief institution protecting the health of our Nation is the Hygienic Laboratory, working in conjunction with the Public Health Service. The prevention of hookworm and of pellagra are two notable accomplishments of the Hygienic Laboratory, which illustrate without need of any further proof the immense value of the work it is doing.

On May 3, 1928, Senator JOSEPH E. RANSDELL, of Louisiana, introduced a bill into the Senate (S. 4518) to change the name of the Hygienic Laboratory to the "National Institute of Health." It was referred to the Committee on Commerce of the Senate, hearings were held thereon, and a favorable report (No. 1280) was issued by the unanimous vote of the committee.

A similar bill, No. 15212, was introduced in the House of Representatives by Representative KINDRED, of New York, on December 11, 1928. Unfortunately, it is not likely that this bill will receive the approval of Congress during the present short session.

There seems to be no doubt that enlarged activities in the promotion of health which will be conferred upon the National Institute of Health will greatly increase the facilities of the present Hygienic Laboratory to safeguard the health of the people of the United States.

The total appropriation available to the Hygienic Laboratory for fighting diseases in men, women, and children during the current year was only a little in excess of $40,000. Senator RANSDELL called attention to this meager appropriation as compared with the appropriations of the Department of Agriculture for the purpose of eliminating the diseases of plants and farm animals.

Senator COPELAND mentioned the fact that Congress had given $10,000,000 to fight the corn borer and was now asking for $5,000,000 to fight the pink bollworm; that a few years ago we gave $5,000,000 to prevent cholera in hogs, and another $5,000,000 to fight the hoof-and-mouth disease in cattle.

But from the economic point of view, it can easily be shown that research directed toward the prevention of diseases of human animals, and discoveries of methods of cure as well as of immunization, are worthy of even more consideration, of even more general appropriations than for plants and animals.

Many printed statements have been made of the cost to mankind of colds alone, and their sequelæ. Colds in some form or other attack practically every American citizen at least once a year, frequently following each other in rapid sequence. Colds are not self-immunizing as are many infectious diseases, such as measles and smallpox, in which nature creates a quantity of immunizing materials which render the patient for many years, often a lifetime, immune from a recurrence of the disease. This antibody does not seem to be developed by the ordinary cold. Colds frequently bring on other diseases—bronchitis, influenza, pneumonia, tonsillitis, deafness, impairment of sight, and occasionally fever and circulatory diseases. If the institute of health could devise a plan by means of which one-half of the colds which now attack our citizens could be prevented, it would be an economic triumph which would mean much in the family budget of expenses.

Perhaps the proper method of presenting measures of this kind to a congressional committee and to the public at large would be through

the economic factor. If health could be clothed in the garb of profits, there would be a greater popular interest in listening to a discussion of it.

The principal trouble with data of this kind heretofore has been that it is almost entirely an estimate in which the imagination plays the important part. When the institute of health is established it should be able to collect actual data in regard to this matter which would be of the highest utility because of its accuracy. A sufficient number of persons in different parts of the country should be kept under scrutiny of the agents of this institute to determine the actual hours lost at school and labor through colds, and the money paid for the services of a physician and for the remedies used. The total charge upon the family budget for a whole year as a result of avoidable diseases could be marshaled in an argument before a congressional committee and before the public at large with a powerful effect.

As soon as the human race is convinced that it pays to keep well, the services of such an institution will be more highly appreciated.

The fact that the death rate from tuberculosis has been so greatly reduced as to displace that disease from the head of mortality lists has led to the introduction, in the incipient stages of that disease, of out-door habits of life, nourishing food materials, and desired rest from violent exercise, which do so much toward lowering the death rate of this once dreaded disease. From the budget point of view this justifies the desirability of necessary expenditures to bring into proper activity these immunizing methods. A dollar spent in immunizing a patient from tuberculosis, or removing the first incipient stages therein, grows to five or ten dollars of expenditure if the disease should be left to full development.

It is not at all out of the realm of probability to look forward in a few years in our own country to a time when the Public Health Service may claim still higher dignity. Numerous attempts have been made to secure both for education and public health the status of an executive character. As agriculture, after a long service as a mere independent bureau, became in 1888 an executive department, the change in dignity of the position worked wonders. At the time the Department of Agriculture became an executive department in the Government, with a seat in the President's Cabinet, the total money voted by Congress for its maintenance was only a few million dollars. The influence of the department grew rapidly after this elevation. What the Secretary of Agriculture said ought to be done carried much greater authority, and received much more serious consideration at the hands of Congress, than a similar recommendation made by a mere bureau chief. The Secretary of Agriculture has not only the ear of the President, but also the ears of his fellow members of the Cabinet. Even to a greater degree he has the ears of the Members of Congress. The total appropriations of the Department of Agriculture to-day are well on the way to $200,000,000 a year.

It is not too much to expect that a department of health, once established, would equal if not surpass the record made by the Department of Agriculture, as its supreme importance became more generally appreciated by the public.

MEN WHO APPROVE THE BILL

In the hearings which were held on this bill introduced by Senator RANSDELL there was a unanimous approval of this purpose by all who appeared before the committee. Among these were such important men as Dr. Charles H. Herty, of the Chemical Foundation; Senator Royal S. Copeland, of New York; Dr. Reid Hunt, of Harvard University Medical School and president of the Pharmacopœial Convention of the United States; Dr. A. H. Ebeling, president of the Rockefeller Institute for Medical Research; Prof. Treat B. Johnson, of Yale University; Dr. C. Willard Camalier, member of the American Dental Association; Surgeon J. W. Kerr, of the United States Public Health Service; Dr. A. M. Stimson, assistant surgeon, United States Public Health Service; Dr. Arthur T. McCormack, State health officer of Kentucky; and Dr. E. F. Kelly, secretary of the American Pharmaceutical Association. No one appeared in opposition.

Eminent medical men who were not able to appear personally before the committee wrote letters in approval of the plan. Among these were Dr. W. J. Mayo, Dr. W. W. Keen, Dr. Lewellys F. Barker, Dr. George E. Vincent, Dr. Herman N. Bundesen, Dr. Ray Lyman Wilbur, and many others

If you would do your part in protecting the health of your own children and the children of the future, place your approval of this bill before your Congressman and your Senators, so that when it comes up there will be no question of its passing.

[From New Orleans States, February 26, 1929]

MENTAL DISEASES SUBJECT TO CURE—GOVERNOR ANNOUNCES PLANS FOR TREATING 5,000 STATE INSANE

BATON ROUGE, LA., February 26—(Special).—An intensive study of all the problems affecting the mentally sick and feeble-minded and the inauguration of a complete program with equipment necessary to furnish every modern science and health facility for the cure of the insane is soon to be in use in Louisiana, Governor Long announced Monday following a conference with Dr. H. H. McClelland, of Dayton, Ohio, who was called to Baton Rouge to consult with the directors of the State's three institutions which treat mental diseases.

The governor said the work of the three institutions was to be coordinated and a social-welfare department would be established for each so that a patient may be watched after his release in order that he will not again go back into the state which required his confinement.

NEARLY 5,000 INSANE

There are nearly 5,000 insane and feeble-minded in the three institutions and the number is constantly on the increase, the governor said, but it is hoped that with the new methods the number will soon be on the decrease.

The governor said one of the principal efforts at cure would be made along the lines of rectifying the physical ailments which, in many cases, cause the insanity, and in line with this, he said, 1,500 abscessed teeth were extracted from the mentally sick at the Central Louisiana Hospital at Pineville during the first few days after Dr. Clarence Pearson took charge. The governor said the institution at Jackson had made many cures along the lines proposed to be used to a greater extent.

Discussing his plans, Governor Long said:

"It was found, from taking 400 cases, that 6 per cent of the people eliminated the food which they ate in 24 hours time. That was the normal period. But that, from a radiograph examination, 94 per cent of the people taken into the institutions for the mentally sick required from 30 to 300 hours to eliminate food taken into the body. This quite often results in auto poisoning (self-poisoning) and a person becomes as violent as a maniac, and thousands of people have died from a mere matter of toxic poison."

CURES AT JACKSON

"Our institution at Jackson, experimenting along this line, has made several cures. We will install the equipment and broaden our scope so as to give every person the benefit of this kind of treatment. Doctor McClelland has taken 19 hopeless cases and treated them along this line, resulting in 6 of the 19 being sent to their homes and thereafter taking care of themselves.

"Some months ago I had a friend whose case had been given up as being practically hopeless. He was suffering from every kind of mental disorder. I went to his home. It so happened that I had tried a number of lawsuits where this kind of malady had been pretty well rehearsed on the witness stands by the doctors. I instantly saw that this friend of mine was suffering from toxic poison. I called two physicians from Shreveport and consulted with them and they agreed. Within 10 days' time this party became as normal as any other human, and is so to-day.

"We are in the front ranks to-day with some of the modern facilities and treatment which we are giving to the insane, but our institutions are undersupplied. What the heads of our institutions and Doctor McClelland now propose to do is to chart off the various and sundry disturbances that are taken to be insanity, when they are really not, and prescribe the kind of treatment that should be given, which will keep many from ever being sent to the hospitals; but if they do, hospitals will be equipped to give the most complete kind of examination and the most careful kind of treatment, so as to clear up cases which will yield to the most simple kind of modern science.

SOCIAL WELFARE

"We are going to coordinate the three institutions for the mentally sick and establish a social welfare department for them all, so that after a patient is released they may be watched, so that their condition will not be allowed to become what it was before they were sent to the hospital.

"Doctor McClelland has returned to Ohio, under the promise that he will come back to Louisiana and assist us in coordinating our work and modernizing our departments.

"We have about 2,600 patients in one institution, about 1,400 in another, and several hundred in another. The number is constantly on the increase. We believe that there is a great chance that we can begin to give such service to the mentally sick that within months to come we can begin to decrease the number of mentally afflicted, rather than to have it constantly on the increase in Louisiana. If we save 100 persons and restore them to normalcy, or even 10 (and there is a hope of savings hundreds and probably thousands), it will be the most meritorious work of this administration.

FEW REALLY INSANE

"Science is developing and, I think, will develop that few people are actually insane. Our institutions must get away from the fact that the cases are incurable or that the matter is one so much due to inheritance. When toxic infections and all other physical disorders are corrected, I think and the doctors think that there is going to be a remarkable improvement in the patients of this State."

ADDRESS BY BISHOP JAMES CANNON, JR.

Mr. HEFLIN. Mr. President, I ask to have printed in the RECORD an address by Bishop James Cannon, jr., of Virginia, delivered in New York City February 8, 1929, on the subject of prohibition.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman, ladies and gentlemen: In view of the nature of this occasion I have thought it proper to commit what I have to say to a sound form of words in writing.

At a private dinner in this city about three years ago each guest was asked to state what he considered to be the outstanding fact in the life and work of the world to-day. When my turn came I ventured to say that, to-day, 1,900 years after Christ, the most outstanding fact in the life work of the world is the steady, irresistible translation into the lives of individuals and into the social order of the teaching of Jesus Christ concerning the vital—absolutely central truth of human brotherhood—of the positive obligation of neighborly love, including willing self-denial, and the far-reaching implications which necessarily follow the acceptance and the recognition of that teaching. This teaching, as Jesus prophesied, has been as leaven hidden in the meal, which will continue to work until the whole shall be leavened.

This teaching is revolutionary in its aim and world-wide in its sweep. If the followers of Jesus Christ are to be true to the teachings of their Master, they can not be indifferent to influences and conditions which affect, indeed, often dominate, the whole industrial and social order. The salvation by regeneration of individual men and women is not less important, not less fundamental, to-day than it has ever been. But all such individuals, when genuinely regenerated, must become veritable apostles, proclaiming the application of the teachings of Jesus Christ to every form of industry, to every social activity. Christian love can not be content with a system which produces a small group living in abounding luxury and wealth and a multitude in comparative poverty, with many, indeed, in abject poverty and misery—with long hours, low wages, night work, especially for women and children, which absolutely prevent the building up of happy, wholesome home life. When Jesus Christ proclaimed and exemplified the law of love, he sounded forth the evangel which must finally usher in a day of redemption for the entire industrial and social order.

To be specific, it is this teaching of Jesus which declares the right of all men and women to a living wage, to limited hours of toil, to better medical care, to a larger general participation in the fruits of industry, to more leisure, to more parks, playgrounds, amusements, reading rooms, libraries, and general recreation; in short, to whatever makes for a fuller, richer life.

It is this same teaching which declares that men must no longer kill their brother men, and so which demands the abolition of war, adherence to a world court, the formation and maintenance of an association or league of nations, and a spiritual and physical disarmament. This teaching demands the complete abolition of the sale of human beings for purposes of slavery, of the traffic in women and children for immoral purposes, and of the traffic in narcotic drugs and intoxicating liquors.

All these things the true follower of Jesus Christ must recognize and must declare to be the necessary, the inevitable consequences of the working of this quickening, redemptive leaven.

It is my understanding that the Christian Herald Association is fully, unequivocally, aggressively committed to the work of bringing in of this new heaven and new earth, wherein shall dwell righteousness. It is, therefore, needless to say that I greatly appreciate the action of the Christian Herald Association in selecting me as the American who, during 1928, has made the most significant contribution to religious progress, for this action clearly recognizes that the work which I have tried to do was not primarily political, as that word is commonly used, but was an effort in support of the application of the teaching of Jesus Christ to the solution of one of the greatest age-long problems of humanity. For the Master's teaching of human brotherhood does not lose its meaning or its loving imperative when it faces the horrible ravages of the traffic in intoxicating liquors.

It will not agree that human brotherhood and brotherly love become weak and helpless when faced with the appetites of men and women for strong drink. It will not agree that this monster, with its awful toll of misery and death, shall continue to exist because there are elements, high and low, in the social life who are unwilling to pluck out their right eye, or to cut off their right hand, but prefer rather to destroy those with their drink for whom love died. Surely there can be no evasion on this question. This is the real issue, the real battle ground in the fight against drink. It is the age-long battle between self-indulgence and self-denial, or, better still, between appetite and love. For the basal principle underlying the eighteenth amendment of the Constitution of the United States is not Puritanism, or compulsion, as is mistakenly declared. It is the principle of brotherly love applied to the solution of this age-long problem.

The teaching of Jesus has developed a new social conscience, which declares and recognizes the rights and duties of organized society as positively and with as sweeping and imperative as the individual conscience declares the rights and duties of the individual. This social conscience to-day brushes aside, without any hesitation, any claim of any individual to perform any action or to enjoy any privilege, which action or indulgence is a menace to the physical or moral safety of life of the community in which he lives. This social conscience frankly declares that a man's private life, his right to unrestrained personal activity, ceases the moment any act of his life affects the life of other members of the social order of which, whether he likes it or not, he is a part.

Robinson Crusoe was free to shoot when and where he pleased while alone on his island, but when his man Friday came it was his duty to locate Friday before he fired. Men may own high-powered motor cars for pleasure or business, but the killing of over 25,000 and the maiming of over 700,000 people in the United States last year, and a similar awful record in other countries, compels stringent restrictive speed laws and sober drivers. Men may prefer wooden houses as cheaper or more beautiful or more healthful than brick or stone, but the law prohibits such buildings in business districts. Quarantine laws require men to remain on cholera-infected ships until danger of infection is past, no matter how inconvenient or expensive to the individual such detention may be. A man's income may be no more than he thinks necessary for proper comfort, but organized society—the State—compels men to give up part of that income to pay for roads, police protection, support of paupers and insane, and for education, even though he, himself, may have no children. Smoking in powder mills or garages is forbidden, no matter how much individuals may desire that indulgence. When the country is attacked by enemies, the Government requires men to leave home and business and face separation, financial loss, wounds, disease, even death, for the defense of the common country.

Countless examples could be given of restrictions put by society upon the "private life" of the individual, but the advocates of individualism, alas, too often of purely selfish individualism, animated by appetite or covetousness, or both, still raise a great outcry against any law to limit or to prohibit the use of intoxicating beverages as "a forcible, immoral, and tyrannical invasion of their private life and personal conduct." (Dr. Nicholas Murray Butler.) But such protests and reasoning are but an echo of a bygone age. The enlightened social conscience of to-day absolutely refuses to recognize anything as "private life and personal conduct" which affects the "general welfare." If, therefore, at any time the issue is clearly joined between the right to selfish individualism to the indulgence of the appetite for intoxicants and the right of society to protect itself from the effects of such self-indulgence, the law of love, Christ's teaching concerning human brotherhood, demands unhesitatingly that the indulgence of the appetite of the individual be willingly, gladly surrendered by all true followers of Jesus for the sake of the weak brother, for whom love would die.

But this same principle of human brotherhood applied by the new social order, which new social order it must be remembered is the very product of this very teaching of Jesus Christ, goes further than a mere appeal, and preemptorily orders that, whether willingly or unwillingly, all opportunities for the indulgence of appetite be prohibited if in providing such opportunities it becomes evident that the best interests of society generally, indeed, almost inevitably, suffer. This prohibitory method may not be approved by the selfish offender; it may indeed excite great resentment and a determination to indulge the clamoring appetite despite any law, however drastic; but organized society, or Government, has swept in its aim beyond the simple question of the control or the reform of the appetite of an individual for his own sake alone (which is truly most desirable) to the broader question of how society can protect itself from the refusal of such individual to abstain voluntarily from a selfish indulgence which admittedly involves danger to the entire social life of the country.

The cry of Puritanism, of the determination of certain elements of society to compel others to surrender their pleasures, the charge that prohibition is the product of a bunch of long-faced, hypocritical killjoys, is utterly absurd, indeed silly. For whatever the church or the Puritan might or might not be able to do, our present-day economic, industrial, and social life has decided that it can not and will not any longer tolerate alcoholism with its attendant evils, but will compel the abolition of a traffic which always and everywhere produces such results. The battles for State and national prohibition have been fought and won; not to delight the so-called sour-faced Puritans but to "promote the general welfare," which is proclaimed to be one of the purposes of the adoption of the Constitution of the United States.

The eighteenth amendment to that Constitution was ratified by a larger number of States than any other amendment for a hundred years. That amendment provides, "The manufacture, the sale, the importation, the exportation, the transportation of intoxicating liquors is hereby prohibited," and so forth. This amendment to the Constitution changed the status of the beverage liquor traffic from that of a permitted licensed traffic to that of a criminal traffic. The change was sweeping and put the brand of a criminal and outlaw upon the manufacturer, seller, and transporter of intoxicants.

Since the ratification of the eighteenth amendment there has been organized opposition to the enforcement and to the continuance of that amendment unamended. That opposition was declared in the Democratic National Convention at San Francisco in 1920, with Gov. Alfred E. Smith as the openly recognized representative of that opposition. The same opposition was manifested in the Democratic National Convention in New York in 1924, and that opposition reached

its climax in the Democratic convention at Houston in June, 1928, when Alfred E. Smith was nominated for President of the United States, and immediately made his bid for the support of the "wet" element in the country by calling for drastic changes in the prohibition law which changes, if carried into effect, would have resulted in 48 different varieties of prohibition, might even have turned the machinery of government into an agency to handle the traffic in intoxicants, and would have, most important of all, changed the status of the manufacturer, seller, and transporter of intoxicants from that of an outlawed criminal to that of a law-abiding citizen.

The fundamental issue involved in the last presidential election was: "Shall the brand of the outlaw be removed from the trafficker in intoxicants, and shall he be recognized once more as a law-abiding citizen? Or, in other words, shall the general welfare of the new social order be once more legally subordinated to selfish individualism? Shall appetite and covetousness, the twin taproots of the liquor traffic, or shall the social and moral betterment of the people as a whole take precedence in the law of the land? Shall the Constitution and the statute law of the United States be stripped of the most far-reaching, uplifting social legislation ever enacted by any country in any age? This was the issue which southern people, especially, were called upon to face in the last presidential election. The conflict was not entirely unexpected, and positive, explicit warning was given more than a year ago that the southern people would not commit both political and moral suicide by supporting a "wet" Tammany candidate. But "wet" Tammany elements in absolute control of the Houston convention ignored all protests and danger signals, and nominated their "wet" candidate. Faced by such a situation, it was necessary to decide what action should be taken to preserve unsullied the principles and ideals of the southern people. Circumstances and duty seemed to join in the demand that in that campaign your speaker should give primary direction to what has been known as the anti-Smith movement, which was later carried to such a successful culmination by the united efforts of many able, patriotic men and women throughout the South. The result was never in doubt to those who knew the southern people—who knew that they needed only a call to the colors to show to the whole world their loyalty to right principles. No greater satisfaction has ever come to your speaker than the recognition which has now been given by the whole country—that when moral issues are at stake the southern people will stand by principles, regardless of previous political party predilections or affiliations.

It is exceedingly regrettable that, in their desperation, the Smith-Raskob leadership resorted to such methods to minify the prohibition question in the South, while deliberately magnifying it in the North and East. The religious issue was deliberately thrust into the campaign by Chairman Raskob and Candidate Smith, hoping that the baseless cry of religious persecution would excite sympathy and weaken the force of the appeals of those opposing the Democratic candidate because of his "wet" Tammany affiliations. But, regardless of this reprehensible injection of the religious issue, a great victory was won for prohibition, which, as has been indicated above, is one of the most epochal, outstanding applications of Christ's teaching of human brotherhood to the social life of a great Nation.

In conclusion, may I again express my very profound appreciation of the recognition by the Christian Herald Co. that the outstanding issue in the recent political campaign was not primarily political, but was essentially moral and religious, involving as it did the rejection or the approval of the law of love as applied to the social relationships of everyday life. For, as I stated in the beginning, this teaching of Jesus is revolutionary in its aim and world-wide in its scope. It has erected a standard by which, whether men like it or not, all our habits, customs, and laws must finally inevitably be judged. The Master's law of love must be applied to industrial, economic, social, racial, family, international, and, indeed, to every relation of life, and the Kingdom of Heaven will come in when every relation of life shall have been leavened by the sweetening, redemptive, saving power of this truly heavenly teaching.

REAPPORTIONMENT OF REPRESENTATIVES

Mr. VANDENBERG. Mr. President, one of the grave features of the default of the reapportionment bill, to which I have adverted on many occasions, is the unconstitutional complexion of the Presidential Electoral College. There is a very illuminating discussion of this subject in the New York Evening Post, and I ask unanimous consent to have the editorial printed in the RECORD. Also on the same question there is an editorial in the New York World, which I also ask to have printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Evening Post]

DO SENATORS WISH ANOTHER HAYES-TILDEN CONTEST?

In English history we read with indignation of the glaring misrepresentation which existed in the House of Commons down to 1832. Districts once populous which had dwindled to hamlets or to actual wastes still had the right to choose Members of Parliament, the right being exercised by whoever happened to own the deserted land. On the other hand, large cities which had grown up in modern times were virtually unrepresented.

But we can no longer condemn this state of affairs without hitting ourselves. In Michigan there are three congressional districts with an average population of 800,000 each. There are districts in other States with less than 160,000. One person in any of these districts counts for as much as five persons in any of the three districts in Michigan.

In California there is one district with a population of 1,500,000. There are whole States with that many inhabitants which have half a dozen or more Representatives in the House to the California district's one.

Nor is this all. The discrepancy reaches further than Congress. It touches the Presidency. Since the electoral vote of a State is equal to the total number of its Senators and Representatives, States which do not have their fair share of Members in the House are similarly underrepresented in the Electoral College.

California and Kentucky have the same number of electoral votes, 13. But California has a population of 4,400,000, while Kentucky has only 2,500,000. Suppose there were another close election like the one of 1916, with Kentucky instead of California casting the deciding vote. Then we might have not merely a minority President—which we did not have in 1916—but a President whose majority in the electoral vote was due directly to overrepresentation of that minority in the Electoral College.

This would be a result squarely at variance not only with the spirit but also with the plain letter of the Constitution. Such an election might be challenged when the votes were counted, as the election returns of the Hayes-Tilden election were challenged, and with much less room for debate than was the case in 1876, when there were fraud and intimidation on both sides.

In holding up the reapportionment bill the Senate is playing with dynamite.

[From the New York World]

ANOTHER DEFEAT FOR REAPPORTIONMENT

Once more the enemies of reapportionment, taking advantage of the congested Senate Calendar, have administered chloroform to an important piece of legislation. The House of Representatives passed the Fenn bill by an overwhelming vote. Since it affected the House and the Electoral College only, it would seem that the Senate might have accepted it. But a determined filibuster has forced its chief advocate, Senator VANDENBERG, to announce that he has dropped it. The Fenn bill was a mild measure, being in a sense merely provisional. It provided that if Congress failed to follow the censuses of 1930, 1940, and other years with immediate reapportionment legislation, then reapportionment should take place automatically according to the method of "major fractions." Yet even this provisional law to prevent a continuance of the present unjust situation has been lost.

There can be no mistaking the motive behind the opposition in the Senate. It came from Members whose States will lose congressional seats in a fair reapportionment. Senator BLACK of Alabama told the story when he said that he would vote against a "measure which is destined in the long run to change prematurely the great balance of legislative power in this Nation from the rural districts to the great metropolitan areas."

In other words, even at the cost of defiance of the Constitution, the urban States, increasing in population as compared with rural States, will be denied a reapportionment. This opposition will be intensified after the 1930 census. The one way to forestall it is to see that the Fenn bill is pushed through Mr. Hoover's special session.

CATHOLIC-PROTESTANT MARRIAGES—DECISION OF JUDGE CHICHESTER

Mr. HEFLIN. Mr. President, I ask unanimous consent to print in the RECORD a Virginia Supreme Court decision in the case of Harlow against Harlow and comments thereon, as published in an Alabama newspaper.

There being no objection the matter was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Tuesday, October 30, 1928]

THE SUPREME COURT CONDEMNS CATHOLIC CLAIM THAT PROTESTANT MARRIAGES ARE ILLEGAL

Some of the Smithites in Alabama are trying to make it appear that Al Smith and his Roman Catholic associates do not practice the teachings of the Roman Catholic Church that all Protestant marriages are illegal, and that the parties thereto are living in adultery and that the children of such marriages are illegitimate.

The Supreme Court of Virginia decided that question against them this year.

John M. Harlow married a Protestant woman and lived very happily with her for two years. He was taken desperately ill and carried to

his Catholic mother's home, where he lingered a few days. While there his Catholic relations and two Catholic priests caused him to change his life-insurance policy from his lawful wife to them, and renounce his lawful wife on his death bed, "to get his soul out of hell," for contracting a marriage with a Protestant.

The wife brought suit for the alienation of her husband's affections by this Catholic crew after his mind had weakened. A Virginia jury gave the wife a verdict for $20,000 and the Catholics appealed to the supreme court. The supreme court made them pay. Read the court's scathing denunciation of Catholics for setting up their belief about marriage "above the law of the land, which they undertook to nullify." (Harlow et al *v.* Harlow, 143 S. E. Rept. 720. Supreme Court of Appeals of Virginia. Decided June 14, 1928.)

Opinion by Mr. Justice Chichester:

John M. Harlow, referred to frequently in the record as "Dick" Harlow, deceased husband of Gladys E. C. Harlow, the plaintiff, was twice married. He was divorced by his first wife, whom he married in 1901. He had one child, a daughter, now Mrs. McGinnis, by this marriage. In 1921 he married the defendant in error, a New York girl who came to Washington to work during the war. There is ample proof in the record that John M. Harlow and his second wife were very much devoted to each other both before and after their marriage, and up to the time, during his last illness, when he went or was carried to Alexandria to the home of his mother, Rose Harlow. He had been a shiftless and somewhat wild person up to the time of his second marriage. After that he was saving and industrious, evidently under the influence of his wife, who appears to have been a most excellent and estimable woman and wife. At the time of his last illness, his wife, who continued to work for the Government after her marriage, as she had been doing before, had deposited from her own earnings in a savings bank, to the credit of her husband, $936, and her husband had a checking account for current expenses in another bank of between $400 and $500.

After his marriage he and his wife, the plaintiff, lived in an apartment in Washington. He became ill in the spring of 1923 and grew steadily worse until he died.

His people were Roman Catholics and he was, or had been, a member of the church also. His first wife was a Roman Catholic, but his second wife, the plaintiff, was a Protestant. This, however, seemed to make no difference in the happiness of the couple, until the husband went or was taken to Alexandria on August 4, 1923, after he became ill, where he went to spend the day, but where he remained until his death on September 17, 1923. His wife acquiesced in his remaining in Alexandria, where he could have the attention his mother, sisters, and brothers would give him, during her absence at her office during the day, but at first she visited him every day. Prior to the time when members of his family were notified of his illness, they either did not know, or pretended not to know, of his second marriage, and they apparently never recognized their brother and the plaintiff as husband and wife. Before the brother had ever come to Alexandria even for a visit of a day at a time one or more of them told the plaintiff that he had lost his soul and that she (plaintiff) would have to help him get it back.

(1) His mother, Rose Harlow; two brothers, George Harlow and Edwin Harlow; and two sisters, Mrs. Lillian Harlow Green and Mary D. Harlow, lived together in the same house in Alexandria. Mrs. Hartigan, the other defendant, lived in Washington. When John M. Harlow was taken to the Alexandria home in an almost dying condition on August 4, there is no doubt about the fact that the defendant in error was a most devoted wife, and that he was a most devoted husband. That his whole attitude toward his wife was changed during the six weeks he lived in the home of his mother and sisters and brothers, that he became alienated in his affection for her, and finally renounced her, is beyond question. That this change was willfully brought about by the united efforts of at least the mother, Mrs. Green, Miss Mary Harlow, and George Harlow the jury had a right to conclude from the testimony of the plaintiff which, the record shows, was corroborated on every material point.

It is probably true that the conduct of the defendants was not animated in the beginning by any personal animosity toward the plaintiff. Their zeal may have been the result of religious fanaticism running wild. They believed that a marriage, once entered into, could not be dissolved by divorce, and that the marriage of a divorced person was unlawful, immoral, and adulterous, although the law of the land was to the contrary. They all admitted this. There had for many years been substantially no contact between them and the plaintiff's husband. He was living in Washington, active in the affairs of the world, and out of touch and sympathy with the narrow views of his family. Their lives were in channels so far apart that none of the defendants, if they are to be believed, even knew he was married until a long time afterwards, when he telephoned them that he was ill, and they came, seeing with their own eyes that he was living with a woman. One of the plaintiffs in error, Mrs. Green, came to the apartment, met his wife, and then for the first time knew definitely that he was married. Immediately on that first visit she said to the plaintiff:

"Gladys, you have got to help get his soul back. He has lost it, and you've got to let him go back to the church."

From this time on, the united idea of at least four of the defendants seems to have been to get his wife out of his life, because, as they viewed it, there had been no lawful marriage. When she did not yield to their wishes and suggestions and eliminate herself, they proceeded to bend every effort to eliminate her, and from this time their malicious and vindictive spirit toward her is evident in every word and deed.

After her husband went to Alexandria on August 4, the plaintiff, at first, went over there from Washington to see him every day, but it became apparent at an early date that she was not wanted so often, and her time was limited frequently by demand of members of the family to a visit of 10 minutes. Plaintiff testified that they (referring to Mrs. Harlow, the mother, Mrs. Green, Miss Mary Harlow, and the brother, George Harlow) would meet her at the door, and "when they saw who had called would say, 'Well, you might see him. We will see if he is up,' or 'sitting up,' and they would treat me very coolly and indifferent, slam the doors, and rush past me, and not address me."

It was proved in the evidence that a Roman Catholic priest visited the husband nearly every day. In spite of all this, the husband does not seem to have weakened materially in his affections for his wife until after the latter part of August, when he had greatly weakened physically, because, just prior to that time he requested his wife to come over and get him and take him back home; but it became more apparent every day that the plaintiff's visits were unwelcome to members of the household, and she was told that she should not come so often, that people were talking about her, that she was not "Dick's" legal wife, and that she had lived with him in adultery for two years.

Finally, contrary to the usual custom, the plaintiff was invited over to Alexandria to see her husband on the 1st of September. She states that Mrs. Hartigan, the sister living in Washington, phoned her, reminding her that she had been told to come to Alexandria on the 1st of September. She was not suspicious of this unusual invitation until she reached Alexandria, where she found Mrs. Harlow, the mother, the sisters, and George Harlow. She was admitted by Miss Mary Harlow. What occurred thereafter is best told in her own language:

"Q. Did you say anything?—A. Admitted me. No; nothing in particular.

"Q. Did she greet you at all?—A. She just merely opened the door. I went along upstairs to where my husband was. When I entered his room, Mrs. Green and he were there. He said: 'Well, Pet, it is all over. I have renounced you.' Mrs. Green said: 'Yes; you will never see him again. He will never live with you again. This is the last time you will ever see him.'

"Q. Was any one there besides her and you?—A. Miss Mary Harlow.

"Q. Did she hear?—A. She also said: 'Yes; you will never see him again.'

"Q. Did she say that, too?—A. Absolutely.

"Q. Were any of the others there?—A. I don't remember any others right in the room at that time.

"Q. What did you say in their presence, if anything?—A. I said: 'Why, I am his legal wife.'

"Q. Proceed.—A. I said: 'He can't renounce me. He can't give me up. If he wants to go back to the church, that is all right. I never interfered with anything that he does. He can go to church, but I am his legal wife.'

"Q. What was said to that and by whom?—A. They said: 'Oh, you are not. We don't recognize you. You have been living in adultery for two years.'

"Q. Well, now, who said that?—A. Miss Harlow and Mrs Green both voiced it.

"Q. Anything else said?—A. They told me I could stay just a few minutes.

"Q. How long did you stay on that occasion?—A. Probably 10 or 15 minutes.

"Q. Well, did you ever see him again?—A. Once.

"Q. Well, where were you when Doctor Rutherford went in?—A. I was outside in the machine.

"Q. Did you see him go in?—A. Yes.

"Q. How soon afterwards did you go in?—A. I went in shortly after.

"Q. What happened after you got in that you saw yourself and heard?—A. I went in with Mrs. Nichols and Mr. Clybourne, and as I entered the hall George Harlow was coming down the stairs, and I said, 'I want to see Dick. I have come over to see if he can get medical attention and see about taking him to a hospital.' He grabbed me by both arms and said, 'You will never see him. You can't see him. You are not his wife.'

"Q. What was his manner of seizing you?—A. He grabbed me by both arms.

"Q. Was it violent or gentle?—A. Very violently.

"Q. Did it disturb your equilibrium at all; your balance?—A. Well, Mrs. Nichols was right directly back of me. He gave me such a push that I fell against her.

"Q. Was his grasp painful or not?—A. Well, I know that the red marks lasted for some time.

"Q. What sort of marks? Do you mean black and blue marks on your arm?—A. No; just red marks from pressure.

"Q. How long were they apparent on your arms?—A. About a day.

"Q. Did you actually observe them when you got home that night?—A. Yes.

"Q. What happened after that? Did he say anything more?—A. He said I couldn't see him. He kept repeating that over and over again, 'You will never see him. You can't see him. You are not his wife.'

"Q. Proceed. Hurry on. Tell the story.—A. So he was trying to back up the stairs to get up to the room, and I told him, kept telling him, 'I want to see him because I am his lawful wife. You can't keep me from seeing him.' And he kept repeating, 'You can't see him. You can't see him.' And about that time he ran back up the stairs and locked both doors to the room in which my husband lay.

"Q. Where were the other members of the family at that time, if you remember?—A. I remember seeing his mother down on the first floor. She came along the little hallway that led through the dining room, and she said, 'This is such an outrage. Get her out of here. She is back here again. She isn't his wife.' And also at the top of the stairs, when I went up the stairs after George Harlow had released me, Mrs. Green was at the top of the stairs right here at the little landing. She grabbed me by the arms and tried to pull me in the room in the rear.

"Q. Did she say anything?—A. She said: 'You can't go in there. You can't see him. You have been living in adultery. You are not his wife.'

"Q. Proceed. What happened after that?—A. Mrs. Nichols took hold of me, and released me, and she kept calling for the chief of police. So George Harlow, after he had locked my husband in the room, I think he was the one that went across the street to notify the chief of police. He came over shortly after that, and they were all talking and saying that I could not see him; could not get in. The chief of police——

"Q. Well, were the doors of his room opened again?—A. I tried to plead with them that I had brought this doctor to examine him and to talk with him and see what he could do for him. They finally consented to let him in by himself. They locked him in the room with my husband. Chief Goode came after that, and I went downstairs and talked to him. My lawyer, or Mr. Dickey, came in with Chief Goode, and talked to him about it. Chief Goode said that I should see him; that I was his lawful wife. Then George Harlow unlocked the door and let me in.

"Q. Who went in first? You or he?—A. He did.

"Q. What happened after he went in?—A. He kept repeating over and over again: 'Tell her to get out of here. Tell her you don't want her. Tell her you have renounced her. Tell her to get out.'

"Q. Who was he talking to?—A. My husband.

"Q. And what happened?—A. I said: 'Dick, we have come over to have Doctor Rutherford talk to you and see what we can do for you; to take you to a hospital where you can get lots of care and attention.' George Harlow was repeating all the time: 'Tell her to get out. Tell her you don't want her. Tell her you want to stay here.'

"Q. Proceed.—A. So I asked him if he wanted to go with me to the hospital. He said: 'I want to stay right here.'

"Q. What else did he say, if you recall?—A. He said: 'You know I have renounced you. I have gone back to the church, and I am going to stay here.'

"Q. Was that the last of the conversation?—A. Yes.

"Q. And did you go out and go home?—A. Yes; after he said he was going to stay there, we turned and left the room and on home.

"Q. Did you ever see him again while he was alive?—A. I never did.

"Q. When did he die?—A. September 17, 1923.

"Q. Did the family send you any word of it?—A. Absolutely no.

"Q. How did you hear it?—A. I heard it through Mrs. Nichols. I was called at my office."

There is ample evidence here to support the charge of alienation of the husband's affections, and there is ample evidence from the conduct of the defendants that they were animated by malice toward the plaintiff. If there is any other evidence necessary to establish the motives of the defendants and their hostility to the plaintiff and their intention to sever every tie between this husband and wife, it may be found in the fact that John Harlow had taken a policy of $5,000 prior to his marriage. Under the terms of this policy, he had a right to change the beneficiary at will. His mother, Rose Harlow, was originally named as beneficiary, but, after his marriage, he changed the beneficiary to "Gladys Cowles Harlow, my wife." Five days after he was taken to the home of his family in Alexandria, the beneficiaries were changed to Rose Harlow, Lillian Harlow Green, Lillian Harlow McGinnis, Mrs. Gladys Cowles Harlow, George A. Harlow. About a month later than that, the beneficiaries were again changed, his wife, Gladys Cowles Harlow, being eliminated entirely, and the beneficiaries named as Rose Harlow, Lillian Harlow Green, Mary E. Harlow, Lillian Harlow McGinnis, George A. Harlow, Mrs. Richard H. Hartigan, Mary V. Harlow, Robert McGinnis, Rev. Louis Schmidt, and Rev. Lawrence Kelley; the latter two being Roman Catholic priests.

After his marriage the premiums on this policy were paid by the earnings of the plaintiff. Plaintiff's husband opened accounts at the different stores in Washington for her, never putting any limit on the amount of credit she might use. A year or two after their marriage, when they had finished paying for their furniture, a separate savings account was opened in which her earnings were deposited. When he was taken to Alexandria there was $936 in this account. On September 8 George Harlow wrote a letter to the manager of the hotel in which plaintiff's apartment was and signed her husband's name to it, notifying him that Harlow would not be responsible for any debt contracted in connection with his apartment. On the same day he wrote in the Alexandria home letters to every Washington house with which Harlow had given the plaintiff credit, notifying them not to give further credit to his wife. Four days after they got him to the Alexandria house George Harlow drew to his own order a check on the savings account for $700.

So that, not only did the defendants utterly destroy the happy marital relations existing between this husband and wife at a time when the husband especially needed the care that only a wife can give, but they heaped grievous insult upon the wife because she would not yield to their wishes and absent herself from her husband, and, in addition, they absorbed by one means or another in six weeks over $6,000 which would have gone to the wife, the plaintiff, upon the death of her husband, but for their interference. They either themselves parceled out among themselves or induced this dying man to parcel among them (with the exception of Edwin Harlow), to the exclusion of the wife, a $5,000 life-insurance policy in which she was named as sole beneficiary; they dissipated two bank accounts aggregating over $1,400, and in addition to this the mother received and appropriated to her own use $500 which the husband's employers paid over to her after her son's death, and to which, of course, the wife was legally entitled. The plaintiff's credit at the stores where she had had credit was cut-off, and the manager of the apartment where she lived was informed that the husband would not be responsible for rent. When her husband died, his wife was not informed of his death, while his divorced wife was, and was present just before or at his death. All of which shows that these defendants, because they did not recognize the second marriage of their son and brother, had resolved to sever every vestige of the marital relation legally existing between him and his second wife, and to absorb and dissipate his property so that she could not get any benefit from it during the husband's lifetime or after his death.

These facts, which have not been and can not be denied, throw a flood of light upon the motives which stirred these defendants into action, who set up their beliefs above the law of the land, which they undertook to nullify, and they strongly tend to corroborate the charge of alienation.

(2) Counsel insist that defendants had a right, if they entertained an honest belief that the husband's second marriage was morally wrong, sinful, and contrary to the Word of God or the tenets of their religion, and for that reason endangered his eternal welfare, to express that opinion to their brother.

It is not applicable in a case where the facts are as they appear in this case, even under the guise that parents and brothers and sisters have superior privileges in the giving of advice to children and to brothers and sisters.

(3) It appears to us, therefore, that the evidence of the plaintiff clearly establishes the conspiracy to alienate the affections of the husband from the wife, the plaintiff; that it clearly establishes the fact that his affections were alienated, and it is also clear from all the facts of the case that the conduct of the defendants was the result of legal malice toward the plaintiff. The court might well have predicated an instruction on the testimony of the plaintiff and the witnesses who corroborated her, and instructed the jury that, if they believed from the evidence that this testimony was true, they should find for the plaintiff. If the jury believed the evidence introduced on behalf of the plaintiff, there could have been no other verdict than one for the plaintiff.

2. It is contended by counsel for defendants that the verdict was excessive, and tainted with passion and prejudice; and

3. That the remittitur required by the court in the amount of the verdict was insufficient.

(4) It is only necessary to recall as narrated above the evidence which supports this verdict to justify the assertion that the plaintiff was entitled to a verdict, not only for actual, but for vindictive, damages. If the evidence of the plaintiff is true, it proved a deliberate and wanton assault, not only on the individual marital rights of the plaintiff but upon the security and sanctity of the American home by despoiling it of the law's protection when the law of the land runs counter to religious belief. The jury also had a right to consider, in assessing punitive damages, that the plaintiff was deprived of the proceeds of the life-insurance policy, which had belonged to her, of the funds in the savings bank, and of various other funds heretofore mentioned, and it had the right to consider that an innocent and devoted wife was deprived of her husband, and grossly insulted and humiliated on numerous occasions. Under such circumstances, the plaintiff was entitled to a substantial verdict.

(6) The evidence with reference to the change of beneficiaries in the life-insurance policy of the husband was objected to, but, as has been heretofore stated, this evidence was permissible to show the attitude of the defendants toward the plaintiff, and it was also proof of the success of the defendants' efforts to alienate the husband's affections, if he himself changed the beneficiaries, which they say he did. It shows that what his prior love had provided for the welfare of his wife a changed mind deprived her of.

We think the jury was justified in finding against the defendant, Mrs. Lena Harlow Hartigan. Although she lived in Washington, she was in very close touch with all that was going on in the home at Alexandria; she told the plaintiff that she thought her husband should give her up and go back to the church; she visited the brother quite frequently in Washington before he went to Alexandria, and was alone with him for a whole afternoon in his apartment there. She was very positive that the marriage of divorced persons was unlawful and not to be recognized, and, when the husband had reached the point where he decided to renounce his wife, Mrs. Hartigan phoned the plaintiff to come over to Alexandria on September 1, reminding her that she was to go over there after 6 upon that day. It will also be recalled that, immediately upon entering her husband's room in Alexandria on that occasion, without any preliminary remarks he stated to her, "Pet, it is all over. I have renounced you and gone back to the church." The facts in connection with this visit show clearly that the only object in getting the plaintiff to Alexandria on this occasion was to receive first hand the renunciation from her husband.

We think that this is sufficient to connect Mrs. Hartigan with the other defendants in bringing about the alienation of the affections of the husband.

The jury by their verdict found damages for the plaintiff in the sum of $20,000. So far as the remittitur is concerned, the court, in the exercise of its judicial discretion, reduced the amount of the recovery from $20,000 to $13,500. We do not think, in view of all the circumstances of this case, that this was error. The greater part of the recovery must have been for punitive damages, and, as such, it constitutes a substantial recovery against defendants of moderate means.

Upon the whole case, we think the judgment of the trial court should be amended by including therein the defendant Lena Harlow Hartigan with the other defendants, Rose Harlow, George Harlow, Lillian Harlow Green, and Mary D. Harlow, and, as so amended, that it be affirmed.

Amended and affirmed.

No one will contend that this opinion of the Supreme Court is political propaganda or an appeal to religious prejudice.

It is a cold-blooded condemnation by the court of the Catholic notion that their ideas about Protestant marriage and divorce are above the law of the land.

Al Smith is Roman Catholic. He had been commended by the Pope for his loyalty to the teachings of that organization.

When his son was recently married by a lawful official of the State of New York under a lawful license issued by that State, Al required the young man to be married again by a Roman Catholic priest in order to be "properly" married. He did not recognize the validity of a marriage declared valid by the law of the land until his son was married again by a priest. Al did what Catholics do in matters of that kind. He put his Catholic notions above the law of the land. That's what he will do if he is elected President.

Cardinal Hayes's missionary magazine for October says: "Watch and see! America is going to become pro-Catholic all at once. * * * This change may take place early in the administration of Smith as President—Democratic President of the United States."

Make America Catholic by making Al Smith President. That's the program. Cardinal Hayes says so. It took England 500 years to throw off the Catholic yoke once a Catholic was made King. When England finally threw off the Catholic yoke they wrote in their constitution that no Roman Catholic should ever be King of the British Empire, and that is the written law of England and the unwritten law of America to-day. (See Birmingham News editorial, July 4, 1924.)

What's the use in getting under the yoke anyway! We have a great Protestant American running for President.

Mr. HARRIS. Mr. President, I ask to have printed in the RECORD a statement showing the amount of United States gift to Europe, $332,261,750, in 1929.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

UNITED STATES GIFT TO EUROPE $332,261,750 IN 1929

American taxpayers are making an outright donation of $332,261,750 to 10 European nations in 1929, through debt remission. This money is included in the American budget and raised through taxation. The benefits of this gift are paid by American taxpayers and enjoyed by the taxpayers of the 10 nations.

Here is the amount of the gift to Europe in 1929:

Great Britain	$55,325,000
Italy	85,935,000
France	171,065,000
Belgium	14,847,650
Jugoslavia	2,500,000
Finland, Hungary, Poland, Latvia, Lithuania, and Estonia (total)	2,589,100

Czechoslovakia, Rumania, and other nations also are receiving donations.

During the 62-year funding period the total American gift to Europe will amount to $8,864,189,750.

Mr. President, the statement I ask to have placed in the RECORD shows that the people of the United States are taxed $332,261,750, which our Government gives to European countries in 1929 through debt remission. This has been brought about during the Coolidge administration by Congress approving the recommendations of the Foreign Debt Commission, which gave hundreds of millions to these countries in their debt settlements with us. The United States must pay interest on the bonds for the money we loaned these countries at a much higher rate than what we charge those countries interest on what is due us. We charge no interest on some of these debts. What we give these countries this year amounts to a tax of nearly $3 for each person in the United States. These debt settlements, that amount to hundreds of millions we gave these countries in settlements, will be a heavy tax on our people for many years.

Mr. President, I am glad that I voted against all these debt settlements. I do not believe it was right for us to do so. I believe I was the first Senator to introduce a resolution declaring that we would not discount any part of these European debts owed to us. I did not believe we were acting in good faith in giving them millions which we had loaned them from money our Government had raised from the sale of bonds to our people.

LOAD LINES FOR AMERICAN VESSELS

Mr. JONES. Mr. President, I desire to call up the conference report on Senate bill 1781, to establish load lines for American vessels.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

Mr. JONES. Mr. President, the matter before the Senate is the question of the adoption of the conference report on the so-called load line bill. I think I should make a brief statement. There may be several Senators who are now present who were not here last evening.

The situation is that the Senate passed a load line bill applying only to the ships engaged in foreign trade. It was thought by the committee that the language was clear to except the Great Lakes also, although that was not stated in specific terms. The House sent the bill back to us with amendments which extend the jurisdiction or the terms of the bill to cover the coastwise trade, with certain exceptions from that trade. The conferees have agreed upon the bill substantially as it passed the Senate. In other words, while the House struck out the word "foreign" which the Senate had in the bill, the House conferees have receded from that amendment and restored the word "foreign," so that accordingly it applies only to vessels in the foreign trade. The House in section 9 covered certain portions of the coastwise trade, but the House conferees have receded unqualifiedly from that amendment.

Mr. COPELAND. Mr. President, let me be clear on that matter now. The Senator has said that the House has receded and that the word "foreign" is eliminated from the bill?

Mr. JONES. No; the word "foreign" is restored to the bill.

Mr. COPELAND. Very well.

Mr. JONES. Yes; the word "foreign" is restored to the bill, and section 9, which was inserted by the House, is omitted, so that leaves the entire coastwise trade eliminated from the terms of the bill. The bill as it is now reported by the conferees covers substantially the ground that the Senate provided for; in other words, the Senate bill is returned to the Senate practically with an agreement upon the part of the House to accept it. That is all that is asked in the adoption of the conference report. I will say this, in order to make it perfectly clear. The language of the Senate bill did not apply specifically to the Great Lakes. It was generally understood that they were not included. The bill as it came from the House provided specifically in section 9 that it shall not apply to the Great Lakes. Eliminating section 9, in order to make sure that the bill would not apply to the Great Lakes, the conferees inserted in the first part of the bill "the Great Lakes excepted," which makes the exemption perfectly clear.

Mr. COPELAND. Mr. President, this is a very dangerous bill; and lest some one should think that I am alone in this

opinion, I want to read in a few moments what Judge DAVIS, of Tennessee, said in the House on yesterday, expressing a view which was shared, apparently, by Mr. BLAND, of Virginia. Anybody who has an interest in human life must believe in making the vessels traveling the seas as safe as may be. There is no reason why this bill should be limited only to vessels engaged in foreign trade. It is just as important to have the proposed law apply to vessels of all descriptions traversing the sea.

Mr. JONES. Mr. President, may I interrupt the Senator from New York?

Mr. COPELAND. Of course.

Mr. JONES. I agree with the Senator with reference to the purpose of the load line to protect life at sea; and I also agree with the Senator that the law should go as far as possible; but if we can not succeed in having it go as far as we would like to have it go, and if we can go a way in that direction, it is better, I think, to go part way than not to go at all.

I want to suggest to the Senator from New York with reference to Judge DAVIS and Representative BLAND—I have the very highest regard for those gentlemen; I do not think there is any difference in their views and mine—that when we signed the first report they agreed to what we have reported here, and they joined in that conference report; but we also put in a resolution directing the Secretary of Commerce to investigate the coastwise trade and recommend to Congress such legislation as should be deemed wise. We were all for that, and these two gentlemen especially so.

Mr. COPELAND. What became of that?

Mr. JONES. I am going to tell the Senator in just a moment. That was put into the bill as reported by the conferees. Some one, however, made a point of order against the conference report in the House on account of this item, and it went out. All of the conferees were in favor of it, so far as that is concerned, but when it went out, of course, the conferees could do nothing further with reference to it. That was the sole reason, I think, why Representative BLAND and Representative DAVIS did not join in the second conference report. They were very much disappointed in that provision going out, as we all were, so far as that is concerned.

I recognize that the main argument for a load line is to protect life, and I think there is just as much reason for the protection of life on coastwise vessels, especially those engaged in the intercoastal trade, and so on, as there is in the foreign trade. All of our committee were in favor of that; but we were confronted with a situation as to whether we would have partial legislation or none at all.

If the Senator from New York will permit me further, here is the difference in the situation with reference to the foreign trade and the coastwise trade: For many years the maritime countries of the world, and especially Great Britain, having load-line requirements have been protesting against our not having load lines and have been threatening to stop our ships from entering their ports unless they do have load lines, either conforming to our own law or conforming to theirs. It has only been by the persistent effort, one might say, the pleading, of our State Department that they have refrained from putting their threat into effect. That is a strong point it seems to me for extending the load line law to the foreign trade, even if we do not extend it to the coastwise trade. There is going to be a conference on the means to promote safety of life at sea. Our delegates are going to that conference, which is to be held this summer; and we would be in a very peculiar attitude if we should go to that conference and its members should say to us, "You have been putting off from year to year the provision for the establishment of a load line on vessels in the foreign trade; you have not done anything to protect or insure or render safe life at sea." That is now the main distinguishing future between the necessity of extending the load line law to vessels engaged in foreign trade and those which are engaged in the domestic trade.

If we were not confronted with that situation, I would say all vessels ought to be dealt with at the same time. However, we hope to build up our merchant marine, especially in the foreign trade. In the coastwise trade our vessels, of course, have a monopoly. In the foreign trade we have competitors from all over the world, and especially from Great Britain, and very naturally so. It seems to me that we have reached a very critical point with reference to extending the load-line legislation at least to our foreign shipping, because adverse regulations may be put into effect in some foreign countries very soon. I would also say if some of our competitors on the seas for the foreign trade felt that they could retard our shipping development by requiring us to comply with their load-line legislation they would not hesitate to do it, and could not be blamed for doing so. And that might have a very injurious effect upon the development of our merchant marine.

Mr. COPELAND. Mr. President——

Mr. BURTON. Will the Senator from Washington permit me to make an inquiry?

Mr. JONES. The Senator from New York has the floor.

Mr. COPELAND. I am glad to yield to the Senator from Ohio.

Mr. BURTON. As I understand, the Great Lakes are exempted from the provisions of this load line bill?

Mr. JONES. They are; the bill does not apply to them.

Mr. COPELAND. Mr. President, before I say anything more about this bill I wish to pay a tribute to the Senator from Washington. In my work regarding the merchant marine and all other matters relating to commerce I have had the most intimate contacts with the Senator from Washington, and I regard him as one of the fairest and ablest and most generous and far-seeing of all the Senators in this body, and I am always embarrassed when I find myself in opposition to him. I know, however, that I am not really in opposition to the sentiment of his heart, for he feels, and has already stated to-day, that if he could have his way he would have this law apply to all ships. So I know the Senator from Washington will understand that in my attitude in this matter there is nothing personal. I am taking this position because of the great steamship lines of my city, which, as the Senator knows, are in bitter opposition to the present arrangement of the bill.

Mr. JONES. Mr. President, will the Senator permit a suggestion there?

Mr. COPELAND. Yes.

Mr. JONES. I have no criticism to make of the steamship association—I take it the Senator refers generally to that association and those who are members of it—but I really can not understand their attitude. They did not present any opposition to the passage of the Senate bill in the Senate. I do not remember ever receiving, either when the bill was pending or after it passed, any suggestion of opposition to the bill. The present peculiar attitude of the steamship association is strange to me inasmuch as the conference report accepts the very provisions that the Senate passed almost a year ago, to which the steamship association made no objection whatever when it was being considered and has made no opposition since until this conference report comes in.

Mr. COPELAND. Mr. President, in view of the further embarrassing fact that, as is well known to the Senate, I am in opposition to the bill which will come up when the consideration of the pending matter shall have been concluded, I must justify my present position. I do not care to be charged with attempting to filibuster on the radio bill by extending my remarks in relation to the pending conference report, and I am sure the Senator from Washington will bear me out that what I am saying would be justified even if there were no radio bill.

To go further in the matter I want the Senate to know how the men in the House felt about this bill. Judge DAVIS was a member of the conference committee, was he not?

Mr. JONES. He was.

Mr. COPELAND. And was Mr. BLAND also a member of the conference committee?

Mr. JONES. Yes.

Mr. COPELAND. Judge DAVIS and Mr. BLAND were both members of the conference committee on the part of the House, and they refused to sign the report. In a moment I am going to read what Judge DAVIS said yesterday in the House about it. The bill, as it is now before us, if it were enacted into law, would apply only to vessels in the foreign trade. Those in the coastwise service, those ships going through the Panama Canal, those barges loaded with lumber coming from the great Northwest down the west coast and through the Panama Canal to New York and Boston, would not be affected by the terms of the bill. It applies only to ships that cross the ocean.

I would have no particular objection to that from the standpoint of this discussion if it were not for the fact that a good many of our ships which most of the time are engaged in the foreign trade are for a part of the time employed in the coastwise service. It stands to reason that where there is marked upon a ship a broad white load line indicating if that line is level with the surface of the water the ship is loaded to its full capacity, and if the ship is so heavily loaded that that line is sunken beneath the surface of the water out of sight the vessel is overloaded.

You can see, Mr. President, that how much load a ship can carry makes a great difference in its position upon the seas. If the vessel is all the time near shore, and in time of storm or stress at sea may scurry to cover, it can carry a heavier load. It is proper for it to carry a heavier load, because if storm ap-

proaches it can go to a safe haven. On the other hand, where a vessel is going out upon the wide expanses of the ocean, we must make certain that that vessel is not overloaded or sailing under conditions which may make for disaster. If any Member of the Senate has been in a storm at sea, he knows how terrifying it is, and what the conditions are.

Mr. SACKETT. Is the Senator interested only in safety at sea or in the competition between vessels? Which is the point?

Mr. COPELAND. Both.

Mr. SACKETT. The Senator is talking about safety at sea. Does he not think that all classes of vessels that travel the sea, whether they are steamships or whether they are barges, ought to be included, if we are going to include anything?

Mr. COPELAND. I do.

Mr. SACKETT. The Senator would not want the bill to pass if barges that ply upon the ocean were excluded from the load-line requirements?

Mr. COPELAND. No.

Mr. SACKETT. I think we can agree on that. That is not what the House bill provided. They left out the barges.

Mr. COPELAND. They did; and the barges ought not to be left out. If there is one type of vessel that goes upon the waters that should be safeguarded it is the barge, because if the Senator has seen these barges carrying lumber or coal or iron or something else loaded down to the very decks of the boats, so that they are washed by the seas, he will agree that that is a crime against humanity.

Mr. SACKETT. If the Senator pleases, neither the Senate bill nor the House bill included the load line on barges; so there was nothing on which the conference committee could include that in its report. We must either take the things that are in the House bill or take the things that are in the Senate bill. If barges can not be included, I think the Senator ought to be willing to say that the bill that limits the load-line requirements to foreign vessels is the best we can get under the circumstances.

Mr. COPELAND. I am very sorry that my genial and beloved friend from Kentucky, usually so accurate, has failed to read that the conference report writes into this bill:

> This act shall not apply to vessels operating exclusively on the Great Lakes or to barges otherwise coming within the provisions of this act or to lumber schooners operating to and from territory contiguous to the United States.

Mr. SACKETT. I do not think that affects it.

Mr. JONES. Mr. President, I understood the Senator to say that the conferees wrote that in. The Senator is mistaken. That was an amendment put in by the House.

Mr. COPELAND. I do not care, if the Senator will permit me, whether it was put in by the conferees or by the House or by an act of Providence. It is in the bill, is it not?

Mr. JONES. It was in the bill.

Mr. COPELAND. It is in the bill that is now before us, is it not?

Mr. JONES. Not in the conference report. That is, it is eliminated. The House receded from that amendment entirely. That is the second amendment from which the House receded; and I might say to the Senator that one reason that led to the recession is that that does not extend the load-line legislation to barges. It takes them out from under the other terms of the bill, and we were advised that if they were taken out we would have all sorts of discussions, and we would not get any legislation during the session.

Mr. COPELAND. Let us be clear about this, Mr. President.

Mr. JONES. Yes; I know we all want to be clear.

Mr. COPELAND. Let us disregard names of conference reports, and whether the bill passed this way or the other way in the House and in the Senate. Does this matter, if we should agree to it, apply the load line to barges?

Mr. JONES. No; it does not apply to anything in the coastwise trade.

Mr. COPELAND. It does not apply to anything except foreign-going vessels, does it?

Mr. JONES. Vessels in the foreign trade—that is right.

Mr. COPELAND. All right. Now, let me say to the Senator from Kentucky that this bill applies only to vessels in the foreign trade.

Mr. SACKETT. That is what we tried to limit it to——

Mr. COPELAND. Well, you succeeded.

Mr. SACKETT. Because we could not get an agreement to apply it to every vessel that flies the flag and does the trade of the United States.

Mr. COPELAND. In other words, we are spending our time and the time of the Senate on a bill which has no use in the world.

Mr. SACKETT. I beg the Senator's pardon; that is not the case. It is very important that we have it apply to foreign trade on account of this conference that is coming up, giving us a standing in the trade of the world.

Mr. JONES. If the Senator will pardon me, if there is any benefit in having a load line, I agree that it applies to all, both coastwise and foreign.

Mr. COPELAND. Of course.

Mr. JONES. But if we can not get it in all, then it is still a benefit if it applies to vessels in the foreign trade. So there is that much benefit that we get out of it, in addition to the suggestion to which I referred a while ago, that we may have a serious situation confronting us with the other nations in the foreign trade unless we do something of this kind that will affect our own merchant marine.

Mr. COPELAND. And the serious situation to which the Senator refers would be a demand on the part of Lloyds and other insurance companies that the English standard shall be applied if we fail to enact legislation providing for a load line?

Mr. JONES. That the English Government will insist that it be applied to our ships entering their ports.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I do.

Mr. NEELY. Does the Senator from New York prefer the enactment of the law proposed by the Senate bill, to the defeat of the measure as amended by the House?

Mr. COPELAND. I prefer to have the bill defeated rather than to have it pass in its present form.

Mr. NEELY. Mr. President, I am impelled to inform the able Senator from New York that if the bill is burdened with the House amendments it shall not pass between now and 12 o'clock next Monday, when this Congress will expire.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. COPELAND. I will yield to the Senator from New Jersey in just a moment. I want to have the Senator's attitude clear. The Senator from West Virginia says that in its present form the bill can not pass?

Mr. NEELY. That is not my position. I have no objection to the adoption of the conference report. But I shall resist every effort that may be made to restore the House amendments, which, if adopted, would be injurious to the coal industry of West Virginia.

Mr. COPELAND. Let me say to the Senator that he should do all he can to pass this conference report, because, as put before us, it suits him to a T. This is exactly the way the Senator wants it.

The Senator should give his full support to the Senator from Washington, because, if he succeeds in having this conference report adopted, his position will be sustained.

Mr. NEELY. Mr. President, the Senator from West Virginia will always support the Senator from Washington or any other Senator in his endeavors to serve the constituents of the Senator from West Virginia.

Mr. COPELAND. Undoubtedly that is true.

Mr. NEELY. Positively; without evasion or mental reservation.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. COPELAND. Just one minute, and I will. I must yield first to the Senator from New Jersey.

Mr. EDGE. Mr. President, I have great sympathy for the position of opposition to many of the decisions and policies of the existing Radio Commission. I do not know that I am not in sympathy to a great extent with the opposition to this bill; but I should like to have the Senator, in a few words—he has followed it as a member of the committee, and I have not—give his opinion of what would happen should the bill fail. Is the Senator discussing the radio bill?

Mr. COPELAND. No; but I have no objection to the Senator's discussing it.

Mr. EDGE. The radio bill being the unfinished business, I naturally assumed the Senator from New York was confining himself to the unfinished business.

Mr. COPELAND. That is my embarrassment in this particular discussion on the load line bill, because I fear the Senator will get the impression that I am doing this to affect the legislation upon the radio bill; and I am glad to have the Senator ask questions about that. I might as well answer them now.

Mr. EDGE. I should like the Senator, if he will, to answer the question, because it seems to me appropriate, in view of the fact that the radio legislation is the unfinished business.

Mr. COPELAND. I shall be glad to answer the question.

Mr. NEELY. Mr. President, will the able Senator from New Jersey explain why he would indulge in the violent assumption that one speaking in the Senate would address himself exclu-

sively to the matter supposed to be before this body? [Laughter.]

Mr. COPELAND. Mr. President, to answer the Senator from New Jersey—because we might as well do that now; we must do it later in the day, anyhow—may I say to the Senator from New Jersey that two years ago we passed a law establishing a Radio Commission; and it was understood that for the period of one year that commission should have both administrative duties and judicial duties. At the end of the year all the administrative duties were to be taken over by the Department of Commerce, where they had been, and where they are now, and the commission was to be simply an appellate body to take care of all controversial matters and all matters appealed to it. So if the bill dies, as it should, unless it is amended, we will be back where we intended to be in the first place. Last year we extended that year another year, and it is proposed now to extend it still another year; but the business of the radio will be taken care of by the board acting as an appellate board, and the administrative features will be taken care of in the Department of Commerce.

Mr. EDGE. That was my understanding. I just wanted it confirmed by the distinguished Senator from New York.

Mr. COPELAND. Let me say to the Senator that he need have no anxiety; the great cause of radio will not suffer in the least. The business will be taken care of exactly as we contemplated under the passage of the bill two years ago.

Mr. SACKETT. Mr. President, will the Senator yield to me now for a moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield to the Senator.

Mr. SACKETT. On the matter of this conference report, I feel that the only question we can decide at all is whether we will apply this load-line requirement to foreign vessels.

Mr. COPELAND. That is it.

Mr. SACKETT. If we do not agree to the conference report, we shall have to go into the conference that is to be held in Europe without any standing on the load-line question. If we do agree to the conference report at this session, we stand very much better for the shipowners of our whole country, because we are in a position to make proper arguments at that conference.

Mr. COPELAND. Just a moment. Will the Senator explain just exactly what will be taken up in that conference?

Mr. SACKETT. I would rather leave that to the Senator from Washington, because he is much more familiar with it.

Mr. COPELAND. Let us find out, so that we will know exactly what is to be taken up in the conference.

Mr. SACKETT. I will state to the Senator from Washington that the Senator from New York wants an explanation of what the European conference of shipowners is going to take up and why it would be a better thing for us to have a load line when we go into the conference.

Mr. JONES. I can not give the Senator very much information about that. I understand there is to be what might be termed an international conference the coming summer upon methods and means of promoting safety at sea, and we are going to have delegates there. It would occur to me that our delegates would be in a very peculiar position if they should go over there and we should have failed in the meantime to do what all the countries of the world seem to think is necessary—establish a load line for vessels, especially those in the foreign trade.

Mr. COPELAND. Is the conference limited wholly to vessels engaged in foreign trade?

Mr. JONES. As I understand, it is described as an international conference to promote safety at sea. I take it they would have nothing particular to do with problems affecting our coastwise trade. That is something we deal with ourselves.

Mr. COPELAND. I do not know whether the Senator is to be a delegate or not. Are the delegates appointed?

Mr. JONES. I am not going to be a delegate. The delegates are to be appointed. I would like to be, I might say, but it would not be possible for me to make a trip of that kind this summer. Furthermore, I consider that a matter really for experts.

Mr. COPELAND. I will say, in the first place, that the Senator is an expert. Does the President appoint the delegates?

Mr. JONES. I think so.

Mr. COPELAND. I am going to ask the President to appoint the Senator from Washington, but since he is not yet appointed I want to say this to him——

Mr. JONES. I would have to decline an appointment of that kind.

Mr. COPELAND. If the Senator were in that conference, he would be ashamed to say that the United States of America had declined to place the load line upon the vessels of the United States, because it would interfere with the Coal Trust, and the Steel Trust, and the Lumber Trust; and the delegate would be ashamed to admit that the Congress of the United States gravely discussed the question of a load line for foreign vessels and excluded those which operate in our own waters. The only excuse given for it is the fear that the Government of Great Britain may demand, as to foreign-going American ships, that it shall examine those vessels entering the ports of Great Britain and demand that there shall be a load line marked upon them.

Mr. SACKETT rose.

Mr. COPELAND. Just a moment. The delegate from the United States would have to say, "We only did this in fear of what might happen on this side of the water." But the sailors who ply the seas upon vessels in our own waters are to have their lives and health subjected to the dangers of the sea, because the great, powerful trusts interested in owning these barges and schooners will not submit to this life-saving precaution.

Now I yield to the Senator from Kentucky.

Mr. SACKETT. Mr. President, there are certain advantages which can come to ships that travel to foreign ports by reason of a load line, in the way of safety. The Senator and I are agreed, I judge from his remarks, that what we would like to see is a load-line requirement that would apply to all vessels of every type that traverse the seas, whether they are foreign or domestic. The situation which develops is this: That in neither of the two bills that were presented and passed in the House and the Senate is there any provision which would require a load line upon the vast number of barges that ply this coast, and which are equally important. Those barges compete with coastwise shipping, and if we are to apply the load line to one class we should in fairness to the trade apply it to the other. Some of the Senator's own constituents have taken that position and taken it justly.

As barges are not included in either bill, there is no possibility of bringing in a report that would cover all kinds of coastwise trade. There would be a great advantage, as to the foreign ships, in having it, putting us in the position, when our experts go abroad to deal with the international question, on an equality with foreign countries. If, by defeating this bill, the only thing we can accomplish is to deprive them of that advantage, it seems to me the Senator ought to consider this partial legislation, which is beneficial, and in the next session of Congress I will be glad to join with him in getting legislation that shall apply to all kinds of traffic in the coastwise trade. But a defeat of this now would not gain that additional advantage, because the conferees could not put it into this conference report.

Mr. NEELY. Mr. President, with that explanation, will not the able and amiable Senator from New York permit us to adopt the conference report?

Mr. COPELAND. I am very much obliged for the kind words of my genial friend from West Virginia. Whenever I see him and talk with him and hear him in the Senate, I can not understand the shortsightedness of his State. He ran thousands and thousands and thousands of votes ahead of his ticket, but because of the avalanche down there he was not reelected. He should have been reelected by that fine State of West Virginia, which never was more ably represented in the Senate than by the Senator, my distinguished friend, Mr. NEELY. He has never failed to protect the rights and interests of his State. Until this morning the only thing I have ever had against him was that he defeated some very beneficent coal legislation. As a result of the debate on that question he advertised West Virginia coal so that there is not a man from the North Pole to Byrd's expedition in the south who does not know that West Virginia coal is the best coal that ever came out of the earth.

Mr. NEELY. Mr. President, the Senator from New York has again proved his extraordinary ability to express sublime thoughts in language that is "like apples of gold in pictures of silver." Will he not now permit the Senate to adopt the conference report?

Mr. COPELAND. The request of the Senator from West Virginia demonstrates again his devotion to his great State, because if the coal-carrying barges are not required to have load lines in order that the sailors may be protected, the profits on West Virginia coal will be greatly enhanced.

Mr. NEELY. Mr. President, sailors do not man coal barges.

Mr. COPELAND. When we get to the radio bill, I expect to speak about the wonderful development in the radio art, so that

even ships can be operated by radio. I will withdraw, therefore, the term "sailors," and say "persons."

Mr. NEELY. The question of protecting human life is not involved in the question of applying load-line legislation to coal barges.

Mr. COPELAND. What the Senator means is that human life is not to be considered when the profits on coal are involved.

Mr. NEELY. I am quite sure that the Senator from New York does not believe that I mean that. But I contend that the question of the safety of human life is not involved in the question of a load line on a coal barge. Those in charge of the movement of coal barges usually travel on the vessel by which the barges are propelled or towed.

Mr. COPELAND. There are not any little cabins on coal barges, where people live?

Mr. NEELY. Not to my knowledge.

Mr. COPELAND. Perhaps I may reply in the language of Mr. DAVIS, of the House, who said on yesterday:

> Mr. Speaker and Members of the House, every important nation on earth except the United States has long since enacted load-line legislation to protect all its citizens and their property against the overloading of ships by those who have more regard for a little more profit than for the lives of the seamen and of passengers and the property of the citizens.

Mr. NEELY. Mr. President, does not the Senator from New York observe that Mr. DAVIS was discussing ships while we are discussing coal barges? Ships transport passengers. Coal barges transport coal. Passenger ships should be made safe at any cost, because loss of life may result from the loss of a ship. But the loss of a coal barge does not involve the loss of life. Therefore, barges should not be subject to laws or rules designed solely to protect human life.

Mr. COPELAND. This bill would not apply to a scow which did not carry persons, so the Senator, after all, is not interested.

Mr. NEELY. The conference report does not make the load line applicable to barges, and I am not opposed to its adoption.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from North Carolina.

Mr. SIMMONS. I have not had an opportunity to examine this bill; I have heard something about it, however, and I want to ask the Senator from New York if the bill applies to barges engaged only in coastwise trade or does it apply equally to barges engaged on our inland waterways?

Mr. COPELAND. If this conference report is adopted and the bill becomes a law, coastwise vessels and internal-waterway vessels would not be involved.

Mr. SIMMONS. Neither the coastwise nor the inland-waterway vessels?

Mr. COPELAND. Neither class. Of course, I must say to the Senator in all frankness that I do not like that provision of the bill. I do not want him to have any misapprehension of my position; but it does not apply to such vessels as he has mentioned.

Mr. SIMMONS. I would have nothing particular to say about the bill if it did apply to the coastwise trade, although I think it would be rather hasty legislation; but if it applied to inland barge transportation I should say it was a very bad bill. I had a conference with the Senator from Washington [Mr. JONES] before the bill went to conference, or at some stage at least, and made the objection which I have just made. I understand from him that the objection would not obtain against the bill now, as the conferees agreed upon it, and he now advises me that it does not.

Mr. JONES. It just applies to ships in foreign trade.

Mr. SIMMONS. There was one section which I thought might apply to it, but the Senator from Washington assures me that that section was eliminated.

Mr. NEELY. Let me refute the implication that failure to make load-line legislation applicable to coal barges will endanger human life; let me observe that no one ever read or heard of the overloading of a coal barge causing a death.

Mr. COPELAND. Let me say to the Senator in justification of his position that there is far less objection to the exclusion of coal barges than there is to the exclusion of the lumber schooner, and the Senator can see the reason for that, because there are sailors or men aboard the latter all the time. I think the position of the Senator is not an untenable one, and I would not fail to go to West Virginia to speak for him just because he happened to be against coal barges being included in the bill. That provision is much less offensive than other features in the bill.

Mr. BROUSSARD. Mr. President, may I suggest to the Senator that my recollection is, as to coal carried upon the Mississippi River, that those barges are towed down in big fleets by small tugboats that merely keep them from the banks, and in most cases are left at place of destination and sold as junk if they can save 20 per cent of the value and not returned to the coal fields of Kentucky, West Virginia, and Ohio.

Mr. COPELAND. We have in the North River a great many barges that are engaged in carrying brick from our manufacturers up the river. Those are placed in a line and a towboat, which is a misnomer in this case, is in the rear of the line and pushes the line of boats. But on our barges there is a little cabin and people live on practically every one of them, because in that way they save rent, and so forth. But that is not particularly important.

Mr. NEELY. The Senator from New York knows that I would not support any legislation or action that would endanger the life or limb of those who toil.

Mr. COPELAND. I hasten to say that no man in the Senate has distinguished himself more by standing for human rights and human lives and human health than the Senator from West Virginia, one of the most humanitarian and kindly hearted Senators we have in the body.

Now, I will read Mr. DAVIS's statement. I am glad to do this because it fully justifies the position I am taking at this moment in opposition to the conference report. Judge DAVIS, of Tennessee, has been long in the House, a very highly respected Member of it. He and Mr. BLAND, of Virginia, another distinguished Member of the House, were managers appointed originally by the House to deal with the first conference report, which I think they signed, but when the conferees had a change of heart and brought in the last report under the instructions of their respective bodies——

Mr. JONES rose.

Mr. COPELAND. I will withdraw "change of heart."

Mr. JONES. Yes; the Senator does not mean that. There was no change of heart. They had to do the best they could.

Mr. COPELAND. Yes; and the Senator from Washington never will have a change of heart on anything having to do with human life, but he was under instructions of the Senate.

Mr. JONES. No; that was not the situation. We were not under instructions of the Senate. The provision incorporated in the place of section 9 was stricken out by the conferees the first time, but the language of a resolution was substituted for it.

Mr. COPELAND. Calling upon the Secretary of Commerce to investigate, and so forth.

Mr. JONES. Yes; and to recommend legislation.

Mr. COPELAND. That was a good resolution, I think.

Mr. JONES. I agree with the Senator. I think so, too. As a matter of fact, I want to say to the Senator, though I am not saying it with any authority, especially, even of the Department of Commerce, because that provision went out on a point of order, that I am satisfied the Commerce Department will investigate the matter very carefully and be prepared to recommend legislation during the next session. The conferees had no change of heart, as the Senator suggested, but the Senator withdrew the statement, of course.

Mr. COPELAND. Yes; I withdraw it.

Mr. JONES. But they were confronted with a point of order being sustained and the fact that they could not put anything of that kind in the bill.

Mr. COPELAND. I share with the Senator his feeling of regret that the bill did not continue to carry the language of the resolution giving to the Secretary of Commerce the authority to make an investigation. That should have been done. Now at this moment my judgment is that the report should be rejected and that the Senate should pass a resolution calling upon the Secretary of Commerce to make the recommendation.

Mr. JONES. We can do that without rejecting the conference report. We can still pass the resolution.

Mr. SIMMONS. Is the resolution a part of the conference report?

Mr. JONES. That went out in the House on a point of order.

Mr. SIMMONS. As well as the original provision?

Mr. JONES. The original provision went out in the second conference. There is nothing to prevent Congress from passing the resolution.

Mr. SIMMONS. Certainly, if the conferees were prohibited by reason of the fact that a certain provision had been cut out on a point of order, they would have no authority to include in the conference report the language of the resolution which would authorize an investigation. That would have to be done in a separate resolution of the two bodies.

Mr. COPELAND. I think that is the fact. I would like to call the attention of the Senator from North Carolina that he must not feel, by reason of the fact that coastwise vessels are not specifically included in the bill, that all of them are exempt from its operations. There are a great many vessels, as the Senator from North Carolina knows, which are engaged in

foreign traffic most of the time, but part of the time are engaged in coastwise traffic.

Mr. SIMMONS. Why, of course, and I am laboring under no such delusion as the Senator from New York implies, but I can realize, as he does, that a general provision in the bill might include coastwise traffic although it did not mention it specifically.

Mr. COPELAND. The vessels ordinarily in coastwise traffic that are occasionally in foreign service must have the load line. The significance of that is that when the vessel once has a load line marked upon it, a load line which is placed there with reference to foreign trade, if it then engages in coastwise work and carries a heavier load, which it will be justified in carrying, so that the load line is hidden from view by reason of the height of the water, and then if an accident would happen, it would be presumptive guilt of overloading on the part of the owners of the vessel.

Mr. SIMMONS. I agree with the Senator.

Mr. COPELAND. Mr. DAVIS said:

Mr. Speaker and Members of the House, every important nation on earth except the United States has long since enacted load-line legislation to protect all its citizens and their property against the overloading of ships by those who have more regard for a little more profit than for the lives of the seamen and of passengers and the property of the citizens. We have been trying for many years to enact a law of this kind, not only in the interest of safety of life and property but also in the interest of that large class of shipowners who do not want to overload their ships; in the interest of that class of shipowners who naturally do not want to have to compete with the unscrupulous operators who have no regard for life. Efforts along this line have been defeated—

Now remember this is not my language:

Efforts along this line have up to this time been defeated by that small element who have no regard for the safety of life and property, and who wish to continue loading their vessels beyond the line of safety.

We know that is the reason why these vessels, some of them in coastwise trade, coal-carrying, ore-carrying, and lumber-carrying vessels, have had no regard whatever, as Judge DAVIS said, for human life and why they ask to be exempt from the operation of this measure.

There are persons in this world who would crystallize the sweat of men into diamonds and rubies rather than to have an invasion of their money-making projects. They would even defeat legislation which makes for the preservation of human life. Judge DAVIS continues:

The Committee on the Merchant Marine and Fisheries during the present session first reported out a bill applying a load line to all vessels going to sea of over 250 tons, whether they were operating in the foreign trade, in the coastwise trade, or on the Great Lakes. Then, as it was near the end of the session and opposition arose on the part of certain interests, and it appeared unlikely that we would be able to pass a load line bill which could be filibustered to death by a few Members of Congress, the committee, not because they had yielded their opinion—

"Not because they had yielded their opinion." That is exactly where my beloved friend from Washington stands; he has not yielded his honest opinion, but because a bill which was a just bill, which sought to protect human life everywhere on the seas, could not be enacted, there was a yielding to the demand.

Not because they thought it was legislatively or morally right—

They did not yield their opinion because they thought it was legislatively or morally right to pass a measure of this sort—

but in the interest of expediency, reconsidered the bill and made certain specific exceptions, and we passed the bill through the House in that form.

Then Judge DAVIS goes on:

When it went to the Senate it developed that there was strenuous objection in the Senate.

Mr. President, this is a beautiful day, the sun shines brightly, and my advice to everybody who can get into the open air is to do so. If my colleagues who want to visit would take a walk across to the House Office Building or to the Library of Congress and enjoy the fresh air and sunshine they would benefit in health, their lives would be prolonged, and it would be easier for me to go on reading the remarks of Judge DAVIS.

Mr. HEFLIN. Mr. President, I thought the Senator from New York wanted to convince Senators that he was right in the position he is taking, but now he is suggesting to them that they vacate the premises.

Mr. COPELAND. Of course, I want those who are in their seats to stay here, but if others want to visit on the side lines they could do it to much greater advantage to health and length of life if they did it in the open air.

Mr. McKELLAR. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. McKELLAR. Will the Senator give us some information as to about how long we may be excused? I have been here day and night for quite a while, and I am rather inclined to take his suggestion.

Mr. COPELAND. Has the Senator from Tennessee yet had his lunch?

Mr. McKELLAR. Not yet.

Mr. COPELAND. He will have plenty of time to get it now.

Mr. BARKLEY. I desire to know if that is an invitation?

Mr. COPELAND. The Senator may consider it such if he so desires.

Mr. HEFLIN. I wonder if the Senator from New York can give us any idea of what may happen to-night if he continues a long speech to-day?

Mr. COPELAND. Fortunately for me, since I am in opposition to the radio bill, I can spend some time to the profit of the country if I can help to defeat the pernicious measure which is before us. I send forward to the desk a telegram which I ask to have read, in order to show that I have ample justification for the position I take.

Mr. HEFLIN. Was the Senator from New York here night before last during the long session that lasted until nearly 3 o'clock?

Mr. COPELAND. The Senator from New York was here.

Mr. HEFLIN. All the time?

Mr. COPELAND. All the time.

Mr. HEFLIN. Does the Senator want to stay here all night to-night?

Mr. COPELAND. I hope we shall not do so.

Mr. HEFLIN. I think the Senator is in a fair way to bring about that kind of situation.

Mr. COPELAND. Does the Senator have any suggestion to make that would do away with it?

Mr. HEFLIN. I think if the Senator from New York would speak very vigorously on this conference report for about 15 minutes and then let us vote, it would be a solution of it.

Mr. COPELAND. Of this question?

Mr. HEFLIN. Yes.

The PRESIDING OFFICER. The clerk will read the telegram sent to the desk by the Senator from New York.

The legislative clerk read as follows:

BUFFALO, N. Y., *February 20, 1929.*

Hon. ROYAL S. COPELAND,

Senator, United States Senate, Washington, D. C.:

We are informed load line bill now pending includes Great Lakes and St. Lawrence. Such inclusion is absolutely unnecessary in our protected inland waters and will work serious hardship on shipping on Great Lakes, and such hardship will, of course, indirectly affect commerce of the State. Suggest you oppose passage of bill as now proposed.

BOLAND & CORNELIUS.

Mr. JONES. Mr. President, may I interrupt there to say that the sender of that telegram is entirely misinformed?

Mr. COPELAND. The matter is taken care of, as the Great Lakes are exempted. Here is a telegram from the Dimon Steamship Corporation, which I ask to have read.

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read as follows:

NEW YORK, N. Y., *February 18, 1929.*

Senator ROYAL S. COPELAND,

Senate Office Building, Washington, D. C.:

Strenuously opposed to passage of Senate bill 1781, load line regulation, reported out by Merchant Marine and Fisheries Committee, unless intercoastal carriers are also given same exemptions as coastwise barges and steam lumber schooners. Passage of bill in present form works gross discrimination against intercoastal steamers carrying lumber. Intercoastal vessels carrying lumber load approximately 25 per cent of their cargo on deck the same as coastwise steam lumber schooners, which are of the same general design as intercoastal carriers, only difference being smaller. We have never had a loss of any lumber, cargo, loss of life, or damage to vessels on account of carriage of deck load of lumber.

DIMON STEAMSHIP CORPORATION.

Mr. JONES. Mr. President, the Senator appreciates, I presume, that the sender of that telegram is also under a misconception.

Mr. COPELAND. If the Senator will be patient, we will have one that is not of that character.

Mr. JONES. I am patient; there is no doubt about that.

Mr. COPELAND. I ask the clerk to read the telegram from the Luckenbach Steamship Co., which I send to the desk.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

NEW YORK, N. Y., *February 22, 1929.*

Senator ROYAL S. COPELAND,

Senate Office Building, Washington, D. C.:

Understand Senate bill 1781, relating load-line regulation, passed House with amendments providing exemption to steam lumber schooners. This is gross discrimination to coastwise steamers in intercoastal trade carrying lumber from Pacific coast to Atlantic coast ports. Why should steam lumber schooners be permitted to sail with decks nearly under and we be required to observe arbitrary marks? At present we always sail with no less than 15-foot freeboard. We urge passage of original bill applying to foreign trade exclusively.

LUCKENBACH STEAMSHIP CO.

Mr. JONES. I suppose the Senator appreciates that that telegram expressly urges the adoption of the conference report.

Mr. BLACK. Mr. President——

Mr. COPELAND. I yield.

Mr. BLACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Simmons
Barkley	Fess	McKellar	Smith
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steck
Black	George	Mayfield	Steiwer
Blaine	Gerry	Metcalf	Stephens
Blease	Glass	Moses	Swanson
Borah	Glenn	Neely	Thomas, Idaho
Bratton	Goff	Norbeck	Thomas, Okla.
Brookhart	Gould	Norris	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Ransdell	Wagner
Caraway	Hastings	Reed, Mo.	Walsh, Mass.
Copeland	Hawes	Reed, Pa.	Walsh, Mont.
Couzens	Hayden	Robinson, Ark.	Warren
Curtis	Heflin	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kendrick	Sheppard	
Edge	Keyes	Shortridge	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

Mr. COPELAND. Mr. President, I hold in my hand a telegram received yesterday from the American Steamship Owners' Association, reading as follows:

The load line bill as now proposed, applying only to vessels engaged in foreign trade, will work a great hardship on many vessels which are from time to time engaged in foreign trade, but which also frequently go coastwise. We are opposed to the bill, and hope that it will not be passed if section 9, as proposed by conferees, is eliminated. We urge you to do everything possible to see that bill is not passed in present form.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION.

Those vessels which are engaged exclusively in foreign trade should have a load line that coincides with the best thought of the experts of the world. I am glad there is to be a conference, and I hope our delegates will bring home from that conference a knowledge of the necessities of the sea as regards protection of passengers and sailors, in order that the United States may be at least on a par with the very best of foreign nations, and I should be glad if we were in the lead. I hope these delegates will come back filled with enthusiasm and a determination to pass through the Congress a real bill, and not an emasculated one such as we have before us now.

Fortunately for us and for those who travel upon our ships, if we do not proceed to enact legislation, they will force our ships into accepting this standard whether we want it or not; but this is not the way to accomplish what we want. By the passage of this bill, according to the testimony of those who talk about the conference abroad, we will go into that conference giving the impression, or seeking to convey the impression, that we have adopted a load line in this country, when that is not the case. We are simply throwing dust into the air. To change the figure, we are seeking simply to confuse the minds of people who read of legislative acts. We are seeking to give the impression that we are striving to protect human life, when, as a matter of fact, the great offenders against life and property are not the foreign-going vessels; they are the coastwise vessels, the barges and the schooners, which are specifically excepted from the provisions of the law by the bill before us.

That has been my own confident belief; but when I find such distinguished company as Judge DAVIS and Mr. BLAND, of the House, I know that the position taken to-day is the right one.

In his speech in the House Mr. DAVIS continued:

The committee, not because they had yielded their opinion, not because they thought it was legislatively or morally right, but in the interest of expediency—

In the interest of expediency!—

reconsidered the bill and made certain specific exceptions, and we passed the bill through the House in that form. When it went to the Senate it developed that there was strenuous objection in the Senate because of the exceptions we had made with respect to certain classes, and the bill went to conference.

Mr. President, listen to what Judge DAVIS said:

Every one of the House and of the Senate conferees favored the resolution which was adopted and which was in the first report of the House managers. We declared ourselves in favor of applying the load line to all ships, and that in the next Congress we would undertake to do that. But realizing that the friends of some of these interests could filibuster the bill to death we agreed upon and reported out the bill excepting the coastwise trade and the Great Lakes from the operations of the bill.

Mind you, for the sake of expediency the bill was reported out excepting the Great Lakes and the coastwise vessels; but the committee, made up of high-minded men, were utterly unwilling to permit the matter to rest there, and they did what it seems to me was a perfectly natural and proper thing to do, quoting now from Judge DAVIS again:

But realizing that the friends of some of these interests could filibuster the bill to death we agreed upon and reported out the bill excepting the coastwise trade and the Great Lakes from the operations of the bill, and substituting in lieu a section in which we directed the Secretary of Commerce to make an investigation and study of the advisability of applying this law to all classes of vessels and to make his report and recommendations to the next Congress.

That was fine. That was a splendid thing to do. The Senator from Washington nods his head in approval, as everyone must do who knows anything about this project.

Mr. JONES. Mr. President, I want to assure the Senator that I am just as earnestly in favor of doing that, even without that resolution; and I will join with the Senator, early in the next session, in preparing and trying to secure the passage of legislation going that far.

Mr. COPELAND. I thank the Senator; and permit me to suggest to him—because I am going to be pretty busy for a little while—that he prepare a resolution and put it in in this Congress asking the Secretary of Commerce to do this—a Senate resolution that will not have to go to the House—and then he will come forward next year with some material which we can use.

Mr. JONES. Would that aid the Senator in coming to a vote on the conference report?

Mr. COPELAND. Yes; it would.

Mr. JONES. I will prepare that resolution right away.

Mr. COPELAND. It means a lot to me; and if I can have the assurance of the Senator from Washington, with his great influence, that he will present such a resolution, it will help me to leave the floor earlier than I otherwise could. I thank the Senator for his willingness to do this.

I shall continue now to read from the statement of Judge DAVIS, speaking now about this conference report, where there was an agreement for the sake of expediency that the coastwise vessels and barges and lumber schooners should be exempt from the provisions of the law, but that the Secretary of Commerce would "make an investigation and study of the advisability of applying this law to all classes of vessels" and make a report to the next session of Congress. Judge DAVIS said:

It came to the House in that form, signed by all of the conferees. The gentleman from North Carolina [Mr. ABERNETHY], who has been making a fight for the exclusion of barges, the most dangerous type of vessels of them all, made a point of order against the provision directing an investigation.

Mind you, Mr. President, I am reading from the RECORD the statement of Judge DAVIS. These are not my words. I want that clear. So a point of order was made against the provision directing an investigation. I want to make it clear now that I am quoting, and that this is not anything I am saying:

Naturally, he was afraid for an investigation to be made of the dangers with regard to barges and the necessity from the standpoint of human life of having the load line law apply to barges. So he made a point of order which the Chair saw proper to sustain.

I suppose, under the rules of the House, the Chair had to sustain that point of order.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. Certainly.

Mr. SIMMONS. That point of order was made in the House, and that item was eliminated from the bill, but in conference, the conferees did the very remarkable and unusual thing of incorporating it in the conference report. When the report came to the Senate, I notified the Senator from Washington that I would raise the point of order here against the conference report, and the item was dropped out of the conference report in deference to that suggestion. So I do not think the Senator need bother himself any further about that. That is out of the way.

Mr. COPELAND. The Senator has spoken plainly, and, of course, that is all right; but I was making it clear, when I spoke about a Member of the House, that I was reading from the RECORD. I did not wish to be put in the position of having done that on my own account. As the Senator has said, he would have raised the same point of order, and, of course, under our rules, it would have been sustained; and it is his absolute right, if he considers it proper, to raise that question.

Judge DAVIS further said:

> Now, the conferees have reported the bill back without that provision. I declined to sign the last conference report; so did my colleague the gentleman from Virginia [Mr. BLAND]; because, speaking for myself—and I assume it is his view also—I was not willing to make any further concessions to that class of people who are not only opposed to a law that would prevent them from overloading, loading beyond the line of safety, but also opposed to an investigation, inquiry, and report by the Department of Commerce.

Then Judge DAVIS further said:

> The American Steamship Owners' Association, composed of fifty-odd of the leading American steamship lines, operating in both the foreign and the coastwise trade, advocated load-line legislation. They advocated it as applicable to all ships, and said, "We are willing and anxious for it to be put on us, if you put it on our competitors." But now they are properly and logically objecting to the bill in its present form. They said, "We were not going to make any fight against a bill which contained a provision for a future investigation and report, with a promise of the consideration of the other classes of vessels in the next Congress, but," they said, "when those excepted classes put themselves in the attitude of even opposing a further investigation of the subject, we think the Congress is proposing to go too far, and we are protesting against the passage of this bill." I have a telegram, received from them this morning, in which they are bitterly protesting against the bill in its present form.
>
> Now, that is the situation with which we are confronted. I do not suppose I could, if I would, defeat this conference report; but I think it is wrong; I think it is discriminatory; I think it is unfair; and I think it is a yielding to some of the very interests who ought to have the load-line legislation apply to them, certainly as much, if not more, than the class to which we are proposing to apply it.

Mr. President, it is very apparent from the statement of Judge DAVIS, who apparently had the support of Mr. BLAND, of Virginia, that these members of the conference committee saw the unfairness and the inhumanity, if I may put it that way, of this proposed legislation.

I trust the Senator from Washington is preparing his resolution.

Mr. JONES. I will do so as soon as I can get my stenographer.

Mr. COPELAND. If we can have the assurance—and apparently we have obtained it—that the Secretary of Commerce will be called upon for a report as to the needs of the country regarding load-line legislation, I shall be satisfied. I am not satisfied to permit this legislation to be enacted without a conviction in my heart that this is to be the end of the load-line business. We must enact into law measures which will make for the safety of American sailors and seamen and the passengers on our ships, and we can never be certain of that condition unless we have proper legislation.

Mr. JONES. Mr. President. Will the Senator yield?

Mr. COPELAND. I yield to the Senator from Washington.

Mr. JONES. I ask unanimous consent for the present consideration of the following Senate resolution.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 345) was read, considered by unanimous consent, and agreed to, as follows:

> *Resolved*, That the Secretary of Commerce is requested to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade and the Great Lakes and all types of vessels, and to submit his report covering the same to the Senate during the month of December, 1929, and to accompany such report with a tentative draft of a bill to effectuate his recommendations.

Mr. COPELAND. Mr. President, I am very much obliged to the Senator from Washington and to the Senate for passing the resolution. My conscience would not permit me to vote for any measure which in my opinion would postpone the time when we could have appropriate legislation which would really save human life, and I know that is the sentiment of the Senator from Washington. I know that he has been dissatisfied with what has been done. But now that the Senate has passed a resolution calling upon the Secretary of Commerce to make the investigation and present it to the Senate with a recommendation for legislation I have not anything more to say. I feel that the morning has been well spent. It would be a crime against life and happiness of our country to pass an emasculated bill solely as a sop to the public, giving the impression that American ships are safe, when as a matter of fact the load-line provision would apply only to vessels going into ports where they would not be permitted very much longer to land anyhow without a load line applied by themselves if not by our country. But now we have the promise and I know we will have the urgent support of the Senator from Washington in making effective the legislation.

Mr. JONES. I should have been very glad to do it, even without the passage of the resolution.

Mr. COPELAND. I thank the Senator and express my gratitude to the Senate. I apologize to the Senate for having taken so much of its time.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. FLETCHER. We have been for many years trying to get a load-line measure enacted into law. Congress has had before it for 8 or 10 years measures to establish a load line. There has been objection by the coastwise people in some instances and by the barge people in some instances. Is it not well to make a start, even though the present bill applies only to ships in foreign trade? A little later on we may be able to do something that will further promote the safety of lives on barges and other vessels. But ought we not to make a start with it now and get such legislation as we can at this time?

I agree with the Senator that we must do something to insure safety of life at sea. The *Vestris* disaster and various other occurrences have made it, it seems to me, profoundly important that we should have legislation and regulations and otherwise promote the safety of life at sea. This is one step in that direction.

Mr. COPELAND. I thank the Senator. I am sorry the able Senator from Florida has not been here to hear the extended discussion we have had this morning. I would not be satisfied otherwise, and I would be on my feet for hours if need be to try to prevent the enactment of legislation that applied only to one class of vessels. But we have just passed a resolution calling on the Secretary of Commerce to present to the Congress in December next the results of his investigation of the whole problem together with recommendations for comprehensive legislation. I would feel that the passage of the bill without this further action of the Senate would have been a very unwise thing.

We enact some law that appears to be a good thing. It was introduced in an apparently satisfactory form, but it is amended here and a little is taken away there, and when it finally passes and is enacted into law it has a stately title, a title which read by the public would seem to indicate that it is something that seeks to preserve human life, and the impression is gained that the matter is settled. But it is not settled. The bill we have had before us to-day in my judgment is not worth 30 cents, but together with what the Senator from Washington has done by the passage of the resolution, in my judgment it becomes probable that in the next session of Congress there will be enacted comprehensive legislation which I know the Senator from Florida [Mr. FLETCHER] desires to have enacted, and so I am entirely satisfied to leave the matter here. I thank the Senate for its forbearance through this long period of time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. JONES. Mr. President, I want to say just a word with reference to the Senator from Florida [Mr. FLETCHER]. He has been one of the most earnest Senators in behalf of legislation along this line that we have had. My recollection is that four or five years ago he introduced load line bills very much along the lines of what we have just now enacted which passed the Senate. He has been one of the earnest Senators in behalf of load-line legislation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1781. An act to establish load lines for American vessels, and for other purposes;

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions;

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States; and

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

EXECUTIVE BUSINESS

Mr. STEPHENS. Mr. President, a nomination for United States judge for the northern district of Mississippi has been received, and I ask that it be referred to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Without objection, the nomination will be referred to the Committee on the Judiciary.

Mr. WALSH of Massachusetts. Other judicial nominations have been received to-day, and I make the request that they all be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, they will be so referred.

FEDERAL BUILDING SITE AT SAVANNAH, GA.

Mr. GEORGE. I ask for the consideration of the bill (H. R. 17026) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes. It is purely a local matter, but there must be concurrence in an amendment which the Senate will ask the House to accept in order that the measure may become effective. I ask for the immediate consideration of the measure and that the Senate accept the amendment proposed by the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 6, before the word "feet," to strike out "Twenty-two" and insert "Not to exceed twenty-two," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to convey by quitclaim deed to the city of Savannah, Ga., for street purposes, the following-described strip of land: Not to exceed 22 feet south of and abutting on State Street from Bull Street to Whitaker Street, in the city of Savannah, Chatham County, Ga., in exchange for 65.5 feet, given by the said city of Savannah to the Government as part of a public-building site, in closing President Street in said city.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. McMASTER. There is a bill on the calendar, House bill 9285, to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, which was passed by the House, known as the tort bill, and it involves the settlement of claims against the United States. If it is not passed immediately, owing to a number of amendments, it will fail at the present session. I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The amendments were, on page 1, after line 1, to strike out the following:

SECTION 1. (a) Subject to the limitations of this act, the Government of the United States authorizes the payment of claims on account of damages to or loss of privately owned property, if the claim accrued after April 6, 1925, and if the damage or loss was caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment. Contributory negligence shall operate to diminish the damages recoverable in proportion to the amount of negligence attributable to the claimant.

(b) Authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government to consider, ascertain, adjust, and determine any claim liability for which is recognized under this section, if the amount of the claim does not exceed $5,000. Such amount as may be found to be due to any claimant shall be certified to the Congress as a just claim, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed, with a summary of the evidence upon which the allowance was made. Appropriations for the payment of such claims are hereby authorized and payment thereof may be made to the extent Congress may approve such claims by the granting of appropriations therefor: *Provided*, That no claim shall be considered by a department or establishment unless presented to it within one year from the date of the accrual of said claim, except that any such claim accrued after April 6, 1925, but prior to the passage of this act, may be presented within six months after the passage of this act.

SEC. 2. Upon the presentation to the Secretary of the Treasury of any such claim for payment, there shall be set off in accordance with the act of March 3, 1875 (sec. 227, title 31, U. S. C.), any claim, whether liquidated or unliquidated, on the part of the United States against the claimant. Acceptance by any claimant of the amount determined under this title shall be deemed to be in full settlement of every claim on account of such damage or loss against the Government of the United States or such officer or employee. No claim that, prior to the time of the passage of this act, has been rejected or reported on adversely by any court or department or establishment authorized to hear and determine the same, shall be considered under this title.

SEC. 3. Section 250, title 28, United States Code (sec. 145 of the Judicial Code, as amended), is amended by adding after the third subsection thereof a new subsection 4, to read as follows:

"Fourth. All claims liability for which is recognized under Title I of this act, if the amount claimed exceeds $5,000."

SEC. 4. Subsection 20, section 24, Judicial Code, as amended (subsec. 20, sec. 41, title 28, U. S. C.), is amended to read as follows:

"(20) Suits against United States. Twentieth. Concurrent with the Court of Claims, of all claims not exceeding $10,000, founded upon the Constitution of the United States or any law of Congress, or upon any regulation of any executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court; and of any suit or proceeding commenced after the passage of the revenue act of 1921, for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal revenue laws even if the claim exceeds $10,000, if the collector of internal revenue by whom such tax, penalty, or sum was collected is dead or is not in office as collector of internal revenue at the time such suit or proceeding is commenced. Nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the Civil War, and commonly known as 'war claims,' or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be affected by this provision. No suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made. The claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. Concurrent with the Court of Claims, of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of $5,000 but does not exceed $10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

SEC. 5. Suit under section 24 or 145 of the Judicial Code (U. S. C., title 28, secs. 41 and 250), as amended by this act, upon a claim accruing on or after April 6, 1925, and prior to the passage of this act, shall be brought within six months after the passage of this act or within three years after the accrual of the claim.

On page 6, after line 8, to insert:

SECTION 1. (a) Subject to the limitations of this act, the United States hereby grants authority as hereinafter provided for the adjudication and payment of claims on account of damage to or loss of privately owned property not exceeding $50,000 in amount, if the claim accrued after April 6, 1925, and if the damage or loss proximately resulted from the negligence or wrongful act or omission of any officer or employee of the Government within the scope of his office or employment and not out of contract.

(b) The heads of the respective departments and establishments shall promptly cause an investigation to be made under such regulations as the Comptroller General shall prescribe of any happening or event in which the United States, through its officers or employees, becomes involved, irrespective of whether or not there appears liability on the part of the United States, and shall transmit for settlement any claim for damages under this title to the General Accounting Office, together with the record and their report and recommendations as to the amount to be allowed, if any.

(c) The General Accounting Office shall settle and adjust the claims as reported, and shall deduct from the amount found due the owner the amount of any lawful claim of the United States, whether liquidated or unliquidated, against such owner. The net amount due a claimant owner shall be certified to the Congress for its consideration and action, and such certificate shall contain a brief statement of the facts and reasons for allowance of the claim and for deductions, if any. Any amount found due by the Congress and paid under this title shall forever discharge the United States from any claim or demand on account of the damage or loss involved in the particular claim. The right of Congress is expressly reserved to return to the Comptroller General, as provided in section 312 (a) of the Budget and Accounting Act of June 10, 1921 (42 Stat. 25, 26), any claim settled by him for further examination and report or to refer any such claim to the Court of Claims, as provided in section 151 of the act of March 3, 1911 (36 Stat. 1138), for the investigation and determination of facts with its conclusion thereon.

(d) No claim shall be considered under this title unless presented to the department within one year from the date of the accrual of said claim, except that any unpaid claim in excess of $1,000 and not exceeding $50,000 accruing after April 5, 1920, but prior to the passage of this act, may be adjusted and settled if presented within six months after the passage of this act, provided said claim has not heretofore been settled or adjusted or disallowed.

SEC. 2. The United States Court of Claims shall have jurisdiction in event application is duly made by claimant within 90 days from the date of the settlement to review as on certiorari any settlement made by the General Accounting Office under the provisions of this title: *Provided*, That application for certiorari be by petition disclosing the matters relied upon, supported by a brief, served on the Comptroller General of the United States, who may in person or by such person as he may designate, appear or otherwise advise the court on the action taken by the General Accounting Office. In event the petition for certiorari is denied, or where granted the settlement is sustained, the costs shall be borne by the claimant and the court shall require deposit of sufficient sum to insure payment of such costs before consideration of the petition.

On page 8, line 21, to change the section number from 6 to 3; at the top of page 9, to strike out—

SEC. 7. No suit upon any claim shall be brought under section 4 or 5 if the claim has been determined by the head of any department or establishment under section 1; and no claim shall be presented for consideration to the head of any department or establishment under section 1 if final judgment thereon has been rendered in a suit upon such claim brought under section 4 or 5.

On page 9, line 8, to change the section number from 8 to 4; on page 11, line 12, before the word "caused," to insert "proximately"; in line 15, before the word "attributable," to insert "proximately"; at the top of page 12, to strike out lines 1 to 3, inclusive, as follows: "Contributory negligence shall operate to diminish the damages recoverable in proportion to the amount of negligence attributable to the person injured or to the deceased."; on the same page, line 13, before the word "is," to strike out "Exclusive authority" and insert "Authority"; in line 15, after the word "consider," to strike out the comma and "ascertain, adjust, and determine"; in line 17, after the figures "$7,500," to insert a comma and "and said commission shall transmit the claim with the report and recommendation to the General Accounting Office for audit and settlement"; on page 13, line 2, after the word "considered," to strike out "by the commission"; in the same line, after the word "filed," to insert "with the commission"; in line 5, before the word "may," to strike out "commission" and insert "Comptroller General"; in line 14, before the word "shall," to strike out "commission" and insert "Comptroller General"; in line 17, after the word "commission," to insert "and the General Accounting Office"; in line 18, before the word "shall," to strike out "commission and the head of each department or establishment" and insert "President"; in the same line, before the word "provide," to strike out "jointly"; on page 15, after the word "grandparent," to insert "or brother or sister"; on page 17, line 3, before the word "deems," to strike out "commission" and insert "Comptroller General"; on page 18, line 7, after the word "the," to strike out "commission" and insert "Comptroller General"; in line 12, after the words "or the," to strike out "commission" and insert "Comptroller General"; in line 17, after the words "by the," to strike out "commission" and insert "Comptroller General"; in line 20, after the words "by the," to strike out "commission" and insert "Comptroller General"; in line 21, after the words "if the," to strike out "commission" and insert "Comptroller General."

The amendments were agreed to.

Mr. McKELLAR. I offer an amendment to the bill.

The amendment was read, as follows:

On page 11, line 18, after the name "Government," insert the following proviso:

Provided, That any suits now pending against the United States growing out of tort which may have been instituted since April 6, 1925, and which have been brought under any act of Congress heretofore passed may be heard and determined in any Federal court in which the same may now be pending, or compromised by the Attorney General of the United States, but the limit of liability to be recovered therein shall not exceed, either for property damage or for personal injury or death, the sum of $7,500.

The amendment was agreed to.

The bill, as amended, reads as follows:

TITLE I. PROPERTY-DAMAGE CLAIMS

Be it enacted, etc.—

SECTION 1. (a) Subject to the limitations of this act, the United States hereby grants authority as hereinafter provided for the adjudication and payment of claims on account of damage to or loss of privately owned property not exceeding $50,000 in amount, if the claim accrued after April 6, 1925, and if the damage or loss proximately resulted from the negligence or wrongful act or omission of any officer or employee of the Government within the scope of his office or employment and not out of contract.

(b) The heads of the respective departments and establishments shall promptly cause an investigation to be made under such regulations as the Comptroller General shall prescribe of any happening or event in which the United States, through its officers or employees, becomes involved, irrespective of whether or not there appears liability on the part of the United States, and shall transmit for settlement any claim for damages under this title to the General Accounting Office, together with the record and their report and recommendations as to the amount to be allowed, if any.

(c) The General Accounting Office shall settle and adjust the claims as reported, and shall deduct from the amount found due the owner the amount of any lawful claim of the United States, whether liquidated or unliquidated, against such owner. The net amount due a claimant owner shall be certified to the Congress for its consideration and action, and such certificate shall contain a brief statement of the facts and reasons for allowance of the claim and for deductions, if any. Any amount found due by the Congress and paid under this title shall forever discharge the United States from any claim or demand on account of the damage or loss involved in the particular claim. The right of Congress is expressly reserved to return to the Comptroller General, as provided in section 312(a) of the Budget and Accounting Act of June 10, 1921 (42 Stat. 25, 26), any claim is settled by him for further examination and report or to refer any such claim to the Court of Claims, as provided in section 151 of the act of March 3, 1911 (36 Stat. 1138), for the investigation and determination of facts with its conclusion thereon.

(d) No claim shall be considered under this title unless presented to the department within one year from the date of the accrual of said claim, except that any unpaid claim in excess of $1,000 and not exceeding $50,000 accruing after April 5, 1920, but prior to the passage of this act, may be adjusted and settled if presented within six months after the passage of this act, provided said claim has not heretofore been settled or adjusted or disallowed.

SEC. 2. The United States Court of Claims shall have jurisdiction in event application is duly made by claimant within 90 days from the date of the settlement to review as on certiorari any settlement made by the General Accounting Office under the provisions of this title: *Provided*, That application for certiorari be by petition disclosing the matters relied upon, supported by a brief, served on the Comptroller General of the United States, who may in person or by such person as he may designate, appear or otherwise advise the court on the action taken by the General Accounting Office. In event the petition for certiorari is denied, or where granted the settlement is sustained, the costs shall be borne by the claimant and the court shall require deposit of sufficient sum to insure payment of such costs before consideration of the petition.

SEC. 3. Nothing in this title shall be construed to affect any right of the United States to reimbursement from an officer or employee of the Government willfully causing the damage or loss giving rise to any claim against the United States under this title.

SEC. 4. (a) The provisions of this title shall not apply to—

(1) Any claim arising out of the loss or miscarriage or negligent transmission of letters or postal matter.

(2) Any claim arising in respect of the assessment or collection of any tax or customs duty.

(3) Any claim for which settlement is provided by the act of October 6, 1917 (secs. 981–982, inclusive, title 34, U. S. C.), relating to the loss, damage, or destruction of the property of officers and enlisted men in the naval service, in the Marine Corps, and in the Coast Guard; by the act of March 3, 1885 (secs. 218–222, inclusive, title 31, U. S. C.), as amended, relating to the loss, damage, or destruction of the property of the officers, enlisted men, and members of the Nurse Corps (female) of the Army; or by the act of March 9, 1920 (secs. 741–752, inclusive, title 46, U. S. C.), or the act of March 3, 1925 (secs. 781–790, inclusive, title 46, U. S. C.), relating to claims or suits in admiralty against the United States.

(4) Any claim arising out of the conveyance, transfer, assignment, or delivery of money or other property or out of the payment to or seizure by the President or Alien Property Custodian of any money or other property, in administering the provisions of the trading with the enemy act, as amended.

(5) Any claim arising out of the administration of the quarantine laws except the laws administered by the Public Health Service of the Treasury Department.

(6) Any claim arising out of the activities or work of the Government, its agents or employees, relating to flood control.

(7) Any claim arising out of the activities of the Government, its agents or employees, relating to river and harbor work.

(b) The act entitled "An act to provide for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C. title 31, secs. 215–217), is hereby repealed, except that any claim accruing prior to such repeal may be considered, ascertained, adjusted, determined, and certified in the same manner and to the same extent as if this act were not law, and nothing contained in the exceptions in section 4 of this act shall be considered as precluding the Congress from considering claims for injuries or damages arising under said exceptions.

(c) The provisions of any act, in so far as inconsistent with the provisions of this title, are hereby repealed to the extent of such inconsistency.

TITLE II. PERSONAL INJURY AND DEATH CLAIMS

SEC. 201. (a) Subject to the limitations of this act the Government of the United States authorizes the payment of claims on account of personal injury or death, if the claim accrued after April 6, 1925, and if the injury or death was either (1) proximately caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment, or (2) proximately attributable to any defect or insufficiency in any machinery, vehicle, appliance, or other materials and such defect or insufficiency was due to the negligence or wrongful omission of an officer or employee of the Government: *Provided*, That any suits now pending against the United States growing out of tort which may have been instituted since April 6, 1925, and which have been brought under any act of Congress heretofore passed may be heard and determined in any Federal court in which the same may now be pending, or compromised by the Attorney General of the United States, but the limit of liability to be recovered therein shall not exceed, either for property damage or for personal injury or death, the sum of $7,500.

(b) No compensation shall be allowed for any such injury or death if the injury or death results from the fact that the person injured or the decedent was intoxicated or under the influence of drugs, or if the injury or death is caused by the willful misconduct of the person injured or the deceased, or by the intention of the person injured or the deceased to bring about injury or death to himself or another.

(c) No compensation shall be allowed for any such injury or death to the extent that the injury is continued or aggravated, or that the death is caused by an unreasonable refusal or negligent failure to submit to or procure medical or surgical treatment, the risk of which is, in the judgment of the United States Employees' Compensation Commission (hereinafter referred to as the commission), based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

SEC. 202. (a) Authority is hereby conferred upon the commission, acting on behalf of the Government, to consider any claim liability for which is recognized under section 201, if the amount of the claim does not exceed $7,500, and said commission shall transmit the claim with the report and recommendation to the General Accounting Office for audit and settlement. Such amount as may be found to be due to any claimant shall be certified to the Congress as a just claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed with a summary of the evidence upon which the allowance was made: *Provided*, That no claim shall be considered unless filed with the commission within six months after the injury or one year after death caused by the injury, except that for reasonable cause shown the Comptroller General may allow claims for compensation for such injury to be filed any time within one year after the injury, and except that any claim accrued after April 6, 1925, but prior to the passage of this act, may be filed within one year after the passage of this act.

(b) Acceptance by any claimant of the amount determined under this title shall be deemed to be in full settlement of the claim against the Government of the United States and the officer or employee.

(c) The Comptroller General shall by regulation provide for the form and manner in which claims under this title shall be presented before the commission and the General Accounting Office.

SEC. 203. The President shall provide rules, including penalties for the violation thereof, for the reporting to the commission both by officers or employees of such departments or establishments and by their immediate superiors of injuries or death which may become the basis of a claim under this title.

SEC. 204. (a) The compensation for personal injury shall be paid to the injured individual, except that if the individual dies before compensation has been paid, the compensation shall be allowed and paid as in the case of compensation for death.

(b) Compensation for death shall be allowed and paid as follows:

(1) Compensation shall be allowed only for death caused by injury and occurring within three years after the injury; except that no compensation shall be awarded where the death takes place more than one year after the cessation of disability resulting from such injury, or (in the absence of any such disability preceding death) more than one year after the injury.

(2) The compensation shall be allowed and paid to the following beneficiaries:

(A) To the widow or widower, or if there is no widow or widower, then to the children, share and share alike. Compensation to a child shall not be allowed unless the child is unmarried and is either under 18 years of age or, having reached the age of 18, is physically or mentally incapable of self-support. Compensation for a child under 18 years of age shall be paid to the legal guardian.

(B) To any parent or grandparent or brother or sister who was totally or partially dependent for support upon the deceased at the time of his death, having due regard for the extent of the dependency in cases of partial dependency under this paragraph.

(3) The total compensation which may be allowed on account of any one injury, or injury and death caused thereby, shall not exceed $7,500.

(4) The right of a beneficiary to compensation for death shall not survive the death of such beneficiary.

(c) In addition to the money compensation provided under this title—

(1) In the case of personal injury, the injured individual shall be allowed such expenses for any medical, surgical, and hospital services and supplies (including artificial members and other prosthetic appliances) as the commission adjudges necessary and reasonable for care of or relief from the results of an injury, subject to such regulations as the commission may prescribe with respect to the procurement of such services and supplies.

(2) In the case of death, the personal representatives of the decedent shall be allowed such funeral and burial expenses of the decedent as the commission adjudges to be necessary and reasonable in an amount not to exceed $200.

SEC. 205. As used in this title—

(a) The term "child" means (1) a legitimate child, (2) a child legally adopted prior to the death of the deceased, (3) a stepchild, if a member of the deceased's household at the time of his death, (4) a posthumous child, and (5) an illegitimate child, but as to the father only, if acknowledged in writing by him, or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child: *Provided*, That an illegitimate child, whose father has not been determined by a competent court, shall have the same rights as a legitimate child under this act.

(b) The term "widow" means the deceased's wife living with or dependent for support upon him at the time of his death, or living apart from him at such time because of his desertion.

(c) The term "widower" means the deceased's husband living with her at the time of her death.

(d) The term "parent" means a father, mother, father or mother through adoption, stepfather, stepmother, and persons who have stood in loco parentis to the deceased for a period of not less than two years just prior to his death.

(e) The term "grandparent" means a grandfather or grandmother.

SEC. 206. The allowance of compensation for personal injury to any claimant under this title may be denied, to such extent as the Comptroller General deems necessary, unless such claimant has, as frequently and at such times and places as may be reasonably required by the commission, submitted himself to examination by a medical officer of the United States or by a duly qualified physician, designated or approved by the commission. The individual injured may have a duly qualified physician designated and paid by him present to participate in such examination. In case of any disagreement between the physician making an examination on the part of the United States and the

physician designated by the individual injured, the commission shall appoint a third physician, duly qualified, who shall make an examination. For all examinations after the first required under this title, the claimant shall, in the discretion of the commission, be paid his reasonable traveling and other expenses. Fees for examination made on the part of the United States under this title by physicians who are not already in the services of the United States shall be fixed by the commission. Such fees and traveling and other expenses shall be paid out of the appropriations for the administration of this title.

SEC. 207. (a) Any assignment of a claim of compensation under this title shall be void, and all compensation and claims therefor shall be exempt from all claims of creditors.

(b) If an injury or death for which compensation is payable under this title is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Comptroller General may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the Comptroller General may require said beneficiary to prosecute said action in his own name.

(c) If the beneficiary refuses to make such assignment or to prosecute said action in his own name, when required by the Comptroller General, he shall not be entitled to any compensation under this title.

(d) The cause of action when assigned to the United States may be prosecuted by the Comptroller General, and if the Comptroller General realizes upon such cause of action it shall apply the money or other property so received in the following manner: After deducting the amount of the compensation paid to the beneficiary, including any payments made under subdivision (c) of section 204, and the expenses of such realization, which sum shall be paid into the Treasury, the surplus, if any, shall be paid to the beneficiary.

(e) If an injury or death for which compensation is payable under this title is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(1) If the compensation has been paid, he shall refund to the United States so much of the amount of compensation which has been paid by the United States, including any payments made under subdivision (c) of section 204, as is not in excess of the amount of the money and property received. Any amount so refunded shall be paid into the Treasury.

(2) If the compensation has not been paid, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury or death.

SEC. 208. The provisions of this title shall not apply to—

(a) Any claim for which compensation is provided by the Federal employees' compensation act, as amended (U. S. C. title 5, ch. 15), or by the World War veterans' act of 1924, as amended (U. S. C. title 38, ch. 10, as amended).

(b) Any claim for injury or death incurred in line of duty by any member of the military or naval forces of the United States in cases where relief is provided by other law.

SEC. 209. The act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C. title 5, ch. 15), is amended by adding at the end thereof a new section to read as follows:

"SEC. 43. That this act may be cited as the Federal employees' compensation act."

TITLE III. MISCELLANEOUS

SEC. 301. When used in this act—

(a) The term "department or establishment" means any executive department or independent establishment not in the legislative or judicial branches of the Government, or any corporation acting as a governmental instrumentality or agency in which the United States owns or controls 51 per cent or more of the voting shares and securities, but shall not include the Panama Railroad;

(b) The term "officer or employee of the Government" means any officer or employee of any department or establishment as above defined, any member of the military or naval forces of the United States, or any other person acting on behalf of the United States in any official capacity under or by authority of any such department or establishment; and

(c) The term "acting in the scope of his office or employment," in the case of any member of the military or naval forces of the United States means acting in line of duty and, in the case of an officer or employee of any corporation acting as a governmental instrumentality or agency, means acting in the execution of a governmental activity.

SEC. 302. In any claim brought under this act the head of the executive department or other independent establishment, court, or governmental instrumentality shall, as a part of the determination or decision, determine and allow reasonable attorney's fees not to exceed 15 per cent of the amount recovered, if recovery be had, to be paid out of the amount recovered to the attorneys of the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount other than that allowed under this section, if recovery be had, shall upon conviction thereof be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both.

SEC. 303. Section 173 of the Judicial Code, as amended (U. S. C. title 28, sec. 280), is amended to read as follows:

"SEC. 173. No claim shall be allowed by the accounting officers or the head of any executive department or other independent establishment or governmental instrumentality, or by any court of the United States, or by the Congress to any person where such claimant or those under whom he claims shall willfully, knowingly, and with intent to defraud the United States have claimed more than was justly due in respect of such claim or presented any false evidence to Congress or to any department, establishment, instrumentality, or court in support thereof."

SEC. 304. The claims of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the same be filed with the head of the department, or if suit thereon be brought, within one year after the disability has ceased.

SEC. 305. This act may be cited as the "Federal tort claims act."

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JUDGE GROVER M. MOSCOWITZ

Mr. NORRIS. I have been directed by the Judiciary Committee to report favorably without amendment the joint resolution (H. J. Res. 431) providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York, and I ask that it may be considered at this time.

The PRESIDING OFFICER. The Chair lays before the Senate the joint resolution from the House of Representatives.

The joint resolution was read twice by its title.

Mr. NORRIS. I have been directed by the Committee on the Judiciary to ask for the immediate consideration of the joint resolution. The House has sent the joint resolution here. It is the same kind of a resolution which passed the Senate the other day giving authority to a subcommittee of the Committee on the Judiciary of the House to act during the recess of Congress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Whereas certain statements against Grover M. Moscowitz, United States district judge for the eastern district of New York, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Therefore be it

Resolved, etc., That EARL C. MICHENER, J. BANKS KURTZ, C. ELLIS MOORE, ROYAL H. WELLER, and HENRY ST. GEORGE TUCKER, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they are hereby, authorized and directed to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York, and to report to the Committee on the Judiciary of the House whether in their opinion the said Grover M. Moscowitz has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said special committee have power to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House until adjournment sine die of the Seventieth Congress and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House of the Seventy-first Congress.

SEC. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however,* That the total expenditures authorized by this resolution shall not exceed the sum of $5,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MISSISSIPPI RIVER BRIDGE NEAR HICKMAN, KY.

Mr. BARKLEY. I ask for the present consideration of the bill (H. R. 17007) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky., authorized to be built by A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, by the act of Congress approved March 16, 1928, are hereby extended one and three years, respectively, from March 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPATRIATION OF CERTAIN INSANE AMERICAN CITIZENS

Mr. JOHNSON. I ask unanimous consent that the Committee on the Judiciary may be discharged from the further consideration of the bill (H. R. 16436) to provide for the repatriation of certain insane American citizens, in order that the bill may be put upon its passage. The only reason why I make the request is because of the urgency of the measure. The State Department has asked us to pass the bill, which has passed the House, relating to the insane who are now in Canada. It is absolutely essential that we take charge of those insane and that this act be passed. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, the committee will be discharged from the consideration of the bill.

Mr. SMOOT. There has already been a similar bill here?

Mr. JOHNSON. Yes; introduced in the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That upon the application of the Secretary of State, the Secretary of the Interior is authorized to transfer to St. Elizabeths Hospital, in the District of Columbia, for treatment, all American citizens legally adjudged insane in the Dominion of Canada whose legal residence in one of the States, Territories, or the District of Columbia, it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.

Upon the request of any such patient, his relatives, or friends, he shall have a hearing in the Supreme Court of the District of Columbia upon his mental condition and the right of the superintendent of St. Elizabeths Hospital to hold him for treatment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAUMEE RIVER BRIDGE

Mr. BAYARD. Yesterday during the calendar call, when House bill 15715 was reached I objected to its consideration. I would now like to withdraw my objection and ask unanimous consent that the bill be taken up and put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15715) authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPACTS BETWEEN COLORADO, OKLAHOMA, AND KANSAS

Mr. JONES. On behalf of the Senator from Colorado [Mr. PHIPPS], who is ill, I present five conference reports and ask for their present consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the reports? The Chair hears none.

Mr. JONES (for Mr. PHIPPS) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7025) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The report was agreed to.

COMPACTS BETWEEN NEW MEXICO AND OKLAHOMA

Mr. JONES (for Mr. PHIPPS) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6496) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The report was agreed to.

COMPACTS BETWEEN NEW MEXICO, OKLAHOMA, AND TEXAS

Mr. JONES (for Mr. PHIPPS) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6497) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The report was agreed to.

COMPACTS BETWEEN NEW MEXICO AND ARIZONA

Mr. JONES (for Mr. PHIPPS) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6499) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The report was agreed to.

COMPACTS BETWEEN COLORADO AND NEW MEXICO

Mr. JONES (for Mr. PHIPPS) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7024) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
ADDISON T. SMITH,
W. C. LANKFORD,
Managers on the part of the House.

The report was agreed to.

BROKERS' CALL LOANS ON STOCK EXCHANGE

Mr. WALSH of Massachusetts. Mr. President, I request that there be printed in the CONGRESSIONAL RECORD a letter written to me by Robert L. Owen, former Senator from the State of Oklahoma, commenting upon public press announcements of the Federal Reserve Board condemning the New York Stock Exchange brokers' call loans as excessive and as obstructing the power of the reserve banks to furnish adequate credit to commerce.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 22, 1929.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Very great publicity has been given the several public press announcements of the Federal Reserve Board, condemning the New York Stock Exchange brokers' call loans as excessive, as impairing commercial credit rates, as obstructing the power of the reserve banks to furnish adequate credit to commerce. In the published statement of February 7 the board fourteen times stigmatizes these loans as "speculative loans," as if they were reprehensible morally.

Such disturbing public declarations impair the public confidence on which our national credit structure depends and does a public injury. Such opinions, even if sound, should not be exploited in the public press for that very reason. They have a powerful tendency to chill national activities. They are a serious blow at the credits of the stock exchange. But these opinions are both unnecessary and unsound.

These call loans certainly are unusually large, but a reasonable and natural result of our stock-market activity in merchandising the securities of our vast national industries and a result of an enormous concentration of wealth. The loans are five and one-half billions, but the listed securities of the New York Stock Exchange are over seventy billions, and many billions in stocks and bonds are passing back and forth through this market.

Many great new issues are being marketed for our expanding enterprises. A huge exchange market is being maintained, where owners may sell their stocks at will and buy others. A high and rising market attracts both sellers and buyers. The average sales have been running over 3,000,000 shares of stock a day, not to mention bonds, nor curb sales of nearly 2,000,000 shares a day.

These so-called brokers are really bankers and merchants of securities and are carrying in their vaults and in banks on their own account and on account of their customers, stocks worth many billions. The exchange members are men of the highest integrity and of great financial responsibility. They borrow money on call because this vital business of the country requires these loans for its increased efficiency.

Who has the right to say these loans are excessive when required to meet the needs of this market, and when borrowers and lenders are both satisfied, or when business lends $2,600,000,000 to business for the service of business on call loans? The fact that they are needed and supplied answers this question.

The lenders are not depriving commerce of accommodation because as a matter of fact commerce is getting all the accommodation it needs, although overcharged sometimes. The banks give priority of loans to commerce and these call loans are in effect cash reserves payable on demand and available for commerce when required.

Moreover, the New York banks were lending (February 13, 1929) $55,000,000 less than a year ago, and the New York banks and the "outside banks" combined were lending only a little over a quarter of a billion more than a year ago when the Federal Reserve Board assured the United States Senate there was no occasion to be concerned over the then existing conditions. This quarter of a billion has now been withdrawn, probably in deference to the circular of the reserve board to the banks on February 2, 1929.

A year ago (February 14, 1928) the total brokers' loans were $3,819,000,000, consisting of New York banks, $1,152,000,000; "outside banks," $1,531,000,000; "others," $1,136,000,000, and the banks combined are now lending about the same amount.

The present increase is due to "others," I. e., corporations and individuals over whom the board has no color of jurisdiction.

It is an abuse of power for the board to tell a bank it shall not make a New York call loan under penalty of a denial of its legal privilege of reserve-bank accommodation on qualified commercial paper.

The reserve board has no legal right to tell "others" with idle money that their loans on call are excessive or against public policy as "speculative loans." The loans themselves are certainly not "speculative." They are secured by solvent makers of great responsibility, by collateral securities of the highest character worth on an instant established market from 130 to 150 per cent of the loan, and are payable within 24 hours on demand. They are the safest and most liquid of all loans. They are not "speculative" in any true sense. They are cash reserves on call.

But they are stigmatized by the reserve board by a careless figure of speech which many people will fail to correctly interpret. The board probably meant that the proceeds of such loans were used by brokers to accommodate those who speculate, and that it does not approve such loans to "speculators."

Such suggestions from a highly responsible body are injudicious, harmful, and no part of the board's official duty under the Federal reserve act.

Tens of thousands of the transactions on the Stock Exchange have no element of speculation. They are simply sales to millions of purchasers for investment or sales for investors who need their money or sales of stocks and bonds for industrial companies needing money for carrying on the Nation's business.

Thousands of people buy stocks for investment and sell stock for reinvestment, without loans or margins. They sell such investments when they can make a profit, or need cash. Others buy on margins until they can raise the money to pay in full for an intended investment.

Others buy on a margin because they think the stock cheap; that it will increase in value. They can buy more stock on margin and thus hope to make a larger profit when they sell.

Without these buyers and sellers there would be no stock market. Those needing credit on the wide margins required are entitled to the credit they receive, and it seems strangely inconsiderate to disparage loans to these merchants of our securities by the fourteen times repeated charge that these loans are "speculative." The buying and selling of stocks may be or may not be "speculative," and even when it is, it is not against any law or any declared public policy. All buying and selling is speculative. All merchants who buy commodities or real estate for sale are speculating on a gain when they sell and may suffer loss, but they serve the public well and deserve both credit and respect.

Moreover, credit is now abundant to easily accommodate both commerce and the securities market. The resources of the American banks reporting June 30, 1928, were over $71,000,000,000. They are now probably over $73,000,000,000. They have increased forty-five billions in 14 years, sixteen and one-half billions in 5 years past, and three and one-half billions in the last fiscal year. The productive power of the people annually is greater than the total resources of the banks. These results flow from abundant credit, not from a denial of credit.

It is not true that brokers' loans are depriving commerce of needed credit. The banks give commercial loans the preference. Moreover, commerce needs time loans and not call loans. But these call loans, subject to payment in 24 hours, are always instantly available for the needs of commerce.

It is the fact that commerce has not needed these funds that causes them to be unemployed and therefore loanable on call.

But far more significant is the fact that the reserve banks have at this moment many unemployed billions of potential credits available for commodity commercial bills if the need arose.

The reserve banks have about $3,000,000,000 of gold. They could increase these gold holdings more than $500,000,000 easily by simply exchanging reserve notes for gold certificates in transit over the counter. Every gold dollar would support two and one-half times as many reserve notes issued against qualified commodity bills. This money would support a credit structure many times as great as such a volume of cash. The potential powers of the reserve banks to serve commerce are gigantic and are relatively untouched. It is not true that the loans made by the banks or by "others" are preventing the

reserve bank of New York or any other reserve bank from supplying needed commercial loans.

It is true that commercial loans are being charged a rate so high as to hinder business, but the reserve banks are seriously to blame for not correcting that by using their present powers to fix a lower rate. Instead of doing so, the New York Reserve Bank stopped buying open-market bills and contracted outside loanable credit by selling its Government bonds. Commerce needs a lower rate, and the United States Government, in its very large refinancing for 1929, deserves a lower rate than it can receive if artificial contraction of credit is demanded by the Reserve Board. The bears should be greatly pleased with the Federal Reserve Bank of New York and probably are whispering sad and melancholy bear advice to timid reserve officials.

It is unsound and unfair to charge the member banks with obstructing the powers of the reserve banks to extend commercial credits. They are doing nothing of the kind, and the board is extremely ill-advised to make such a suggestion. The board would do better if it advised the reserve banks to be more considerate of the member banks.

THE NEW YORK STOCK EXCHANGE

is entitled to the respect and confidence of the American people. It is the greatest market for investment securities in the world. Over 2,500 separate issues of stocks and bonds are listed there, of a value of over $70,000,000,000. Every stock listed must fully expose all of the company's affairs in a manner that investors may be fully informed. Here is every practicable safeguard to insure fair dealing between those who sell and those who buy the securities. Here is the place where every great industry, by the sale of its stocks and bonds, finds the means with which to build and carry on all our great enterprises.

It was largely through its members, their affiliations, and connections that we financed the World War and marketed Government securities. It has been and is a vital center and agency of our national prosperity. Its very intricate and delicate machinery is the last word in efficiency and precision. Its standards of integrity and business ethics are of the highest. Daily contracts made only by word of mouth, but involving hundreds of millions, are all faithfully kept. It has been common to see three and four million shares a day bought and sold without error.

Without the stock and commodity exchanges American prosperity would dry up. It is deplorable for a great governmental agency to reflect on the operations of the New York Stock Exchange, or to deprive its members of needed credits. As every informed person knows, the several published declarations of the board in this matter was followed by an immediate bear reaction on the exchange, with wholesale falling in the prices of stocks. It could not possibly have been the intention of the Federal Reserve Board to create breaks in the stock market, or to injure the bulls and help the bears, yet that was the effect of its publications.

From 1900 to 1921 there were six major bull movements, averaging 25 months each, and six major bear movements, averaging 17 months each, and they have been recurring since and will continue to recur. To break up a bull market is no more the province of the board than to build up a bull market.

The reserve board is not authorized to bring on a bear market but if this policy of contracting credit is pursued it will surely accentuate and intensify the normal reaction from an active high market that always follows in due time from natural causes.

The one weak spot in the Federal reserve act is that those who sell credit (the bankers), were given a preponderance of power on the reserve bank boards over the business men who buy and employ credit (manufacturers, merchants, carriers, etc). The bankers by nature tend to sell credit high and to contract it too much out of both fear and interest. The board has not had the wit to correct this, but was unduly influenced by the banks to favor contraction in 1919–1922 when widespread ruin ensued and over 3,000 banks failed. This unintelligent and timid policy should never be repeated.

The Federal Reserve Board and the Federal reserve banks should at least keep within the duties prescribed by the reserve act and not interfere with the New York stock market by directly or indirectly contracting the credit it requires.

It was my duty as chairman of the Banking and Currency Committee of the United States Senate four times between January and June, 1920, on the floor of the Senate, to solemnly warn the country of the danger of willful, arbitrary contraction of credit and currency. The chairman's voice was not sufficiently considered and an unnecessary financial cataclysm followed. It was caused by unsound and selfish advice to the reserve board and reserve banks.

There were some great bankers who resented the excessively high commodity prices and the implied diminished purchasing power of the dollar and of gold and unduly attributed this undesirable condition to inflation of credit and currency and demanded "deflation," which policy was adopted and carried to extreme limits.

The results were disastrous. This violent change of sudden contraction gave the people no time to readjust their affairs. All debtors and debts arising from war conditions and its immediate consequences were suddenly forced to liquidation and payment when credit was artificially denied.

By giving time and extending credit freely against available security this national disaster could have been prevented and the readjustments from war prices to peace prices made with comparatively small losses. It cost the country many billions through business dislocations and bankruptcies directly due to and caused by the incredible folly of artificially denying credit to the people at such a transition stage of falling prices.

Within two years 6,000,000,000 of bank credits were withdrawn and 1,500,000,000 of currency retired, causing wholesale bankruptcy and unemployment.

After this recent national catastrophe of 1921 from arbitrary willful credit contraction the Congress and the business men of America should never again permit a repetition of such financial mismanagement.

The learned Prof. Charles A. Dice, Ph. D., etc., of Ohio University, of College of Commerce in his excellent work, The Stock Market (580) wisely says:

"The investor in stocks is one of the greatest constructive factors in the economic organization. He puts his funds into the different lines of industry when they are in a period of depression, etc.

"We need but few men who devote their whole time to the stock market but we need many men who are engaged in business and invest their funds on the long-time basis in the stock market."

The bears constantly warn the public against buying stock because too high. The New York Stock Exchange requires full information. The scales are delicately adjusted. Government officials should not interfere except as expressly authorized by law.

Yours very respectfully,

ROBERT OWEN.

FLYING OF CHURCH PENNANT

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New Haven Journal-Courier relative to the use of the church flag.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BISHOP PERRY DEFENDS USE OF CHURCH FLAG—PROTESTS PROPOSAL TO PROHIBIT BANNER FLYING ABOVE "OLD GLORY"

Objection to the proposal recently made in the United States Senate which would prohibit the flying of the church flag above the American flag on naval vessels during church services, was voiced Sunday by Right Rev. James DeWolf Perry, D. D., Episcopal Bishop of Rhode Island, at the annual sermon to the Society of Mayflower Descendants, delivered in St. John's Pro-Cathedral at Providence.

"The hand of every American should be raised in protest against such an act of surrender," Bishop Perry declared.

"The first act performed by white men setting foot upon the shores of our western world was to raise the standard of the cross and kneel in prayer to God," the bishop said, "The first ship to land a company of Englishmen on the coast of Virginia carried at the masthead the emblem of the cross. The American Navy has for generations at the time of divine service each week raised the same cross of Christ on the church flag above the Stars and Stripes.

"In a resolution introduced by a Member of Congress last week it was proposed that this time-honored custom should be discontinued and that the flag emblazoned with the cross should be permanently removed from its place. The hand of every American should be raised in protest against such an act of surrender. The sign of the cross has symbolized throughout the ages since it first stood on Calvary, the offer of the believing heart to pay the price of faith."

HEFLIN PROPOSAL VOTED DOWN

Bishop Perry referred to a proposal offered in the Senate on February 5 by Senator HEFLIN, Alabama Democrat, which would prohibit the flying of a church pennant during the services at sea above the American flag on United States warships. The proposal was offered as an amendment to the cruiser bill and resulted in a heated discussion in the Senate. The Senate then went on record by a roll-call vote as to its views on the question and the proposal was voted down by a vote of 68 to 10.

Faith in God, Bishop Perry declared, and concern regarding spiritual welfare, played an important part in shaping the history of the Nation, and will play a similar part in the future.

"It would be impossible," he said, "to understand the background of our national life without an appreciation of its religious origin. By the same token there can be no confident approach to the future that disregards the Nation's spiritual outlook. The ultimate issue in the life of every people concerns its faith. If that be kept wholesome and vital and true, a country's destiny is sure.

"Other means of defense, whether they be intellectual, financial, or military, may avail for a while, but in the end you will find from universal experience since the world began that a race or nation will endure just as long as it preserves the qualities of trust and loyalty, obedience, and reverent devotion. When these are removed, even though the hollow form of organized religion stand, the foundations first of the home will crumble, threatening then the social order, and at last plunging the whole body politic into ruin.

"Consequently any effort to do honor to the founders of our Republic and to perpetuate their work must begin with resolute adherence to the faith which inspired them. To maintain undeviating belief in God and to award Him the supreme place in thought and worship and conduct is a policy of pure patriotism quite as much as consistent religion.

"An organization which takes for its charter the defense and promotion of American traditions can set before itself no more important objective than the witness which it may bear to the gospel of Jesus Christ."

TOLL BRIDGES

Mr. BROOKHART. Mr. President, on yesterday's Senate Calendar I counted 58 bridge bills, and then I am told that I missed some and did not count all of them. Most of those bills were passed at the session of the Senate on yesterday afternoon. Most of those bridges will be toll bridges, obstructing the freedom of the American highway system.

The question of toll bridges has reached such a stage that I think it deserves the special attention of the Congress of the United States. I think it is even an alarming situation which is developing so rapidly in our country. For this reason I want to take a little of the time of the Senate to discuss the proposition and to present a few facts in reference to the toll-bridge system throughout the entire country.

The Constitution of the United States gives to Congress exclusive power for the regulation of interstate and foreign commerce. It likewise gives to Congress the right of the establishment and control of post roads. At the present time more than 85 per cent of the railroad traffic of the United States is interstate commerce, which indicates that a like proportion of the business of the United States is also interstate.

When we contemplate these facts and view the enormous volume and size of interstate business, it is a sad commentary to see that the Government is only spending $75,000,000 a year in Federal aid to roads. A single State will put on a program for $100,000,000 in two or three years and draw only $2,000,000 a year from the Federal Government. The roads built by this cost outlay will carry heavy interstate traffic and will all be used as post roads.

The time has therefore arrived—in fact, has long since passed—when the States should demand that the Federal Government bear its just proportion of road building so urgently demanded in all parts of the country.

TOLL BRIDGES A MENACE

The most important part of any road system is its bridges. The prairie schooner crossed the broad prairies with comparative celerity, but found great difficulty when it approached the streams. The development of our country and the advancement of its civilization went with the building of bridges. Bridges can not be considered otherwise than as the most elemental part of the highway system.

In the United States we are committed beyond recall and even beyond argument to the free-highway system. The toll bridge is an offensive violation of this principle and has no standing as an integral part of the American road system. It is not only a gross obstruction of traffic, but is even more a gross insult to the American spirit of freedom. We are committed to the policy of free public roads as strongly and irrevocably as to the policy of free public schools.

This policy has been intensified manyfold by the development of the automobile and of the truck. When we know that last year's consumption of gasoline was 10,596,000,000 gallons and that these vehicles traveled more than 137,000,000,000 miles upon our roads, there is no argument left for the continuance of the toll bridge. While it is true that most of the bridges in our country are free, still private interests seeking excessive profits have succeeded in getting charters for many interstate bridges and many others over navigable streams at important points.

PRIVATE INTERESTS SEEK RIGHTS

On October 1, 1927, there were 233 toll bridges in operation on the highways of the United States. Of this number 42, or 18 per cent, were owned by the public and 191, or 82 per cent, were owned by private interests. On the same date, 29 more were in process of construction. Of these, 9, or 31 per cent, were owned by the public and 20, or 69 per cent, were owned by private interests.

Mr. ODDIE. Mr. President, will the Senator from Iowa yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. BROOKHART. I yield.

Mr. ODDIE. Mr. President, I have at this session introduced a resolution providing for the appointment of a committee from both Houses of Congress to investigate the toll-bridge question. I agree with the Senator from Iowa that the principle of toll roads which was in vogue in this country for so many years has been brought back by the inauguration of toll bridges by the hundreds. I have tried numbers of times during this session to secure action on my resolution, but, unfortunately, I have not been able to get it out of the Committee to Audit and Control the Contingent Expenses of the Senate. If the committee proposed by my resolution could be appointed it would do a great good in making a thorough investigation of the question of toll-bridge legislation and in furnishing the information secured to Congress and to the American people as it should be brought before them.

Every road organization in the United States that I know anything about is anxious that that resolution be favorably acted upon. The Bureau of Public Roads, which is the guardian of our road systems to a large extent, is anxious that it be acted on, but I have not been able to get results. I want it known publicly why we have not been abe to get the resolution through at this session of Congress.

Mr. BROOKHART. Mr. President, I shall be glad to help the Senator from Nevada get his resolution out of the committee, or even to discharge the committee, if the fault is in the committee, because I agree to the proposition embodied in the resolution.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Mexico?

Mr. BROOKHART. I yield.

Mr. BRATTON. I wonder if the Senator from Iowa would be willing to have a vote on the conference report taken, and make disposition of the matter, and let the record of it follow the address of the Senator from Iowa?

Mr. BROOKHART. If the Senator refers to the conference report now under consideration, I had a different arrangement with some other Senators who are interested in the report.

Mr. BRATTON. I withdraw the request.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. BROOKHART. Mr. President, the Sixty-ninth Congress authorized 55 more toll bridges on which construction had not been commenced. Of these, 12, or 22 per cent, were granted to public agencies, and 43, or 88 per cent, were granted to private interests.

Up to April 30, 1928, there had been introduced in the Seventieth Congress bills providing for the authorization of 122 new toll bridges not previously authorized.

I have already mentioned 58 such bills I counted on yesterday's Senate Calendar. Of these, 39, or 32 per cent, were for public operation and 83, or 68 per cent, were for private operation. Of the 122 bridges covered by these bills in the Seventieth Congress, 67 have been definitely authorized by the passage of the bills and the signature of the President. Sixteen of these, or 24 per cent, will be operated by public agencies, and 51, or 76 per cent, by private interests; and during the course of yesterday's proceedings the Senate passed several more such bills.

In addition to the bridges covered by bills introduced and passed by the Sixty-ninth Congress, or introduced in the Seventieth Congress up to April 30, 1928, there are 78 other bridges which, according to the information obtained by the bureau, were under consideration or proposed on October 31, 1927. Of these 28, or 36 per cent, were proposed as public bridges and 50, or 64 per cent, were to be operated by private parties. It will be noted also that most of these public bridges are toll bridges, although operated by a county, city, or a State. However, in most instances their cost will be amortized, and at the end of 20 years under the law they will become free bridges. That is not so offensive as a perpetual toll bridge, of course. Of the 424 toll bridges in operation, under construction, or proposed for which information was available on October 31, 1927, 217 are on the system of Federal-aid highways, the main traffic highways of the United States. All of the private toll bridges are dependent on their income from traffic flowing to them over highways built by public funds.

OBSTRUCT FREE-BRIDGE BUILDING

The above facts have not only been asserted by Thomas H. MacDonald, Chief of the United States Bureau of Public Roads, but he has also found outstanding examples of obstructionist tactics on the part of private toll-bridge interests to prevent the building of free bridges by the public or the securing of legislation to permit States to build bridges with advantageous loans of necessary capital from the best banking houses by issuing revenue bonds; that is, bonds to be retired from the revenue earned by the bridge itself.

I ask the Senate to notice that the bureau discovered tactics which are obstructing the enactment of laws that will permit that sort of operation by the States or the counties or the cities for the purpose of protecting this private toll-bridge system. Such bonds are not a debt in the constitutional sense against the community, and when issued for a necessary and desirable improvement, are sound financing.

Federal aid is available even under the terms of the Oldfield amendment to build bridges, and the capital supplied by the States can be retired through the collection of tolls.

Within the United States and on the international boundary on October 1, 1927, there were 233 operating toll bridges; and on the same date there were 29 other bridges in process of construction. Of the 233 bridges in operation, 42 were owned by the public, of which number 7 were owned and operated by State governments, 20 by county governments, and 15 by cities. The remaining 191 were owned privately—154 by toll-bridge companies and 37 by railroad companies. Twelve of these new private bridges are on the international boundary.

Of the 29 new structures that were under construction, 9 were owned by and will be operated by the public, 2 by States, 4 by counties, and 3 by cities. The other 20 were in process of building by private corporations, of which 18 were toll-bridge companies and 2 were railroad companies.

Following is the number and location of toll bridges in the United States on October 1, 1927. I think this table is important:

In Alabama there were 2 toll bridges in operation, both of which were privately owned.

In Arkansas there were 1 publicly owned, 3 privately owned in operation, and 1 privately owned under construction, making a total of 5 for that State.

In California there were 1 publicly owned bridge in operation, 3 privately owned, and 2 under construction by private interests.

In Florida there were 11 publicly owned in operation, 12 privately owned, and 2 private bridges under construction.

In Georgia there were 1 publicly owned in operation and 3 privately owned.

In Idaho there were 1 privately owned in operation and 1 privately owned under construction.

In Illinois there were 4 publicly owned in operation and 1 privately owned.

In Kentucky there were 9 privately owned in operation.

In Louisiana there were 2 publicly owned in operation, 1 under construction, 1 privately owned in operation, and 3 under construction.

Mr. President, I ask that this table be inserted in the RECORD.

The PRESIDING OFFICER (Mr. STECK in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Intrastate bridges

State	Publicly owned		Privately owned		Total
	In operation	Under construction	In operation	Under construction	
Alabama			2		2
Arkansas	1		3	1	5
California	1		3	2	5
Florida	11		12	2	25
Georgia	1		3		4
Idaho			1	1	2
Illinois	4		1		5
Kentucky			9		9
Louisiana	2	1	1	3	7
Maine	1	1			2
Maryland	1				1
Michigan				1	1
Minnesota			1		1
Mississippi	1	2		1	4
Missouri			5	1	6
Montana			1		1
Nebraska	1		1		2
New Hampshire			2		2
New York		1	3		4
North Carolina	1	1	3	1	6
North Dakota			2		2
Oklahoma			4		4
Pennsylvania	1		18		19
South Carolina	6				6
Tennessee			1		1
Texas			3		3
Vermont	1				1
Virginia	1		9		10
Washington			6	1	7
West Virginia	1		3		4
Wisconsin	2		2		4
Total	36	6	100	13	155

Interstate bridges

State	Publicly owned		Privately owned		Total
	In operation	Under construction	In operation	Under construction	
Alabama-Georgia			1		1
Arizona-California				1	1
Arkansas-Tennessee	1				1
Florida-Georgia				1	1
Illinois-Iowa	1		6		7
Illinois-Missouri			4	4	8
Indiana-Kentucky			1		1
Iowa-Wisconsin			1		1
Iowa-Nebraska			4		4
Kansas-Missouri			4		4
Kentucky-Ohio			5	1	6
Kentucky-West Virginia			5		5
Maine-New Hampshire			1		1
Maryland-Virginia			2		2
Maryland-West Virginia			3		3
Minnesota-Wisconsin	2		3		5
Nebraska-South Dakota			1		1
New Hampshire-Vermont			2		2
New Jersey-Pennsylvania	1		7		8
New Jersey-New York		3			3
New York-Pennsylvania			3		3
Ohio-West Virginia			9		9
Oklahoma-Texas			14		14
Oregon-Washington	1		2		3
Virginia-West Virginia			1		1
Total	6	3	79	7	95

Mr. DILL. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield to the Senator.

Mr. DILL. I was not here when the Senator began his discussion. Do I understand that the Senator is critical of the building of toll bridges throughout the country?

Mr. BROOKHART. Yes; very much so.

Mr. DILL. Of course I am not as familiar with the needs of the eastern part of the country as I am with those of the far West; but, personally, I have always been very much in favor of allowing the building of toll bridges in the far West, for the reason that without them we must pay a larger toll in the form of ferries, which are unreliable and oftentimes dangerous, and with bridges the toll is much smaller. The time required for crossing is pratically nothing. It takes practically no time to cross them, and within a reasonable time the bridges are paid for and the toll removed, and thus we have the use of the bridges all the time we are paying for their building; whereas if we continued to use the ferries we would have nothing but the ferries, and at the end of the same period of time we would have paid more money, and would have been annoyed by having to use ferries, and would also be endangered continuously when the waters are high.

Mr. BROOKHART. I fully agree with the Senator that, as compared with the ferry system, that would be true; but I pointed out in the beginning that the Government is spending only $75,000,000 a year in Federal aid to roads; that one State, for instance—and I used the figures from my own State—puts on a road program that will amount in two or three years to $140,000,000, and during that time it will get only $2,000,000 a year from the Federal Government, and every one of those roads will carry a heavy interstate commerce, and every one of them will be used as a post road. Therefore, I was advocating an increase of the Federal aid, which could be done under the Oldfield bill now, and the building direct of these free bridges, which would be better than any toll-bridge system or ferry system, either one.

Mr. FESS. Mr. President——

Mr. BROOKHART. I yield to the Senator from Ohio.

Mr. FESS. I think I am as much opposed to having traffic interferred with by paying tolls as any one else who travels the highways; but my thought was that there is very little chance of having these bridges built if they have to be built through public taxation, while, on the other hand, companies would be very agreeable to undertaking the construction and completing it, and then taking the revenue as it would come from the public traffic.

Up to a certain time there were only two bridges over the Ohio from Pittsburgh down to Cincinnati; but since this wonderful new road-building movement that has come about in the last 10 years the traffic in the country has been so great that we not only have more bridges built at more places, but at some places we have two bridges built in the same town across the same river, which would indicate that there must be a profit—that is, the revenue will justify it. At the same time, however, I think if it had to be done by public taxation many a community would be denied the transport, simply be-

cause the public could not be induced to do it. I have the feeling that the traffic will be better facilitated by this plan, although I am very much opposed to the retardation of traffic by having to pay toll.

Mr. BROOKHART. There are plenty of facts to sustain a good deal of the Senator's conclusion, but when you get all the facts they make a different picture. I am sure that these profiteers who can see great profits in a toll bridge are very anxious to have the privilege of building those bridges, and I am sure they will also work up a political condition that will fight the building of them by public taxation.

For instance, there is such a situation at Council Bluffs, Iowa, and Omaha, Nebr., right now. There is an old toll bridge there, owned by the street railway company. The county of Pottawattomie, on the Iowa side of the river, voted $400,000 to build a new bridge; but the public-utility company organized a political campaign in Omaha and defeated their bond issue of $800,000, I believe—I am not quite certain as to the figures—to build their part of this bridge, and it was thereby defeated. At the same time, this public-utility company kept its political campaign well covered and hidden in every way, and did it through other arguments and other agencies. It never came out in the open.

That bridge which it owns—a very old bridge, built back before the present general toll bridge law was enacted—is earning over $600,000 a year; but it cost less than $1,200,000. It is earning more than 50 per cent on its cost, and taking that sort of a toll from the public; and at the same time, just exactly as the Senator said, by a shrewd political campaign in Omaha the public has been prevented from building and owning a free bridge. Of course, however, I am the sort of a person who is ready to fight that kind of a situation in our politics and present it to the people and the public in such a way that they can get these bond issues and can do justice to themselves.

Further, I have already shown that the automobiles of the United States traveled 137,000,000,000 miles last year. The statement of that fact is the statement of a demand so big that you can hardly measure it for free roads and free bridges. The American Automobile Association has openly decided now to fight this political combination that prevents the building of free bridges. It has become a powerful thing, and it may be able to counteract the secret political influences of the private owners of these institutions.

Mr. FESS. Mr. President, if the Senator will yield, there is now a bridge across the Ohio at East Liverpool, one across the Ohio at Steubenville, and another one building; there is one across at Marietta, another one at Portsmouth, another one at Ironton, one being constructed at Ashland from the Kentucky side, and another one at Huntington from the West Virginia side; and there is authorization for one across the Ohio at Sistersville, another one across the Ohio from Maysville, Ky., and I do not know how many others. I can not believe that private enterprise would be justified in undertaking the construction of these bridges unless there was profit in it. To me that is the greatest possible evidence of the tremendous travel of our people.

Mr. BROOKHART. I will present some figures on the profits of these bridges before I conclude.

Mr. DILL. Along that line, will the Senator yield for just a moment?

Mr. BROOKHART. I yield.

Mr. DILL. The Senator's reference to the Ohio River calls to mind the fact that we have a similar situation to deal with in connection with the Columbia River and its tributary, the Snake River, in my own State.

Twenty years ago there was but one bridge across that river for its entire length. To-day there is another free bridge, a part of the highway system, and there are four toll bridges, and another one building; and they are all paying for themselves. They are all at places where, if the bridges did not exist, literally thousands of people would cross on the ferries. They must cross; they will cross; and there are still many ferries running at other places. I am very much concerned that no rule shall be laid down by the committees or by the Congress that will prevent those sections of the country where great rivers exist from building bridges, even though they be toll bridges, if public bridges can not be built, because it is extremely important to those sections that that privilege shall be continued.

Mr. BROOKHART. I have followed that idea in this session of Congress, and had up with the committee the proposition of getting a more favorable form of bill toward amortizing and making these bridges free ultimately. That form has been adopted, and these bills, as I understand, are all framed according to that new and better form; but this private toll bridge at Omaha was built before the general law was enacted and is not subject to the provisions of the general law, and there is no regulation of its tolls by the War Department. The Senator from Nebraska [Mr. HOWELL] has on the calendar a bill to amend that law; it provides for amendment by Congress in its own provisions, so that we can get control and stop that extortionate toll if the Howell bill passes; but it is being objected to and its passage is being prevented here right now in the present session.

Mr. DILL. The other point about this toll proposition on bridges is that in every case where we have a bridge the toll for the bridge is less than the ferry toll was, which is another advantage, even though the bridges are making profits. Of course, it may be that owing to the fact that the Columbia River is a turbulent river our ferry charges are higher than they would be in some sections; but the fact remains that where the ferry charges run 75 cents and a dollar and a dollar and a quarter and a dollar and a half at certain times of the year, the automobile toll is 50 cents.

Mr. BROOKHART. I would have no argument with the Senator over that proposition and that comparison.

Mr. FESS. Mr. President, if the Senator will permit me, it was the argument of the Senator from Washington that up to this time has prevailed with the committee and with Congress; and I still have some fear of changing the policy for the same reason that the Senator has announced. That is the suggestion I made to the Senator a while ago. I do not like the idea of toll bridges; I should like to have them free; but I should hesitate to obstruct private capital in building them until at least we were justified in doing so.

Mr. BROOKHART. There is only one way to obstruct private capital successfully, and that is for the public to adopt a policy of building these bridges, and if the public would build competing bridges it would not be long before they would be rid of the private competition, because a free bridge can take the traffic away from a toll bridge any time. There is no trouble about that at all.

Quite a large number of these bridges which I have described are interstate bridges, and I have already inserted in the RECORD a list of the States, with the number of bridge that are interstate, also showing whether the bridges are publicly owned or privately owned, in operation or under construction.

Mr. President, from the tables accompanying this article it is evident that the toll-bridge question is national in character, not only because of the national use of these bridges in interstate commerce, but also because of their location in nearly all of the States of the Union. Of the 262 bridges in operation or under construction October 1, 1927, 155 are intrastate bridges, in 31 States; 97 span streams which constitute the boundaries of States; and 12 are international bridges, of which 5 are on the Canadian boundary—1 of these in Minnesota and 4 in New York, and 7 are on the Rio Grande in Texas.

There are only nine States which have no toll bridges in operation or building within these States or spanning a boundary stream. They are Colorado, Connecticut, Delaware, Massachusetts, New Mexico, Nevada, Rhode Island, Utah, and Wyoming. The other 39 States all have one or more such bridges in operation or under construction.

There are 14 toll bridges in operation on the Mississippi River and 4 more under construction. Among the bridges east of the Mississippi River there were 119 toll bridges built or building, and west of the Mississippi there were 125 financed by tolls.

Prior to 1928 there were only two years, 1910 and 1919, when there were as many as six new toll bridges opened to traffic; and the total number constructed from 1900 to 1921 was only 67, or an average of 3 a year for the 22-year period.

In 1922 the number completed suddenly jumped to 12. During the next two years there were only 9 opened, but in 1925 the number completed jumped to 15, in 1926 it was 12, but it jumped to 23 in 1927. As I have shown, there were 29 in process of building in 1927, and the indications are that the record for 1928 will approach this.

From these facts it is evident that the toll-bridge problem is a rapidly growing problem, and certainly demands the keenest attention of Congress at once.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. SIMMONS. I have listened to the Senator with a great deal of interest, and I certainly am in very hearty sympathy with him with reference to roads that are built by a State with Federal aid; but there is a class of roads that are not built by the State and not built with Federal aid. Whether the Senator is right in his strictures or criticisms of toll bridges as applied to these lateral roads or not I am somewhat in doubt.

In North Carolina we have probably done in the last seven or eight years as much road building, in proportion to our popu-

lation and wealth, as has been done in any State of the Union. I think there is but one toll bridge in the State on what we know as the State system. The State system in North Carolina is a system of roads crossing the State, up and down the State, connecting all the county seats with the system. That constitutes the State system. The balance of the road work of the State is done by the counties.

It frequently happens that there is an outlying territory that is cut off from the State system by a wide body of water. We have in North Carolina a great many broad rivers; we have some very large sounds. The sound system of North Carolina begins probably less than 30 miles from the Virginia line and runs down nearly to the South Carolina line. One of those sounds runs east and west and the others run north and south. They separate sections of the State, so that the people have no communication except by water. They have had to use ferries or boats for the purpose of communicating. They are beginning now to bridge those sounds, some of the bridges being miles in length.

It may be necessary to bridge these rivers or these sounds in order to connect some outlying portion of the State with a road system, and these roads frequently are very short roads, and it would seem necessary to offer some inducement to secure the construction of bridges on those short lateral lines. Do I understand the Senator as condemning a system of toll bridges to those short lateral roads?

Mr. BROOKHART. I stated the figures a little earlier, showing that even those bridges draw their traffic largely from the Federal-aid roads, perhaps some distance from where the bridges begin, and would not that situation exist in the Senator's State?

Mr. SIMMONS. No; I do not think so.

Mr. BROOKHART. The travel, in other words, in this particular location would not be confined to that locality, but the interstate traffic would cross those bridges, too.

Mr. SIMMONS. I think, in most instances in my State, these bridges are built very largely to accommodate a local situation.

Mr. BROOKHART. But do not the people in that locality travel out on State-aid roads?

Mr. SIMMONS. The purpose is to provide them access to the highway. If they can not build these little local roads, they can not connect themselves with and get the benefit of the State system.

Mr. BROOKHART. It would occur to me that few toll bridges would pay unless they had a traffic that was gathered, in part, at least, from travel over Federal-aid roads.

Mr. SIMMONS. There might be but little traffic over Federal-aid roads going to and coming from these places outside of the immediate residents of that community or section.

Mr. BROOKHART. Let me ask the Senator again, would not each and all of the toll bridges he has described be traveled over by the people carrying the mail? Would they not be used for the transportation of the mail?

Mr. SIMMONS. I take it they would be used for the transportation of the mail, but the Federal Government would have no part in their construction.

Mr. BROOKHART. But the Federal Government has the benefit of their use, the same as on any other road.

Mr. SIMMONS. The Government would therefore be benefited by the construction of the road, and the construction of the road might be impossible unless it would bridge the water.

Mr. BROOKHART. That would be very true; but I made this proposition—that as to nearly all these roads carrying interstate traffic, and also being used as post roads, it is the duty of the Government to build them or to aid in building them; and this $75,000,000 that we are appropriating now for Federal aid in building roads is only a little fraction of what we really ought to be doing in North Carolina and other States.

Mr. SIMMONS. The Senator is entirely right about that; the Government is not doing its part in the construction of the interstate highways of this country. I agree with him about that.

Mr. BROOKHART. I pointed out that under the Oldfield amendment this Federal-aid money can be used in the construction of bridges. Therefore, if we had a proper appropriation from Congress, if we had three or four hundred million instead of seventy-five million—and that would be a small proportion, I think—we could build these bridges where they need to be built and where they will connect traffic with the general Federal-aid system.

Mr. SIMMONS. There is no controversy between the Senator and me about that proposition.

Mr. BROOKHART. I think not.

Mr. SIMMONS. I am in accord with the Senator, but I understood he was making a very sweeping and broad condemnation of the toll bridge.

Mr. BROOKHART. I was doing that, because I believe in the freedom of the road, as I announced in the beginning.

Mr. SIMMONS. I believe in the freedom of the road, and I am entirely in sympathy with the Senator if he confines his argument to the State highways or the interstate highways built by the State, or built by the State and the Federal Government in conjunction, but I think a different principle applies to these short lateral roads which are built simply for the purpose of accommodating a community, and in order to enable that community to take advantage of the system constructed by the State.

Mr. BROOKHART. The Senator might be able to find such a community in North Carolina, but I really believe there is no such community in all of my State.

Mr. SIMMONS. The Senator has not in his State such a system of waters as we have in North Carolina.

Mr. BROOKHART. We have a river on each side, and a few lakes out in the middle.

Mr. SIMMONS. Instead of one river, we have 20 or 30, 30 at least, I should say, quite considerable streams.

Mr. BROOKHART. We have three or four pretty good rivers.

Mr. SIMMONS. All of those streams that originate in North Carolina except one empty into the sound system rather than into the ocean.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I yield.

Mr. FLETCHER. I think some of the conditions the Senator from North Carolina has mentioned obtain in Florida. We have such an enormous coast line, both on the Atlantic and on the Gulf, and so many rivers and bays and bayous and bodies of water that, if they were bridged, we would connect up the whole system of highways, whereas without a bridge we would probably go hundreds of miles to get to points we could reach if we could cross by bridge. Many of the counties where that situation obtains are already taxed to the limit in the building of the highways. They have not the funds with which to build these bridges, which are sometimes 4 or 5 miles long—steel bridges, and quite expensive.

In order to induce private capital to go into an enterprise like that we must make it a toll bridge. That is the only way the investor will get back his money. It is of great benefit to certain communities and saves a great deal of trouble and expense to a territory that otherwise would not be reached.

I agree with the Senator from North Carolina that there are instances where we must invite private capital, because the local communities can not bear the burden of constructing the bridges.

Mr. BROOKHART. If proper Federal aid were accorded they might be able to do it and make the bridges free.

Mr. SIMMONS. But the Federal Government does not now assist the State in construction unless it is an interstate road.

Mr. BROOKHART. No; it is limited in that way.

Mr. SIMMONS. The little roads that I am talking about are not interstate in any sense of the word and are not provided for in the present law. If we are to enact national legislation sufficiently broad to cover the cases I have in mind, we would have to extend it to all road construction within a State. That probably would be a little further than the Federal Government would want to go.

Mr. BROOKHART. I think it should go to all of the post roads and all of the interstate-traffic roads, but let me read the figures of the department.

Mr. SIMMONS. There is no road in this country that I know anything about that does not become or is not likely to become a post road.

Mr. BROOKHART. That is what I think. The department said:

> Of the 424 toll bridges in operation, under construction, or proposed, for which the information was available on October 31, 1927, 217 are on the system of Federal-aid highways, the main traffic highways of the United States. All of the private toll bridges are dependent on their income from traffic flowing to them over highways built by public funds.

In other words, the toll bridge, unless it has the benefit of highways either built by public funds of the State or Nation, can not earn profits and can not survive.

Mr. SIMMONS. That is a misleading statement of the department. For instance, there is one county in my State that is practically surrounded by water. There is scarcely any way to get out of that county except by boat, or was not until recently. But for the fact that the State included in its highway system a provision that all county seats should be embraced, that county would have been without a national or State road.

Mr. BROOKHART. It was not able to build a bridge by itself.

Mr. SIMMONS. No; it was not able to build a bridge by itself. That county could not have gotten in touch with the State system except by building a bridge over some of those waters. That may be so not only of a county but of a township or small community. It has to build a bridge in order to come in touch with the main road, and in that sense, of course, it couples itself with the national highway system. But if those people are compelled to build that bridge themselves they will not be able so to couple themselves. Why should we interfere with their securing this communication or connection by getting some one to build a bridge for them provided they are willing to pay the tolls?

Mr. BROOKHART. I say that if the Federal Government should neglect its duty toward that community and the State should neglect its duty toward that community, it should not be prohibited from building such a bridge. What I am insisting on is that the Government shall do its duty in building these bridges and roads. Take the community the Senator has mentioned. The United States mail goes in over that bridge to those people. There is interstate traffic. They perhaps get some things from Iowa sometimes and they send some things which they produce there to Iowa or other Northern States. This interstate traffic is going in and out of that community all the time. Interstate commerce being a Federal proposition, the Government owes it to that community to aid and assist in building its bridge and its roads. The bridge is a vital part of the road system.

Mr. SIMMONS. Then the Senator does not dispute that his proposition would require the Government to construct or assist in the construction of every road built in the country.

Mr. BROOKHART. Where there is interstate traffic or the road is used as a post road; yes.

Mr. SIMMONS. If the community to which that road is built becomes engaged in interstate commerce? That is the Senator's proposition?

Mr. BROOKHART. That is my proposition.

Mr. SIMMONS. Does the Senator believe we could get such a proposition as that through the Congress?

Mr. BROOKHART. I am just starting on that phase of it. I do not know how I may come out.

Mr. SIMMONS. I am with the Senator just as far as he can get the Government to go in aiding us in building our highways. I am willing to go with him as far as he can get the Government to go, but I am afraid he is attempting to go a little further than it would be possible to induce the Government to go.

Mr. BROOKHART. I think that is right, and I think the Senator is justified even though his State pays a much larger proportion into the Federal Treasury than my State. But he will have a chance then to get some back of that tax which his State is justly entitled to have back. But on the other hand the Senator is broad-minded enough that he does not hesitate to use the Federal funds to benefit the road system of the whole country.

Mr. SIMMONS. That is true, because I think it is the duty of the Federal Government. The Federal Government is using our roads to a very large extent. Before the Federal Government began to use our roads to the extent that they do now, the Federal Government realized its interest in those roads. It is written in the Constitution. But now since we have inaugurated the Rural Free Delivery system and the Parcel Post System the Federal Government is using every post road in the country every day in the year, with its automobiles and its trucks, and helping to tear them up and contributing very little toward their construction and their maintenance—none, indeed, to their maintenance and very little to their construction.

Mr. BROOKHART. If the Senator is attracted to this proposition and we can get Congress to consider it favorably, I am sure a large majority of Senators and a large majority of the Members of the House will favor the idea. I think the trouble is that we have been going along easily and we have got a $75,000,000 appropriation which seemed to be enough when we had the old horse and wagon. We are sticking to that old idea now and are not measuring up to the present situation. In my State at this moment we are putting on a $140,000,000 road program. Within three years we will spend something like that sum, and we will get $2,000,000 a year of Federal aid, yet every one of those roads will be used as an interstate road with heavy interstate traffic, and every one will be used as a post road.

I had a little experience here in the Senate upon a similar proposition. I may refer to it again. One day the Senator from Pennsylvania [Mr. REED] put a statement in the RECORD to the effect that his State paid some $300,000,000 in Federal taxes—these figures may not be exact, because I am speaking from memory—and got back only 1.8 per cent of it in Federal aid to roads. In the same table he showed that the State of Iowa paid only some $10,000,000 in Federal taxes and got back 16 per cent, or $1,600,000, at that time in Federal aid to roads. He cited that as an instance of great injustice to Pennsylvania.

I asked him why it was that Pennsylvania paid $300,000,000 in Government taxes and Iowa paid only $10,000,000. Iowa produces more out of mother earth at least than Pennsylvania, but Pennsylvania gets Iowa's production away in the profits of the Steel Trust and the Aluminum Trust and the other financial combinations, and then objects to paying back a just proportion toward constructing the highways of the United States, although a large part of her earnings which made up the basis of that $300,000,000 Federal tax came from Iowa and North Carolina.

Mr. SIMMONS. Does the Senator think it would be possible to get the Government to consent to contribute to road construction of the several States in proportion to the amount of money they pay into the Public Treasury.

Mr. BROOKHART. Not at all, and it would not be fair.

Mr. SIMMONS. I wish the Senator might do that, because—and I do not say it to boast of it, but I say it, because it is a fact—the records show that in the present fiscal year North Carolina will pay into the Federal Treasury the largest amount of Federal taxes of any State in the Union except New York.

Mr. BROOKHART. More than Pennsylvania, even?

Mr. SIMMONS. More than Pennsylvania and more than Illinois. North Carolina is next to New York in this present fiscal year.

Mr. BROOKHART. That reflects the great industrial growth of North Carolina.

Mr. SIMMONS. We have done wonderful road construction in that State. I suppose the State and the counties have spent in the last seven or eight years something like $150,000,000 in road construction, and we are going on with the program. We have not finished it at all.

Mr. BROOKHART. How much Federal aid does the Senator's State receive?

Mr. SIMMONS. We receive very little aid from the Federal Government. It is a mere pittance in proportion to the amount that the State and the counties have paid. I am with the Senator in his desire to see that the Federal Government contributes a larger proportion to the construction of the highways of the country.

Mr. BROOKHART. The bureau cites some interesting examples of these toll bridges. For instance, there is one over the Cannonball River at Cannonball, N. Dak., which was built at a cost of $300. It was merely a 2-wheel ways supported flimsily on piles. The charge for an automobile or a horse-drawn vehicle to pass over it is 50 cents, notwithstanding the lack of a floor between the wheelways which makes it necessary to unhitch the horses and wade them over while the wagon is pulled across. This is, of course, an extreme case, but there are many other abuses. While there are many toll bridges efficiently built and operated, on the whole the public is paying an extortionate charge.

It is estimated that the total investment in the 233 toll bridges that were in operation on October 31, 1927, is approximately $118,000,000, of which about $45,000,000 is in publicly owned and $73,000,000 in privately owned structures. Bridges previously listed as under construction on the same date involved a further investment of nearly $116,000,000, of which nearly $75,000,000 is in the nine publicly owned and $41,000,000 in the privately owned structures. The probable additional investment in 162 structures known to have been contemplated at the time of the bureau's survey was estimated at approximately $313,000,000, of which nearly $255,000,000 was for privately projected bridges and about $58,000,000 for bridges proposed for public operation.

Summarizing these figures, it appears that the total capital already invested or probably to be invested in the 424 bridges which were in operation, under construction, or known to be in contemplation on October 31, 1927, was approximately $547,000,000.

EARN 11 PER CENT ON CAPITAL

Information obtained with reference to the earnings of the 233 toll bridges that were in operation at the time of the bureau's survey shows that these bridges, which were built at an estimated cost of $118,000,000, earned in 1926 a net operating income of $13,809,000, or 11.7 per cent of the estimated cost. This is the income after deduction of all usual operating expenses, but before deduction to cover depreciation and interest on the funded and unfunded debt.

Of the above total, the earnings of the 42 publicly owned bridges was $3,611,000, an amount which was approximately 8 per cent of the estimated cost of $45,000,000. The $10,198,000

earned by the 191 privately owned bridges in operation was 13.9 per cent of the estimated cost of $73,000,000. These are average figures for 233 structures.

It appears from this that privately owned bridges are earning 13.9 per cent upon their cost, and the publicly owned bridges earn 8 per cent. I think that the Chairman of the Interstate Commerce Committee ought to take notice of this statement, for it is of some importance in considering railroad valuation and railroad earnings. Both figures are excessive when we consider the American proposition in its broadest sense. The American people are producing only 5½ per cent of new wealth per year. That is the figure given by Mr. Hoover as to the increase of wealth since 1912. All the work of all the people, all the earnings of all capital, all the increase in property values, and all of this added to the depreciation of the dollar shows that there is only produced by our American country 5½ per cent of new wealth each year. If it all went to capital, that would be the limit of capital's return on an even division. But here in the case of toll bridges, we have these blocks of capital invested in a public service, in stable enterprises, that ought to be satisfied with the lowest rate of return, and yet the public is required to pay them from 8 to 13.9 per cent on the averages of the two kinds of bridges.

Our railroads get a guaranty by command of the law that the commission shall levy rates upon the people to earn enough to give them 6 per cent and later 5¾ per cent upon their valuation, and there are $7,000,000,000 of water in their capitalization over and above their market value at the time the first $18,900,000,000 value was established.

This 5½ per cent of total production is the most important economic proposition for the Congress of the United States to consider in regulating all of these matters. The Supreme Court is now passing upon a case involving the valuation of the railroads, but I have not heard a word said about a comparison with the new wealth produced by the people each year. The comparison will be made with banks that earn a much higher per cent or with industries that earn a still higher per cent, but the American Nation is one people and the basis of comparison should be the average for all the people. The basis of figuring toll-bridge earnings is the average earnings of all the people of the United States. We have seen that that figure does not exceed 5½ per cent, and that gives every dollar of new wealth that is produced by the people of this country to capital alone. I maintain capital is not entitled to all of it. Capital is entitled to a just share, but it is not entitled to everything that is produced in our country. Labor and invention and genius and management all should have some share, and that would reduce the average considerably below 5½ per cent. Toll bridges are not entitled to exceed this rate, but they do exceed it by 200 or 300 per cent.

Mr. President, the soundest economic reasons demand that the public make these bridges free. It would lower the interest rate, save a large amount in the expense of operation and collection of tolls, besides being of great value in speeding up the traffic.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. BLACK. I suggest the absence of a quorum.

Mr. BROOKHART. I am just about through. I wish the Senator would wait until I finish.

Mr. BLACK. If the Senator prefers to proceed, I will withdraw the suggestion.

Mr. BROOKHART. I will finish in five minutes.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his suggestion?

Mr. BLACK. I withdraw it, as the Senator desires to conclude.

Mr. BROOKHART. I have introduced two bills covering the toll-bridge question for the whole United States. One of them embodies an amortization plan whereby the cost of the bridges will be collected in tolls and the bridges will then be made free. I think that form has been adopted by the committee and that the new bills are all drafted on that basis. I introduced this bill after consultation with the Bureau of Public Roads in the Department of Agriculture. The other bill I have introduced on my own account, providing for the use of $35,000,000 a year from the Public Treasury for the condemnation of toll bridges for the purpose of making them at once free. In view of the small amount the Federal Government is paying in the aid of roads, this is a very moderate demand.

Objection is made by a few States to Government taxes for building public highways. They point out that a large Government tax is paid by certain States and only a small percentage of it goes back in Federal aid to roads in these States. However, they neglect to point out also that these same States earn enormous profits in their industries which do business in all the States, including those which pay a small Government tax. In fact, these States paying the big Government tax on corporation profits and on incomes derive very much the largest share of their incomes from outside their own State, and then when it comes to taxing the same incomes to build roads in the States where they were earned they object. The objection is not sound. There are only seven or eight of these States, and they are outnumbered in both the Senate and the House as well as outpointed by all the facts of the case. Their objection is therefore invalid on its merits, nor can it be sustained by numbers in Congress.

If the country will rise up to the importance of this whole question and present these facts to the Congress, the laws which I have described can be speedily enacted. I now yield the floor.

J. H. B. WILDER

Mr. KING. I desire to enter a motion to reconsider the votes by which the bill (S. 5715) for the relief of J. H. B. Wilder was on yesterday ordered to a third reading, read the third time, and passed. It is a bill in which the Senator from Georgia [Mr. HARRIS] is interested.

The PRESIDING OFFICER. The motion will be entered.

WILLIAM S. WELCH

Mr. KING. I also enter a motion to reconsider the votes whereby the bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt, was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The motion will be entered.

Mr. KING. I also ask that the House be requested to return the bills.

The PRESIDING OFFICER. The House will be requested to return the bills.

FEDERAL RADIO COMMISSION

Mr. WATSON. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate House bill No. 15430.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. WATSON. Mr. President, I shall say but very little about this measure. It has been discussed until all Senators who are interested in it are fairly familiar with the provisions of the bill. It is just such a measure as we passed two years ago, and just such a one as we passed a year ago, continuing the life of the Radio Commission for another year.

Mr. COPELAND. Mr. President, ought we not to have a quorum?

Mr. WATSON. The Senator has a right to call one, if he so desires.

Mr. COPELAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York notes the absence of a quorum. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Simmons
Barkley	Fess	McKellar	Smith
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steck
Black	George	Mayfield	Steiwer
Blaine	Gerry	Metcalf	Stephens
Blease	Glass	Moses	Swanson
Borah	Glenn	Neely	Thomas, Idaho
Bratton	Goff	Norbeck	Thomas, Okla.
Brookhart	Gould	Norris	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Ransdell	Wagner
Caraway	Hastings	Reed, Mo.	Walsh, Mass.
Copeland	Hawes	Reed, Pa.	Walsh, Mont.
Couzens	Hayden	Robinson, Ark.	Warren
Curtis	Heflin	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kendrick	Sheppard	
Edge	Keyes	Shortridge	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

Mr. WATSON. Mr. President, I have stated that Senators, as a rule, are so familiar with this measure that I do not need to discuss it. Those who take any interest in it are informed, and those who do not take any interest will not pay any attention to it anyhow; and I, therefore, shall not take up the time of the Senate in any extended discussion of the measure.

This is simply a proposition to extend the life of the Radio Commission for another year. We passed such a bill two years ago, and another one one year ago; and we think the conditions

justify the enactment of this measure at this time. If we do not pass it, the control of this agency will be thrown back into the Department of Commerce, and they themselves say they are not in a position to take it and handle it properly. Therefore, we think the only thing to do is to pass this measure.

I have nothing more to say and am ready for a vote.

I desire to say to the Senate that I intend to insist that this body shall remain in continuous session until this measure shall have been disposed of.

Mr. COPELAND. Mr. President, I heard what the Senator from Indiana said. I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "period," it is proposed to strike out "of three years after the first meeting of the commission" and insert "until June 1, 1929."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York.

Mr. WATSON. May we hear it stated once more? I did not catch it.

The PRESIDING OFFICER. The Secretary will restate the amendment.

The amendment was restated.

Mr. COPELAND obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

Mr. COPELAND. I do not wish to lose my position on the floor.

Mr. WALSH of Massachusetts. With the permission of the Senator, I should like to offer for the RECORD, in connection with this debate, a statement concerning certain international aspects of radio.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

SUGGESTIONS CONCERNING CERTAIN INTERNATIONAL ASPECTS OF RADIO

The major international difficulties relating to radio result from a lack of sufficient channels or wave lengths to serve the world's needs.

In the autumn of 1927 some 82 nations participated in the International Radio Telegraph Conference, at Washington, in an attempt to settle some of these difficulties. The nations agreed in allocating the available frequencies as between various uses, i. e. broadcasting, beacons, direction finding, amateur, experimental, air navigation, maritime, and services between fixed points, but whenever they approached a division of available frequencies between nations, a strong nationalistic spirit and a high sense of sovereignty in nations, large and small, prevented such division or any serious discussion of it. Each nation considered that it had equal sovereign rights with the others and had there been an attempt to divide the frequencies available for each use between the several nations, chaos would have come and the conference would never have been at an end.

The conference concerned communications. Perhaps a just method of dividing frequencies between the nations would have been to divide them in proportion to the volume of message traffic of each nation, but this suggestion received little encouragement.

The conference so left the situation that every nation has equal sovereign rights with every other nation to allocate any frequency for any purpose.

The parties in article 8 of the convention they signed did agree that "so far as practicable" stations they established should not interfere with radio communications or services of others, but no means were provided for determining how interferences should be ended, save through international arbitration as provided in article 18. Article 5, section 16, of the general regulations, however, seems to establish the principle that priority of use creates a priority in right. The section provides:

"The frequencies assigned by administrations to all new fixed land or radio broadcasting stations which they may have authorized or of which they may have undertaken the installation must be chosen in such a manner as to prevent, so far as practicable, interference with international services already carried on by existing stations, the frequencies of which have already been notified to the International Bureau. In the case of a change of the frequency on an existing fixed land or broadcasting station, the new frequency assigned to the station must comply with the above provisions.

"2. The interested governments shall agree in case of need upon the determination of the waves to be assigned to the stations in question as well as upon the conditions for the use of waves so assigned. If no arrangement intended to eliminate interference can be arrived at, the provisions of article 18 of the convention may be applied."

International complications promise first to arise from interference in radiotelegraph communication. International broadcasting, television, picture transmission, and other radio services, will bring complications enough in time, but radiotelegraphy is now, and for many years it has been, an accomplished fact.

International radiotelegraph is carried on:

(1) Long-wave bands of low frequencies.

(2) "Continental" bands of frequencies, 1,500 to 6,000 kilocycles.

(3) "International" bands of very high frequencies, 6,000 to 23,000 kilocycles.

Long waves of low frequencies can only be used in very high-powered stations of long range. These stations are complicated and expensive. They were the first stations used in radiotelegraphy. Successful international communication can now be carried on with simpler devices using high frequencies and low power, and it is, therefore, little likely that any more high-power, long-wave stations will be built in the world. Long waves of low frequencies have world-wide range. Duplicate use of such frequencies can not be made in the world. One station's use of such frequency must be exclusive.

The "continental" bands, 1,500 to 6,000 kilocycles, are effective for intermediate distances. These bands are useful for communication between fixed points on one continent only, it being possible to duplicate a few of the frequencies once on a single continent and to use most of them once only on each continent.

"International" bands of very high frequencies, 6,000 to 23,000 kilocycles, are of world-wide range. Two stations can not successfully use any of these frequencies simultaneously, however widely separated in the world such stations may be. The use of such frequencies must be exclusive.

The United States has allocated certain frequencies for use in the "continental" band and other frequencies for use in the "international" band. Allocations already made plus pending applications exceed by far the reasonable share of the United States in these bands; they nearly, if not quite, equal all the frequencies available for the use of the whole world. Congestion in the American broadcasting band is well known, but a congestion perhaps greater still in the bands useful for international communication is not so generally understood.

In this situation it becomes necessary for the United States carefully to formulate and consistently to apply correct principles:

(1) In allocating frequencies to American organizations for use in the "continental" or the "international" field; and

(2) In agreeing with foreign nations concerning division of frequencies in the "continental" or the "international" field.

The principle to be applied in awarding frequencies to American organizations for use in the "continental" or the "international" fields would appear to be the following:

"No frequency should be granted for communication between fixed points to any organization unless that organization has adequate facilities and has the obligation under the law to accept messages from the public and to serve any and every one of the public equally and fairly and without discrimination."

"Adequate facilities" should be deemed to include legal rights, patent and other, sufficient to insure the prompt beginning of service and its continued operation. "Adequate facilities," naturally, should include technical devices, technical equipment, and technical skill sufficient promptly and continuously to carry on service. Every nation has equal right with every other one to award these channels to its nationals, and unless the American licensee be in position promptly to begin and continuously to carry on service, an award of the same frequency made by a foreign country would take precedence over the American award and a frequency allocated to an American organization not in position to use it would not be a frequency saved to the United States, but would likely be one lost.

Foreign countries are establishing rights in frequencies by using them, and to the extent that the United States shall allocate frequencies to organizations not in position to make prompt and continuous use of them, to that extent will such an allocation intended to conserve American rights in reality imperil them.

No frequency should be allocated to any organization that has not demonstrated its ability to make efficient use of the facility it seeks. The public interest would require this. Until an organization has demonstrated its technical competence, the efficiency of apparatus at its disposal, the stability and scope of its international relations, its financial ability, and the sufficiency of its legal rights, patent and other, to render to the public satisfactory service, no frequency could be safely given to such an organization. In the international scramble for frequencies they can not be kept unused, and not only a legal obligation to use the frequencies in the public interest but a demonstrated ability so to use them should be a condition of their granting.

No channel can be kept unused to gather dust on the shelf. Some other nation will surely award it and use it, and the organization and the country which does not actually and continuously use a frequency it seeks to retain will very likely lose it, for the International Radio Telegraph Convention, Washington, 1927, gives approval to the principle that prior use gives better right.

The public-utility principle that all channels shall be impressed with a public trust so that all the public may be equally served should also be applied in awarding frequencies. In no other way can the frequencies, all too few, be made to serve equally all the public. If a frequency be awarded to carry the private communications of one organization, it is little likely that such a frequency would be used to

capacity. To the extent it is not used or to the extent its use gives one better service than his neighbor, to that extent preference and discrimination result.

If a frequency be granted to the exclusive use of one banker, broker, trader, manufacturer, or other private organization, by what principle may any other like organization be denied like privilege? Should the United States award a frequency to the exclusive use of one organization, frequencies being all too few, it would itself become the instrument of discrimination contrary to the principles of good government and contrary to the fundamental principles underlying the Federal radio act of 1927.

The people of the United States are coming to realize that too many competing railroads are not in the public interest. The public's money is invested in competing facilities and the public's money is lost when, there being too many competitors, some must fail. Even those who survive may not find patronage sufficient for reasonable profit and therefore may not be in position to give efficient service.

The people of the United States are coming even more to realize that it is not in the public interest to establish many competing telephone organizations. The reasons applicable to railroads are equally applicable to telephones, and in addition those who subscribe to competing telephone organizations have no means for intercommunication.

Principles applicable to both railroads and telephones are equally applicable to radio, and in addition:

It is physically possible to duplicate railroads and physically possible to duplicate telephone lines, but it is not physically possible in international radio service to make duplicate use of frequencies, and the frequencies available are all too few to serve the world's needs. A principle which would be wisely applied in allocating frequencies to American organizations for use in the "continental" and in the "international" fields would be, therefore, not to divide frequencies among too many organizations; not to attempt to establish many services, lest none have facilities sufficient to maintain effective service.

In agreeing with foreign nations concerning division of frequencies in the "continental" or the "international" fields, care should be exercised to be sure that all nations concerned in the division are present and agreeing. If all be present, it would seem appropriate that division should be made on the basis of traffic volume, but countries somewhat less developed than others might well object that however just it might be in this generation to apply only the factor of traffic volume, it might work injustice in the generations to come. Having regard to this, therefore, it would appear that if the factors of sovereignty, area, population, and traffic volume were all taken into account and a division made on the basis of a combination of all these factors, then just results might be arrived at for this generation and those to come.

Illustration of an accord which would not appear to be based upon carefully formulated principles is to be found in the accord reported to have been made between the United States and Canada.

This accord concerned "continental" bands. The report is to the effect that the interests of Mexico and Cuba were somewhat considered, but not those of any other country in the West Indies or in Central America; that such countries were not parties; that after setting aside a limited number of channels for Mexico and Cuba, it has been agreed that the remainder shall be divided on some such basis as 60 per cent to the United States and 40 per cent to Canada.

The United States has twelve times the population of Canada and much more than twelve times her volume of message traffic. Mexico has 50 per cent more population than Canada and perhaps equal prospect with Canada for a future increase in wealth, population, and traffic volume. Many countries in the West Indies and in Central America have an equal interest with the United States and Canada in the disposition of "continental" bands and an equal sovereign right with the United States or Canada to dispose of them, yet in the accord reported it does not appear that these countries were represented or their interests provided for, while the frequencies disposed of, if used by the countries parties to the accord, will exhaust the frequencies available and deny any service in these bands to many countries in the West Indies and in Central America.

Canada is far removed from the West Indies and from Central America. In the accord reported Canada received a smaller portion of the longer-range frequencies, but the lion's share of the shorter-range frequencies. Canada can, therefore, very likely use all the frequencies obtained by her in the accord without interfering with any West Indian or Central American country. The United States, however, lies midway between all the countries concerned, and the almost inevitable protest against the accord and against interferences which will result will come from West Indian and Central American countries and will be directed not against Canada, but against the United States. A proper sense of justice will demand that the United States make provision for the countries excluded, and this provision she will likely be compelled to make by a further diminution of the frequencies at her disposal, already unduly diminished by a too-generous allocation to Canada.

Unless arrangements be made applying carefully formulated principles, errors will inevitably be made whenever an international division of frequencies is attempted. Equitable division of frequencies is vital to American communications and commerce, and errors once made in international arrangements of this character likely can never be rectified.

The United States, unlike most foreign countries, is not engaged as a Government in carrying on commercial communications service. The United States, therefore, should be reluctant to enter into international arrangements without giving American communications organizations vitally concerned the opportunity to be heard in such discussions and to participate in them.

Mr. COPELAND addressed the Senate. After having spoken for some time—

MESSAGE FROM THE HOUSE

The PRESIDING OFFICER (Mr. TYSON in the chair). The Senator will please suspend while the Senate receives a message from the House of Representatives.

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted on its disagreement to the amendment of the Senate to Senate amendment No. 39 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado were appointed managers on the part of the House at the further conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12650) for the relief of John F. Fleming.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12106) to erect a national monument at Cowpens battle ground.

FEDERAL RADIO COMMISSION

The Senate resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. COPELAND resumed his speech. After having spoken with interruptions for two hours—

Mr. BLEASE. Mr. President, as there are 11 Senators present——

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. For what purpose?

Mr. BLEASE. For the purpose of asking for a quorum. There are 11 Senators present. I do not think the Senate ought to transact business without an actual physical quorum being present.

Mr. COPELAND. I yield for that purpose.

Mr. BLEASE. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Chair rules that no business has been transacted since the last quorum call.

Mr. BLEASE. Mr. President, the Senator from Alabama raised the point that there had been business transacted on two occasions.

The PRESIDING OFFICER. The Chair ruled against him.

Mr. BLEASE. Then I move that we take a recess for a half hour, to go and get something to eat, and it may be something else.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. COPELAND. I do.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate take a recess for 30 minutes.

Mr. COUZENS. Mr. President, a parliamentary inquiry. Does the Senator from New York yield for that purpose?

The PRESIDING OFFICER. The Senator from New York has yielded for that purpose. [Putting the question.] The noes have it.

Mr. BLEASE. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is ill and confined to his room. I will let this announcement stand for the rest of the day.

The roll call having been concluded, the result was announced—yeas 6, nays 52, as follows:

YEAS—6

Blaine	Bruce	George	Waterman
Brookhart	Dale		

NAYS—52

Barkley	Black	Broussard	Copeland
Bayard	Blease	Capper	Couzens
Bingham	Bratton	Caraway	Curtis

Deneen	Heflin	Norris	Shortridge
Dill	Johnson	Nye	Smith
Edge	Jones	Oddie	Steiwer
Edwards	Keyes	Pine	Stephens
Fess	King	Reed, Pa.	Thomas, Idaho
Glenn	McKellar	Robinson, Ark.	Trammell
Goff	McMaster	Robinson, Ind.	Vandenberg
Hale	McNary	Sackett	Warren
Harris	Moses	Schall	Watson
Hastings	Norbeck	Sheppard	Wheeler

NOT VOTING—37

Ashurst	Harrison	Neely	Swanson
Borah	Hawes	Overman	Thomas, Okla.
Burton	Hayden	Phipps	Tydings
Fletcher	Howell	Pittman	Tyson
Frazier	Kendrick	Ransdell	Wagner
Gerry	La Follette	Reed, Mo.	Walsh, Mass.
Gillett	Larrazolo	Shipstead	Walsh, Mont.
Glass	McLean	Simmons	
Gould	Mayfield	Smoot	
Greene	Metcalf	Steck	

So the Senate refused to take a recess.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. WATSON. I desire at this time to present a cloture petition which I send to the desk.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. COPELAND. Mr. President——

Mr. WATSON. I am presenting a cloture petition.

Mr. COPELAND. I have the floor. I shall be glad to yield to the Senator from Indiana.

Mr. WATSON. Mr. President, this is a privileged matter.

The PRESIDING OFFICER. The Chair rules that the Senator from New York yielded the floor for a motion to take a recess, and that the Senator from Indiana has the floor.

Mr. WATSON. In addition to that, I am offering a privileged motion.

Mr. COPELAND. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The "ayes" have it, and the decision of the Chair is sustained.

The Senator from Indiana has the floor. The Secretary will read the cloture petition presented by the Senator from Indiana.

The Chief Clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate be brought to a close upon the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes:

JAMES E. WATSON.	H. D. STEPHENS.
TASKER L. ODDIE.	F. M. SIMMONS.
SIMEON D. FESS.	F. E. WARREN.
OTIS F. GLENN.	W. L. JONES.
GUY D. GOFF.	GEO. H. MOSES.
ARTHUR R. ROBINSON.	FREDERICK HALE.
EARLE B. MAYFIELD.	DANIEL O. HASTINGS.
KENNETH MCKELLAR.	ARTHUR CAPPER.
PARK TRAMMELL.	

Mr. WATSON. Mr. President, while this matter may not be brought up until day after to-morrow, under the rule——

Mr. EDWARDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Jersey?

Mr. EDWARDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Indiana yield for that purpose?

Mr. EDWARDS. It does not make any difference whether he yields or not; I have a right to suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair holds that the Senator has no right to take the Senator from Indiana from the floor unless he yields.

Mr. BLEASE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. I shall be glad to yield to the Senator for that purpose if he desires.

Mr. BLEASE. Under the rules, this matter can not be considered on the same day that it is offered. I object to its consideration.

Mr. WATSON. I did not understand the Senator.

Mr. BLEASE. I say that under the rules cloture can not be put into effect on the same day that the petition for cloture is offered.

Mr. WATSON. Certainly not.

Mr. BLEASE. I rise to propound a parliamentary inquiry.

Mr. WATSON. I am not seeking to put cloture into effect, I may say——

Mr. BLEASE. I object to the consideration of this matter now.

The VICE PRESIDENT. The Chair rules that the Senator from Indiana has not asked for immediate consideration.

Mr. WATSON. I have the floor.

Mr. BLEASE. I understand, but if the Senator is out of order, he has not the floor.

Mr. WATSON. Yes; I have the floor.

Mr. BLEASE. We will let the Chair rule whether he has or not.

Mr. WATSON. The Chair has recognized me.

Mr. BLEASE. I do not propose to submit to any gag law now, and you might as well understand that now, either from Illinois or Indiana or anywhere else.

The VICE PRESIDENT. The Chair——

Mr. BLEASE. I propounded a parliamentary inqury. I want an answer. This question is not in order for consideration for 24 hours.

The VICE PRESIDENT. The Chair rules that the Senator from South Carolina has not propounded a parliamentary inquiry but has stated a proposition.

Mr. BLEASE. I now ask the Chair to rule whether this question is properly before the Senate or if it can be considered before to-morrow?

The VICE PRESIDENT. The Chair rules that it can not be considered before to-morrow.

Mr. WATSON. Certainly not.

Mr. COPELAND. A parliamentary inquiry.

Mr. WATSON. I have the floor.

The VICE PRESIDENT. The Senator from New York will state his inquiry.

Mr. COPELAND. Of course, the Senator is not advised as to the rule——

The VICE PRESIDENT. To which Senator does the Senator from New York refer?

Mr. COPELAND. This cloture motion can not be considered until Monday.

Mr. MOSES. It can be considered on Sunday.

Mr. WATSON. Mr. President, I am seeking to explain it. Have I the floor?

The VICE PRESIDENT. The Senator from Indiana has the floor.

Mr. WATSON. Having the floor, I have the right to say what I please as long as I keep within the rules. My good friend from South Carolina is entirely mistaken as to what I intended to do. I am not seeking to apply any gag rule. I am simply stating that the matter can not come up until to-morrow under the rule.

Mr. MOSES. It can not come up until day after to-morrow under the rule.

Mr. WATSON. It might require a Sunday session, but, so far as I am concerned, I am so determined on the passage of this bill that, if necessary, we shall have a Sunday session in order to consummate it.

Mr. BLEASE. Mr. President, if necessary to keep some people from being confirmed, we will stay here all day Sunday, although we are Methodists.

Mr. WATSON. The Senator is no more Methodist than I am.

Mr. BLEASE. I do not care anything about the bill; it is the things behind that radio bill I am fighting.

Mr. NORRIS. Since we are going to have a Sunday session, I suggest that the chaplain be notified, so that we can open it properly.

Mr. WATSON. We will notify the chaplain. But, to be serious about it, this is the only way in which we can be absolutely sure of the passage of this bill, if the Senator from New York persists in his filibuster.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. WATSON. Yes; for a question.

Mr. COPELAND. Is the Senator making a speech on the bill?

Mr. WATSON. I am making a speech, and I am yielding for a question.

The VICE PRESIDENT. Does the Senator yield?

Mr. WATSON. For a question.

Mr. COPELAND. I will put it in the form of a question.

Mr. WATSON. Very well.

Mr. COPELAND. Does the Senator from Indiana give me credit for being able to keep this going until Sunday? If he does, I certainly thank him from the bottom of my heart, and I never saw JIM WATSON frightened before. Is he frightened?

Mr. WATSON. Mr. President, I do not think that the Senator can continue this night on the floor, but this is a club,

and I intend to use it if I have to. Therefore, all I want to say is that unless the Senator will yield, and one man cease to defy the rule of 94 others, I shall apply this cloture if it be absolutely necessary to do it. I do not want to do it; I hope my genial friend from New York, who ought by this time to have satisfied his conscience, will yield, and permit a clear majority in the Senate evidently favoring this measure to have its way, as it is entitled to have.

If it were not the closing of a short session, even my genial friend from New York would not take the floor to engage in a one-man filibuster, as he has done against this proposition.

Mr. COPELAND rose.

Mr. WATSON. I yield for a question.

Mr. COPELAND. I wish the Senate would bear with me under unanimous consent for just a word or two. It would not have made any difference to me——

The VICE PRESIDENT. Does the Senator from Indiana yield for this purpose?

Mr. WATSON. I yield for a question.

Mr. COPELAND. I ask unanimous consent to say just a word.

Mr. WATSON. Then I object. Mr. President, I have not offered this petition for the purpose of introducing gag rule. This is offered under one of the rules of the Senate. Its object is well understood. Its purpose is well defined. But I am presenting it with the distinct understanding that if a majority of the Senate which I know favors this bill will stay with me on the proposition, we will exhaust the Senator from New York personally, if need be, and if that can not be done, then we will apply the cloture rule. That is all I care to say on the subject.

Mr. COPELAND. Mr. President——

Mr. BLAINE. I would like to ask the Senator a question.

Mr. WATSON. Certainly.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. WATSON. I yield.

Mr. BLAINE. If this request, closing debate, is voted by a two-thirds vote of the Senate, that must be done after we take an adjournment to-day, as I understand it.

Mr. WATSON. The Senator is right.

Mr. BLAINE. Does the Senator contemplate taking an adjournment this evening some time?

Mr. WATSON. That is my understanding.

Mr. HALE. An adjournment?

Mr. WATSON. What is the rule? Does it not read the next "calendar day" but one?

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. I have not the exact language of the rule before me. The rule says a "calendar day," and we do not have to adjourn.

Mr. BINGHAM. Let me read the rule.

Mr. WATSON. I would like to have the Senator read the rule for the information of the Senate.

Mr. BINGHAM. The second part of Rule XXII is as follows:

> If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the presiding officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the presiding officer shall, without debate, submit to the Senate by an aye and nay vote the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"

Mr. BROOKHART. Mr. President——

Mr. WATSON. I yield to the Senator.

Mr. BROOKHART. I desire to propound a parliamentary inquiry as to the interpretation of the rule just read. It says, "On the following calendar day but one." That would mean that the day after to-morrow, then, this would be presented.

Mr. WATSON. On Sunday.

Mr. BROOKHART. At 1 o'clock Sunday. I understood, from some of the previous remarks, that it could be done to-morrow, that that claim was made, and that was the point I wanted straightened out.

Mr. WATSON. I do not think so. Under the rule the Presiding Officer is required to state the question. The motion for cloture has been filed and been read, and, as I remember the rule—I am not quite clear on it, not having read it for a long time—the Presiding Officer is to state the question at once.

The VICE PRESIDENT. All that is necessary at this time, the filing of the petition and the announcement and the reading of the motion.

Mr. WATSON. Very well. I now yield the floor.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BINGHAM. Under the part of Rule XXII just read, is it correct that, Sunday counting as one calendar day, the motion that the Senate proceed to the vote under the cloture rule could be made on Sunday?

The VICE PRESIDENT. If the Senate is in legislative session on Sunday, the motion can be made.

Mr. BLEASE. I think they lost 24 hours by offering this, Mr. President; but it is all right.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. FRAZIER. I ask unanimous consent to have printed in the RECORD a statement in regard to the Mississippi River flood control.

Mr. BLEASE. I object.

Mr. COPELAND. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. COPELAND. What has the Chair determined about the cloture rule; that it will take effect on Monday?

The VICE PRESIDENT. The cloture motion will be laid before the Senate on Sunday if it is in legislative session on that day.

Mr. COPELAND. That is, if it is in legislative session on Sunday?

The VICE PRESIDENT. If it is in legislative session on Sunday, the question will be put to the Senate one hour after it meets, and a vote taken thereon.

Mr. BLEASE. Is it the purpose to lay it aside now?

The VICE PRESIDENT. Under the rules it is laid aside when notice is given. On Sunday, if the Senate is in legislative session, one hour after the Senate convenes, the Chair will put the question as to whether it is the sense of the Senate that debate should be closed.

Mr. COPELAND. A parliamentary inquiry.

The VICE PRESIDENT The Senator will state his inquiry.

Mr. COPELAND. Did the Presiding Officer say that the radio bill would be laid aside under this motion?

The VICE PRESIDENT. No; but all questions relating to the cloture petition will be laid aside until that time.

Mr. MOSES. Mr. President, I wish to ask for a unanimous-consent agreement.

Mr. BLEASE. I object.

Mr. MOSES. Let me state it first, please.

Mr. BLEASE. I am not going to let anything go through by unanimous consent until this cloture is voted on, if I can help it.

Mr. MOSES. Let me state it.

Mr. BLEASE. That is positive; it does not make any difference what it is.

Mr. MOSES. Will the Senator withhold that until I state my request?

Mr. BLEASE. That is a positive statement. If we are going to have gag rule, we are going to have it if one man can put it on. I am going to object to any unanimous consent on anything until this cloture rule is passed, if I can do it.

Mr. MOSES. Then it appears to me that an unpopular postmaster will be forced upon a town in North Carolina.

Mr. BLEASE. I can not help it. North Carolina went Republican anyhow. [Laughter.]

Mr. BINGHAM. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. The rule states that one hour after the Senate meets on the following calendar day but one, the Presiding Officer shall lay the motion before the Senate. In case the Senate is in session Saturday night at midnight, and continues in session throughout Saturday night, would the Presiding Officer then be justified in laying the motion before the Senate at 1 o'clock a. m. Sunday morning?

Mr. ROBINSON of Arkansas. I suggest to the Chair that that is a hypothetical question, and that the Chair is not required to rule on every hypothetical question that is submitted to him.

The VICE PRESIDENT. The Chair is prepared to rule, as far as that is concerned.

Mr. WATSON. What is the ruling?

Mr. BINGHAM. I hope the Chair will rule, as we have seen night sessions recently which were not hypothetical.

The VICE PRESIDENT. If the Senate is in session at 12 o'clock midnight Saturday, and continues until 1 o'clock a. m., the motion would be put.

Mr. WATSON. I now ask for a vote on the radio bill.

Mr. HEFLIN. I ask for the yeas and nays.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. The Senator from New York is recognized. The question is on the amendment of the Senator from New York.

Mr. COPELAND. Mr. President, as I was saying——

Mr. HEFLIN. I would like to ask the Senator a question, without affecting his right to the floor——

Mr. COPELAND. Mr. President, I am sorry I can not yield to my genial friend from Alabama. If I do, I will be ruled off the floor, and then I would lose my second chance.

Mr. HEFLIN. No——

Mr. COPELAND. I must not take any chance. I can not yield.

Mr. HEFLIN. I will state that if the Senator yields, he will not yield the floor.

Mr. COPELAND. Mr. President, I wish to read further from the radio address of Mr. Lewis G. Caldwell, counsel of the Radio Commission. When I was interrupted I was discussing——

The PRESIDING OFFICER (Mr. McNARY in the chair). Let there be order in the Chamber, please.

Mr. COPELAND resumed and concluded his speech, which is as follows:

Mr. COPELAND. Mr. President, when we took up the radio matter for consideration two years ago, after extended hearings and much discussion, a bill was determined upon and enacted into law. That law prescribed that for a period of one year after its enactment all of the work of supervising the radio problem should be in the hands of a commission. The commission was to have original jurisdiction and administration of the details of radio and also to act as an appeal board from its acts as an administrative body. Commissioners were appointed, and they proceeded to act under the law.

Last year we saw fit to continue the full powers of the commission, both as an appellate body and also as an administrative body. It was argued by the able Senator from Indiana [Mr. WATSON] and the distinguished Senator from Washington [Mr. DILL] that it was wise to continue the original year's work by having all the powers in the Radio Commission. Now it is proposed that we should continue for another year this complicated situation.

I want Senators to understand that there is no difference of opinion between the present position of Senators who are advocating this bill and the present speaker except as to the date of the termination of the dual arrangement which has been in existence since the inception of the commission. As I shall attempt to develop in my talk, it is my feeling that the present arrangement is an unhappy one and an unwise one, and that it does not make for the large development of this growing institution as it should.

After full consideration originally, it was felt that many legal questions would arise, many controversies would require settlement, and it would be necessary to have a review of the acts of the technicians who might pass upon the original orders issued by the board.

I want it understood, Mr. President, that I have no criticism to pass upon the Radio Commission. In my opinion, the country has been blest by having upon that body a number of men who have had an eye single to the best interests of the Nation. They have dealt with the problem intelligently. They have been diligent in attention to their duty. In my judgment, they have accomplished a very fine piece of work for the United States.

The purely administrative features involved in the development of the radio industry have now been completed, at least to the extent of 80 or 85 per cent, according to the testimony of Mr. Caldwell, one of the commissioners who has just retired from office. Before passing on to a discussion of the question at issue here, I wish to speak about Commissioner Caldwell. In my judgment, he is better informed on the subject of radio in all of its ramifications than any other man in the world. He was a radio fan from the beginning, and was for years the editor of the leading magazine devoted to the radio industry. He is an engineer, and possesses all the technical, educational, and scientific requirements to enable him to fill a place such as that he has held for these two years, qualities which very few men in the world could match. Mr. Caldwell is resigning from the commission to resume the editorship of the magazine with which he is connected. He testified at length, both before the House committee and before the Senate committee, on the accomplishments of the commission, and on the needs of the future. I speak of this because before the discussion is ended I shall read into the RECORD some of the statements he has made.

It is needless to say that I would not undertake to express any views of my own, because what I personally know about the subject might not be of any particular importance to the country, but I hope to use my voice to convey to the country the opinions of the real experts of this industry.

The United States Daily, in its issues of yesterday and to-day, contains a very enlightening statement regarding the legal aspects of the radio industry, an article founded upon a speech made by Mr. Caldwell before one of the law associations, and the Mr. Caldwell of whom I am speaking now is not the commissioner but the attorney of the Radio Commission. I do not wish to have Senators confused regarding the two men. They bear the same name, but the Caldwell of whom I am speaking now is the legal adviser of the Radio Commission.

This address of Mr. Caldwell's is well worthy of attentive reading by every Member of the Senate, and from time to time, as the argument develops, I shall read parts at least of it to the Senate. There will not be many Senators here at the time, but perhaps to-morrow morning some of them may do me the honor of reading this material.

I do not blame any Senator for absenting himself from the Senate at this particular time, and spending his time in the sunshine. I confess that I would rather do that myself than to be here; but I really have a sense of duty to the country, and I am going to stay here.

Mr. DILL. Mr. President, if the Senator will yield, I think there should be order in the Chamber.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The Senator from New York will suspend until the Senate is in order. Senators will please take their seats. Conversation in the rear of the Senate will cease.

Mr. BROUSSARD. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Louisiana?

Mr. COPELAND. I yield.

Mr. BROUSSARD. House bill 16666 has passed the House, and has just been reported by a Senate committee. I would like to ask unanimous consent for the immediate consideration of the bill.

Mr. CURTIS. Let it be reported.

The PRESIDING OFFICER. Will not the Senator from Louisiana send the bill to the desk?

Mr. BROUSSARD. It is House bill 16666. I would say to the Senator from Kansas that it has passed the House.

Mr. CURTIS. What is it about?

Mr. BROUSSARD. It provides relief for the widow of a man who was killed by an ambulance belonging to the United States Government.

Mr. CURTIS. Has it been unanimously reported?

Mr. BROUSSARD. It has.

Mr. CURTIS. Is it recommended by the department?

Mr. BROUSSARD. It is.

Mr. DILL. I wish the Senator would not ask for the consideration of that bill now, because another Senator has asked me not to permit any legislation to be passed other than bridge bills. I told him that while he was out I would not permit any other legislation to be passed, and I wish the Senator would wait until that Senator returns.

Mr. WATSON. Mr. President, what is going on? I would like to be informed.

The PRESIDING OFFICER. The Senator from Louisiana has requested unanimous consent for the immediate consideration of a bill, to which the Senator from Washington interposed an objection. The Senator from New York is recognized.

Mr. COPELAND. Mr. President, I am sorry to see any anxiety on the part of the Senator from Indiana. He need not be at all disturbed. I shall take no unfair advantage of him in any way whatever, and I know that he will be as generous to me.

Mr. WATSON. Mr. President, the Senator is very kind, and I appreciate his friendly interest, as well as his self-effacement, but I am well aware of the fact that one of the best ways in the world to kill time is to yield to everybody who wants to bring something up, because the whole Senate is filled with gentlemen with that desire.

Mr. COPELAND. Does the Senator desire to kill time?

Mr. WATSON. No; but I do not want the Senator from New York to kill time.

Mr. COPELAND. As far as I am concerned, Mr. President, I have nothing but time, and if Senators have any measures which need attention, far be it from me to interfere with their desires.

This matter of how the radio business was to be handled was thoroughly discussed, and I think one of the most illuminating statements made regarding it was made by Mr. Herbert Hoover. I have no doubt that the Senator from Indiana, who was one of his ardent supporters in his pre-election campaign——

Mr. DENEEN. Mr. President——

Mr. COPELAND. I yield.

Mr. DENEEN. Out of order I ask unanimous consent, as in executive session, to send to the Committee on the Judiciary the nomination of Mr. Charles A. Woodward for judge of the district court of the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination——

Mr. WATSON. What is that?

Mr. DENEEN. I have asked to have a nomination sent to the Committee on the Judiciary for its consideration at 3 o'clock.

The PRESIDING OFFICER. Without objection, the nomination will be referred to the Committee on the Judiciary.

Mr. WATSON. That is all right.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. FESS. Does not the Senator from New York yield the floor on such occasions as this?

The PRESIDING OFFICER. The present occupant of the chair would hold that he does not.

Mr. FESS. Does the Chair desire a citation of the rule that whenever any Senator who has the floor yields for anything like offering an amendment or presenting a request for a unanimous-consent agreement or permitting the introduction of bills, he yields the floor? Does the Chair desire any citation of the rule?

The PRESIDING OFFICER. If a rigid enforcement of the rule is desired, the Chair will hold that the Senator having the floor yields the floor under such circumstances; but following the custom that has prevailed thus far in the day's proceedings, and in the absence of notice of rigid enforcement of the rule, the Chair will hold that the Senator from New York has the floor.

Mr. FESS. Mr. President, I did not wish to insist upon a rigid enforcement of the rule. I thought perhaps we would reach the point in the filibuster where we would like to have a ruling on that.

The PRESIDING OFFICER. The Chair would hold that under a rigid interpretation of the rule the Senator from New York would yield the floor if he yielded for such purposes.

Mr. COPELAND. Mr. President, what was the inquiry, if I might inquire of the Chair? I could not hear the Senator from Ohio. I should like to be advised regarding any possible infringement of my rights, and nobody is better qualified to speak along that line than is the Senator from Ohio.

Mr. FESS. Mr. President, my inquiry was to this effect: If the Senator who has the floor yields for an amendment to a bill or to some Senator to introduce a resolution or to submit a unanimous-consent request, if we were rigidly to enforce the rule that would take the Senator from the floor. The reason why I am making the inquiry is that while I have no desire to do it, and shall not, yet if there is a filibuster on the bill we may be compelled to resort to that action and enforce the rule as to no Senator being permitted to speak more than twice on the same bill in the same day. That is the purpose. I want to be frank and fair about it.

Mr. COPELAND. On the same bill or amendment?

Mr. FESS. Yes; and in case amendments are being offered which are evidently and obviously and simply a matter of dilatoriness, then we may be called upon to enforce the rule with reference to dilatory amendments. I shall not take any action of that sort, but this being so close to the end of the session and some of us thinking this measure quite important we may feel influenced to demand a rigid enforcement of the rule. I shall not do it, I will say to the Senator.

Mr. COPELAND. Mr. President, I am very glad to hear that the Senator will not indulge in a filibuster against the bill. I am anxious to have the discussion go forward, so the matter may be dealt with and concluded, and I hope I will have the cooperation of Senators in that respect. I am well aware of the attitude of the Senator from Ohio. When he occupies the chair, as he will no doubt do later in the day, the rules will be strictly enforced. He is a strict constructionist when it comes to the application of the rules of debate.

So far as I am concerned about the bill, I am willing to stop the whole discussion now if the Senator from Indiana [Mr. WATSON] will agree upon a date previous to the regular session of the next Congress. I hope to be able to develop as I proceed the obvious fact that the commission is being hamstrung in its efforts to do its best for the country and the radio business.

The reason why I am against the bill in its present form is because it seeks to continue these restrictions upon the commission which prevent it from doing a fine job in dealing with the radio problem. What I am seeking to do is to help develop the great radio industry and to aid in putting into every home in America receivers which may take messages of cheer and of music and of instruction in order that the industry may progress. The bill proposed by the Senator from Indiana seeks to continue to restrict the commission and to prevent it from being perfected against the invasion which are sure to be felt by the radio industry unless the commission is permitted to exercise its whole power as a judicial body to deal with these questions.

In this connection I want to quote a few words from a statement of Mr. Caldwell, the attorney for the commission, wherein he speaks upon the legal problems which are now presented. On the question of legal problems involved in the administration of the laws concerned with radio operation, Mr. Louis G. Caldwell, in a recent address before the American Bar Association, discussed these matters at length. He said:

All the disputes that necessarily arise in such a situation are reflected in hearings before the commission which have taken place almost daily for many months. On many, many questions the commission, the commission's lawyers, and lawyers representing the stations are feeling their way cautiously, trying to find helpful analogies from the rules of law that govern other kinds of business and human relations, and to work out principles that will insure an enduring foundation for the developments that are sure to come in the future. It is in these hearings that rules are being laid down and precedents established which will form an important part of radio law, independently of any statutes enacted by Congress.

The commission's decisions are in turn subject to review by the Court of Appeals of the District of Columbia. Any applicant whose application is denied by the commission may appeal to that court. There are now 11 appeals pending before that court, only 1 of which has been decided. That court faces a tremendously difficult and important duty, and a great deal depends on what foundations it builds.

RIGHT TO REGULATE

Then, in addition, there are several cases pending in the courts in which the power of the United States Government to regulate radio at all is being challenged. To understand these cases you should be familiar with what took place during the years just prior to the enactment of the radio act of 1927. No doubt you remember what is usually called the period of chaos, or the breakdown of the law, between July, 1926, and February, 1927, when nearly 200 new broadcasting stations sprang into being, although with the 550 then in existence there were already too many. You will also remember that many of the existing stations increased their power, and jumped onto other wave lengths, including those which were reserved exclusively for Canada. Radio reception was ruined.

INCREASE IN OPERATIONS

This state of affairs followed certain court decisions and an opinion by the Attorney General of the United States on July 8, 1926. The decisions and the opinion were to the effect that under the former law regulating radio the Secretary of Commerce had no right to refuse a license to anyone who applied for one, and furthermore that he had no right to prescribe what wave length, power, or hours a station might use. So the Secretary of Commerce, who until that time had very ably administered radio, had to give it up, and for several months his authority was limited to acting as a sort of a bookkeeper in which all radio stations registered what they wanted.

Consequently, there were 732 broadcasting stations in existence when the commission was established, of which there were about 700 left last spring. The cases now in court grew out of its attempt last summer to reduce this number, and to reduce the power or hours of others so as to cause less interference. Two stations with power of 500 watts were reduced by the commission to 100 watts and promptly brought suit to restrain the United States attorney at Chicago from enforcing either the radio act of 1927 or the commission's order. Another station, with 5,000 watts, was closed down entirely and threatened to go on the air without a license. The Government brought suit against it to restrain it from doing so. These cases all involve the question as to whether Congress has any power at all to regulate radio, and many incidental questions.

One of the legal questions which you probably hear the most frequently is, Who owns the ether?

Then he goes on to speak about various international treaties and the impossibility of restraining the waves and limiting them to one country. The waves of radio are like disease. They do not respect irrevocable boundaries or international law. They go where they will. We are dealing with one of the great powers of nature, one not yet thoroughly understood.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. COPELAND. I yield with the understanding that I do not lose my position.

Mr. COUZENS. Mr. President——

Mr. FRAZIER. I ask unanimous consent to insert in the RECORD——

Mr. COUZENS. Mr. President, the former occupant of the chair ruled that if there were any interruptions, the Senator from New York would lose his place. I insist upon the enforcement of the rule.

Mr. COPELAND. I am very sorry, I may say to the Senator from North Dakota. I should be very happy to yield to him, but we have so many in opposition to that procedure that I suppose I must decline to yield. I am sorry, and I say that in advance and I shall say so in each instance if I am interrupted.

The statement of Mr. Caldwell, the able attorney for the commission, shows conclusively how very important it is that the rights of our country shall be thoroughly guarded in order that we may not find ourselves in the future in that embarrassing position where we have no control over the ether and where it is demonstrated that we have not the power to regulate and control the activities of the radio industry.

It must be apparent to you, Mr. President, that the legal side of the question, the settlement of controversies, the many large problems involved in the protection of the country, are quite sufficient to demand all the time and attention of this body. I am amazed to think that any patriotic citizen loving his country, interested in its development in every one of the scientific lines, and in the arts and in all things that contribute to the happiness, prosperity, and progress of our Nation, should advocate the enactment of a law which hampers and restrains the protection of our rights.

Let us look at the bill which is proposed to be enacted into law. What is its purpose? What does it do? It seeks to void the action of Congress two years ago in establishing a way of dealing with these great problems and by practically eliminating the effective action of the board to ruin the whole great industry. The Senator from Indiana was not satisfied with the bill he presented. It did not go far enough in assassinating the enterprise.

So he substitutes the House bill, which has in it all the evil suggestions of the Senate bill, and, besides that, has section 4, which I quote in part, as follows:

> The term of office of each member of the commission shall expire on February 23, 1930.

If we listen at all to what Mr. Caldwell, the attorney, said about the legal complications and the necessities of the enterprise, we realize that they can not be settled by February 23, 1930, less than one year from this date. That is all wrong. The Radio Commission should be permitted to do what it was established to do. Provision was made by law that there should be five commissioners appointed, in the first place, one for two, one for three, one for four, one for five, and one for six years, and then reappointments should be made. In other words, that there should be all the time five commissioners, not until February 23, 1930, but at least until 1935, and so far as the law is concerned, the commission would continue to operate so long as there was any need for its services.

The chairman of the committee, the distinguished, able, and astute Senator from Indiana [Mr. WATSON], not satisfied with the way he hamstrung the commission in the bill he presented, now says to them, "If you are good you may work 11 months and 20 days." These commissioners should understand that their tenure of office is for the term of the appointment and be permitted through their respective terms to accomplish the purpose for which they were appointed. However, the Senator will, of course, succeed in passing this bill. He has served notice now that we are to stay here all to-day and all to-night. I suppose that means all day to-morrow; and he might even be willing to break the Sabbath for the sake of having this bill passed, which will take the heart out of the commission and make impossible the protection of the country. That is all right; I am going to do my part, and stand off that evil time for a few hours anyway. Then I shall know at the day of judgment that I did my share to prevent the country from being raped, as it will be if this bill shall be passed.

This matter was very thoroughly considered by the House committee and the Senate committee in extensive hearings which were held in 1926 and 1927, and of all the testimony which was given there was no testimony more enlightening than that given by the distinguished gentleman who at 12 o'clock on Monday next will become President of the United States. I may say to my distinguished friend from Indiana that I believe I was mistaken about the propriety of making Mr. Hoover President. If he is as sane and sensible about everything else as he is about radio, he will make the greatest President that the country ever had.

Mr. Herbert Hoover, then Secretary of Commerce of the United States, on Wednesday, the 6th day of January, 1926, in a hearing before the Committee on the Merchant Marine and Fisheries of the House of Representatives made first a formal statement, which he read into the record. It was afterwards discussed by the committee and by Mr. Hoover. On page 11 of the hearings on House bill 5589, January 6, we find this statement. I trust I shall not find it necessary to read all of it into the RECORD. I suppose, however, it may be necessary to do it if the Senator from Ohio [Mr. FESS] shall ultimately preside. He was once in the chair when I was trying to defeat another bill five or six years ago, and he aided valiantly in defeating my patriotic purposes at that period, as I suppose he will succeed in doing this time. I congratulate him upon what he did then, and I congratulate him in anticipation of what he may later do on this date. But, in any event, I shall not at this time read all of Mr. Hoover's testimony, although all of it is interesting, instructive, enlightening, illuminating, and valuable. He divides his statement into various sections, and I find in section 5 he says:

> 5. The bill vests in the Secretary of Commerce the power to grant or refuse licenses, but his power is so limited as to obviate the possibility of its arbitrary exercise. The Secretary is required to make his determination with the public benefit as the test and standard. There is a complete check upon either arbitrary, unjust, or erroneous action by an appeal to the court by which a controversial question is determined independently and de novo. I have always taken the position that authority to control the granting of radio privileges is too great a power to be placed in the hands of any one administrative officer, and I am glad to see the checks and reviews which are imposed upon that power by this bill.

That is the end of the fifth recommendation of Mr. Hoover. See how wise that is. I do not know why I should stand here on the Democratic side of the aisle to praise the man who will become President of the United States on next Monday. If this debate were occurring on next Tuesday, of course he would be my President then, and it would be my duty to be for my President—right or wrong, my President. Yet I must confess that my study of the statement made by Mr. Hoover in this hearing has given me greater respect for him than I ever had before.

Mr. McMASTER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Dakota?

Mr. COPELAND. Mr. President, the Senator from Ohio [Mr. FESS], who is a strict constructionist, who insists that the rules shall always be carried out to the letter, no matter what the spirit may be, thinks that it is irregular for me to yield for any purpose. If I may be assured, however, by the Presiding Officer that my position on the floor will not be endangered by reason of yielding, of course I will be glad to yield, but I want to be assured that it is all right to do so.

The PRESIDING OFFICER. The present occupant of the chair will say that he will recognize the Senator from New York at the conclusion of the business which the Senator from South Dakota desires to present.

Mr. COPELAND. I thank the Chair.

Mr. COUZENS. Mr. President, I insist upon the maintenance of the rule.

The PRESIDING OFFICER. The Chair understands that the Senator from New York has yielded to the Senator from South Dakota on the condition stated by the present occupant of the chair.

Mr. COPELAND. He does not need to consult my opponent on this bill just to get permission to have his bill considered; does he? Does the Senator wish to proceed?

Mr. McMASTER. Did the Senator yield?

Mr. COPELAND. The Chair assured me that it would be all right.

Mr. McMASTER. Mr. President, I ask unanimous consent, as in executive session, that the presidential nomination of a certain judge in South Dakota be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. COPELAND. Mr. Hoover, in this statement——

Mr. WATSON. Mr. President, I should like to ask——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WATSON. No; I wish to make a parliamentary inquiry, if the Senator will permit that.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. Is the Senator from New York now on his second speech?

The PRESIDING OFFICER. He is on his second speech——

Mr. COPELAND. No, Mr. President.

The PRESIDING OFFICER. On the amendment.

Mr. COPELAND. My second speech?

The PRESIDING OFFICER. On the amendment.

Mr. COPELAND. When, if I may inquire, did I lose my position as making the first one?

Mr. WATSON. When the Senator yielded just now.

The PRESIDING OFFICER. The Senator from New York yielded on the statement of the Chair that he would recognize the Senator from New York on the conclusion of the business which was to be conducted at the request of the Senator from South Dakota.

Mr. COPELAND. Mr. President, it makes very little difference to me at this stage of the proceedings; but I want to say that I distinctly understood that if I yielded for this purpose I would be recognized in my original right.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Dakota?

Mr. COPELAND. If I yield for any comment from the Senator from South Dakota do I then lose the floor?

The PRESIDING OFFICER. The Senator does not?

Mr. McMASTER. I merely wish to say, Mr. President, that when I asked the Senator to yield for the purpose of sending a presidential nomination to the Judiciary Committee, I distinctly understood that the Senator from New York would not in any wise lose any of his rights.

Mr. COPELAND. So did the Senator from New York understand.

Mr. McMASTER. Otherwise, I never would have made the request, because I felt that it was an important matter, and that under the circumstances the Senator's rights should not be prejudiced because of his yielding at that time. That was my understanding.

Mr. SMOOT. Mr. President, under the circumstances, in view of the fact that neither the Senator from New York nor the Senator from South Dakota, who requested the action, so understood, I ask unanimous consent that this be not counted against the Senator from New York.

Mr. WATSON. Mr. President, I have no objection to that, but——

Mr. COPELAND. Just a moment. I am very much obliged to the Senator from Utah. The Senator is a friend of mine, and is always kind; but I claim the floor in my own right, and without any unanimous-consent arrangement or any concession on the part of anybody. I yielded the floor with the distinct understanding from the Chair that when this matter was disposed of I would have the floor in my own right and in my original right; and I claim it in that way.

The PRESIDING OFFICER. The Chair did not so understand it. The Chair stated, in response to the question of the Senator from New York, that upon the completion of the business presented by the Senator from South Dakota the Senator from New York would be recognized, understanding that the Senator from New York, from the statement he had just made, understood that the rules were to be strictly enforced, not by the disposition of the present occupant of the Chair, but by the insistence of the Senator from Ohio [Mr. FESS].

Mr. SMOOT. Mr. President, I want to say to the Senator from New York that I had no intention whatever of making a request that he was not in favor of, or that he would not receive with good grace. I had no intention whatever of casting any reflection on the position the Senator had taken. If the Senator objects to my request, I shall ask permission to withdraw it.

Mr. COPELAND. I do not want the Senator to think that I take second place in graciousness, but I do feel that there is a principle at issue here. In all good faith, relying upon what I was told by the Presiding Officer, I yielded to the Senator from South Dakota, expecting to resume my original right to the floor.

Mr. SMOOT. Under the rules, of course, the Senator did lose the floor; but that is the reason why I asked unanimous consent that he should not do so. Now, so far as I am concerned, if the Senator wants me to, I will withdraw that request.

Mr. COPELAND. No; I could not be so ungracious as that. I am very much obliged to the Senator, and I shall accept his request in the spirit in which he made it.

The PRESIDING OFFICER. The Chair did not understand that the right of the Senator from New York was being prejudiced, because he has the right to speak twice on the bill, and twice on each amendment.

Mr. COPELAND. Then, as I understand the matter, Mr. President, I am now speaking in my original right, and the first time, on the bill, by reason of the unanimous consent.

The PRESIDING OFFICER. Unless there is objection, and the Chair hears none.

Mr. COPELAND. Now, then——

Mr. FESS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. FESS. I desire to correct a statement of the Chair.

Mr. COPELAND. Mr. President, will I lose the floor if I permit the Senator from Ohio to orate?

The PRESIDING OFFICER. The Senator will not.

Mr. COPELAND. I want to know now.

The PRESIDING OFFICER. The Chair has stated that the Senator from New York will not lose the floor.

Mr. FESS. When a unanimous-consent request is made I have a right to reserve the right to object until I have made a statement. That does not take the Senator off the floor. I wanted to make this statement:

The Chair assumed from what the Senator from New York had stated that I demanded the rigid enforcement of the rules. I had stated that I would not demand that, and I should like to have that statement corrected.

The PRESIDING OFFICER. The present occupant of the chair was attempting to repeat the words of the Senator from New York and was not quoting the Senator from Ohio.

Mr. FESS. It may be that rigid enforcement of the rules will be necessary.

Mr. COPELAND. I accept all the apologies.

Mr. WATSON. Mr. President, may I make a statement?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. COPELAND. Just a moment, Mr. President. I do not think I can yield.

Mr. WATSON. I am reserving the right to object to the unanimous-consent request made by the Senator from Utah for the purpose of making a statement.

The PRESIDING OFFICER. The unanimous-consent request has already been agreed to.

Mr. WATSON. Then I can not make the statement under that pretext.

Mr. COPELAND. The far-seeing Senator from Indiana will find a pretext, so that he will be able to make it.

I am sorry that I have to announce to my colleagues, limited in number but filled with enthusiasm, that I must refuse to yield from now on. I am the monarch of all I survey; my right there is none to dispute, provided I do not yield to some one.

In this statement of Mr. Herbert Hoover, he speaks——

Mr. COUZENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COUZENS. Under the rules, is the Senator who is occupying the floor required to remain at his seat?

The PRESIDING OFFICER. The Chair understands that there is such a rule. The Chair does not remember its ever having been enforced during the short time he has been in the Senate.

Mr. COUZENS. In view of the fact that we are enforcing the rules at this time, I request that the Chair enforce the rule.

The PRESIDING OFFICER. The Chair understood that that was a mere statement that the rules would be enforced, not by the present occupant of the chair.

Mr. COPELAND. Mr. President, am I in due form?

The PRESIDING OFFICER. The Senator from New York will proceed.

Mr. COPELAND. I thought I was imposed upon by the Senator from Ohio [Mr. FESS] four or five years ago when he called me to account for not rising to address the Chair. I had leaned upon the arm of the chair behind me. When I protested against the cruelty of his action, when I had always looked upon him as a Methodist brother and found him instead to be a rigid Presbyterian, he told me—and that is the reason why I know so well what the rule is—that if he called me strictly to account I could not perambulate about the Chamber. So that is the rule; but the Senator from Ohio said he would not be so cruel as to impose quiet upon one who likes to take exercise as I do. Now, here comes the Senator from Michigan, insisting upon the rules, helping the Senator from Indiana to pass this nefarious measure by demanding strict construction.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COPELAND. The Senator from Michigan is not in his seat. I demand that he take it. [Laughter.]

The PRESIDING OFFICER. He is not addressing the Chair.

Mr. COPELAND. Has he a right to be in the seat of another Senator? He addressed the Chair.

The PRESIDING OFFICER. The Senator entitled to that seat did not demand it.

Mr. COPELAND. He addressed the Chair from the seat of the Senator from Wyoming [Mr. WARREN]. He violated the rules of the Senate. I shall not insist, however, upon a ruling.

If the time comes when we observe the rules of the Senate there will be order in the Chamber on all occasions, and the Senate will proceed in an orderly and decent way to transact its business.

I am a loose constructionist; but I give you my word that for the rest of this afternoon, so far as I know them, the rules of debate are going to be strictly enforced.

Now, being in my own place, and having risen to address the Chair, I will proceed with the statement of Mr. Herbert Hoover; and I hope that there are those on the other side of the aisle who are not particularly respectful to me at times who at least will be respectful to their successful candidate for President.

There are lots of things that we can say to-day that we can not say after noon on Monday, and the mention of the name of Mr. Hoover is a reminder to me. There is in my State an outstanding citizen, a distinguished lawyer, a brave soldier, a man who has served his country, Mr. Donovan; and now we learn that he can not be appointed to the office of Attorney General because he is a Catholic or a "wet," I am not sure which. It is an outrageous thing that this man should be deprived of the privilege of serving his country, and serving it well, because he does not happen to conform to the standard fixed by those who dominate the next President.

Mr. SMOOT. Mr. President——

Mr. COPELAND. I can not yield.

The PRESIDING OFFICER. The Senator from New York refuses to yield.

Mr. COPELAND. Mr. Hoover, in his statement on the 6th of January, 1926, defined very clearly the distinction which should be made in regard to the arbitrary action of any body, commission, secretary, or what not. He defined the necessity of having an appeal from that body. Now, listen to me, Senators. The very group of men who establish the standards and attempt to adjust differences and sometimes fail, acting as an administrative body, acts as a court of appeals on its own decisions. Could anything be more absurd?

When we passed the law in 1927, we recognized that; we recognized that it would be an absurdity and an anomaly for an appellate court to deal with questions which the same group of men had dealt with as an administrative board. Yet Senators who favor this bill are proposing to continue that absurdity.

Mr. Hoover does not take that view. He recognized the necessity of having a different body deal with those questions. He said:

> There should be a complete check upon arbitrary, unjust, or erroneous action.

Yet here we are proposing by the enactment of this legislation to have the same men, as an appellate court, decide whether or not the action taken by them as administrators was "arbitrary, unjust, or erroneous." One has but to recite that fact to show how outrageous the proposal is.

In the further statement of Mr. Hoover to the House committee, as found on page 11 of the hearings before the Committee on Merchant Marine and Fisheries of the House, Sixty-ninth Congress, on House bill 558, I find this. I quote Mr. Hoover:

> Sixth, the bill provides for a national commission of nine members to which may be referred any questions upon which the Secretary of Commerce desires their judgment.

As we ultimately passed the law, instead of the commission having nine members it has five members; but, of course, the same principle applies.

> There are many purely administrative questions in the detail of administrative regulation, such, for instance, as the assignment of a particular wave length to a given station, which may properly be left to the judgment of a single official.

This man speaks almost as if he were inspired. Of course, I never could have split my ticket, but I declare, if I had known this before election, it would have made the campaign harder in some respects.

> There are many purely administrative questions in the detail of administrative regulations, such, for instance, as the assignment of a particular wave length to a given station, which may properly be left to the judgment of a single official.

That is exactly what I am contending for, that the details of administrative regulations should be left to the men in the Department of Commerce, where they were then, where they are now. As I shall show at a later time, while there are some employees in the commission, in general the work is done in the Department of Commerce even at this moment. I will give the facts about that.

I am about to quote now, may I say, from page 145 of the hearings before the Committee on Interstate Commerce of the Senate on Senate bill 4937, to continue the Federal Radio Commission. This is the testimony of Commissioner Caldwell. I will ask Senators not to be confused in their minds between Commissioner Caldwell and Attorney Caldwell. Commissioner Caldwell is the gentleman of whom I spoke, who has been interested in radio so many years, who is a radio engineer, and whom I designated and truly believe to be the greatest authority on radio in the world. He was the member of the commission at the hearing. I quote the language of Commissioner Caldwell:

> I think all of you gentlemen, Members of Congress, will recall that radio was handled best and the complaints were fewest when radio was under the supervision of the Department of Commerce, under Secretary Hoover.
>
> Some questions have been asked as to just what the radio division of the Department of Commerce is. That radio division at present consists of 135 people, in comparison with the Radio Commission's present staff of 82 people. The staff of the radio division of the Department of Commerce includes 65 trained radio men who are competent radio experts scattered over the country. The Radio Commission at this time has only four trained radio men outside of the two officers who have been loaned it by the Army and Navy. The ratio there is 65 to 4 trained radio men, the rest of the employees in both organizations being largely clerical.

Yet there are those who are clamoring that the administrative features of the radio business should be left with the Radio Commission, when as a matter of fact in the commission there are 4 trained technical men while in the Department of Commerce there are 65. I am not talking about ancient history; I am talking about the condition which prevails now, on the 1st day of March, 1929. The technical work is being done, as it should be, in the Department of Commerce, and that is where the work will be done if we defeat this bill. That is where the work has been done; that is where the work will be done, no matter whether we pass the bill or defeat the bill. The administrative work will be done in the Department of Commerce.

We are hampering this commission by requiring the commission to sit around in these various hearings conducted by these experts, these technical men, cluttering up the records of the commission with hearings over matters which are trivial or technical, and where there is no more need of the physical presence of the commissioners than there is need of the presence there of the President of the United States.

I know that there will be dozens of Senators who will vote for this bill who truly believe that I am advocating the destruction of the commission and its abolition. Every day some Senator has said to me, "Why do you want to abolish the commission?" I do not want to abolish the commission. I want to take away from the commission the necessity of dealing with these trivial things, in order that the commission may devote itself to the larger things which have to do with the development of the industry and the maintenance of the rights of the country in it. That is exactly the situation.

Mr. Hoover saw that. He said:

> There are many purely administrative questions in the detail of administrative regulation, such, for instance, as the assignment of a particular wave length to a given station, which may properly be left to the judgment of a single official.

That is what will happen if this bill is modified to take out that outrageous amendment which proposes to terminate the terms of the commissioners on the 23d of next February, and permit this body to do the great work which it was established to do.

Now I wish to quote again from Mr. Hoover:

> But there are other broader and more important matters, such, for instance, as the determination of the persons who are to exercise radio privileges under the rule of public interest, which involve a large element of discretion and in which it is wise to have the consensus of several minds.

He speaks as one inspired. I quote further:

> Such decisions, especially where the questions become controversial, should properly be made by a board rather than an individual. To draw a legislative line between these two classes of functions is no doubt difficult; but it seems to me the line lies at the point of controversy as to the radio privileges.

The judgment of the board is made final and binding, subject only to an appeal to the courts, and I consider this a highly important provision.

He says we should draw a legislative line between these two classes of functions; that is, the administrative on the one hand and the judicial on the other; that we should draw a line between those two classes, and the line lies at the point of controversy as to the radio privileges.

That was written into the law, and very wisely so. I want Senators to see that the committee, acting upon the wise suggestion of Mr. Hoover, did write this into the law. I hold in my hands a copy of the radio law, Public Law No. 632, Sixty-ninth Congress, H. R. 9971. This is an act for the regulation of radio communications and for other purposes. It is the original and the present radio law.

It states:

Any person—

Mr. President, I am now a strict constructionist, and order should prevail. I had a teacher once who said that "Order is Heaven's first law."

The PRESIDING OFFICER. The Senate will be in order.

Mr. HEFLIN. Mr. President, I take it from that remark that the Presiding Officer wants the Senate to be as near heavenly as possible. [Laughter.]

Mr. COPELAND. As near as possible is right, with emphasis on the "possible."

Mr. Hoover said:

That any question of dispute as to who shall enjoy the radio privilege may be referred to that body not through the volition of the Secretary of Commerce but by either applicant or disputant in the question.

Now see what was put in the law: This man spoke as one inspired, and I am amazed that the Congress of the United States adopted so thoroughly all the wise suggestions he made. I am making some wise suggestions to-day which will not be adopted. However, I shall make them anyway. The law provides:

Any person, company, or corporation, or any State or political subdivision thereof, aggrieved or whose interests are adversely affected by any decision, determination, or regulation of the Secretary of Commerce, may appeal therefrom to the commission by filing with the Secretary of Commerce notice of such appeal within 30 days after such decision or determination or promulgation of such regulation. All papers and other records pertaining to such application on file with the Secretary will thereupon be transferred by him to the commission. The commission shall hear such appeals de novo under such rules and regulations as it may determine.

"Shall hear such appeals de novo," as if they were entirely new. Does that happen? Mr. President, you know it does not. What happens now is that in the Department of Commerce the radio commissioners have to sit in to listen to all of these discussions and then, having rendered a decision, do the absurdly impossible thing of hearing de novo an appeal. I should think that anybody who has any desire in the world to protect the interests of this country would see how ridiculous it is to ask the commission to deal de novo with a problem which it has already settled by its administrative acts.

Mr. Hoover went on to say:

The judgment of the board is made final and binding subject only to an appeal to the court.

That is what the law provides. I quote further:

Decisions by the commission as to matters so appealed and as to all other matters over which it has jurisdiction shall be finally subject to the right of appeal herein given.

So Mr. Hoover recommended that we should draw a line between what he called these two classes of functions, the administrative on the one side and the judicial on the other, and that that decision when made by the board acting de novo, taking the matter all over again, acting as if it were a new question, and then that the judgment should be made final and binding subject only to appeal to the court, as Mr. Hoover said. Then I quote further from him:

As some of the members of the committee know, I have felt that the provision for a board of reference should be somewhat tightened up over the present construction of the bill.

Mr. President, there is "confusion in the temple."

The PRESIDING OFFICER. The Senator from New York requests that the Senate be in order.

Mr. COPELAND. I quote further:

In other words, that any question of dispute as to who shall enjoy the radio privilege may be referred to that body, not through the volition of the Secretary of Commerce, but by either applicant or disputant in the question. Those who have followed the details of radio regulation will recognize that a very large part of the disputes and frictions in the radio world are settled by amiable arbitration of the department and that our officials are able to wipe away 90 per cent of the disputes which occur; but it seems to me there must be some point at which no arbitrary action can be taken. The privilege of broadcasting will be of enhancing importance and, so long as the art fails to develop sufficient channels so that all comers may broadcast, that privilege will accrue more and more of public importance. And it is for that reason that I emphasize the necessity of some independent body being able to settle public disputes as to the radio privilege.

And yet almost without exception the ardent and enthusiastic followers of Herbert Hoover on the other side of the aisle intimate that Mr. Hoover is all wrong, that he does not know anything about the radio business, and we have a right to conclude, therefore, that he does not know about any kind of governmental business. Of course that is absurd. This is a man who has made an intimate study of radio and probably knows more about it than anybody in the country except Commissioner Caldwell and "whose wise guidance in the formative stages of radio communication contributed so greatly to the development of this new service to the American people." I quote those few words from the dedication to Herbert Hoover of a remarkable book by Stephen Davis on The Law of Radio Communication, a book which should be read by everybody who really wants to know something about radio and who does not depend for his information upon what he is told in a few words by the chairman of the Senate Committee on Interstate Commerce.

As I said a little while ago——

Mr. HEFLIN. Mr. President, will the Senator yield to me a moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. For what purpose, may I ask?

Mr. HEFLIN. To suggest the absence of a quorum.

Mr. COPELAND. I yield for that purpose.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Simmons
Barkley	Fess	McKellar	Smith
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steck
Black	George	Mayfield	Steiwer
Blaine	Gerry	Metcalf	Stephens
Blease	Glass	Moses	Swanson
Borah	Glenn	Neely	Thomas, Idaho
Bratton	Goff	Norbeck	Thomas, Okla.
Brookhart	Gould	Norris	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Ransdell	Wagner
Caraway	Hastings	Reed, Mo.	Walsh, Mass.
Copeland	Hawes	Reed, Pa.	Walsh, Mont.
Couzens	Hayden	Robinson, Ark.	Warren
Curtis	Heflin	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kendrick	Sheppard	
Edge	Keyes	Shortridge	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

Mr. COPELAND. Mr. President, I hope we may have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Mr. President, Mr. DAVIS, of the House committee, asked a question, which will be found on page 13 of the hearings before the Marine and Fisheries Committee of January 6, 1927.

Mr. President, we are under a strict construction of the rules to-day. I hope the Chair will preserve order in the Senate.

The PRESIDING OFFICER. The Senator from New York requests that the Senate be in order.

Mr. COPELAND. I think, under the rules, if I am rightly advised, Senators have to sit down, do they not, except when addressing the Chair?

Mr. REED of Pennsylvania. Or when entering or leaving the Chamber.

Mr. COPELAND. Mr. President, I can not yield to the Senator.

The PRESIDING OFFICER. Is that a suggestion of the Senator from New York, or does he make a point of order?

Mr. COPELAND. I have no suggestion to make. I will trust to the good judgment of the Presiding Officer.

I shall now read from the hearings. Mr. DAVIS asked this question:

I should like to get Mr. Hoover's opinion on a matter of policy while he is before us. Mr. Secretary, you referred to the fact that in accordance with your views as well as the views of others on the committee, and Mr. WHITE, particularly, in the preparation of this bill, it has been undertaken to meet the situation as expressed by you just now, and which you have several times previously expressed, that you did not think sole and final authority ought to be vested in the Secretary of Commerce or in any other one man. As I say, they have undertaken to meet that situation in two particulars; one by granting an appeal to the courts in certain instances, and the other by that reference board.

You have just expressed the idea that the bill ought to be tightened up, and I presume you mean made more comprehensive, in a way, with respect to the reference board. Now, have you given any consideration to the idea of creating a permanent commission which might have jurisdiction over not only radio matters but also of the telephone and telegraph, which the Interstate Commerce Commission now has nominal jurisdiction of for the determination of what might be termed quasi judicial powers and certain matters of regulation, and then to grant an appeal to this commission where an appeal is granted from the administrative officer which, under the provisions of this bill, is the Secretary of Commerce, instead of an appeal to the courts?

Then Mr. Hoover replied—and I quote his reply:

Mr. DAVIS, I have not given the matter as much thought as I should like to.

What I am quoting from Mr. Hoover is of interest to several members of the Interstate Commerce Committee who have in mind the establishment of a communications department, to have a body like the Interstate Commerce Commission, in a sense, a body to have supervision not alone of radio communication but of telegraph and telephone communication, all forms of communication through the air or by wire.

We might just as well talk about cutting a slice of cheese out of the moon as to think that by prolonging the life of this board for one year, only at the end of that time the Congress would pass an act establishing a communications department. I have no doubt that the time may come when such a department will be instituted, but the members of the committee who are seeking to hamstring the Radio Commission for a period of one year from the 23d of last month, in order to have this matter go over to the 23d of February, 1930, are enthusiastic and hopeful, indeed, if they think that between the time we convene on the first Monday in December of 1929 and the 23d of February, 1930, two months, we are going to enact legislation to establish a communications department. Yet, when I talk to certain Members of the Senate in private, they tell me the reason they want to postpone this for one year is in order that there may be established a communications department of the Government. It is ridiculous, absurd, to think that it could be done, no matter how meritorious the project is. I am not sure but it is a good plan. However, the first question that would be raised by the thousands of stockholders of the Western Union and the Postal Telegraph companies would be: "If you have so much faith in the idea of a communications department for all lines of communication through the air, why have you not tried it for the radio?"

I am sorry, Mr. President, that I do not see in the Chamber among the 16 Senators who are present and attending to their duties one particular Senator. Pretty soon I am going to make a list of the absentees. There is not anything a Senator, when he runs for office, hates so much as the charge that he is inattentive to his duties. I do not know that I will give the names; yet I am not sure but that I shall. Already I see a distinguished Member of the Senate proceeding to his seat, and that is a good idea. I hope they will all do so.

My attention has been called to the fact that among the 16 I counted 2 or 3 are Members of the House, so I presume there are not over 12 Members of the Senate present, although it is now 25 minutes after 4 o'clock in the afternoon, the very time of day when every Senator should be in his seat, giving attention to the business of the United States. Anyway, of the Senators I have in mind who have been talking to me about a communications department of government, not one is here because they are so certain——

Mr. WHEELER. That this bill is going to pass?

Mr. COPELAND. That they will put up a lightning rod and have some sort of communication which would afford the final judgment on what is right about this measure, even though I venture to say not more than 16 of them have ever read it.

Mr. WALSH of Massachusetts. Will the Senator forgive me for not giving him my attention while I go to the desk for a moment? [Laughter.]

Mr. COPELAND. If there is one man in the United States Senate who is always attending to his duty, who never fails to study every bill and its significance to the people of his State and of the country, it is the distinguished Senator from Massachusetts [Mr. WALSH]. As he apologized just now as he passed me, he said he was simply going to the desk to get a paper and when he gets that he will return to his seat. I know he will do so, because he seeks always to widen his knowledge and to be informed on a subject which has to do with the welfare of the Nation.

Mr. WHEELER. Will the Senator tell us what he is trying to inform the Senate on now?

Mr. COPELAND. I can not yield.

Mr. HEFLIN. Perhaps the Senator from Montana wants a compliment paid to him.

Mr. COPELAND. I can not yield.

The PRESIDING OFFICER (Mr. TYSON in the chair). The Senator from New York declines to yield.

Mr. BINGHAM. Mr. President, will the Senator yield to me in order that I may put something in the RECORD?

Mr. COPELAND. I can not yield. I will not give the name of the Senator who has just passed me, because I do not want the RECORD to show that he has been out of the Chamber until now; but I must say to the Senator that we are operating under a strict construction of the rules. The hard-hearted senior Senator from Ohio [Mr. FESS] has outlined the necessity for a strict observance under certain conditions. I must not be too hard upon him, because he was willing to allow some elasticity, but he will not permit me to yield. I want to yield; I would love to yield to the Senator from Connecticut. He is a handsome man; he is a fine, lovable character, but I can not yield. I am sorry. [Laughter.]

Mr. President, the other night when we discussed this matter the question of a department of communication was raised. I think that is worthy of study. The way to find out whether or not it is practical and sensible and workable is to give the Radio Commission the power which it deserves by reason of past achievements. I want to say that it has been a good commission. I have no criticism to pass on its major acts.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. Is it in accordance with the ruling of the Chair that for a Senator to yield for a question is yielding the floor?

The PRESIDING OFFICER. He has a right to yield for a question only.

Mr. BLEASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BLEASE. Is it legal to transact business without a quorum of the Senate being physically present?

The PRESIDING OFFICER. On the record, there is a quorum present.

Mr. COPELAND. Mr. President, the Senator from Connecticut addressed a parliamentary inquiry to the Chair, and I wish he would listen to what I say. I am extremely sorry about the attitude of the Chair with reference to this matter. I should like to yield; and if the Senator can discover some means by which I can yield I will gladly yield to him, in order that the matter of importance which I have no doubt he has in mind may be given the attention it deserves.

Mr. BINGHAM. I had a question in mind, but I was afraid to ask it for fear it might cause the Senator to lose the floor.

Mr. COPELAND. Mr. President, about this matter of a communications department, as it is at this moment the Interstate Commerce Commission has jurisdiction over the telephone and telegraph systems of the country.

(At this point a message was received from the House of Representatives, which appears before Mr. COPELAND's speech.)

Mr. WALSH of Massachusetts. Mr. President, may the clerk state, for the information of the Senate, the bills that have been transmitted from the House?

Mr. KING. The Senator from Massachusetts does not ask for any action upon them?

Mr. WALSH of Massachusetts. Oh, no.

The PRESIDING OFFICER. The Chair will state that the message refers to two House bills.

Mr. WALSH of Massachusetts. What are the names of the bills?

The PRESIDING OFFICER. They are House bills which require no further action on the part of the Senate. The Senator from New York will proceed.

Mr. BLEASE. Mr. President, did not the House clerk say that conferees were asked for on one of those bills? I understood him to say that the House asked for conferees on one of them.

Mr. JONES. The Clerk announced that the House had agreed to the conference asked by the Senate.

Mr. BINGHAM. Mr. President, the matter has not yet been laid before the Senate.

The PRESIDING OFFICER. The Chair will state that the House has agreed to the request of the Senate for a conference.

Mr. BINGHAM. Mr. President, has the matter been laid before the Senate?

The PRESIDING OFFICER. The Chair will state that it does not have to be laid before the Senate.

Mr. BINGHAM. How can the Chair inform the Senate as to what the message contains unless it has been laid before the Senate?

Mr. BLEASE. We will make that point later, Mr. President.

Mr. KING. The Chair has prescience.

The PRESIDING OFFICER. The Chair will state that the announcement was made at the door of the Senate by a representative of the House.

Mr. COPELAND. Mr. President, I understood that the appointment of conferees on a bill was asked for. I am perfectly willing to yield for the purpose of making the appointment of the conferees. I do not wish to hold up any important business. If I can do that without yielding the floor, I am very happy to do it.

The PRESIDING OFFICER. The Senate asked for a conference on its amendment numbered 39 to the Interior Department appropriation bill; and this is a message from the House announcing that it has agreed to the request for a conference, as stated to the Chair by the clerk.

Mr. BINGHAM. Mr. President, this seems to me a very extraordinary manner of laying before the Senate a message from the House of Representatives. I have never before known a case where it was necessary for the Presiding Officer to ask the clerk what was in the message. The usual method is to lay the message before the Senate.

The PRESIDING OFFICER. The Chair will state that that is the ruling the Chair will make, as recommended by the parliamentarian of the Senate.

Mr. BINGHAM. I appeal from the ruling of the Chair, Mr. President.

Mr. KING. Does the Senator object to the Chair laying down the message?

Mr. BINGHAM. I have no objection to that. I understood that the Chair was asked to lay down the message.

The PRESIDING OFFICER. The Chair will lay down to the Senate whatever messages are required to be laid down under the rules of the Senate.

Mr. KING. I call for the regular order.

Mr. FESS. Mr. President, a parliamentary inquiry: I understand that the Senate asked for another conference on amendment numbered 39 and the House has agreed to it. That ends it.

Mr. BINGHAM. Mr. President, I appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Connecticut appeals from the ruling of the Chair.

Mr. ASHURST. Mr. President, the Chair is perfectly right. Paragraph 7, of Rule VII, reads as follows——

Mr. BINGHAM. Mr. President, a parliamentary inquiry: An appeal is pending from the ruling of the Chair.

Mr. ASHURST. And I desire to discuss that appeal.

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield to the Senator from Arizona?

Mr. ASHURST. I simply desire to read this rule, which shows that the Chair is perfectly correct. As soon as a message is received it is the duty of the Chair to lay it before the Senate, which the Chair did; and any Senator may at any time ask that it be laid before the Senate. I ask the clerk to read all of that rule—paragraph 7 of Rule VII, page 13 of the Rules.

The PRESIDING OFFICER. The rule is that—

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

The Chair will rule that there is no further action to be taken upon the message sent from the House of Representatives until the conference report comes in.

Mr. BINGHAM. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. BINGHAM. Has the Chair laid the matter before the Senate?

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives transmitting certain resolutions, and granting a conference with the Senate on the Interior Department appropriation bill.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. BLACK. I understood that the Senator from Connecticut appealed from the decision of the Chair.

Mr. BINGHAM. The Chair has now laid before the Senate the message. The question which I asked the Chair was how it was possible for the Chair to tell the Senate what was in the message from the House through the medium of asking the clerk before the matter had been laid before the Senate; but the Chair now has performed his duty in accordance with the rule, and laid the matter before the Senate.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico will state the parliamentary inquiry.

Mr. BRATTON. As I understood, prior to that action, however, the Chair had made a ruling from which the Senator from Connecticut appealed, and unless he withdraws the appeal it is pending before the Senate.

The PRESIDING OFFICER. Does the Senator from Connecticut desire to have his appeal submitted to the Senate?

Mr. BINGHAM. No, Mr. President; I withdraw the appeal.

Mr. COPELAND. Moreover, Mr. President——

The PRESIDING OFFICER. The Chair asks the Senate what action they will take upon the message from the House of Representatives?

Mr. WALSH of Massachusetts. I move that the bills be referred to the appropriate committees.

The PRESIDING OFFICER. You have heard the motion.

Mr. JONES. Mr. President——

Mr. WATSON. What is the business before the Senate that the Chair is laying down?

The PRESIDING OFFICER. The radio bill is before the Senate, and the Senator from New York has the floor.

Mr. COPELAND. Mr. President, we know the rules very well when it comes to where a Senator shall stand on his feet; but we do not seem to know them very well when it comes to a matter of vital importance.

I want the Senate to listen to this fine report made by Mr. Caldwell, the commission's special counsel. Before doing so, I will return for just a moment to the communications department.

I observe that one or two Senators have returned to the Chamber. I have already said that from time to time I shall include in my remarks the names of the absentees, but I notice one or two here who were not here a little while ago.

Mr. President, there is one rule that I am going to insist on, and that is the rule of order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Nothing could be more ridiculous than the argument that we should continue this Radio Commission to the 23d of February of next year in order that we may arrange for a communications department. Before a communications department is arranged for, the Committee on Interstate Commerce in the Senate and the appropriate committee in the House will have hearings that will extend over years, if I am any prophet. If I were to defeat this bill on the theory that it is going to facilitate the establishment of a communications department I should not be very far-seeing, to say the least, and I should feel that I was utterly unpatriotic to do a thing which is going to hamstring the commission and defeat it in carrying on a work of vast importance to every home in America.

In the United States Daily of February 28 I find this address, and I shall read part of this report. It is found on the first page of the paper, and is headed:

> Development of laws on radio said to be proceeding slowly. Commission counsel declares lawyers are seeking analogies from other legal rules in working out principles to be applied in litigation.

I quote from the article:

> Radio, with its rapid growth, has opened a new legal field in which many disputes are arising and the Federal Radio Commission, its counsel, and lawyers of radio stations and associations appearing before the commission "are feeling their way cautiously, trying to find helpful analogies from the rules of law that govern other kinds of business and human relations and to work out principles that will insure an enduring foundation of the developments that are sure to come in the future," according to Louis G. Caldwell, the commission's special counsel.
>
> Mr. Caldwell's statements were made as chairman of the committee on radio law of the American Bar Association, which is sponsoring a weekly radio program on jurisprudence.

I hope that the Official Reporter will not get into the RECORD the conversations which are being held in such loud tones that they fill the Chamber. I hope he will distinguish between my own remarks and those of Senators at a distance.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. I read:

"At these hearings, which have been held almost daily at the commission," said Mr. Caldwell, "the rules are being laid and precedents established which will form an important part of radio law, independently of any statutes enacted by Congress." "Proper laws," he said, "can do a great deal to encourage a useful art; unfortunately, improper laws can do a great deal to stifle it."

He speaks as a prophet, because, if this measure is enacted, it will be another improper law which will have a part in stifling this great art. I continue the quotation:

Popular belief that one of the most important legal questions of radio is "Who owns the ether?" was discounted by Mr. Caldwell. "As a practical matter it is probably the least important," he declared, stating that "until somebody finds out what the ether is, or whether it even exists, it is hardly worth while speculating as to who has title to it." The full text of Mr. Caldwell's speech follows:

It is altogether fitting, I think, that one of this series of talks which is being sponsored by the American Bar Association, should have to do with the law regulating the very means by which the talks are brought to you.

Senators will bear in mind that, as chairman of this committee of the Bar Association, he was speaking over the radio and giving to the world his views of the radio problem. So he said:

It is altogether fitting, I think, that one of this series of talks which is being sponsored by the American Bar Association should have to do with the law regulating the very means by which the talks are brought to you. The association took an early interest in the development of this branch of law. Up until this last year, however, the air and the ether were both in the province of the same committee, which handled the complicated problems that came with the airplane and the even more complicated problems that centered around radio.

This was the air-law committee, formerly headed by Mr. William MacCracken, now Assistant Secretary of Commerce in charge of aviation.

I am not advised how well informed the Members of the Senate are regarding the important work done by Secretary McCracken. I think that he has done more to establish the commercial air service than any other man in America. We owe a great debt to him for what he has done to put commercial aviation on the successful plane on which it is at present. Therefore, whenever I see his name mentioned in connection with any activity, I am pleased to know exactly what his views are regarding it. So Mr. Caldwell said:

This was the air-law committee, formerly headed by Mr. William McCracken, now Assistant Secretary of Commerce in charge of aviation.

He continued:

Last year the association decided that the combination of the air and the ether covered a little too much ground, so to speak, for any one committee. The result is that we now have a separate committee on radio law which began functioning last fall, and of which it is my privilege to be chairman.

That is an interesting thing, Mr. President, to think that within a few years the radio art has so developed that the great American Bar Association considers it essential to have a committee to give its attention to radio law, and it is very proper, too, that in making the appointments to this committee Mr. Caldwell, who has had such wide experience in connection with the Radio Commission, should be chosen chairman. Mr. Caldwell continues:

You will be interested in knowing the make-up of this committee. On the far east Boston is represented by Mr. Fred C. Fernald; New York by Mr. Robert T. Levaine; Chicago by Mr. Edward A. Zimmerman, and Seattle by Mr. Cassius E. Gates. As for myself, I have a family in California, an apartment in Chicago, and a job in Washington, all of whom and which I trust will be reunited soon in Chicago

I wish him well if he is going to Chicago. That is the community where every citizen lives within gunshot of his neighbor, and I hope that he will be safe when he gets to Chicago. However, it is a charming place, and I am always glad to go there, and to leave, if I leave, with my life. Continuing the quotation, Mr. Caldwell said, speaking to the radio audience:

Your interest in radio may be simply based on the occasional evening's pleasure it gives you, or it may mean a great deal more. Perhaps you rely upon it for information in your business or on your farm. Whatever your interest, you will certainly agree that it is too important a part of the daily life of the American people to permit its full and free development in the interest of the public in any way hindered. Proper laws can do a great deal to encourage a useful art; unfortunately, improper laws can do a great deal to stifle it.

This is the man who is the special counsel for the Radio Commission, who is so highly respected by the American bar that he was made chairman of this committee, made up of other distinguished members of the bar, and he laments the fact that the passage of improper laws may stifle the radio art. Pretty soon he is going to scold me for being one man in a movement. I read further:

It is the ambition of our committee to be of such assistance as we can by presenting to the association, and through the association to Congress, a picture of the problems as we understand them and suggestions for their solution. Naturally I do not wish to be understood as meaning that Congress in particular needs education on the subject.

He was very modest in that statement, Mr. President. If there is one place in the world where education on the subject is needed, it is in the Congress of the United States. It would not have been seemly, however, for Mr. Caldwell to say that, and I want the RECORD to show distinctly that I said it. Perhaps he merely thought it. Of course, there are 13 Senators present at this time—five minutes to 5 o'clock—who are receiving some education in radio. The others, I assume, are enjoying the sunshine, which I hope continues. We never have any here. We do not even have natural light in this Chamber, and fresh air is unknown. I suppose on that account it is wicked for me even to speak in the atmosphere and further contaminate it.

I will continue the statement made by Mr. Caldwell.

Mr. DALE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. COPELAND. I am sorry; I want to yield, but the Senator was not here when the rule of strict construction was placed upon us. I want to yield; I am just hungry to yield; but if I do, I will lose the floor; and therefore I must appear to be discourteous. I am sorry, because the Senator who has asked the question is one of the kind and considerate Senators, who always tries to be helpful to his associates. I am sure he will forgive me for my position.

Mr. DALE. I thank the Senator. I did not understand the ruling.

Mr. COPELAND. Nobody else does. [Laughter.]

Mr. BLACK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BLACK. Is it true that if a Senator yields for a question he loses the floor?

The PRESIDING OFFICER. The Chair will rule that he will not.

Mr. COPELAND. Does the Senator wish to ask me a question?

Mr. BLACK. I thought the Senator from Vermont did.

Mr. COPELAND. May I say to the Senator from Vermont that the Chair rules that if he desires to ask a question I will not lose the floor?

Mr. DALE. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont.

Mr. DALE. As I came in I caught some remark from the Senator to the effect that we did not have any light in the Senate Chamber, and I really want to ask him if he does not think it would add to the beauty of the Senate Chamber as well as to the lighting capacity if we could have it finished in lining marble?

Mr. COPELAND. That is a very proper question, and an important one.

Mr. DALE. Mr. President——

Mr. COPELAND. I will answer the question.

Mr. DALE. The Senator from New York has not answered my question.

Mr. COPELAND. I am going to do so.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. COPELAND. No; but if the Chair will inform the Senator from Vermont, I am going to answer his question in a moment.

Our genial and beloved Vice President—and to mention his name, I am sure, brings a responsive thrill in every heart. No man ever came to Washington and in so short a time endeared himself more to his official associates and the community than General Dawes. I am sure everyone will concede that. He is beloved of everybody. It will be recalled that he is very critical of filibustering. I am sure he would disapprove of this if he were convinced it were a filibuster, which of course

it is not. But he said that when a Senator takes the floor for the purpose of filibustering, he talks on everything in the world except the subject before the Senate. He is right about that in general. I made up my mind that whatever I had to say to-day would relate to the question before us; but I think I may turn aside long enough to say to the Senator from Vermont that I think it would be a splendid thing when we refinish this Chamber as it should be done, if we had the lining marble from Vermont. I am sure it would add dignity and beauty to the Chamber.

But, to return to our mutton, in Mr. Caldwell's radio talk he said further:

There are individual Senators and Representatives who have made a very intensive study of radio and who may be trusted to do their best to safeguard the true interests of the listening public. There are, naturally enough, many others in both Houses who, in the multitude of important questions which come before them, must rely on studies made by others. The same is true of the membership of our association. The great majority of lawyers have not yet had occasion to come into contact with radio matters, and we regarded it as one of our duties to place before them such information as we can give them, so that they in turn may have in mind the essential problems when occasions arise for presentation of them to the courts of the land.

FIVE RADIO BILLS PENDING IN CONGRESS

Just to give you an idea of the problems Congress is facing, let me give you a list of the bills that are now pending before it. So far as I know there are five different bills all told. The principal one has to do with the Federal Radio Commission itself and proposes to extend its present powers for another year. Under the radio act of 1927 the commission was established and was given direct jurisdiction over radio communication for a period of one year.

When I say direct jurisdiction, I mean that it decided who should or should not have licenses; it had the power to adopt regulations which stations must observe in order to keep these licenses, and it held all the hearings on controversies. The Department of Commerce, which was the licensing authority before that statute was passed, still retained some power. For example, it still assigned call letters and had control over the inspection of stations, the licensing of station operators, and the reporting of violations of the law or the commission's regulations.

I want to show you something about that. Mr. Caldwell, speaking now of Commissioner Caldwell, called attention to the very large work which is being done in the Department of Commerce. I stated, for instance, that there are 65 trained radio men in the Department of Commerce and only 4 on the Radio Commission. The question was asked by the distinguished chairman of the committee:

What do these trained radio men do in the radio division of the Department of Commerce?

Mr. CALDWELL. In the radio division of the Department of Commerce, under the Secretary of Commerce, these men supervise the operation of all the radio stations of the country, including the ships, the land stations, the broadcasting stations, and 16,000 amateurs.

The CHAIRMAN. Do you mean to say the commission has no authority or jurisdiction over them?

Mr. CALDWELL. The commission has no authority or jurisdiction over the commerce radio division staff except they cooperate together very successfully.

Mr. WAGNER. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from New York yield to his colleague?

Mr. COPELAND. For what purpose?

Mr. WAGNER. I make the point of no quorum.

Mr. COPELAND. I yield for that purpose.

Mr. WATSON. Mr. President, I make the point of order that there has been no business transacted since the last quorum call.

The PRESIDING OFFICER. The Chair will rule that the point of order is well taken.

Mr. BINGHAM. Mr. President, I am surprised that the Senator should make that point of order. I understood that business had been transacted when the Chair had laid before the Senate a message from the House of Representatives.

Mr. COPELAND. Mr. President, I think the Senator from Connecticut is speaking on a parliamentary question and is entirely right. We have had business transacted by the Senate. I have no particular desire to press the matter, but since a message came from the House and was laid before the Senate, business has been transacted and my colleague was perfectly in order in his suggestion of the absence of a quorum.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that no action was taken upon the message from the House of Representatives; therefore no business has been transacted.

Mr. COPELAND. I do not desire to press the matter so far as I am concerned.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. Is it not the case that when the Chair laid the message from the House of Representatives before the Senate the bills were referred to their appropriate committees by the Chair?

Mr. WATSON. Mr. President, I did not understand there was any action whatever taken, but they were simply handed down.

The PRESIDING OFFICER. The Chair understands no action was taken and therefore rules that no business has been transacted.

Mr. BINGHAM. What I asked was whether the Chair did not refer the bills to the appropriate committees.

The PRESIDING OFFICER. The Chair does not remember, but it was an erroneous ruling if he did.

Mr. BINGHAM. In view of the fact that the Chair did refer the bills to the appropriate committees it would seem to the Senator from Connecticut that business has been transacted and therefore the point of no quorum was well taken.

Mr. WATSON. The Chair has ruled that no business has been transacted, and therefore such a ruling would be a mistake. I think the Senator is standing on thin ice.

Mr. BINGHAM. Then I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes have it, and the Chair is overruled.

Mr. BINGHAM. The Chair being overruled——

The PRESIDING OFFICER. The Chair was in error. The decision of the Chair is sustained.

Mr. COPELAND. My colleague has raised the point of no quorum, which I renew.

The PRESIDING OFFICER. The Chair will rule that no business has been transacted since the quorum was called before.

Mr. COPELAND. A question of parliamentary procedure was ruled on by the Chair.

The PRESIDING OFFICER. The Chair understood his ruling was sustained by the Senate and therefore that no business had been transacted.

Mr. BINGHAM. Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BINGHAM. Does the Chair rule that when the Senate votes to sustain a decision of the Chair, that is not the transaction of business?

Mr. COPELAND. We had that very question before us the other night when the distinguished Senator from Indiana [Mr. ROBINSON] was in the chair, and it was ruled to be business, of course.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

Ashurst	Edwards	King	Simmons
Barkley	Fess	McKellar	Smith
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steck
Black	George	Mayfield	Steiwer
Blaine	Gerry	Metcalf	Stephens
Blease	Glass	Moses	Swanson
Borah	Glenn	Neely	Thomas, Idaho
Bratton	Goff	Norbeck	Thomas, Okla.
Brookhart	Gould	Norris	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Burton	Harris	Pine	Vandenberg
Capper	Harrison	Ransdell	Wagner
Caraway	Hastings	Reed, Mo.	Walsh, Mass.
Copeland	Hawes	Reed, Pa.	Walsh, Mont.
Couzens	Hayden	Robinson, Ark.	Warren
Curtis	Heflin	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kendrick	Sheppard	
Edge	Keyes	Shortridge	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

Mr. COPELAND. Mr. President, I was attempting to place before the Senate the fact that the Department of Commerce is now doing a large part of the administrative work which it has a right to do and which under the proper administration of the radio law it would be required to do. If the Radio Commission will perform its functions as the radio law contemplated it

should perform them—Mr. President, I dislike to be fussy about disorder in the Chamber.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. COPELAND. What I am doing in this matter, Mr. President, is because of a deep-seated conviction that the enactment of the proposed law would damage the radio art and incidentally harm the country.

Mr. SIMMONS. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from North Carolina will state his question of order.

Mr. SIMMONS. I wish to hear the Senator from New York. I do not know what he is discussing, but he is discussing it in a very illuminating way, I know, and I think we ought to have order in the Chamber so that we may hear him.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. COPELAND. Mr. President, I am very much obliged to the Senator from North Carolina, and I want to say to him that I am striving to confine myself strictly to the question at issue. We have had one or two pleasantries, but I think that 99 per cent of everything I have said has been along the line of the question we are discussing.

I feel very strongly on this subject. I feel that Senators should be informed regarding it, because it is a matter of vital interest to the Senators who represent every State in the Union and every section of the country. An effort is being made here to hamstring the radio commission, to keep it from doing its full duty for the protection of the country in order that rights may be safeguarded, and the great art may develop without interference. I have been reading and shall continue pretty soon to read——

Mr. SIMMONS. Mr. President, I knew the Senator was discussing something, but I could not hear him, and I wanted order so I might find out what he was discussing.

Mr. COPELAND. I fear either that the Senator has been absent from the Chamber or that I have failed more miserably than I had expected.

Mr. SIMMONS. There has been too much disorder in the Chamber; that is all.

Mr. COPELAND. Mr. President, I appeal to you, if need be, to station the Sergeant at Arms at the head of the center aisle to see that order is maintained. We should have quiet. Every Senator should be permitted to hear, if he so desires, and if he does not wish to hear what I have to say, the Marble Room and the cloak room are available, and more than that, all of God's out-of-doors.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Mr. Caldwell pointed out in his testimony that practically all of this work, which is supposedly done by the Radio Commission, must of necessity be done, because of the lack of available technical help in the commission itself, by the Department of Commerce, which is fully equipped to do the work.

The PRESIDING OFFICER. The occupants of the galleries will be in order.

Mr. COPELAND. The other night, when we discussed this subject somewhat, I suggested to the chairman of the committee in debate that the bill ought not to pass; that we should permit the law that is now on the statute books to operate, in which event the Department of Commerce would do all this technical work, and the commission would act as an appellate body. He said it would take three or four months for the department to prepare itself for this work; and the matter now before the Senate is my amendment to the bill proposing to extend the operation of the present plan to the 1st of June, which will give three months—March, April, and May. If Senators feel that that time is too short, I am willing to extend it more than that; but I am, personally, utterly unwilling to have it go over until another Congress comes into being.

That is the scheme. That is what is intended by many who advocate this measure, because they want to have it an open question when the next Congress—the Seventy-first Congress—meets in regular session, in order that they may attempt to build up another great body, a communications division, to take care of radio, telephone, and telegraph.

That is the scheme. That is the plan. That is the system that they have in mind. It is to have another great body of government, with hundreds of employees, and spending millions of the people's money—a communications division.

I am unwilling to have that happen. The arrangement that we have now is an inexpensive one. These men will be paid $10,000 a year—they have been paid that; that is, $50,000—and there will be the usual appropriations for clerk-hire and clerical expense generally. Comparatively modest sums will take care of the judicial side, the appellate side, of the radio work. We have all the machinery in the Department of Commerce already arranged for and now operating to take care of the administrative side, and those administrative details are practically finished at this moment.

Now, listen to the testimony.

Mr. Caldwell was on the witness stand.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senate is in order. [A pause.] The Senator will proceed.

Mr. COPELAND. In reply to a question in the hearings, Commissioner Caldwell said (p. 147):

> At the present time all of the amateur licenses of the 16,000 amateurs, which is the largest class of radio licenses, are being issued by the Department of Commerce, are being handled by their local supervisors, which has lifted a great load off of the commission.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. COPELAND. I must warn the Senator that under the strict-construction rule that has been placed upon me I can yield merely for a question.

Mr. BAYARD. Merely for a question. I merely want to ask the Senator what was the date of this hearing, and what was the date to which Mr. Caldwell referred when he made this statement in regard to the amateur radio operators?

Mr. COPELAND. This was in February of this year—last month.

Mr. BAYARD. And what was the date of the operation of these 16,000 radio operators?

Mr. COPELAND. At that time.

Mr. BAYARD. At the same time?

Mr. COPELAND. At the time he was testifying; that is, last month, February of this year; all of the amateur licenses of the 16,000 amateurs had been issued, and these stations were being operated under the Department of Commerce.

By the way, it is an interesting thing to know that these boys, these amateurs, have tremendously developed the art of radio. They were the ones who discovered the tremendous value of the short waves. Some of those boys are picking up stations all over the world. It is a very interesting thing to note what they are doing; and the work done by the so-called amateurs has been one of the most important features of radio development.

In addition to these licenses which the amateurs get from the Department of Commerce are the technical schools where teaching is done. I quote further from Mr. Caldwell:

> All of the technical schools also have their licenses issued by the Department of Commerce. So that the Department of Commerce, with its trained staff of 65 technical men and about 60 clerks, is handling a tremendous inspection and supervision job, and, in addition, there has been delegated to it an administration job.

Mr. President, the Republican cloakroom is just the other side of the partition.

The VICE PRESIDENT. The Senate will be in order.

Mr. COPELAND. I do not spend much time in that cloakroom, but I understand it is very comfortable; and if Senators would use it, it would relieve the disorder of the Senate.

Since the Vice President has returned to the chair, I should like to repeat what I said a little while ago; and he will forgive me if I say it. I may never have another opportunity during his administration to say that no man ever came to Washington and more endeared himself to the people of this community than the genial Vice President of the United States. On this side of the aisle, Mr. President, you are just as beloved as you are on the other side; and we never can fail to thank you for your fairness and the splendid way in which you have conducted your office. You have found a place in our hearts that will endure forever and ever; and I speak of that because I want to put a little sugar coating, if you will permit me, on this statement which I shall make:

The Vice President has been very critical of filibusters, and of the rules which permit many delays and obstructions in business, and all that sort of thing. I find myself in perfect accord with his view. I have believed in, and have had pending in the Congress ever since I came here, a rule to do away with unanimous consent. That is, so much of our business is done under unanimous consent.

A question comes up, and it is Monday morning, and a Senator has that "blue Monday" feeling, or things have not gone to suit him, and he is somewhat disgruntled, and he objects. Under those circumstances, I think the rule ought to provide for this question from the Chair: "Is the objection sustained?" or "Is the objection seconded?" or "Is the objection indorsed?" and to require that four other Senators, or some number—we

will say four—should indorse that objection. In other words, I believe that one Senator should not have the power to say, "The Senate can not proceed," but that at least five men or three men or seven men should be required, whatever number might be determined upon. Then we would do away with the obstruction to legislation which so frequently is observed in this Chamber. I think that is one of the great faults of our system, and I believe the suggestion I have made would do much to relieve it. I discussed this matter at great length with the late Senator Cummins when he was the acting Vice President, and he thoroughly indorsed it. He said he believed it would do much to facilitate the work of the Senate.

Before I end this particular diversion, I want to make this further observation in the hearing of the Vice President:

I determined that if it ever became a matter of conscience with me to hold the floor for a long time, I would devote myself exclusively to the subject. That is the fault with what we call the filibuster.

I determined that I would either not speak at all, or else attempt, in an honest way, to present my views regarding the pending question, and not permit myself to be led into quotations from works entirely foreign to the question at issue. We have here a subject which has overwhelmed the world. The development of radio is an amazing thing. Men stand in astonishment at what has happened in the development of this great art. But there has been made no effort in the Congress of the United States to study these measures, and I believe from the bottom of my heart that this proposed legislation is detrimental to the development of the radio art, and particularly detrimental to the preservation of the rights of our country in the matter of radio, and the development of radio.

I have in my system more material relating to this subject, and when the time comes in this discussion that I can no longer talk about radio, I am going to leave the floor, but in the meantime there are things which it may be well to consider, and if we do consider them and study them, in my judgment, any Senator is likely to take the same view that I take as to what should be done.

We were speaking about the relationship of the Department of Commerce to the commission. We have the commission. The law of 1927 provides for a commission of five. But we immediately proceeded to hamstring the commission. We appointed the commissioners for 2, 3, 4, and 5 years, respectively, and then we venture to say in this bill that all the commissions shall expire next February.

We have this division of work between the Department of Commerce and the commission; that is, we have it theoretically. We should have it actually. We are providing for the commissioners to sit in on a lot of conferences and take sides in controversies, consuming their time; but, worse than that, disqualifying them to judge impartially, as the law says, de novo.

These same men, I may say to the Senator from North Carolina [Mr. SIMMONS], who make the decisions about wave lengths, stations, and all the petty affairs connected with the technical side of the radio, are the men who are appealed to to pass judgment on whether their administrative acts are correct or improper. I do not need to say to any Member of the Senate, or to point out, how absurd that arrangement is. It is not right at all. It is not fair to men who have controversies with the Radio Commission. If the man who has a measure of importance to him takes it to the technical men in the Department of Commerce, or the Radio Commission, wherever they are, he fights his battle there, and he wants fresh judgment on the case, and he has a right to say, "Let us take this to some men who will review the facts." As it is now, Mr. President, you take your question for review to the very men who rendered the decision in the first place.

That is not common sense, and I am sure every Senator here must recognize that fact. That is the way it will be if the law is put into operation as contemplated in 1927, and the thing that is the law, but because these extensions have been made, one last year, and the one talked about now, the Radio Commission is prevented from being free from those details of administration.

How far have they gone in the matter of that administration? Every Senator knows, because we had great debates here, with the charts all around the sides of the Chamber, the question about the division of wave lengths and power between the States and the sections, zones, and so forth.

How far have they gone with that work? How much longer do we need to have the Radio Commission to do the work which these technical advisers should long since have been doing successfully?

I do not ask Senators to take my judgment. Let us see what Commissioner Caldwell said about it. I quote from page 147 of the hearings on the question of continuing the Federal Radio Commission.

The PRESIDING OFFICER (Mr. GLENN in the chair). The Senate will be in order.

Mr. COPELAND. I wonder why it is that the disorder is always on the Republican side? I have observed for years the dissensions in that party, the divisions that have taken place, but it does seem to me as if there should be order on the other side. I ask the Presiding Officer if he will not see to it that the Republicans are in order. I dislike to have the RECORD show that the Republicans are in great disorder, but I confess they are. The CONGRESSIONAL RECORD is read by thousands of citizens of this country, and they will be grieved to learn that Republican Senators have not been observing the rules of strict construction imposed upon the speaker by a Republican.

As regards the division of work between the Department of Commerce and the commission, Mr. Caldwell had something to say. He had first described that the 16,000 amateurs and the technical schools were under the department, and this occurred:

The CHAIRMAN. Well now, let us find out about that. They handle the licensing of all of the amateurs?

Commissioner CALDWELL. Yes, Senator, and of the technical schools.

The CHAIRMAN. Was that turned over to them by the commission, or did the commission never have authority itself to issue the licenses?

Commissioner CALDWELL. The original authority resides in the commission.

The CHAIRMAN. Yes.

Commissioner CALDWELL. But as a matter of practical operation the commission has turned that class of licensing over to the Department of Commerce, which has carried it on and very successfully, because the commission is not equipped and has not equipped itself to handle that vast amount of amateur work.

As I have already pointed out, there are 16,000 of these amateur licenses. If the pending bill shall pass, the Congress will express its unwillingness to have the commission relieved of the responsibility of original jurisdiction. If this bill becomes a law, it will provide in effect that the commissioners must continue to be busy about details which could be handled by the clerks in the department, or by the technical men.

So, simply because some men think that by holding this matter open they can bludgeon the next Congress into passing a bill to provide for a communications department, because they want to do that and saddle upon the taxpayers of the country another great big department costing millions upon millions of dollars, because they have that scheme in mind with the appointment of a lot of new officials and to have more patronage and to make a political machine more powerful, they are unwilling to let this department do the work in the reasonable way provided by law which was enacted in 1926. That is what we have before us. That is the plan innocent men are fooled into supporting unaware of the significance of the undertaking.

But what can men say who study the RECORD to find out just exactly what this diligent and heartbreaking commission has done? There undoubtedly was good reason in the first year of the life of the commission to do as we propose. The legal questions had not risen as yet. The distribution of the short waves and long waves and all the waves had to be arranged. It was undoubtedly wise for a period of time, and perhaps up to this time, to let the commission do those things. But what is the situation to-day? Commissioner Caldwell said, on page 147 of the hearings:

As I see it, the clean-up work of reconstruction which followed the 1926 breakdown of the law (and which, of course, was the chief reason for appointing this Federal Radio Commission) this work of reallocating the broadcasting band is now 80 to 85 per cent finished.

Eighty to eighty-five per cent finished! Think of it. The administrative work is 80 to 85 per cent finished; and there is no reason under the sun, so far as I can discover, why this commission now might not be given the job of acting as an appellate court, as an advisory body to supervise any enterprise where there was a question in the Department of Commerce—as Mr. Hoover pointed out—where there was need of advice of an unbiased tribunal to determine whether or not the act of an individual administrator was wise or not. But now the time has come when we should give the commission its powers as an appellate body exclusively.

Mr. President, the Republicans have broken loose again. Will you not exert your large influence to see that there is order on the other side of the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr COPELAND. I was reading a little while ago from a statement made by another Mr. Caldwell, not the commissioner, but in order that the RECORD may be clear I remind Senators

that it is Mr. Lewis G. Caldwell, general counsel of the Radio Commission and chairman of the bar association committee on radio. He spoke about the act of 1927, to which I have just made reference, and said:

The first year passed and Congress extended this state of affairs for another year, so for almost two years the commission has been exercising this direct authority over radio. This authority expires on March 15, less than three weeks from to-day, unless Congress passes the bill. The bill that is now pending proposes to extend the commission's powers for still a third year. It passed the House of Representatives almost unanimously but is having a run for its life in the Senate where, although a clear majority seems to be in favor of it, one Senator is conducting a determined opposition to it.

That is what we intended after the first year, that all detailed matters should be handled in the Department of Commerce and appeals should be taken to the commission. Mr. Caldwell in his radio talk continues:

This session of Congress draws to an automatic close on March 4, when the new administration comes in, and consequently there are only a few more days left. So far when the bill has come up this Senator has let it be known that he is going to keep on talking on it until the time is up, and other Senators are accusing him of a filibuster, a charge which he denies. So right now it is impossible to say whether during the coming year radio licenses will be issued by the commission or the Department of Commerce.

I suppose, Mr. President, that Mr. Caldwell was referring to the Senator from Indiana [Mr. WATSON], who seems determined to pass a bill which is a very unwise measure. So I suppose that he is the man Mr. Caldwell has in mind.

Mr. BLEASE. Mr. President, I would like to ask the Senator from New York a question, if he will permit.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield for a question.

Mr. BLEASE. I do not know much about the radio business. I have been opposed to the bill and the commission ever since it started. I have noticed recently that there is a report that it is intended to put a radio in the Capitol; in fact, in this very room. Four years ago when I was here on the 4th day of March they brought into this Chamber the President and the President elect, the Vice President and the Vice President elect, the Congress of the United States, the Supreme Court judges—in fact, the whole Government was here present. I was thinking if we bring in that same group this year—the President and the President elect, the Vice President and the Vice President elect, and all the others—that it might be possible, if a radio is put up in this room, for some fellow to destroy the whole American Government in one blow. For instance, if some one should have one of these bombs and throw it over into this room, as has been done in the city of the present occupant of the chair [Mr. GLENN], it would kill the President and the President elect, the Vice President and the Vice President elect, all of the judiciary, all of the Senators, and all of the Congressmen in one blow. See how easily we could all be wiped out. I want to ask the Senator, who is an expert on radio, if that radio is put back in the corner of the Chamber here close to my seat whether it would be possible for one of these anarchists to send something through it and blow us all out of here? [Laughter.]

Mr. COPELAND. That would be a calamity too dire to contemplate.

Mr. BLEASE. It would if I had to go. I do not know about some of the others. [Laughter.]

Mr. COPELAND. I hope such a calamity will not happen.

Mr. BLEASE. But the Senator can see the danger that all of us would be in.

Mr. COPELAND. There are infinite possibilities in the radio business.

Mr. WATSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WATSON. No, Mr. President; I am not asking the Senator to yield. I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. Did the Senator from South Carolina ask a question or make a speech?

Mr. BLEASE. I asked a question. In all seriousness I asked it. With all of us in here and with a radio outfit in here, I still say it is a serious proposition, because the man who wanted to do it could destroy the representatives of this entire Government almost in a second. I do not think they all ought to be in here at once. I am asking the Senator from New York as an expert on radio. If we all get together in here and he says it will be dangerous, then I propose to move to-morrow to prevent it being put in here. I have just been informed that that is a fact that it might happen. If it is dangerous I think some precaution should be taken. The doorkeepers we have at the doors of the Senate could not prevent such a thing. They are all mighty nice gentlemen and I like them, but I could go up there myself and throw five of them over into this Chamber, and I am not a physically strong man myself.

Mr. WATSON. Mr. President, I want to ask whether the Senator from South Carolina has asked a question or made some observations?

Mr. BLEASE. I say that is a question.

The PRESIDING OFFICER. The Chair rules that the Senator from South Carolina made some observations as well as asking a question.

Mr. WATSON. I understand from that that the Chair——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WATSON. This is a parliamentary inquiry. I am not asking the Senator to yield. I understand that the Senator from New York now enters upon his second speech.

Mr. COPELAND. Mr. President, the Senator from Indiana is out of order.

Mr. WATSON. No. I am submitting a parliamentary inquiry.

Mr. COPELAND. The Senator from Indiana is not in his place.

Mr. WATSON. I do not have to be.

Mr. COPELAND. The rules require that he should rise in his place and address the Chair.

The PRESIDING OFFICER. The Senator from Indiana will return to his place, and then, if he desires, submit his parliamentary inquiry.

(Mr. WATSON returned to his seat.)

Mr. WATSON. Mr. President, I rise to submit a parliamentary inquiry from my own place. Am I to understand that the Senator from New York is now making his second speech?

Mr. COPELAND. The Senator from New York said that he would reply to a question. It was the business of the Presiding Officer to see that the statement made by the Senator from South Carolina was in the nature of a question.

The PRESIDING OFFICER. The Chair rules that the Senator from New York in yielding stated that he yielded only for the purpose of a question and that this is only a continuation of his first speech.

Mr. BLEASE. Mr. President, I want to state that if the ruling of the Chair had been to the contrary I would have taken the floor and made a little longer speech possibly than the Senator from New York will make if we let him go on.

Mr. COPELAND. To continue the statement of Mr. Lewis G. Caldwell:

There is another bill which has been introduced in both Houses of Congress, declaring that all broadcasting stations are public utilities, and requiring all of them that are commercial in nature to transmit for all persons on equal terms at rates to be fixed by the Federal Radio Commission.

Of course that raises a very important question, one that will have to be dealt with in some appropriate way, as it will be in the course of time. Then he says further in this article:

Another bill proposes to prohibit the commission to authorize any station to use more than 10,000 watts. Still another would require the commission to provide for 50 cleared channels of the total of 90, instead of 40 as at present.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. HEFLIN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HEFLIN. The Senator from New York [Mr. COPELAND] yielded to the Senator from South Carolina [Mr. BLEASE]. The Senator from South Carolina did not stop with a question; he made some observations as to his own views about putting the radio in this Chamber. I submit that that was a speech injected by the Senator from South Carolina into the speech of the Senator from New York with his consent, because he made no protest, and that, therefore, that is the end of his first speech, and that he is now proceeding on his second speech on the same subject. I make that point of order.

The PRESIDING OFFICER. The Chair previously ruled upon that point of order to the effect that the Senator from New York is now continuing his first speech. The point of order is the substance of one heretofore raised.

Mr. McKELLAR. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. If the Senator from New York shall take his seat and then offer another amendment and speak to that,

he may continue to offer amendments so long as he desires, may he not?

The PRESIDING OFFICER. The Chair rules that he may.

Mr. WATSON. Another parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. If the Senator from New York shall offer an amendment and that amendment shall be voted on, he then loses the floor.

The PRESIDING OFFICER. The Chair rules that the Senator from Indiana is correct.

Mr. DENEEN. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. Just a moment. What is my status now, Mr. President?

The PRESIDING OFFICER. The Senator has the floor and is continuing his first speech.

Mr. COPELAND. I am on my first speech?

The PRESIDING OFFICER. The Senator is on his first speech.

Mr. DENEEN. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. Mr. President, I must know why the Senator from Illinois desires me to yield.

Mr. DENEEN. I desire to ask to have certain nominations referred to the appropriate committees.

Mr. COPELAND. Is there any reason why that may not be done, Mr. President? I am perfectly willing it shall be, so far as I am concerned.

Mr. McKELLAR. I ask unanimous consent that it may be done.

Mr. COUZENS. I object.

Mr. WATSON. What is the proposition?

Mr. DENEEN. The proposition is to refer certain nominations which have just come in to the appropriate committees for consideration.

Mr. COUZENS. I object unless the Senator from New York shall then begin his second speech.

Mr. COPELAND. I am sorry, but I could hardly do that; I am very sorry, indeed; but the RECORD will show that the objection which has prevented his request being complied with has come from the side of the Chamber of the Senator from Illinois.

Mr. WHEELER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I can yield merely to a question, and provided I do not lose the floor.

Mr. WHEELER. I do not want to cause the Senator to lose the floor.

Mr. COUZENS. The Senator from New York will lose the floor if he yields, unless he is willing to go on with his second speech.

Mr. WHEELER. The Senator from New York could offer another amendment, if he desired to do so.

Mr. McKELLAR. He can offer as many amendments as he wishes and speak to them; there is no doubt about that.

Mr. COPELAND. I think, Mr. President, that it is utterly unfair to Senators here who have committee reports, who have minor matters——

Mr. COUZENS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. COUZENS. Is the Senator from New York remaining at his seat?

The PRESIDING OFFICER. The Chair rules that he is.

Mr. COPELAND. Mr. President, may I ask the Senator from Montana what it is that he wishes to present, so that I may determine whether or not I shall yield for the purpose? I can not yield for a speech. What is the question that the Senator from Montana wishes to ask?

Mr. WHEELER. I want to ask the Senator from New York if he will yield to me while I ask unanimous consent of the Senate to consider and pass a bill which has passed the House providing:

> That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frank C. Russell, who was a member of Eighth Battery, Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 3d day of October, 1904: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act?

Mr. REED of Pennsylvania. Mr. President, if that request shall be made, I shall object.

Mr. COPELAND. I am sorry, I will say to the Senator from Montana. I should have been very happy to have him ask for unanimous consent for the purpose he has indicated.

Mr. HEFLIN. Mr. President, I make the point of order that the Senator from New York has permitted another Senator to bring up an entirely different question than the one the Senator from New York is discussing. He has also permitted another Senator, in his time, to read a bill to the Senate and after the bill was read the Senator from Pennsylvania stated that he would object to allowing consideration of it at this time. That is transacting business. The Senator from New York yielded to it; and I submit if that is within the rule there will be no end to a filibuster in this body. If a Senator can be allowed to permit another Senator to do that, he could be allowed to let another Senator read a book. For instance, if a Senator should rise and say to the one occupying the floor, "I should like to print this in the RECORD," and the Senator holding the floor should say, "What is it?" the Senator interrupting could stand up and read 40 pages of a book; he could do that just as much as the Senator from Montana could read a 1-page bill. I submit the point of order that the Senator from New York is entering on his second speech since the interruption of the Senator from Montana.

The PRESIDING OFFICER. The Chair rules that no objection was made by the Senator from New York, and no objection was made by any other Senator, and that the Senator from New York is still on his first speech.

Mr. COPELAND. I should like to say, Mr. President, that I want to observe the rules of the Senate strictly, and not only to observe the written rules of the Senate, but I shall undertake so long as I have the floor to discuss the question at issue and not outside questions. It is strange that Senators on the other side who have become remarkably active in the last hour or so, although most of the time they are less active, should be so trivially technical.

I have in my possession 40 or 50 amendments. I have technical ways of getting the floor. I do not want to do it in that way. I want to observe the amenities and to present my cause in a gentlemanly way, and likewise in harmony with the letter and spirit of the rules of the United States Senate. That is my purpose. If Senators are displeased because I am taking a lot of time, I am sorry. This is called a "great deliberative body." The traditions of the Senate indicate the right of a Senator to discuss matters. I must confess that in my discussion here to-day I am not discussing a subject with Senators, for they are not here, but I am trying to let the country know what sort of a game is being put over, or at least what the effect will be of the proposed legislation, which I think is harmful to the country, and in that sense is a game in the way I have used the word.

This proposed legislation is dangerous legislation; it is unwise legislation; and, in the large sense, it is improper legislation, and should not be permitted to be enacted into law. I would not be true to myself, and to my convictions if I did not do what I could to educate the country to what, in my judgment, is best for the country as regards the radio problem.

I am not intimidated or discouraged or particularly annoyed by the trivial technicalities of Senators across the aisle. If they choose to resort to them, let them do their worst. I am going to tell my story in any way I can and in spite of the constant interruptions of others, no matter what may be the motives which inspire them to make those interruptions.

Mr. Caldwell was speaking about providing for 50 cleared channels of the total of 90, instead of 40 as at present.

He was speaking along that line, and then he said:

> You probably know that by cleared channel is meant one on which only one station is operating during the evening hours, so that the channel will be entirely free of the form of interference known as heterodyne, and which is usually perceived in the form of a whistle.

When we listen to the radio occasionally we hear a shrill whistle showing interference in the channel, indicating that two stations are getting into the same channel and producing that heterodyne effect. Then Mr. Caldwell continues his statement, as follows:

> Still another bill proposes to take radio and combine it under one authority with our wire systems, such as telegraph, telephone, and cable lines, the whole to be regulated by what will be known as a communications commission.

That is the milk in the coconut; that is what this is all about. We are going to have a communications commission; we are going to set up another three or four hundred million dollar department with a lot of Republican employees, and add to the machinery of the party. I want to say to the communications commission party that I do not believe Herbert Hoover will tolerate any such nonsense when he comes into office. I do not believe Mr. Coolidge would either. The country is sick and

tired of expensive commissions; it is sick and tired of paying taxes. This year Congress will appropriate nearly five billion dollars—think of it, nearly $5,000,000,000, five thousand millions of dollars—and the State governments another billion, and local governments five billions more. Eleven billions of taxes placed upon the shoulders of the American people, and the productive income of our people amounts to only ninety billions. One-eighth of the earnings of our people spent to pay taxes. That means that every wage earner gives six or seven weeks of his earnings every year to pay the taxes.

Do we want any more commissions of that sort? Mr. President, you know we do not; and the people will not tolerate any such scheme as a communications commission.

No action is expected on any of these bills at the present short session, and there will not be any action on any such bills for many a long session, if I am any prophet.

(At this point Mr. COPELAND yielded to Mr. BLEASE, who moved a recess, and the roll was called, after which Mr. WATSON presented a cloture petition and debate took place.)

Mr. COPELAND. Mr. President, I want to say a few things to the Senator from Indiana, if I may be honored by his attention.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The attention of the Senator from Indiana is requested.

Mr. WATSON. I beg the Senator's pardon.

Mr. COPELAND. In the first place, I want to thank the Senator from Indiana for the great compliment he has paid me. I possess a considerable degree of physical energy and I had not realized that he feared that I might talk until the Sabbath. I knew he had the cloture petition in his pocket. It has been used as a club in the corridors against me—not by the Senator from Indiana but by others. But I want to say that it would not make any difference to me whether the debate were in the closing days of the session or the beginning of the session; I should express my views anyhow.

I am inclined to resent the imputation that I am speaking as I am to-day because I am hoping at the last minute of this session to defeat the pending legislation. I should make that effort if it were the beginning of the session, and I shall make the same effort if the Senator brings the matter up in the next Congress. It was not necessary for the Senator from Indiana to bring in his cloture petition. Common sense dictates that it is not humanly possible to carry on this particular matter until next Sunday, but I am going to have my say regardless of whether we vote on the matter next Monday or to-morrow or at any other time. It was not necessary, so far as I am concerned, to spring a cloture petition on me on the theory that I would then keep still because I am apparently defeated. Defeat is not the worst thing in the world. It is worse to lie down and take things without a fight than it is to be licked in a square fight. I am going to say what I think about this business. If it takes me until Sunday, all right, I will keep on until Sunday. If I get through by midnight, I will stop at midnight. But I am going to send a message to the American people, and it makes no difference to me whether a cloture petition or 100 of them be presented, I am going to have my say. I represent a sovereign State, a State of some consequence in this Union, with one-tenth of the people of all the United States living in it. Those people have honored me within a few weeks by re-electing me to the Senate, and I am not going to be driven off the floor by technicalities or "clubs," to use the word of the Senator from Indiana, who said that he had this cloture as a club to hold over the Senator from New York. I was brought up where clubs are common, and this particular common club does not frighten me.

In his radio address Mr. Caldwell said further:

> Congress is not the only legislative body which has given attention to radio legislation. One of the most interesting and difficult problems of radio law to-day is the extent to which State legislatures and city councils can go in the subject.

How many of us have thought of that? This is not a problem that can be dealt with by Congress alone. It is a problem that runs into the States, into the municipalities, into the various localities. All of which indicates to me that it is very necessary that we should have an alert commission made up of men not alone technically trained, but particularly who have had legal training, because to preserve the national rights to radio it is necessary that they should be the most alert sort of a commission with time enough to devote to the particular matters of legal interest.

The Senator from Indiana, the possessor of the club that he is going to use to smash the Senator from New York, wants to take the commission by the throat, wants to stifle it, and say to it, "Just do the best you can with your job, but you can not stay longer than a year." What can we expect in the way of personnel on such a commission? I have no criticism of the commission we have had. I think those men have made great personal sacrifices, and I honor them for the sacrifices they have made. They were interested in the pioneer work, the development of this great art, and so they gave of their time and of their power. They have rendered a public service, but in the nature of things we can not expect men to come to that commission simply because of their enthusiasm for it. It must become a life calling. It must be an appointment of sufficient length of tenure to justify a man in changing his manner of life, in giving up his career and coming here to the seat of government to devote himself to this cause. I read to you what Mr. Caldwell, the counsel for the commission, said about having a home in Chicago and another one somewhere else and was living here in Washington. He gave up all those because of his interest in this particular cause, because it was a pioneer and developing cause.

But we are down now to "brass tacks," if I may use a slang phrase. We have reached the point now where this is a real, honest-to-goodness business, and we can not expect men of the talent such as we wish to command to leave their localities and give up their professions and come to Washington unless it is known by each man that he has a secure tenure of office for a given time. That is why in the first bill we provided that men should be appointed for 2, 3, 4, 5, and 6 years, and that ultimately all of them would serve for 6 years in order that they might carry on through a long period of time the many details of this great work. So among the problems with which we have to deal is the problem of the relation of the Federal Government to the States and municipalities.

Mr. Caldwell continued:

> Some time ago I sent out to the attorney general of each State, and to the corporation counsel of each city in the United States having a population of 50,000 or more, an inquiry as to what laws and ordinances, if any, had been enacted. A very generous response resulted and it has provided the commission with a wealth of extremely interesting material.
>
> Let me give you examples of what some of the States have done.
>
> In Michigan a statute gives a State commission extensive authority over the operation of radio stations, authorized the State commission to prescribe time schedules and to prohibit the operation of two stations simultaneously if interference results. Violation of the act is punishable by fine or imprisonment. These powers overlap a great deal of the powers conferred by Congress on the Federal Radio Commission.

Mr. President, what is going to happen? Suppose the Federal Government through its Department of Commerce attempts to regulate broadcasting and then the State of New York—or, to be specific, I will take the State of Michigan, because they have actually done it. Suppose the State of Michigan enacts laws to regulate broadcasting, and then the appropriate legislative body in the city of Detroit, perhaps the city council, enacts regulations relative to broadcasting in the city. Think of the complications with which we have to deal. We have the Federal regulations, the State regulations, and the municipal regulations. Somebody must coordinate those different activities and legislative acts. Then there is a very important work to be done by the legal department of the Radio Commission. Any man who is interested in the development of the short wave or any other activity involving radio distribution must be interested in the question and he must have some place where he can go for some sort of action, and the natural place is the Federal Radio Commission.

I was thinking just now, as I looked about the Chamber, that it is very interesting to see it when it is empty. It seems we are top-heavy, without any reflection upon the two or three Senators who are now in the Chamber. How much more brains we have in the galleries, have we not? [Laughter in the galleries.] Really the whole establishment is top-heavy, because all the brains are up there in the galleries. [Laughter.] I want the country to know the details of this problem; and they, the great citizenry of our country, are the ones qualified to pass judgment upon it and to determine whether the country wants to have the commission hamstrung and deprived of full authority to deal with the questions involved, or whether it wants it to continue to be a commission like the department of licenses, below the head of the commissioner in some city, and require of the commissioners that they should spend all their time in petty details. Of course, common sense says that the proper way to deal with the problem is to permit the board to be the appellate body, the advisory body, the judicial body, to deal with these problems in a large way, and let the petty details be done in the offices of the Department of Commerce.

It is not alone in the State of Michigan where we find activities carried on in the name of the State or the locality. I

quote once more from the statement of Mr. Louis G. Caldwell, the general counsel of the Radio Commission:

In Nevada broadcasting stations are classified as public utilities, and the public service commission of that State is invested with the same power that is has over other classes of public utilities. I think most lawyers will agree with me that the validity of such statutes is very doubtful.

That is an interesting statement which is made by Mr. Caldwell:

The validity of such statutes is very doubtful.

Who is going to test the validity of those statutes? Who is going to determine whether the rights of the public are conserved or not? Who is going to determine the best way of handling a problem of this nature? That is the sort of problem that the Radio Commission has to deal with, and it should be given money enough to be supplied with all the talent it needs to carry on this work of coordination. As Mr. Caldwell has suggested, somebody must determine the validity of such statutes as we find in Nevada.

Then, too, quoting further from this radio talk, I find this:

Now let us see what cities and villages have done. They have been chiefly interested in ordinances of three kinds.

A large number of them have made it unlawful to operate various instruments or machines that cause electrical interference between certain hours in the evening. Some of these ordinances list the instruments and include a large variety of devices, such as electric signs, electric pianos, violet ray and X-ray machines, laboratory chargers, etc.

Some of the ordinances which were carelessly worded, if read literally, would prohibit the running of any street car between 6 o'clock in the evening and midnight.

Senators know if there be an electric refrigerator in their apartments or houses, and they turn on the radio at the same time that the motor is operating in the electric refrigerator, an interference occurs that is distressing. In these days, where that particular fact has been called to the attention of at least one legislative body, an ordinance has been passed seeking to prohibit any sort of activity which will produce interference with the radio reception. That raises another question that must be dealt with by somebody. All these things ought to be studied and reviewed by the Radio Commission.

Then, to quote further from Mr. Caldwell, he says:

Another set of ordinances is aimed at the operation of loud-speakers in such a way as to disturb the neighborhood.

That is what the Senator from South Carolina [Mr. BLEASE] was afraid of, as he stated a little while ago. He is afraid that the radio, if accompanied by a loud speaker, might bring so much noise from the outside that it would disturb the Senate. Nothing disturbs the Senate at meal time. Senators now are in the dining room. Of course, it is a great temptation for me at this point to read a lecture on health. A man lives on one-third of what he eats, and the doctors live on the other two-thirds. [Laughter.] I am afraid that the Presiding Officer did not get that. Mr. President, you live on one-third of what you eat and the doctors live on the other two-thirds. Senators know everything except how to live. It is only by the strict observance of the rules of hygiene that a man can keep in proper condition to conduct a filibuster. [Laughter.] Of course, Mr. President, I am not conducting one; so my state of health is of small concern; but I recommend this suggestion to any who may be interested.

To repeat the quotation, Mr. Caldwell said:

Another set of ordinances is aimed at the operation of loud-speakers in such a way as to disturb the neighborhood. Still another set of ordinances covers the manner in which your aerial shall be constructed.

Both of those are important. There is nothing more important in a city than to control the noises and nuisances that affect people and keep them awake and shatter their nerves. So far as the aerials are concerned, it is important to regulate them in order that fire protection may not be interfered with. In case of fire an aerial improperly constructed might be in the way of a fire apparatus. Furthermore, it might be dangerous in other respects than that, particularly one which might be put up insecurely on poles, as the poles might fall. Those, it strikes me, are very proper ordinances dealing with local matters wholly, but when it comes to the consideration of the question of whether radio is a public utility and whether the Government owns the ether, those large questions of legal construction must be determined by somebody, and they are among those matters which must be determined by the Radio Commission acting as a judicial body.

One city at least has an ordinance that no broadcasting station may be operated within the city without a permit, and that none may be operated either within or in 2 miles outside the city with more than 500 watts power.

Probably some of these ordinances are perfectly valid, but others, if they were allowed to stand, would run directly counter to the power of the Federal Government over radio.

That is perfectly apparent; it is a matter of vital importance, and one which must be studied and a proper remedy discovered. So there is a great work to be done by the Federal commission in determining the power of the Federal Government.

To quote further from Mr. Caldwell:

I feel that it is very important that, before cities and States rush into hasty legislation on radio, they consult with attorneys for the Federal Radio Commission.

They would have to consult with somebody besides the Federal Radio Commission, because so long as we leave in the hands of this commission the petty details of administration they will have no time to deal with the larger problems which have to do with the oversight and control of the radio art.

I quote further:

In what I have to say to you I find it difficult to refrain from telling you of things that have come to my attention, not only in connection with the committee's work but also during my brief period of service as general counsel of the Federal Radio Commission. I went off the pay roll last Saturday night, but am still lingering to try and complete certain work in which I have been engaged.

If you could only drop in at the commission's offices in Washington and observe the daily routine of work, I am sure that you would express your heartfelt sympathy for its members. They are all able men of high integrity, working longer hours, I think, than any other tribunal in Washington and facing more baffling problems.

The broadcasting stations alone, there being over 600 of them, would be enough to drive any regulating authority to desperation, with their conflicting claims, charges, and countercharges. Nearly all of them want more power, or better wave lengths, or more time, and, since there are only 96 channels to put them on—and 6 of these belong exclusively to Canada—they can not possibly all have what they want.

Occasionally one of them that is dissatisfied proceeds to stir up its listening public, sometimes without explaining just what the difficulty is, and the result is a deluge of mail headed for Washington. Some of it goes to Senators and Congressmen, some of it is addressed to the President, but most of it arrives at the commission.

In order to make sure that the commission is impressed with the importance of these communications, a large proportion of the senders use registered mail, special delivery, air mail, and the telegraph office. Then, in order to clinch their claims to better assignments, such stations send in support either by affidavit or personal witnesses, from all the local authorities and notables, the mayor, the aldermen, the judges, the presidents of all the clubs, and particularly the women's clubs, the hospitals, and in many cases the governor of the State and its Senators or Congressmen.

Those are some of the things which have to be faced by the Radio Commission. No wonder that they have no time to give to the judicial functions which are intrusted to them under the law but which they are not permitted to exercise because of the insistence of Senators who want to extend the commission for one more year and then another one more year, and heaven knows how many such extensions of time after that. It is utterly wrong; it is conducive of harm to the enterprise and bound ultimately to do it irreparable damage.

I wish to quote further from Mr. Caldwell; and I do this to impress upon you gentlemen—upon you, Mr. President, and the Senator from Texas [Mr. MAYFIELD], who is always faithful to his duties—I want to impress upon both of you the significance of the detail work of the commission.

In passing, I want to say to the Senator from Texas that I am going to miss him greatly. He has been a companionable, sweet, and fine friend, a useful Senator, and we are going to miss him very much indeed when he leaves the Senate. We have no doubt that the changes of time will land him in the governor's chair, if they do not bring him back to the Senate itself; but, wherever he goes he takes the good wishes of his colleagues.

Mr. Caldwell was speaking about what these men have to put up with. He said:

If you could only drop in at the commission's offices in Washington and observe the daily routine of work, I am sure that you would express your heartfelt sympathy for its members. They are all able men of high integrity, working longer hours, I think, than any other tribunal in Washington, and facing more baffling problems.

I am in the fullest accord with that. I think these men—Judge Robinson and Commissioner Sykes and Commissioner Caldwell and Mr. Lafount and these other men upon the commission—have done wonderful work. They have devoted themselves to the cause of the public.

To quote again from Mr. Caldwell, he says:

A hearing took place last week which is a noteworthy example of what the commission has to face at these hearings. An Oklahoma station applied for the channel which has heretofore been used by two Louisiana stations. One of these stations introduced into evidence 170,000 affidavits in its support. Senators and Congressmen and other men holding public office testified in substantial numbers on both sides. One of the States was represented through its attorney general. My resignation has come just in time to enable me to avoid reading the 170,000 affidavits and I am passing the job on to my successor.

That is an example of the detail work which has to be done by a very limited number of persons in this commission.

Last fall in connection with the new allocation, many stations suffered a cut in time. One such station sent in 400,000 letters from the listening public.

Think of it, Mr. President—400,000 letters!

At times the mail is flooded against certain kinds of advertising, and yet when the commission proceeds to take disciplinary measures against a station that has apparently been engaged in improper use of its privileges then there is a flood of letters the other way. There are letters protesting against too much duplication of chain programs.

This is very interesting. I am sure you will find it so, because of the debates which have taken place regarding the chain programs.

I quote again from Mr. Caldwell:

And yet whenever the commission has attempted to cut the time of such a station a torrent of abuse descends upon it. Among the miscellaneous mail which daily reaches the commission officers, some of it addressed to me as general counsel of the commission, are many inquiries as to what is the best receiving set, many inquiries as to how to build a receiving set, many complaints insisting that the commission do this or that with regard to local interference from electric ice boxes, dentists' machines, power plants, and the like, and such matters over which the commission has, naturally, no power or jurisdiction.

It may or may not surprise you, however, to know that broadcasting stations are only one of the commission's problems, and perhaps not the most important at that. Your receiving set, if it is one of the usual kind, is built so that it takes in only the wave lengths or channels that are in what we call the broadcast band. There are 96 of these channels. If your set covered a wider range, and you should be able to turn the dial either above its present high point or below its present low point, what would you find? In one direction you would run into what is known as the low frequency or long wave band, in which there are about 1,000 separate channels wide enough for wireless telegraphy. The first channels you would turn are used by ships chiefly, and one channel in particular is the international distress call channel. There are channels used by airplanes, and by stations which give services enabling either ships or airplanes to get information about their bearings and directions. Then come Government stations in large numbers, and channels that are used for wireless communication across the ocean, both telegraph and telephone.

Then if you should turn the dial the other way you enter the high-frequency or short-wave band where there are at present about 1,260 channels available for practical use. This is newly discovered territory in radio.

This is an interesting thing; and those who read the CONGRESSIONAL RECORD I believe will find it worth their attention.

I quote:

The short waves used to be thought fit for nothing but use by amateurs. But within the last two years our laboratories and the amateurs have shown that they are tremendously valuable, particularly for long-distance communication. These waves have a peculiar habit of taking a long jump before coming to earth in a way so as to be satisfactorily received. The shorter the wave the longer the jump, so that when you get to waves below 50 meters the jump is sufficient to make the waves suitable for communication across the Atlantic and even the Pacific Ocean, with comparatively little power. In the short-wave or high-frequency band, there are many channels given over to ships and airplanes, many to amateurs, and for experimentation. Some channels are being used for exploration for oil. Some are being reserved for television which is only just barely emerging from the laboratory and may have emerged too soon. One company has established wireless connections with 30 different other countries in the world.

I want to tell you about that. Sometime when you are in New York, go down on Broad Street, away down in the financial district; go down in the evening when there is no travel there, because all the people who congest that section of the city in the daytime have gone to their homes in the country; but down there is the station where international messages are received and sent.

I was there with a committee of gentlemen some weeks or months ago; and it was the most uncanny thing in the world to listen to messages coming in from London and Paris and Brussels and Berlin, from Rome, from Athens, from Constantinople, from Alexandria, from Jerusalem, from the Orient, from China and Japan, and from Australia—messages coming from every part of the world. Why, what is being accomplished by the radio is the most amazing thing. This great invention, which has done so much for the happiness and convenience and safety of the human family, must be safeguarded.

I want to say that one further reason why I am insistent upon the defeat of this bill is because, in my humble opinion, the problems are so great from an international standpoint that the President of the United States should have his eye upon what is going on in radio. These waves can not be confined to this country. While they are inventing now a sort of reflector, which, in a certain sense, keeps the waves going in one direction, yet, in the nature of things, the whole world is covered; every country of the world is reached by these waves; and so we have great international problems—the division of wave lengths with other countries. It is not a thing that we can settle ourselves. We must consult the other nations of the earth; and the only way in the world that that can be done, so far as I can see, from the American standpoint, is that in one of the executive departments under the President of the United States there shall be supervision of the details of this work.

It was a very wise suggestion that Mr. Hoover made, in his appearance before the committee in 1926 or 1927, when he suggested the wisdom of having the administrative side in the Department of Commerce, with an appeal board such as we have provided for in the law; but we can never hope to solve the problems of radio unless we take into consideration the rights and the privileges of the other nations of the world, and in the problem of the short waves of which I have told you we have a problem which reaches to every locality on the face of the earth.

There can be sent out from this city these waves which will traverse the ether and be received in every square mile of the earth's surface. It is an amazing thing—an amazing thing.

Yet there are men in the United States Senate who are seeking to have us ruin the enterprise by turning it over for a few months at a time to a radio commission, when we ought to have one made up of the strongest men in the United States, with legal talent and technical advice and assistants, so that they can solve problems, and solve them to the advantage of our country.

I think, having spoken the second time upon this first amendment, as far as I am concerned I am content to have the amendment go to a vote.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5758. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa; and

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted service certificates, and for other purposes; and

H. R. 16819. An act to amend the World War veterans' act, 1924.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics;

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

H. R. 3537. An act for the relief of William F. Goode;

H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 4029. An act for the relief of Maude A. Sanger;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4611. An act for the relief of Marion M. Clark;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 5341. An act for the relief of the Staunton Brick Co.;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River, and all other streams in which such States are jointly interested;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 7230. An act for the relief of Charles L. Dewey;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10045. An act for the relief of Robert S. Ament;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11500. An act for the relief of Ella Mae Rinks;

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 12189. An act for the relief of Marie Rose, Jean Baptiste, Marius François, and Regina Lexima, all natives of Haiti;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 12650. An act for the relief of John F. Fleming;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes.

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

H. R. 13260. An act for the relief of Josiah Harden;

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 14242. An act for the relief of Everett A. Dougherty;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14873. An act for the relief of Chesley P. Key;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15220. An act for the relief of Francis X. Callahan;

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16431. An act to extend the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;

H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens.

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16433. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604 An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge across Cherry Creek on the Cheyenne River Indian Reservation, S. Dak.;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River, at or near Chattanooga, Hamilton County, Tenn.;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16985. An act authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; and

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted-service certificates, and for other purposes; and

H. R. 16819. An act to amend the World War veterans' act, 1924.

ENTRY OF CERTAIN ALIENS TO THE UNITED STATES—CONFERENCE REPORT

Mr. JOHNSON submitted the following report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a) if any alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise expressly provided by law, be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

"(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall not be entitled to any of the landing privileges allowed by law to seamen.

(d) So much of section 3 of the immigration act of 1917 (U. S. C. title 8, sec. 136 (j)) as reads as follows: "persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory, the Secretary of Labor shall have consented to their reapplying for admission" is amended to read as follows: "persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission."

(e) So much of section 18 of the immigration act of 1917 (U. S. C. title 8, sec. 154) as reads as follows: "or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof" is amended to read as follows: "or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to reapply for admission to the United States." The amendment made by this subsection shall take effect on the expiration of 60 days after the enactment of this act, but the provision amended shall remain in force for the collection of any fine incurred before the effective date of such amendment.

"SEC. 2. Any alien who hereafter enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection by immigration officials, or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or by both such fine and imprisonment.

"SEC. 3. An alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment. For the purposes of this section the imprisonment shall be considered as terminated upon the release of the alien from confinement, whether or not he is subject to rearrest or further confinement in respect of the same offense.

"SEC. 4. Upon the final conviction of any alien of any offense under this act in any court of record it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

"SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

HIRAM W. JOHNSON,
WILLIAM H. KING,
DAVID A. REED,
COLE L. BLEASE,
HENRY W. KEYES,
Managers on the part of the Senate.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
A. J. SABATH,
Managers on the part of the House.

FEDERAL RADIO COMMISSION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. BLEASE. Mr. President, a while ago, while the Senator from New York [Mr. COPELAND] was delivering his address, I interrupted him for the purpose of asking a question, and in order to ask that question intelligently I had to make a statement. The then occupant of the chair ruled that when the Senator from New York yielded the floor for the purpose of allowing that question to be asked, he thereby yielded the floor. I differed from that opinion of the Chair, which was appealed from, and when it was appealed from, a majority of the Senate sustained the Chair.

If everything moves along nicely, as I hope it will, I will have two more years to serve in this very distinguished body; and I want to keep that precedent before the Senate, because it may be very useful.

The question I wanted to ask the Senator from New York I shall ask now. On the 4th of March those who have the privilege of sitting in the Senate and in the galleries will hear the announcement, "The President of the United States." Mr. Coolidge will come in—a man who, in my opinion, in many respects has been a great President. I do not think he has measured up to Theodore Roosevelt. In some respects I do not think he has measured up to one of the best men who ever lived who occupied the White House—William McKinley. I wish I could have been standing right behind that fellow when he attempted to assassinate Mr. McKinley.

I would have liked to cut his head plumb off his shoulders, and taken some of his blood back down to my State and spread it around in order that the bloodhounds might smell it, the meanest smell that could possibly have been given to a dog.

Then there will be announced, "The Vice President of the United States." The genial, pleasant, very able, and very distinguished gentleman who occupies that position now will be in the Senate, a man of wonderful genius and splendid character.

I do not believe there is a man in the Senate, either Democrat or Republican, or quasi Democrat or Republican, or Progressive, but will regret to see Charles G. Dawes give up that office, notwithstanding the fact that it is to be occupied by a man who is loved by every man in the Senate, and who I believe in many respects will command more influence and more respect as the Presiding Officer of the Senate than any man who has ever sat in that chair. While he in politics is a Republican, for four years in my experience here I have never seen him do one act or say one word but what was fair, conscientious, honest, and clean.

Then they will announce the Cabinet, and the Cabinet are supposed to march in. As I understand the Constitution of the United States, in the case of the death of the President and Vice President the Secretary of State would be President, although I understand that my good personal friend Senator MOSES will be President for a short time between 12 o'clock on March 3, which is the Sabbath, and 12 o'clock on March 4.

Then they will announce, "The Chief Justice of the United States and the justices of the Supreme Court of the United States." Everybody knows what I think of the Chief Justice of the United States. If they do not believe I think a good deal of him, they can just look at the calendar and see how many judgeships have been created since he called around to my office.

Mr. DILL. Including the judgeship the Senator wanted.

Mr. BLEASE. Yes; the judge has not been appointed yet, but I hope to get him appointed pretty soon.

The Senators elect will be here. Then the Members of the House of Representatives will come over, and there will be assembled in this little bit of a small Chamber the entire Government of the United States of America. I think it is a mistake, though it may be none of my business. My friend the junior Senator from Louisiana [Mr. BROUSSARD] suggests that the diplomatic corps will be here. I am not very much worried about them, as long as they let them drink liquor and do not let me have any.

Think of it. Some fellow might slip up to one of these doors, or up in the press gallery, as the newspaper men do sometimes when they want to hear what is going on in executive session, and drop a bomb down here on this floor and blow the whole American Government up at one time. I do not know whether many people have ever thought about the seriousness of that situation or not.

It may be considered that we are guarded. It is said there are guards up there. They have a man up there, who sits over at one door, who looks like Gen. John A. Logan. I call him General Logan. I love every one of them. They sit all around up there. I know a 14-year old boy who could go up there and whip any four doorkeepers up there in three minutes, and throw every one of them down here on this floor just like rag dolls. But they say we are protected, and possibly we are. I do not say we are not.

Now they want to put a radio back here right behind me so as to broadcast what is going on in the Senate. I do not know anything about radios; I never listened to one of them in my life. I am supposed to be speaking on the radio bill, as the junior Senator from Texas [Mr. MAYFIELD] suggests. I do not know what they might do, and that is what I want to ask Senators. They might fill that thing up with gas, some deadly gas, and just about the time the crowd assembled in this Chamber, everybody in control of the Government of the United States, some fellow might turn on a machine down here and just gas out the whole business.

That is what I wanted to ask the Senator from New York, and that is what the Chair ruled on, not the present occupant [the Vice President in the chair]. I do not believe he would have ruled that if a Senator rose and asked the Senator from New York a question, he would lose the floor. Some people laughed, I suppose, thinking that was a pretty good idea, but the Senator did not object, it was all right.

I do not consider that the making of a statement by a Senator in order to make intelligent a question he desires to ask is enough to deprive a Senator of the floor. But I want the precedent which was established to-night to be remembered.

I do not care very much about the radio bill. I will be honest about it. I am opposed to it. I was the only man who voted against it when it came up. I have rather peculiar ideas, I guess, and perhaps a lot of people think they are fool ideas. I suppose some would put a "d" in front of that word to better express the kind of ideas they think I have. But to save my life I can not see what right we have to control the air that God Almighty gave the people.

Right here on the main street in this city, where are the poor folks going to see the inaugural parade. I get up in the morning and look out of the window of my room at the Washington Hotel, and I can not see room enough on the sidewalks for people to walk. Everything on the Government grounds is covered, the Treasury Department space is all covered, there is not a sidewalk left, they are all clogged up, and the seats are $7.50 apiece. You may come on down to the Post Office Department and find it all blocked up; the Municipal Building is all blocked up, and it is just that way all the way down Pennsylvania Avenue. I would like to have somebody tell me where they expect the poor white folks and the niggers to stand on inauguration day. They ought to have some privileges. God knows they ought to be allowed the freedom of the streets. But if they go out in the streets the police will rush out and knock them to one side and say, "Get out of the way of the parade." If they get on the sidewalk, the people up there will say, "That fellow is in front of me. I paid $7.50 for my seat," and they will knock him out of the way.

Now, in the Senate it is said we are going to control the air. The Government already has control of fish, the sidewalks, the birds, the trees, they have already taken the Atlantic Ocean and the Pacific Ocean. Now, they come here and say, "We are going to take the air away from the people. Let no man breathe air unless he gets a license from the Radio Commission."

I do not blame the Republican Party; I want to be understood. If I could have had the radio last summer and worked it as they did, I do not believe I could have elected Al Smith, but if I had had a good, honest-to-God Democrat, I could have elected him.

I was surprised this afternoon to hear a certain Senator bragging about this Radio Commission.

The candidate for Vice President on the Democratic ticket came to my city, a little place of only 60,000 inhabitants, all Democrats. He did not have any business coming down there. I told him he was wasting his time. Hoover only got 5,000 votes in my whole State. I do not know whether he would have got that many if Joe Tolbert had not been told they were planning to cut down his representation in the National Republican Convention. We did not want him to have it cut down so we got Joe 5,000 votes to keep up his credit. [Laughter.]

They charged, as I understand it, $3,000 for JOE ROBINSON to make that speech in Columbia, S. C. He never made a vote for the Democratic Party. He never made a vote for the Republican Party. Why such an exorbitant price, such an outrageous price, for a man to make a speech over the radio? As I said the other day, I do not want to make any speech over the radio; I do not want to talk to any audience I can not see. A negro preacher down home said he "didn't want to talk to no audience he couldn't take up a collection from." [Laughter.] I do not want to talk to any audience I can not see.

We all know that the Republican Party under the present radio law and Radio Commission had every advantage that it is possible for the commission to give to put their speakers on the radio. Motion-picture shows did the same thing.

I have seen a lot of pictures up here worn out from being shown for the purpose of intimidating the voters of this country. Other pictures were brought out displaying certain things. The whole system of radio and the whole system of moving-picture shows and the whole editorial columns of certain papers were bought, regardless of sympathies and regardless of price, and paid for by the Republican Party. They know it and I know it. The honest-to-God man in this country who is at home working to-night has very few representatives in this body or in the body at the other end of the Capitol. The money power of the country has got control of it all. You know it, Senators, and your Congressmen know it and your President knows it.

We have in our country to-night thousands of women and children who are going to bed hungry, thousands of them. We have right here in the city of Washington men and women committing suicide, out of work, American citizens, and yet we are bringing into this country every day thousands of foreigners to do work that should be going to American citizens. What is the purpose? It is time for these little societies—I will not designate them—which go around here writing letters to Senators about legislation and talking about the D. A. R.'s and "original origins" and other propositions like that, to stop that line of activity and consider how long it is going to be before the foreign element in this country will outvote the American-born citizens.

Take some of the States—I will not call their names but Senators know them. Right now the Democrats do not control them. The Republicans do not control them. The foreign elements of those States control them. People are being brought in here that control them. A son is born to one of you Senators and a daughter is born to one of you. It takes 21 long years of life in America for either one of them to become a voter—21 years,

and long years, too, for an American boy to be able to vote for a President of the United States or for a United States Senator or a Congressman.

But what about the foreigner? He is dragged over here from Italy, England, Germany, and all the other countries, and while your boy and your girl will have to grow for 21 years before they can have the privilege of voting for the President of this great Nation, that foreigner will come over here and in just a few years he will cast his ballot, while your boy and your girl have been waiting for 18 or 19 years and are still deprived of the right to vote. How long are you going to let that go on, you people in the galleries? You are too particular about hurting somebody's feelings.

I went up into one of the departments the other day. I hardly ever go to them. I have been in two since I have been in Washington. I have had people write and ask me to go there and I tell them "No." I did not come here to be a lobbyist or a lackey or a messenger boy running to the departments asking for favors. I do not want any favors. I want to attend to my own business. But I did go up there on this occasion. I saw men and women sitting in their offices, with their typewriters covered up, reading newspapers and smoking cigarettes and not doing a bit of work; yet they will run down to the committees of Congress and say, "We are worked to death. Can not you raise our salaries a little bit?" Half of them ought to be turned out and the other half ought to be made to work. But it is all right; the Republican Party has to have votes, so why not create jobs for pets and let the pets loaf and vote on election day? I do not blame them. Go ahead. [Laughter.]

But these are facts and we can not get away from them. Then Senators come here and say "we do not want certain bills passed because they will do so and so; we want other bills passed because they will do so and so." Why do not these societies go to work and advocate or disapprove of the things that will help this country or will ruin this country?

You know as well as I do, Mr. President and gentlemen of the Senate, that the foreign element is driving from our cities and our States our people who are entitled to the positions which the foreigners are getting. I am not speaking for South Carolina, God bless her. She has the purest, unmixed American blood in the United States. We have very few of this element I speak of in my State and I think it will be a long time before we have too many of them. It does not take them long when they get down there to find that they have a very unwholesome and unwelcome home. We tell them in such a way that they know it. If they do not learn it by words then we teach them in some other way. We let them know we do not want them.

I am speaking for this great Nation that I help to represent in this body. Take the colored race. I have been held up as one of their bitterest enemies notwithstanding the fact that when I was governor of my State I pardoned more of them than every other governor we have ever had all put together. The bootblack shop belongs to the colored man. The barber shop belongs to the colored man in certain respects. The shoveler's job belongs in certain respects to the colored man. What are you northern people going to do with the colored man? Thank God he is leaving us and coming to you. The more he comes the better we like it. You drive them out of every profession and business and then a man comes to you and says, "Are you shaving down here at a certain negro shop?" "Yes, I shave down there." "If you don't quit shaving down there we will not vote for you." "Do you go over to a certain shoe-shining parlor run by colored people and have your shoes shined?" "Yes." "If you do not quit that we will not vote for you."

In other lines of business and menial labor this foreign elemen is driving out the colored men. I have no apologies for them. They are driving them out of the trades that God Almighty intended them to be in, and in order to make a living many of them are stealing and committing all kinds of crimes when, if they were not driven out by this foreign element, but allowed to hold their jobs that God Almighty intended for them to hold, they would be making a good living and getting along all right.

I warn you Senators from States north of the Potomac River that this is a question you have got to settle. The South has settled it. It is getting to be a serious proposition with you, too. In Illinois they have a serious situation—and you Republicans have it, too. You have a serious proposition facing you when this negro is brought here to be sworn in on the 4th of March. You may think it is a laughable matter, but you will find it is a very serious matter. Mr. Hoover has a very serious problem in that matter, too. He may say to old North Carolina and Virginia, "I will turn out the negroes of the South and I will put in white people"; but remember when he does it that Pennsylvania has a few negroes; Illinois has a few; Ohio has a few; and other States have a few negroes. West Virginia has a good many negroes. When he slaps the negro of the South in the face that fact must be remembered. If he slaps the negro of those States in the face, then you will find it is your problem and not the problem of the Confederate States of the American Union.

Mr. President, we could correct those evils. We could correct them by stopping this foreign population from coming in. In my own State we have very little of it. They have run the white people out of the restaurant business. The Greeks are running it, and some of them are mighty good people. Some of them are my clients. Some of them are friends of mine. I know several in my town that I would loan the last dollar I have, because I know I would get it back. They are nice people; they are all right.

Take other occupations, such as the fruit business. Who is selling the fruit? The Italians. They have driven American citizens out of the business. In the departments right here in Washington there are people working and drawing good salaries who are not American citizens, while American citizens are idling on the streets and asking for work. Senators, that is not right; it should be corrected. An American-born boy or an American-born girl should first be offered the position. If we can not find an American boy or an American girl to take it, then give it to the foreigner, but the Americans are entitled to the first choice. It is not right to discriminate as we now discriminate.

Mr. President, when first I came to the Senate I did not know anybody here. I got up and made a little speech. In that speech I referred to a man who was dead. I did not say a word about that man that I had not said in his lifetime; I did not say a word about him but what I had said when I knew that spies sent by him and his henchmen—and I use the word "henchmen" advisedly—were trailing me all over South Carolina trying to find some excuse to put me in jail. They watched my home at night; they took note of every man who came there, every visitor, and everyone who went out. They did not think I knew it, but I did. They followed me when I would go to make a speech; they had stenographers to take down what I said. Night after night, when I would go home and go to bed, they would have spies standing outside of my home and around my yard watching me, to see if I held conferences there.

There was not anything for them to get. I was glad they watched me. I have never done anything in my life—not a thing—that I would not be willing to have shown on the screen of any picture show in America.

I have never been hunting in my life; I have never been fishing in my life; I have never played baseball nor football; I have never had time to do so. I have never gambled a cent in my life. I used to ride horse races, but I got somebody else to bet for me when I was on the horse; but there is not one thing in this world in my private or public life that I have ever done that I would be afraid to have shown on any picture screen in America, provided, as I have stated, those who might have been present were protected.

There has not been a word that I have ever said that I would not be willing to see printed in the newspapers; for my father told me when I was a little boy never to put my name to anything unless I was willing to see it published in a newspaper.

I started a poor boy without very much influence; I passed through several offices into the Senate, thank God and the honest laboring people of South Carolina; and I might add, possibly, a few thanks to a lying press and the preachers—

> Who stole the livery of the court of Heaven,
> To serve the devil in.

Oh, but there was a great deal said. One Senator who is dead and gone, who sat right over there [indicating]—I hope he is in Heaven; I have no reason to believe he is not—got very much excited about what I said. Another Senator ran in here and said something about the vultures tearing the bowels out of Prometheus. Well, I took it all; I said nothing. I was a young man up here then.

Mr. President, Robert Lansing died the other day, and let us consider for a moment what some people said about him after he was dead and when he could not answer. The man of whom I spoke was living; he was the President of these United States of America, and he could answer what I said. Therefore, I said nothing about any man who is dead, but what I had said about the man living and in the pride of his power. I have got the same respect for him now that I had for him when he was living, and my friends in South Carolina know what that respect is.

Now, what says the State, of Columbia, S. C., on Friday morning, November 2, 1928? I read as follows:

[From the State, Columbia, S. C., Friday morning, November 2, 1928]

THE STATESMAN ON PAPER

How are heroes made?

Political ones can be manufactured by "talk." Let a few newspapers with large circulations and a few magazines that are read throughout the country "get behind" any man and what a wonderful reputation they can build for him. It may be all "paper stuff"—special articles at so much a word by this and that writer, cartoons and laudatory editorials, but if continued long enough the public, made up in large measure by those who are anything but analytical, comes to accept the propaganda as truth. It is so much easier to swallow soft stuff than to chew and digest facts. It is by such process that a halo was made to surround Mr. Coolidge—a silent person with quite a treasure of common sense in his make-up, and that common sense being nowhere more markedly displayed than in talking little and moving with the sedateness counseled by extreme caution.

We have before us one of the New York Tribune's syndicated cartoons pretending to present a Smith-Hoover "balance sheet." As a sample of first-rate bunk handed the public this is a fine illustration. For "native ability" Smith and Hoover are credited with 100 each. But if the cartoonist were required to show where Mr. Hoover has one-fourth the "native ability" of Mr. Smith, how could he do so? On "Making the Best of Opportunities" each is credited with 100. Yet Hoover started out with a first-rate college education, and Smith had to go to work selling newspapers when 12 years old to help support a mother and brothers and sisters—and he has made New York a great governor and is his party's candidate for the Presidency!

But yet more ridiculously unfair and unsustainable are the relative credits for "Self Education." Smith is given 75 and Hoover 1,000! Were the figures reversed they would be far nearer the truth. For "Record of Achievement" Smith is given "(local) 10" and Hoover "(world) 1,000." What "world" achievement of his own can be credited to Mr. Hoover? And if Mr. Smith is not entitled to a rating of 1,000 instead of 10 for his achievements that Dr. Nicholas Murray Butler and Charles Evans Hughes grossly falsified conditions and grossly deceived the American people when they, eminent citizens and conspicuous Republicans, gave Smith the highest praise that could be bestowed for his achievements in government.

"National Experience"—whatever that may mean—comes next. Smith is allowed 1½ and Hoover 1,000. Smith has had far more national experience as Governor of New York than that of either Coolidge, Wilson, or Roosevelt had when elected to the Presidency. And at what point has Hoover's experience ever touched government? His "experience" is such that when those at his elbow in the Harding administration were laying plans to steal the earth and all that is in it, he didnt smell either oil or rats; didnt know what it was all about.

On "world knowledge" Smith is given zero and Hoover 1,000. Hoover's "world knowledge" has been largely confined to engineering projects, especially in mining. He has had no experience in government or diplomacy. He has never demonstrated ability to handle men, to bend them to his ideas; his dealings, when acting for this Government, were the dealings of an autocrat. He held all the power and the money the American people put at his command. On the other hand, Smith has the knowledge of human beings; the understanding of men.

For "business experience" Smith is credited with nothing and Hoover with 1,000. Yet the "business" of running a great government like that of the State of New York for many years gives an incomparably more valuable experience for a President of the United States than the business experience of trading for mining interests or running our Department of Commerce. Ten thousand men in business in this country are successfully performing the same sort of work.

Mr. Hoover may have the makings of a great President—and the ability to win and lead strong men in a most important part of such equipment—but such has not been proved. If he has great progressive ideas and great courage to press them, he has revealed neither to the American people. The laurels accorded him as statesman of heroic stature are, so far, "paper made."

Mr. President, I particularly want to call attention to the statement in the beginning of this article that the newspapers of this country, the boast being made by the editor of one of them, can make or ruin any man they please.

Mr. President, I will cut my remarks short in accordance with some information I have received. Before concluding, however, I ask unanimous consent to have published in the RECORD along with my remarks an article from the New Leader, of New York, of December 29, 1928, in reference to certain correspondence between Secretary Bryan and Ambassador Page in London.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

[The New Leader, New York, December 29, 1928]

Publication by the State Department of certain official correspondence in the year 1915 lets a few secrets out of the bag. One of the most valuable documents is a cable to Secretary Bryan of May 8 from Ambassador Page in London, who reports confidential information he had received from the political editor of the London Times regarding the secret bargain made by England, France, and Russia with Italy to bring the latter into the war. The consideration was Italian annexation of Austrian territory, including many Serbs. Of course, the bargain was unknown to Serbia.

Woodrow Wilson always insisted that he knew nothing of the secret bargains of the Allies till he arrived in Paris, but here is evidence that his ambassador to England reported one of the bargains to his Secretary of State in 1915, the year in which the bargain was made! Are we required to still believe that Wilson was ignorant of these secret treaties?

The more we learn of the inner history of the "war for democracy," the more we are convinced that it was a crime against humanity.

Mr. BLEASE. I also ask to have published in the RECORD along with my remarks an article from the New Leader, of New York, of December 29, 1928, entitled "Lansing Called Britain 'Inhuman' and 'Repugnant.'"

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

[The New Leader, New York, December 29, 1928]

LANSING CALLED BRITAIN "INHUMAN" AND "REPUGNANT"

The curtain is lifted a bit higher on the diplomatic machinations which eventually led the United States into the World War and the sacrifice of 120,000 American lives in a "war to end war." Several years behind the foreign offices of Germany, Russia, England, and Austria, the United States Government at last is publishing "diplomatic papers" dealing with the World War. Like the series of papers issued by England and France, and like those dishonest books issued by Germany and Russia and France in the earlier of the postwar years, the American Papers Relating to the Foreign Relations of the United States, World War supplements, carry with them no assurance that the documents presented were not "selected" or "edited" to please the war-makers' sensibilities.

The 1915 supplement to the foreign-relations papers, issued this week by the State Department in Washington, offer sufficient material, however, to uphold the position of the Socialists and others who opposed entrance into the war by the United States. The charge made by so eminent a historian as Charles A. Beard that the Wilson administration did not exercise as firm a hand against British "atrocities" and violations of American rights on the seas as it did finally against German activities is substantiated by none other than Robert Lansing, Wilson's Secretary of State during the war period.

Robert Lansing, while counsel to the State Department, made a memorandum on a conversation he had with Sir Cecil Spring-Rice, then British ambassador to the United States. In this memorandum Lansing expressed himself firmly against the British policy of trying to starve the civilian population of Germany. This policy Lansing termed "inhuman" and "repugnant." He urged the British Government to discontinue its food blockade.

This memorandum reads:

WASHINGTON, *May 27, 1915.*

In a conversation which I had this afternoon at the department with Sir Cecil Spring-Rice I said to him that information received from many sources indicated that Germany was not suffering from lack of food, but on the contrary had sufficient to last until the harvest, and that after that there would be a great abundance, as all arable land had been planted with grain and other food crops.

I asked him why, in view of this fact, his Government should be so determined to keep foodstuffs out of Germany. I said, "You admit that you can not starve Germany by interrupting food and imports, and yet you continue your efforts to stop the trade and lay yourself open to the charge of inhumanity by attempting to reduce Germany by starvation."

He replied that what I said was true, but that knowledge of Germany's food supply had been only recently obtained by his government.

I asked him if, knowing the facts and the futility of their "starvation policy," it would not be a wise course for his government to accede to the proposal, which was made some time ago, that Great Britain would permit foodstuffs to go to the civil population provided Germany would cease her submarine warfare on merchant ships.

I pointed out to him that the idea of starving men, women, and children seemed to many people as inhuman as drowning them; that the legality of the attempt was neither here nor there, since the very idea was repugnant to the humane sentiments of modern society; that the attempt offered a more or less plausible excuse for Germany's sinking of unarmed merchantmen, and that Germany was, as he knew, using this excuse with considerable effect.

The ambassador replied that what I said was convicting; that he knew that the purpose of starving the German people had made a bad impression in this country, although we had done the same thing in our Civil War, and that the Germans asserted that their submarine warfare was only retaliatory.

I asked him, "Why, then, does not your Government relieve themselves of the odium of pursuing an inhuman policy by agreeing to allow food to go to the civil population of Germany? You have nothing to lose, because you admit you can not starve the nation into submission, and you have much to gain, because you will put Germany in the position of having to stop her submarine attacks or else bear alone the stigma of being cruel and inhuman. Whichever way the German Government decides, Great Britain would seem to be the gainer. I do not suggest this course on humanitarian grounds, but solely on the ground of expediency. It seems to me the politic thing for your Government to do."

He replied with marked emphasis, "You are entirely right. It would be the very best course my Government would take, and would put Germany in a serious dilemma. I shall suggest it to Sir Edward Grey and urge its adoption."

I said to him that if he proposed to his Government to take that action I earnestly hoped that he would not mention having had any conversation with me on the subject, that he must understand I had spoken confidentially and personally, and that to have anyone in the department making, even unofficially, such a suggestion, and especially advancing argument in its favor from the British standpoint, would be most embarrassing.

The ambassador replied that he understood my position and would promise that our conversation would be treated as secret and not mentioned in any way. He added, "The suggestion will be my own, and so will the arguments in its favor. I will not mention your name or your Government in connection with the subject."

He spoke again of the tactical benefit to his Government if the course proposed should be adopted, and of the favorable effect which he knew it would have on public opinion in this country.

He left me with the impression that he was heartily in favor of the suggestion and would do all that he could to have his Government adopt it.

ROBERT LANSING.

Lansing, as he admits, did not make these suggestions to Britain because of his "humanitarianism." It was "expediency" he was interested in. He suggested that his plan would put Germany into a hole. He thus revealed a partiality to Britain long before his country had entered the war against Germany. In the light of this partiality it is easy to understand why he was so anxious to conceal his part of the conversation with Spring-Rice.

Despite Lansing's strong characterization of England's war-time tactics, he, like Wilson, who is reported to have expressed similar views before he decided to enter the "war for democracy," within a year had conciliated themselves to the idea of fighting side by side with this nation which used "inhuman" and "repugnant" means. Spring-Rice had given the impression that he would do all he could to have his Government adopt Lansing's suggestions. He failed. England preferred to give her small army of propagandists in the United States and the interests of American holders of British bonds more time to whip up a war spirit here.

Sensational and sordid is the story of war-time intrigue by the great military powers to secure the support of Italy, Bulgaria, and Rumania in the year 1915, as related by official dispatches and correspondence just made public by the State Department. Incidental to the purchase of Italy and Rumania by the Allies and the buying of Bulgarian support by the Central Powers is a revelation of the strictly business attitude taken by the Wilson administration toward the conflict at that period. The *Lusitania* sinking and the stopping of American cargoes by the British fleet caused endless protest from Washington, which was not at all concerned with the rights of small nationalities or the right of self-determination.

Ambassador Walter Hines Page, in a cable to Secretary Bryan, May 8, 1915, reports a confidential disclosure made to him by the political editor of the London Times, that "England, France, and Russia made a bargain with Italy April 30, agreeing to cede to Italy very large parts of Austria, some of which has a Slavic population, if Italy comes into the war within a month. This was done without consulting Serbia and against her wishes. Italy will soon come in if she keeps her agreement, to be followed by Rumania. I have heard unofficial confirmation of this agreement here."

Minister Charles Vopicka, at Bucharest, October 19, 1915, reported to Secretary Lansing that the Rumanian King was trying to prevent Rumania from going into the war for the Allies "against Bulgaria." He added that "there is a scheme on foot to sell to Germany at fancy prices the whole of Rumania's crop through an economic society which was formed here a few days ago—of course, for the consideration that the members of the society, which would mean more or less all Rumanian landowners, would favor Germany."

On October 27, Vopicka reported a detailed plan he had made earlier for the Allies to get Bulgaria's support by pledging to Serbia enough of Austria's territory to lure Bulgaria into a similar deal for Macedonia. But it was Germany and Austria who bid highest for the Bulgarian armies.

Mr. BLEASE. I also ask unanimous consent to have printed in the RECORD as a part of my remarks an article from the Evening Star of Washington, D. C., of the issue of Tuesday, November 20, 1928, entitled "Lansing memory paid high tribute."

The PRESIDING OFFICER. Without objection, it is ordered.

The article referred to is as follows:

[From the Evening Star, Washington, D. C., Tuesday, November 20, 1928]

LANSING MEMORY PAID HIGH TRIBUTE—JAMES M. BECK AND OTHERS PRAISE HIM AS "PERFECT GENTLEMAN"

A high tribute to the memory of Robert Lansing was paid yesterday at the twenty-seventh annual meeting of the Archæological Society of Washington, held at the residence of Mrs. Henry F. Dimock, 1301 Sixteenth Street, by JAMES M. BECK, who succeeded Mr. Lansing as president of the organization at the late president's request, and by other notables.

Mr. BECK, who was inducted into office with Irwin B. Laughlin, former Minister to Greece, in the chair, declared that Mr. Lansing was "the scholar in politics, a type of statesman of which our country stands in sore need."

"Robert Lansing was not merely a good lawyer and an able Secretary of State," Mr. BECK asserted, "but he was always a gentleman in the truest and noblest sense of that word, and a gentleman he remained to the end. I believe it could be said of him, as truly as it could be said of any public man of whom I have any knowledge, that he never did an unjust thing or uttered an inconsiderate word or harbored an ungenerous thought."

SIR ESME SPEAKS

Sir Esme Howard, British Ambassador and dean of the diplomatic corps, paying a tribute to Mr. Lansing, recalled that he had met him in Paris in 1918 and 1919 during the conference that led up to the peace of Versailles.

"It was easy to recognize in him at once a man of cultivated mind and wide reading, of great charm of manner, and of readiness—that most important qualification for a diplomatist—to listen to the other side," Sir Esme told the society—"a man who did not allow himself to be swayed by prejudices or by gusts of emotion, but one who, while always upholding the interests of his country, could yet keep a judicial attitude toward all the most difficult and complicated questions of that time as they arose. He was always courteous but firm in his dealings with others, and his quiet, judicial handling of all questions was, I believe I may say, universally appreciated."

JUSSERAND PAYS TRIBUTE

Arthur Stanley Riggs, director and secretary of the society, read this brief message of tribute from former Ambassador Jules Jusserand of France, a life member of the society:

"Our hearts ache at the news that Robert Lansing is no more. His youthful appearance, his lucidity of mind, his ever-active pen seemed to promise years and years of useful life.

"I mourn a friend of many days, one ever to be trusted, in stormy times or calm, a level-headed man if ever there was one, bent on duty, whatever the consequences, and following the dictates of his conscience with no trace of ostentation, doing what he considered right as the most natural thing in the world, simply because he thought it right.

"Deeply concerned in general problems and questions of principle, he was a thinker and a sage.

"Wisdom was the characteristic of his advice; those who were chiefly struck by his quiet tones did not always notice how firm that advice could be and did not remark the subdued, never bitter, humor that flavored his judgments.

"His loss is a grievous one for all those who knew him; it is a grievous loss for the Republic."

RESOLUTION ADOPTED

Mr. Riggs read a resolution adopted by the board of trustees and a formal report of the scientific and financial achievements of the society under President Lansing's term of nine years in office.

The society's next meeting will be held December 3 at the National Museum. Count Byron Khun de Prorok will address the meeting on his two and one-half years of exploration in the Libyan Desert, where he studied the almost unknown oasis of Jupiter Ammon and the fortified citadel of Siwa.

Mr. BLEASE. I also ask unanimous consent to have printed in the RECORD an article from the State, of Columbia, S. C., of the issue of Thursday, November 1, 1928; an article from Time, of the issue of November 12, 1928, and an article from the Fort Mills Times, of Fort Mills, S. C., of November 8, 1928.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the State, Columbia, S. C., Thursday morning, November 1, 1928]

ROBERT LANSING—AN ECHO

Robert Lansing, Secretary of State for a part of the administration of Woodrow Wilson, had so withdrawn from public affairs and interests

since his break with the President in 1920 that his quiet death, October 30, seemed no more than a faint echo of a career of controversy and frustration.

It will invite certain students of recent history, particularly, perhaps solely, the circumstances and friction connected with the peace and the league, and new questions raised as to new international relations and responsibilities, to review some of these matters and the controversial part played in them by Mr. Wilson's disputatious but unforceful Secretary of State. But to most readers of history these controversial and personal questions have long since been closed, and remain only as ashes of spent fires.

Robert Lansing was appointed Secretary of State to succeed William Jennings Bryan, with whom Mr. Wilson could not agree as to a correct policy toward German atrocities at sea. And it was soon apparent that, in raising Lansing from his post as a department counselor to supplant the Commoner, Mr. Wilson had merely swapped one bag of quarrels for another. Lansing soon made himself almost intolerable in the office of Secretary of State by intimating—to gratify the lust of the Allies for news that we should join in the struggle against Germany—that we were gradually drawing nearer to the fatal lines of war.

It is frankly admitted by Lansing in his "Personal Narrative" on "The Peace Negotiations," that he could not agree with Wilson. "We did not agree," he says, "we could not agree, since our points of view were so much at variance."

Feeling this way, Lansing should have retired—before the inevitable clash with Wilson's fiery personality moving at high and perilous speed on his "single-track mind." He should not have awaited the brusk dismissal from office.

But the Secretary seemed to be heading a crusade of one against Wilson and all his plans and policies. He opposed almost every proposal of the President in regard to his policy of war or peace and the great covenant of peace. He opposed the President's going in person to Europe, although he was aware that to do so made inevitable the suspicion that Lansing wished to head the delegation which, with Wilson present, would, of course, consist of Wilson only.

The Secretary made the egregious blunder of supposing that he was practically a prime minister. The President is that, plus a little more glamor and authority than the premiers of Europe possess. Whether or not we approve the presence of Wilson in Europe, and agree with Lansing that he should have remained at Washington, leaving to his pallid and disputatious Secretary of State the conduct of the negotiations, there is no doubt that the presence of the Chief Magistrate gave to our embassage a dignity, puissance, and prestige that captured the imagination of the world. We question if the negotiations by cable and letter from the remoteness of Washington would have bettered the situation, for we were playing a game in which the cards were stacked against us by our European opponents and partners.

But, as if all these clashes and crossings of the President's purpose and will were not enough, Lansing took advantage of Wilson's temporary illness to summon meetings of the Cabinet and to discuss the business of the Nation. He even continued to hold such meetings after the crushing rebuke by the President, who sent his private physician, Admiral Grayson, to demand by what authority the Secretary of State had summoned the Cabinet. It is curious that Lansing made no reply to that demand, for another member hastened to say that they had met merely to inquire concerning Mr. Wilson's health * * * a subterfuge that Lansing accepted, and went on holding the banned meetings.

Space nor time nor warrant exist for a discussion of the unhappy conflict between the President and Secretary Lansing; but it is perhaps sufficient to know that, at this fiery point, Mr. Wilson bruskly dismissed the offending Secretary:

"* * * I must say that it would relieve me of embarrassment, Mr. Secretary," he wrote in a famous note that has become a "document," "the embarrassment of feeling your reluctance and divergence of judgment, if you would give your present office up and afford me an opportunity to select some one whose mind would more willingly go along with mine."

To await, in fact to challenge, this curt and justified dismissal was, perhaps, the greatest of the many serious blunders of Secretary Lansing. He could have retired with some degree of dignity, but he courted the shame of being thrust out of the door.

Lansing, although possessed of much personal attraction, was a man of no considerable ability and utterly without power of adaptability and adjustment. He had nothing to offer, and could only oppose, thwart, interfere. Such a character could not exist in the same administration with Woodrow Wilson.

[From the Times, November 12, 1928]

DEATH OF LANSING

Few men were as eager for the portfolio of Secretary of State. Few were as well qualified by experience. Ever since his college days at Amhurst, Robert Lansing's sphere of interest had been world-wide. At 28 he was associate counsel for the United States in the Bering Sea arbitration. Later he represented his country in more international controversies than any other living man. As Undersecretary in 1914 he was the real functionary in Washington while Secretary William Jennings Bryan preached pacifism throughout the country. Once Mr. Lansing was aroused from bed to digress on international law. It was held "unnecessary to disturb Mr. Bryan." In the tense crescendo of feeling which led to the war, Mr. Lansing succeeded Mr. Bryan, was shrewd, logical, firm. He squashed propaganda, refused to be gulled by German Ambassador von Bernstorff. Elihu Root remarked an improvement in State papers.

Naturally, when President Wilson went to the Versailles conference he took the Secretary of State. Mr. Lansing opposed linking the league covenant with the peace treaty, was antagonistic to the treaty itself. He had many erudite theories. But President Wilson had long felt the onrush of foes, foreign and domestic. His visionary ardor had become imperiousness, self-sufficiency. He conferred with the Secretary only once, ignored his ideas. Robert Lansing impotently watched the wise foreign diplomats, wrote in his diary that Mr. Wilson was a "catspaw." The forcible, white-haired Secretary was himself not even permitted the directed force of a paw. His rôle was mere ritual. Often he pondered resigning, often refrained.

Then came the climax. Back in the United States, the President suffered a collapse. The incessant conflict between ideals and adamant realities had begun shattering his nerves. Even Private Secretary Tumulty was denied access to the sick man. Minor crises arose. Spurred by certain Cabinet members, Mr. Lansing called informal conferences. In the distorted imagination of the invalid President this seemed usurpation of authority. The harried idealist, taut with mental anguish, was goaded by a final sense of frustration. He complained. Mr. Lansing resigned.

The Secretary's experience aroused no bitterness. In his writings on the peace negotiations he analyzed President Wilson with the lucidity, penetration, impartiality of a psychologist. He testified to an understanding, a sense of human tragedy which transcended the personal equation. Last week he died of heart disease in Washington, D. C.

[From the Fort Mill (S. C.) Times, Fort Mill, S. C., Thursday, November 8, 1928]

LANSING'S DISLOYALTY

Spartanburg Journal: However able and brilliant the record of the late Robert Lansing as a diplomat and statesman, it is shadowed and eclipsed by his disloyalty to his chief. It was while Woodrow Wilson, the great World War President, was stricken with the illness that resulted in his death, that Lansing, as Secretary of State, dealt himself a hand to run things according to his own ideas. The information was spread, not by him personally, that the President was incapacitated from attending Cabinet meetings and attending the duties of his high office. Lansing would have been in line of succession and upon his own initiative he called a Cabinet meeting. Then Mr. Wilson, President of the United States, called Lansing. He wanted to know if Lansing had called such a meeting without consultation or advice with his chief and was told he had. That brought about the break. Mr. Wilson summarily requested Robert Lansing's resignation, and it was forthcoming. It was the only course the President could pursue and maintain his self-respect. Freely according Lansing highest qualities and gifts as a diplomat and statesman, it remains that he exhibited a streak of disloyalty to the one individual to whom he owed the full measure of devotion and fealty.

Mr. BLEASE. I also ask to have printed in the RECORD along with my remarks an article from the Times, of Washington, D. C., of December 21, 1928, headed "Once in the Ash Can."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

[From the Times, Washington, D. C., December 21, 1928]

ONCE IN THE ASH CAN IT'S HARD FOR POLITICIANS OR PARTY TO GET OUT

Politicians and so-called statesmen if they want to stay out of the ash can should keep this clear in their minds.

The people hire them to work in this country for this country, just as they hire a cook to work in their kitchen for their family, not to run around cooking in other peoples' kitchens.

Had Woodrow Wilson been content to attend to his job in hand as President of the United States, "keeping us out of war," he would have been worth to the United States at least $100,000,000,000 more than he was worth. But he could not resist the conviction that the United States was too small for him, that he was made to rule, direct, and incidentally save the whole planet. Saviors are not so numerous.

What happened to Wilson and will happen to others is described by W. R. Hearst in an article published in all of his morning newspapers:

"Would it not be wonderful if the Government of the United States would only attend to the affairs of the United States and not try to regulate all the rest of the world?"

Concerning Mr. Wilson's obsession as to his own grandeur and predestination Mr. Hearst writes:

"Mr. Wilson was the first one to think that he knew more than George Washington and to insist on entangling this country with foreign nations.

"He was elected the first time he ran through the fortunate or unfortunate chance of a split in the Republican Party.

"But the second time he ran he received a genuine indorsement and actual election, and wholly on the assertion—which became a campaign slogan—that he had kept us out of war.

"The mandate of the people of the United States, therefore, in that election was obviously to continue to keep the country free from foreign entanglements.

"But Mr. Wilson disregarded the mandate of the people and the injunction of George Washington, and the practice and policy of all preceding Presidents, and put the country into the great European war.

"Mr. Wilson spent thousands of millions of dollars for our part in the war; he loaned thousands of millions of dollars of American money to foreign nations, and he practically gave away thousands of millions of dollars of the American people's money, as far as our ever getting it back is concerned.

"Then Mr. Wilson went abroad and brought home the League of Nations proposal and submitted it to the people of the United States, and the people buried him and his party with him in the political ash can; and there the party has been ever since, because of the almost unanimous repudiation of the Democratic foreign policy by the voters of the United States."

The words that politicians should ponder are the two words, "ash can." If there is one spot on earth which is not an attractive residence, it is the inside of the political ash can.

Cats, no longer alive, land there, and tomato cans, and broken bottles, and politicians.

It is so simple for politicians to stay out of the ash can and retain public esteem.

Just attend to the business for which you are hired. Do your political cooking in the kitchen of the public that employs you. Don't race around trying to do something somewhere else. Don't try to graft a League of Nations or a World Court or any other nonsense of foreign interference on the Government of this country.

Try to believe that the United States, able to take care of itself when it had only 4,000,000 population, is still able to take care of itself with 120,000,000 population, plus about all the money there is in sight, and more than half of all the world's gold.

In other words, try to believe in your own country, and the people, possibly, will believe in you.

Mr. BLEASE. Now, Mr. President, I have put these articles in the RECORD to show that after Mr. Robert Lansing died and when he was in his grave people who had criticized me for making remarks about a man who was living write dirty articles about this great Secretary of State simply because they did not agree with him politically. I have been wanting the opportunity to put this matter in the RECORD for some time but have held it back. They are guilty of saying about the dead who can not answer. What I said was about one who was living when I said it.

My friend from New York now informs me—and I suppose he knows what he is doing—that I may yield the floor, and so I do.

Mr. COPELAND. I assume that since I have exhausted my time I have no right to speak, but I ask to modify my amendment according to the slip which I send to the desk. I have been insisting that we should not carry out this plan to extend the life of the commission until next March. I should like to terminate it not later than the 31st of December, 1929, and have modified my amendment to that effect. I hope that amendment will be considered by the chairman of the committee, and perhaps he will be willing to accept it.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. SMITH. Mr. President, let the modification be read.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The LEGISLATIVE CLERK. On page 1, line 6, it is proposed to strike out "March 16, 1930," and insert "December 31, 1929," so as to read:

shall continue to be vested in and exercised by the commission until December 31, 1929.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, as modified.

Mr. WATSON. Mr. President, all I desire to say is that as far as I have authority to do so, I am willing to accept the amendment.

Mr. DILL. Mr. President, this fight has gone on here for quite a while, and before this amendment is agreed to I think there ought to be a quorum here. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Shortridge
Barkley	Fess	McKellar	Smith
Bayard	Frazier	McMaster	Steiwer
Bingham	George	McNary	Stephens
Black	Glass	Mayfield	Swanson
Blaine	Glenn	Moses	Thomas, Idaho
Blease	Goff	Neely	Thomas, Okla.
Borah	Hale	Norbeck	Trammell
Bratton	Harris	Norris	Tydings
Brookhart	Harrison	Nye	Tyson
Broussard	Hastings	Oddie	Vandenberg
Capper	Hawes	Ransdell	Wagner
Caraway	Hayden	Reed, Pa.	Warren
Copeland	Heflin	Robinson, Ark.	Waterman
Curtis	Johnson	Robinson, Ind.	Watson
Deneen	Jones	Sackett	
Dill	Kendrick	Schall	
Edge	Keyes	Sheppard	

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from New York [Mr. COPELAND], as modified.

Mr. COPELAND. Mr. President, I think we have perfected the amendment now; and I will ask to have it read to see if it is satisfactory to the chairman of the committee.

The VICE PRESIDENT. The amendment, as modified, will be stated.

The CHIEF CLERK. On page 1, line 6, it is proposed to change the date to "December 31, 1929"; also, on lines 9 and 10, to strike out "the period of three years after the first meeting of the commission," and insert "until December 31, 1929."

Mr. DILL. So the intent and purpose of this paragraph is to continue the original jurisdiction of the commission until December 31, 1929?

Mr. WATSON. That is my understanding.

Mr. DILL. Mr. President, I have taken no part in the debate to-night, because I was anxious to bring the matter to a vote. Personally, I think it is a very poor way to legislate to continue the commission for this period; but I recognize the situation of the Senate. The closing days of the session are here, and the chairman of the committee is anxious to agree to this, and I do not want to be put in the attitude of holding out for what I believe to be best when it will work such hardship on the Senate.

I understand that the Senator from New York has no objection to the other provisions of the bill.

Mr. COPELAND. Mr. President, of course I have objections to other provisions of the bill, particularly to the paragraph in which it is provided that the terms of the commissioners shall expire on a certain date. I should like to have that whole section stricken out. I am not going to argue about it, but I think the bill would be a very much better bill without that section.

Mr. DILL. The Senator refers to the section which limits the terms of the commissioners to one year?

Mr. COPELAND. That is it.

Mr. DILL. As I understand, the Senator is not pressing that objection?

Mr. COPELAND. I am not pressing it; but it would add very materially to the value of the bill and the activity of the commission if the committee would agree to strike out section 4, which says:

The term of office of each member of the commission shall expire on February 23, 1930, and thereafter commissioners shall be appointed for terms of two, three, four, five, and six years, respectively, as provided in the radio act of 1927.

To my mind, since the law prescribes stated terms and appointments for periods of two, three, four, five, and six years, it would be much better to omit this from the House bill, the same as the Senate bill has done.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. WATSON. My understanding is that the Senator is making no request.

Mr. COPELAND. No; I am not. The Senator from Washington asked me if I was satisfied with the rest of the bill. I said frankly that if I had my way I should object; but I am not insisting upon that. I think the chairman of the committee, and the other members of the committee, and Senators generally have been very generous about it, and I am not going to make any point about it.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York, as modified.

The amendment, as modified, was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to further amendment.

Mr. BROUSSARD. Mr. President, I have pending an amendment to this bill which I should like to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Louisiana will be stated.

The CHIEF CLERK. It is proposed to insert, at the end of the bill, the following:

The commission shall, either through one of its members or an agent authorized by it, hold hearings at the place where is located any radio station or stations whose rights under the license granted it or them are questioned, claimed, or challenged by any other person, firm, company, corporation, radio station, or operator.

Mr. BROUSSARD. Mr. President, I desire to make a very brief statement in support of this amendment. I have no disposition to retard the passage of this bill. I am for it. I wish to state this experience that I have had, however, and I think very likely many other Senators have had the same experience:

In my State there is a constituent of mine who has erected a very large station; but he is an independent man, not connected with any chain, and he is not broadcasting for profit. Some time ago the channel given him was demanded by the State of Iowa, and this gentleman was forced to come here to Washington and bring his experts, his lawyers, and his witnesses. After that was done the State of Nebraska challenged his license, and he had to come here and fight for a license which the Radio Commission had given him; and last week he was forced to bring here about 20 witnesses and experts to resist an effort made on the part of somebody in Oklahoma to take this license away from him. As I understand and as the people of my State who have followed these contests understand the matter, it is an effort made by people who belong to chains to wear him out and to exhaust his funds.

He has spent over $30,000 in the last 18 months to resist the efforts to take away from him that which the commission has granted him, and we are only asking in this amendment that the commission proceed as the Interstate Commerce Commission does, send a man out to take testimony, and report to the commission for adjudication of the case. Mr. Henderson could appear with his counsel before the examiner, without the necessity of employing experts to come here and testify as witnesses.

I think that such a provision as this would help every station in the United States. There is no reason why a man who has been granted a license, and whose license had been sought by some other station wishing to take it away from him, should be required to spend that much money in order to keep that which the Radio Commission has awarded him.

Mr. McKELLAR. The Senator refers to Mr. Henderson from Shreveport?

Mr. BROUSSARD. Yes.

Mr. McKELLAR. I agree with the Senator from Louisiana, and I hope that his amendment may be adopted.

Mr. BROUSSARD. I may say this: That if I understand the situation, Mr. Henderson is a victim of persecution by other stations, and if he wins this last case some other station will ask for the license, and he will be required to come here again with highly paid lawyers and experts and other witnesses to defend that which the Radio Commission has given him.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. DILL. I want to call the Senator's attention to the fact that the Radio Commission now has full power to hold hearings at Shreveport, or at any other place in the United States, but their work has been so pressing up to this time that they have never made regulations covering cases of this kind. It has been the custom to have the person whose wave length was challenged come here, as the Senator has said, and a great hardship has been worked upon certain stations, and particularly this station at Shreveport.

Mr. BROUSSARD. If a station in the Senator's State were challenged, they would have to come 3,000 miles with their witnesses.

Mr. DILL. I may say to the Senator that complaint has been made regarding certain wave lengths in the Northwest, and I have been able, within the last two weeks, to induce the members of the commission to agree to a hearing being held on the Pacific coast, rather than to have the affected parties come here. I believe that the commission will soon adopt that as a practice, and if it does not do so, then I think legislation to compel it to do so would be proper. But this bill must go back to the House, and I know the members of the House committee would be opposed to such an amendment. I hope the Senator will understand that I am in full sympathy with his purpose, but since the law makes possible anyhow what he desires to have the commission directed to do, I should like to give the commission an opportunity to meet the situation without special compulsory legislation.

Mr. BROUSSARD. Let me say to the Senator from Washington that one of the Members of the House, who is to be one of the conferees, happened to be in the gallery when I offered this amendment some time ago, and he took the trouble to come here and tell me that he hoped it might be adopted by the Senate, because he was in favor of it. I think the House would accept it. Of course, the commission is authorized to do this, but they have not done it.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. BINGHAM. May I ask whether the station to which the Senator refers is the one at Shreveport?

Mr. BROUSSARD. It is.

Mr. BINGHAM. Is not that the station about which a great many very serious complaints have been received?

Mr. BROUSSARD. That question is before the commission now. I am not talking about Shreveport especially. I merely mention the fact that Mr. Henderson, after acquiring a license and a permit to operate, has been forced to spend $30,000 in fighting to keep his permit, and that may be the case with anybody in any other State. The question of whether he violated the law or not is not involved here, and it is not involved in this amendment.

There has been some complaint; people have complained about the station. Mr. Henderson came here with 178,000 affidavits, covering all the States in the middle section of the Union, and States as far east as the District of Columbia. That is a different matter. I am merely asking that either a member or an agent of the commission be sent to take the testimony and submit it to the commission, instead of requiring a man to come here every two or three months and bring his experts, his lawyers, and his witnesses, at his own expense, to defend that which the Government has awarded him.

Mr. BINGHAM. As I understand the Senator from Washington, that can be done now.

Mr. BROUSSARD. It can be done, but it has not been done, and that is the reason I am asking that this amendment be adopted.

Mr. WATSON. Mr. President, may I say to my friend from Louisiana that the reason why it has not been done is the lack of funds with which to do it. The commission has been overwhelmed with the complexity of the problem that confronts it. It is an enormous task that they have. Each decision they make brings tens of thousands of letters. They have hundreds and thousands of letters addressed to them which they have never even opened, and there is now a petition in this body, and in the body at the other end of the Capitol, asking permission for the commission to destroy these letters without opening them.

They have not had a sufficient force to attend to the business they have had to do, to say nothing about running over the country.

They understand the necessity of going to the different localities where complaints are made for the purpose of adjusting those complaints, if possible, but I will say with full authority to my friend from Louisiana that if we give them a sufficient force they will be only too happy to carry out the provisions of his amendment, but they can not do it, no matter what the law may be, if they have not the force or have not the money to employ it.

Mr. BROUSSARD. My answer to that is that they have been in existence, I think, for three years——

Mr. DILL. Two years.

Mr. BROUSSARD. And they have not done it. Although they have the authority, they are not doing it. My purpose is to require them to do it. I know that they have the authority to do it, but they have not been doing it. I think that Mr. Henderson has been singled out, and that is why it was brought to my attention. He has been singled out, and there are three stations in different States challenging him. He has to give up his business and employ experts, and the employment of experts to meet a situation in a growing science such as this is is not obtained for small money. It is very expensive to get them.

Mr. Henderson feels, and I feel, too, and there are many other stations in the same situation; that if somebody wants to put an independent station out of business all he has to do is to keep after them every three months and make them spend ten to fifteen thousand dollars. If he has a permit, some agency like the Interstate Commerce Commission, which sends an examiner to take the evidence, should send some one to his place, and when he gets through there, let him go to the next one and take evidence, and submit the cases to the commission so that a man will not be put out of business because some people are interested in seeing that the independent stations are put out of business.

I will say to the Senator from Indiana that I understand they have the authority, but that does not help the fellow who is in trouble. What I want to see done—and I want a vote on this amendment—is to require them to do it, and if we require them to do it, we will have to provide the funds to enable them to do it.

Mr. WATSON. I want to say to the Senator from Louisiana that the members of the present commission have been tremendously criticized about the country because they have not done all and singular the things they ought to have done here in Washington. How could they send anybody out? They have not the force to send out, or the money to employ a force to send out. They have been tremendously criticized because they have not discharged their duties locally right here in the city of Washington, in the head office, and they did not discharge those duties because they have not the force to do it. It is not their fault; it is the fault of Congress.

Mr. BROUSSARD. I am not blaming the commission. I am in sympathy with the commission. But I do not want the commission to give us as an excuse that they are not doing it because they have not the force, because, if we adopt this amendment, we will have to give them the force to do it. I think, instead of keeping all of them here, if they went to the respective communities where contests were held, and then held conferences, they could settle the matters.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. COPELAND. This is an example of exactly what I have in mind about the necessity of having a full-time and continued commission, in order that the commission may have time to deal with large problems. Instead of being here, cumbered about with the cares of office and all the petty details which could be taken care of by technical clerks, they would have time to go and settle a problem of this sort when it was of a magnitude which justified it. What the Senator has said is another proof that the position which I have assumed through these eight hours of debate to-day is a sound one.

Whether or not it is wise to write into the law this particular suggestion is not the question. These men, of necessity, when they are relieved of their duties, as they will be after the 1st of January, I trust, and are able to give themselves to the activities of the judicial position which they have, as well as the administrative, would naturally take up a question of this sort, and in the very nature of things a member of the commission would go to deal with that particular problem.

Mr. BROUSSARD. I think that the argument made by the Senator from New York would apply if his theory of what should be done were carried out. I am for the bill, and I think a majority of the Senate is for the bill, and it has already passed the House of Representatives.

I want this amendment in the bill in order that the people who have expended money may be protected.

Mr. Henderson, for instance, is not making a cent out of this station. He is spending his money, and is required to come here every three or four months to defend himself against people who are claiming against him.

Mr. BINGHAM. Why does it take an expert to testify in a case where one who listens in, so far as I have been able to learn—I never happened to listen in, but I have had a great many statements about it—will agree that what this particular station put out over the air was not fit to be broadcast?

Mr. BROUSSARD. I think that if the Senator had listened in he would have disagreed with the statement he is making now.

Mr. BINGHAM. Why does it take an expert to decide that?

Mr. BROUSSARD. It is not a question of an expert testifying as to what is broadcast.

Mr. BINGHAM. The Senator said he had to bring experts to Washington.

Mr. BROUSSARD. If what he says is questioned, his permit may be revoked by direct action in the matter. They are not trying to revoke his license. They are merely trying to take it away from him and give him another permit. They are not charging him with anything at all. I attended the trials. There was no charge made against Mr. Henderson.

I want to make this statement—that anybody who understands anything about radio will realize that where a man is forced to employ experts, not to say whether he used obscene language or anything of that kind; but to testify as to whether from a scientific standpoint he is entitled to retain his license, he must have somebody who knows what he is talking about.

I would like to see the Senate adopt this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana.

Mr. BROUSSARD. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). On this matter I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Ohio [Mr. BURTON] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Virginia [Mr. GLASS] with the Senator from Connecticut [Mr. MCLEAN];

The Senator from Mississippi [Mr. HARRISON] with the Senator from Massachusetts [Mr. GILLETT]; and

The Senator from Georgia [Mr. HARRIS] with the Senator from Rhode Island [Mr. METCALF].

The result was announced—yeas 14, nays 40, as follows:

YEAS—14

Blease	Heflin	Ransdell	Tydings
Bratton	McKellar	Robinson, Ark.	Tyson
Broussard	Mayfield	Sheppard	
Edwards	Neely	Trammell	

NAYS—40

Barkley	Edge	Keyes	Robinson, Ind.
Bingham	Fess	King	Sackett
Black	Frazier	McMaster	Schall
Blaine	Glenn	McNary	Smith
Borah	Goff	Moses	Steiwer
Capper	Hale	Norbeck	Thomas, Idaho
Copeland	Hastings	Norris	Vandenberg
Curtis	Hayden	Nye	Warren
Deneen	Johnson	Oddie	Waterman
Dill	Jones	Reed, Pa.	Watson

NOT VOTING—41

Ashurst	Gillett	McLean	Steck
Bayard	Glass	Metcalf	Stephens
Brookhart	Gould	Overman	Swanson
Bruce	Greene	Phipps	Thomas, Okla.
Burton	Harris	Pine	Wagner
Caraway	Harrison	Pittman	Wash, Mass.
Couzens	Hawes	Reed, Mo.	Walsh, Mont.
Dale	Howell	Shipstead	Wheeler
Fletcher	Kendrick	Shortridge	
George	La Follette	Simmons	
Gerry	Larrazolo	Smoot	

So Mr. BROUSSARD'S amendment was rejected.

Mr. MCKELLAR. Mr. President, I desire to ask the chairman of the committee, the Senator from Indiana [Mr. WATSON], if it is permissible to sell or transfer these licenses and put them under one control? I had a letter from my State saying that a number of licenses were being put under one control. I am wondering if the commission permits the transfer or sale of licenses without application first being made to the commission.

Mr. DILL. Mr. President, will the Senator from Indiana permit me to answer the question?

Mr. WATSON. Certainly.

Mr. MCKELLAR. I shall be glad to have either Senator answer the question.

Mr. DILL. The law provides that no license may be transferred without the consent of the commission. There is no provision of law that will prohibit the selling of a station, but there is a provision that the license can not be transferred without the consent of the commission.

Mr. WATSON. I would like to ask the Senator from Tennessee whether or not he has inquired of the commission if they granted a permit to transfer the license?

Mr. MCKELLAR. No; I have not. I just received a letter late this afternoon and read it hurriedly before I came to the Senate Chamber.

Mr. WATSON. The licensees have no authority to transfer without the consent of the commission.

Mr. MCKELLAR. It seemed to me if there was no provision in the bill that a license should not be sold or transferred without the consent of the commission, there ought to be such a provision incorporated in it.

Mr. DILL. There is such a provision in the law.

Mr. WATSON. I have the law here and know there is such a provision in it, though I am not able to point to it at the moment.

Mr. MCKELLAR. Both Senators having assured me there is such a provision in the law, I shall not insist upon an amendment to that effect.

The PRESIDING OFFICER. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. UNDERHILL, Mr. IRWIN, and Mr. BULWINKLE were appointed managers on the part of the House at the conference.

PANAMA CANAL AND SURVEY FOR NICARAGUAN CANAL

Mr. EDGE. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to Senate Joint Resolution 117.

Mr. DILL. Mr. President, I make the point of order that that motion is not in order at this time. There is a measure now pending. The matter to which the Senator from New Jersey refers is not a privileged matter.

Mr. EDGE. Oh, yes, it is a privileged matter and it does not displace the unfinished business at all. It is perfectly proper under the rules to ask for action on a message from the House of Representatives at any time, I repeat, without displacing the unfinished business. I have made the motion that the Senate concur in the amendment made in the House of Representatives to Senate Joint Resolution 117.

Mr. BLEASE. Mr. President, I ask that the amendment be read.

The VICE PRESIDENT. The motion is in order.

Mr. DILL. I understand this is a motion to concur in an amendment made by the House and is not a conference report. It is simply an amendment that has been adopted by the House and comes over here in that form. It is not a privileged matter to move to concur in the amendment at this time. The regular business now before the Senate takes precedence, being the radio bill.

The VICE PRESIDENT. The motion is a privileged motion.

Mr. EDGE. It is a privileged motion and I understand the Chair has so decided.

Mr. DILL. I want to know first what the amendment is.

Mr. BLEASE. Mr. President, have we not the right to have it read so we may know what it is?

The VICE PRESIDENT. The motion is debatable. The clerk will read the amendment of the House.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
March 1, 1929.

Resolved, That the joint resolution from the Senate (S. J. Res. 117) entitled "Joint resolution authorizing an investigation and survey for a Nicaraguan canal," do pass with the following amendments:

Strike out all after the enacting clause and insert:

"That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining (1) such additional locks and other facilities at the Panama Canal as may be necessary to provide for the future needs of interoceanic shipping; and (2) any other route for a ship canal between the Atlantic and Pacific Oceans.

"SEC. 2. The President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to Congress, with respect to the practicability and advantages and approximate cost of constructing a canal across Nicaragua, and for the purpose of obtaining all additional available information respecting (1) the most practical route for an interoceanic ship canal across the Republic of Nicaragua by way of the San Juan River and the Great Lake of Nicaragua, or by way of any other route over Nicaraguan territory, including suitable locations for harbors at each of the termini thereof; (2) the practicability and approximate cost of constructing and maintaining such canal; and (3) the approximate cost of acquiring all private rights, properties, privileges, and franchises, if any, included in or necessarily affected by such canal route.

"SEC. 3. The Chief of Engineers, under the direction of the Secretary of War, may establish and maintain, during the investigations and surveys authorized by this resolution, such stations as he may deem necessary for ascertaining the water supply available for the operation of a canal across Nicaragua or elsewhere and for the operation of the additional locks and other facilities at the Panama Canal.

"SEC. 4. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, to be expended by the Secretary of War for the purposes of this resolution and to remain available until expended.

"SEC. 5. The President is hereby requested to report to the Congress not later than two years from the approval of this resolution the results of the investigations and surveys hereby authorized, together with such recommendations in connection therewith as he may deem advisable."

Amend the title so as to read: "Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua."

Mr. EDGE. Mr. President, I will speak very briefly on my motion. The Senator from Washington has insisted——

Mr. BLEASE. Mr. President, will the Senator yield just a moment?

Mr. EDGE. I yield for a question.

Mr. BLEASE. The question is that I would like to have the Senator from Missouri [Mr. HAWES] present. He is not present. I am going to try to keep this matter from being adopted by any means I can until he is present. I suggest the absence of a quorum.

Mr. EDGE. I yielded for a question and not for any other business.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Edge	Keyes	Sackett
Bayard	Edwards	King	Schall
Bingham	Fess	McKellar	Sheppard
Black	Frazier	McMaster	Smith
Blaine	George	McNary	Steiwer
Blease	Glenn	Mayfield	Thomas, Idaho
Borah	Goff	Moses	Trammell
Bratton	Harris	Neely	Tydings
Broussard	Harrison	Norbeck	Tyson
Capper	Hastings	Norris	Vandenberg
Copeland	Hawes	Nye	Warren
Couzens	Hayden	Oddie	Waterman
Curtis	Heflin	Ransdell	Watson
Dale	Johnson	Reed, Pa.	
Deneen	Jones	Robinson, Ark.	
Dill	Kendrick	Robinson, Ind.	

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present. The Senator from New Jersey is entitled to the floor.

Mr. EDGE. Mr. President, the joint resolution as it has been returned from the House is, in effect, the same as the joint resolution which was passed without a roll call by the Senate. It provides simply for two surveys—one as to the possibility of increasing the facilities of the Panama Canal and the other as to the practicability and feasibility of the construction of the Nicaraguan canal under the terms of the right of way purchased by the United States some 15 years ago. The material change in the joint resolution as returned to the Senate is, in effect, striking out——

Mr. DILL. Mr. President, I rise to a point of order.

Mr. EDGE. Will not the Senator permit me to make a brief explanation?

Mr. DILL. I want to make a point of order.

The VICE PRESIDENT. The Senator from Washington will state his point of order.

Mr. DILL. I call attention to the last sentence of paragraph 7 of Rule VII, which provides that—

Any motion so made—

As the Senator from New Jersey has made his motion—

shall be determined without debate.

I call the attention of the President of the Senate to the fact that if this ruling is to stand, then hereafter when any Senate bill comes back from the House of Representatives, no matter how it may be amended there or how it may be changed, it will be in order for any Senator to move that the amendment shall be concurred in, and no Senator can speak from the floor. That is the meaning of the rule if it is followed as it is in the Manual of Rules.

Mr. EDGE. Then the point made by the Senator from Washington is that the motion made is not subject to debate?

Mr. DILL. If the motion which the Senator from New Jersey made that the Senate concur in the amendment is in order as a privileged motion, then it is not debatable, and the Chair is laying down the rule that in the future as to any Senate bill coming back from the House, no matter how it may be amended, any Senator may rise and move that the amendment be concurred in, and the question would be decided without debate.

The VICE PRESIDENT. The motion to lay a matter coming from the House before the Senate is not debatable. After

the matter has been laid before the Senate, and a motion is made in respect to it, such motion is debatable under the rules.

Mr. DILL. But the right——

The VICE PRESIDENT. The Senator from New Jersey.

Mr. KING. Mr. President, a parliamentary inquiry. If it is debatable after it is laid before the Senate, would it not be amendable? That is to say, if the House has amended a Senate bill and the Senate bill is brought back again——

The VICE PRESIDENT. It is amendable.

Mr. DILL. Mr. President, a parliamentary inquiry. The motion of the Senator from New Jersey was not to lay the House amendment before the Senate but to concur in the amendment.

Mr. EDGE. I beg the Senator's pardon. My first request was that the message from the House of Representatives be laid before the Senate.

The VICE PRESIDENT. The Chair laid it before the Senate.

Mr. DILL. Now, what is before the Senate?

The VICE PRESIDENT. The Chair has laid the amendment of the House before the Senate, and the question is on the motion of the Senator from New Jersey.

Mr. EDGE. There is pending before the Senate a motion to concur in the amendment made by the House of Representatives.

Mr. DILL. I make the point that the motion is not in order, because that is a motion to take up proposed legislation when there is proposed legislation pending. That is not a privileged motion.

The VICE PRESIDENT. It is a privileged matter.

Mr. EDGE. Mr. President, when interrupted——

Mr. BLEASE. Mr. President, a parliamentary inquiry. Does not that displace the unfinished business?

The VICE PRESIDENT. It does not displace the unfinished business.

Mr. BLEASE. Then it is going to take some time to debate it.

Mr. EDGE. Mr. President, that is a matter entirely within the option of the Members of the Senate.

I repeat that the joint resolution as it comes from the House in no material degree changes the joint resolution as passed by the Senate. The House did strike from the joint resolution the request contained in the Senate joint resolution that the President should negotiate with Nicaragua and Costa Rica and other countries as to certain rights which they might have should the Congress of the United States finally determine to build the Nicaraguan canal, but otherwise the joint resolution is precisely the same in its terms and in its wording as the joint resolution which was passed without a roll call by the Senate.

Mr. President, I wish further to say that during the debate night before last, when we were kept in the Chamber until after 2 a. m. in an effort to prevent the adoption of an amendment to the deficiency bill providing the appropriation authorized by the joint resolution, the Senator from Washington [Mr. DILL] insisted that he would withdraw his objection—at least, that he would cease his filibuster, or whatever it might be termed—if the Senate would vote the next day at a certain hour provided in the unanimous-consent agreement. Then, in the course of a very confused colloquy with other Members of the Senate, most of them standing in the middle aisle, the Senator further insisted that it should be understood—I will read his language:

> Mr. DILL. Before consent is given, I want to be sure that I have an understanding that if the Nicaraguan joint resolution be not passed by the House, and signed by the President, the Senate conferees will not bring back this appropriation. I think that was the understanding.

The leader of the majority, the Senator from Kansas [Mr. CURTIS], replied:

> That statement has twice been made on the floor.

Previous to that the Senator from Washington on several occasions during the debate had remarked, in effect, that he was opposing the amendment to the pending appropriation bill because the House of Representatives had not acted upon the joint resolution which furnished the authorization for the appropriation. In fact, on page 4568 of the RECORD of Wednesday last, the Senator, among other things, said:

> I have said before and I say again that if the joint resolution had been passed by both Houses and the appropriation for carrying out the will expressed by the Congress were before us, I might have something to say against it, but I would not attempt to delay action and discuss it as I have discussed the amendment here to-night.

Other references of a similar character were made.

Mr. President, there is only one way to carry out this rather unusual demand on the part of the Senator from Washington that the President sign a joint resolution, and that, of course, is obviously that the President have the opportunity to sign it. I have made a motion that the Senate concur in the amendment made in the House of Representatives. I am entirely satisfied with it. If that motion shall prevail, then, of course, the legislation will be complete, so far as the Senate and House of Representatives are concerned, and the joint resolution will go to the President. If, however, the Senator from Washington shall refuse to permit that to happen, I ask, in all fairness, what type of ethics is that? The Senator drives a bargain that an amendment to a pending appropriation bill shall not be concurred in by the conferees of the Senate unless the joint resolution shall become a law, and then he indicates from his opposition to my motion that he does not propose to permit it to become a law.

The Senate and the House of Representatives have each on two occasions by outstanding majorities demonstrated their absolute acquiescence in the purpose and intent of the joint resolution.

The Senate, without a roll call, passed the joint resolution a few days ago. A roll call was not even asked. That, of course, was a plain indication of the overwhelming feeling of the Senate that the joint resolution should pass. Later, when the amendment reported by the Committee on Appropriations providing for the appropriation carried in the joint resolution was again considered, after half a night of filibuster, after this agreement was made, after this demand was in a way acquiesced in, the Senate the following morning by a vote, as I recall, of 59 to 19, adopted the amendment, again showing by a majority of something like 3 to 1 its desire that the investigation and survey should be made.

Then the appropriation bill went to the House of Representatives. The first action of the House of Representatives was a motion on the part of the chairman of the Appropriations Committee, Representative WOOD, that the rules of the House be suspended in order that the House conferees could, in their best judgment, agree to the various amendments adopted by the Senate which had not been acted upon by the House. That motion was objected to by another Representative because the appropriation for the so-called Nicaraguan-Panama survey was included, and last evening in the House of Representatives a debate was carried on for some time concerning entirely that one amendment. On a division of the House, after the conclusion of the debate, the conferees of the House were given this authority by a vote of 238 to 6.

That was the first action in the House.

Not being satisfied even with that, in order as far as it was humanly possible or from the standpoint of parliamentary tactics possible to meet the demands of the Senator from Washington, I suggested that the amended joint resolution be brought up in the House to-day; and under a rule it was brought up in the House to-day, and a full and free debate on both sides, lasting for two or three hours, occurred in the House this afternoon on the joint resolution now before the Senate. It passed the House by a vote of something like 180 to fifty-odd, and now it is before the Senate with the amendment made by the House, and my motion before the Senate is to concur in it.

Mr. President, with four distinct actions—two in the Senate and two in the House—overwhelmingly carried, with the proposition of the Senator from Washington himself, which I am trying, as far as possible, to carry out in the few hours that are left, I say that, in all fairness, my motion to concur in this amendment should be adopted by the Senate.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from New Mexico?

Mr. EDGE. I yield to the Senator from New Mexico.

Mr. BRATTON. Will the Senator tell us briefly the substance of the amendment of the House?

Mr. EDGE. I shall be glad to do so.

The joint resolution, as it was returned from the House, includes all of the original Senate joint resolution, so far as it provided for the investigation of the possibility of increasing the facilities of the Panama Canal, so far as it provided for the investigation of the feasibility and practicability of constructing a Nicaraguan canal, so far as it carried the desire presented by the Senator from Ohio [Mr. BURTON] that any other practicable route should be investigated; also the amendment of the Senator from Missouri [Mr. HAWES], providing that civilian engineers should be included upon the option of the President, in the exact wording of his amendment. The only matter stricken from the original joint resolution was the suggestion made by the Senator from Tennessee [Mr. MCKELLAR]—and he has agreed with me that we should concur in

the House amendment—that should we decide later to build a Nicaraguan canal the President should be requested to negotiate with the countries that have rights or claim to have rights in the matter, as to what those rights are, and as to how they can be adjusted.

That is the only thing stricken from the original joint resolution.

Mr. BRATTON. Mr. President, under the joint resolution as finally passed by the House would the President have authority to enter into agreements with those countries?

Mr. EDGE. As passed by the House, that is all stricken out.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. EDGE. I yield to the Senator from Kentucky.

Mr. BARKLEY. Was the amendment offered by the Senator from Missouri [Mr. HAWES] with reference to civilian engineers mandatory on the President or optional?

Mr. EDGE. It was optional on the part of the President. It was so continued by the House, in the exact language used by the Senate.

Mr. DILL. Mr. President, the joint resolution as passed by the House does not contain the language of the Senate measure nor does it contain at all what the joint resolution that passed the Senate contained. In a general way, it covers the same subject. All reference to any treaties with other Central American countries has been stricken out. There was a very simple reason for that, because if the joint resolution had gone to the Committee on Foreign Relations in the House, it would have not been reported favorably.

The Senator from New Jersey became quite enthusiastic and rather excited in his discussion here. There is no reason for that. I did insist to-day that this joint resolution should be passed and signed by the President before the appropriation should be contained in the conference report, and I insisted on that because that is the agreement that was made by the conferees on the part of the Senate before a vote was agreed upon on this amendment to the deficiency bill. I asked the Senator, when this matter came over here, to defer it until after the radio bill was disposed of; but the Senator seems excited, and thinks this measure must be taken up now or it never will be taken up.

So far as I am concerned, I did not intend, had he let it go until after the radio bill was disposed of, to do more than object to the House amendment and state my reasons for my opposition.

I think the Senator has caused to be made here a precedent about legislation coming over from the House that will come back to plague the Senate in the future in a way that it will make it necessary to reverse the precedent made this evening. In other words it means, no matter what may be before the Senate, that any bill coming over from the House, whether any Senate committee ever considered it or not, must immediately be given precedence over the legislation before the Senate if any Senator so desires; that it is a privileged matter so to move.

I do not believe there is anything in the rules that will justify any such ruling. I believe in a more sober hour, when there is not this pressure for legislation in the minds of Senators, and they can be induced to think seriously about the meaning of these rules, and the Presiding Officer is not in too big a rush to help in getting the desired legislation up for action, that precedent will be overturned.

Mr. President, I have felt it my duty to fight this Nicaraguan legislation. I believe that it is one of the most objectionable pieces of legislation that has been passed by this Congress.

I am confident in my own mind that not only has it been backed primarily by the Bureau of the Budget but no less a person than the President himself has been insisting that this measure be passed and this appropriation made in order that engineers may be gotten in Nicaragua to give excuse to keep the American marines down there and to maintain the financial policy that American investors have tried to maintain there.

I have used much energy and consumed much of the patience of the Senate in fighting this joint resolution, probably more than I should have used. I still say that an unfair, unjust, and indefensible advantage was taken by the Committee on Appropriations that framed the deficiency bill when they put this appropriation in here when the joint resolution had not yet passed the House of Representatives; and it never would have been done if there had not been a pressure from behind—a pressure greater than any one Senator can bring to bear; a pressure that comes from the very head of the administration, and that has behind it the purpose of keeping the marines down there at a time when that country is at peace.

I have felt a duty, because of these facts and because of the sentiment of the American people, to fight this legislation; but I recognize that a man in this body, after all, can do no more than use his best efforts and make the best fight that he can make.

I think it would not be at all impossible to organize a fight here to prevent the adoption of this motion by the Senator from New Jersey, but I recognize that that would be a very unfair attitude for me to take, even if I were able to get enough other Senators to combine with me for that purpose; and I do not think it would be at all fair to the rest of the Senate and to the country to take that attitude. Therefore I shall content myself with having made this protest, with having made this fight; and I hope that even the Senator from New Jersey will recognize that some of us believe in keeping a bargain, even though he does not. His attitude to-day was that we could disregard the agreement made with the conferees, and accept anything that might have been done by the House of Representatives.

I do not believe the conferees would take that attitude. I hope they would not. I believe they are men who, when they give their word, will keep their word. I am confident that they would not ask the Senate to accept this amendment, providing $150,000 for sending engineers to Nicaragua, unless the agreement made the other morning, after a long and protracted discussion, was complied with.

Of course, if I took advantage of the situation by means of a filibuster or by other means that I might adopt of discussion, probably I would be unfair myself; but if, in the regular course of business, this joint resolution can not become a law, and if there is no undue delay, I maintain that I am justified in expecting the Senate, particularly the conferees on the part of the Senate on the deficiency bill, to carry out the agreement that was made before we voted on the measure; and I shall expect that to be done before the appropriation is agreed to.

Mr. HEFLIN. Mr. President, I want to compliment and congratulate the Senator from New Jersey [Mr. EDGE] upon the success he has achieved in the passage of this joint resolution. It is but the carrying out of a policy laid down by a very far-seeing statesman from my State, the late Senator John T. Morgan, who, many years ago, served here for many years. He saw then what the Senate sees now. That frequently happens with far-seeing statesmen. They see in advance what is to be, and their fellows and associates around them do not appreciate at the time the true situation.

Senator Morgan saw this. He realized that the day would come when this Nation would need a Nicaraguan canal, and he convinced the Nation that he was right about it; but another powerful movement came on very suddenly opposing the Nicaragua proposition, and the Panama Canal was built.

Senator Morgan predicted that the day would come when that canal would not be operated; that it would be put out of commission; that the Nicaraguan route was the proper one, and the Nation one day would come to it. The Senator from New Jersey has seen that, and has worked very hard and ably to bring about the result which we now have in this body.

I stand with the Senator from Washington on the matter of bringing the marines out of Nicaragua. My resolution to that end was pending in this body for a year, and we could not get any action on it.

At the time the measure sponsored by the Senator from New Jersey was passed the other day, nothing was being done by the administration to bring the marines out of Nicaragua, and I dare say to him they would not have been brought out by now, even if this measure had not been passed; but I want to say to the Senator from Washington that when we get into the extra session, I am ready to join him and other Senators in a move to bring the marines out of Nicaragua. This other proposition, as I see it, has nothing on earth to do with keeping them there.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. DILL. The Senator recognizes that the only reason why the marines will ever be brought out of Nicaragua will be that the public opinion of the world will compel that they be brought out, but if we get a lot of engineers down in Nicaragua, and then some American interests cause some natives down there to start shooting a little bit, in the form of a revolution, the Senator knows there is no public opinion in the world that will cause them to be brought out at any time.

Mr. HEFLIN. Mr. President, the work we are to do there now is to make a survey, and the Senator himself said in his speech the other night that it would be several years—I think 50 or 60 years—before we ought to build the canal. Certainly the Senator does not contend that we are going to keep marines down there for 50 years.

Mr. DILL. I think there will be a method found to keep them there right along.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SMITH. I do not intend to discuss this matter, but I want to ask the Senator from Alabama if he does not think it is very unfortunate that we should now suggest a survey for a Nicaraguan canal, which may be, and in the minds of a great many will be, looked upon as a reason for keeping the marines there? Does he not think it is very unfortunate that this resolution should be passed while this matter is being agitated and so many of the American people are opposed to the continuance of these marines there and do not believe that we had any right to send them there under the circumstances, now that the purpose for which they were alleged to have been sent there, namely, the holding of the election, has been accomplished, and the reason given as to why we were justified in keeping them there has ended? Does he not think it unfortunate that before there is an organized effort on the part of Congress to provide that they shall come back, we are now about to embark upon a project which may give the shadow of excuse, and be seized upon as a reason, for keeping the marines there?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. In a moment. I do not think so, I will say in answer to the Senator from South Carolina, because we can not afford to wait on any suggestion like that. This Government has a big foreign trade, and we propose to protect it, and the time is coming when we are going to need that Nicaraguan canal. I think the part of true statesmanship is to go ahead and make the arrangement in advance, and to have this Nicaraguan route all surveyed and ready for action when we decide to use it.

Mr. SMITH. Mr. President, I just want to ask the Senator a question. Is the necessity for the surveying of this route so pressing that we are justified in passing such a measure as this, giving effect to the arguments of those who are in favor of the marines being kept there? Does he not think we would better address ourselves to removing them? We could have discussed that, perhaps, during this session. Surely we could have done it in the extraordinary session that is now imminent, or at least in the regular session in December, and, once we had accomplished that, then there would have been no inference and no seeming sinister motive to be attached to the survey of the canal.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. I am truly astonished to hear this argument by the Senator from South Carolina, because, as I remember, two or three days ago, when we had an opportunity to vote to bring the marines out, the Senator from South Carolina voted against bringing the marines out.

Mr. SMITH. I am glad the Senator has called attention to that, for the change in the vote was with regard to an amendment that would have jeopardized another piece of legislation that had nothing whatever to do with the principle involved. I did not feel that it was good common sense to destroy a good thing and accomplish nothing, with the vote I was supposed to cast, when the opportunity would be given me to vote on both the questions on their merits, without involving or jeopardizing the success of either. That was my stand, and what will continue to be my stand. I do not propose to destroy a good thing in attempting to get another good thing, when I shall have the opportunity perhaps of getting both of them without endangering either.

Mr. McKELLAR. Of course, the Senator could not expect——

The PRESIDENT pro tempore. Does the Senator from Alabama continue to yield to the Senator from Tennessee?

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. May I just say this? Hearing the contention of the Senator that this would give color to the arguments of those who are opposed to bringing the marines out, when I remembered that when he had an opportunity to vote to bring the marines out he did not vote that way, but voted against bringing them out, I was astonished.

Mr. SMITH. The Senator is making exactly my argument, if the Senator from Alabama will allow me.

Mr. HEFLIN. I hope the Senator will be brief.

Mr. SMITH. Why should I vote to bring the soldiers out through an amendment on another bill, when we could have voted first to bring them out, and then voted for a survey of the canal? That was the position I took.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama continue to yield?

Mr. HEFLIN. No.

Mr. McKELLAR. Just one more question.

Mr. HEFLIN. I can not yield.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. HEFLIN. I would rather the Senator spoke in his own time.

Mr. McKELLAR. As I remember, the Senator from South Carolina voted first to bring them out, and then the next day voted against bringing them out. So his argument is truly the more astonishing.

Mr. SMITH. Wise men change their minds sometimes. I have understood that others do not. I prefer to be in the class that has at least historical foundation of having some sense.

Mr. HEFLIN. Mr. President, as the Senate knows, I am the first Senator who introduced a resolution to bring the marines out of Nicaragua. I worked for weeks and months to get action on the resolution, but the Senate did not see fit to act favorably. The Committee on Naval Affairs reported my resolution adversely.

I want to state that I am heartily in favor of bringing the marines out, but the administration is not in favor of doing that. The Senate went on record the other afternoon in favor of bringing them out, and on the next day, with pressure having been brought, I take it, from the White House, the vote in this body was changed, and the action of the day before reversed, and the judgment of the Senate was not to bring them out. That part of it is settled, but that does not preclude us from making an effort to bring them out when we meet again in April.

I repeat, the measure sponsored by the Senator from New Jersey is a meritorious one, it looks to the great trade development of this, the greatest Nation in all the world, and we can not afford to hold back these projects looking to the continued life and development of our Nation because somebody has an idea that somebody might fire on a surveyor, and that somebody would ask for more marines to be sent down there. We will pass on that when the question arises.

Sufficient unto the day is the evil thereof.

Mr. President, this Nation is going to stand, as it always has stood, upon its rights upon the free seas. We are going to protect our flag wherever it flies. We are going to demand the right to ship American goods to all ports on earth, and no government will be permitted to stand in the way of this great Nation as it sends its produce into the various market places on earth.

We do not propose to impose upon anybody. We are not asking anything of them that we will not grant to them. We want a fair deal with all, but I submit that if the time should ever come, under any circumstances, when the Panama Canal might be seized by some foreign power, we would be helpless without the Nicaraguan route.

Mr. President, I will detain the Senate but a moment more, because I want to get through with the work we have here. I hope to have some sleep myself to-night. I trust it will not be necessary to stay here all night. I am willing to stay here all night if we are transacting business, but I am not willing to stay here all night to hear somebody conduct a filibuster that is not worth 5 cents.

If a great principle is involved, I am willing to stay and work as late as anybody, and lose a night's sleep, but the great business of this Government must go on, and to the end that it may, and speedily, I will conclude my remarks. I am in favor of the measure of the Senator from New Jersey [Mr. EDGE].

Mr. BLEASE. Mr. President, I have heard from the junior Senator from Missouri [Mr. HAWES], and he says that this joint resolution is satisfactory to him, that the amendment which he wanted is incorporated in it.

Mr. EDGE. I will say to the Senator that the amendment is incorporated in the exact words in which it was offered by the Senator from Missouri.

Mr. BLEASE. I wish to say, however, Mr. President, that I do not think anybody in this Chamber needs to be told how I stood in the late presidential election. Regardless of my personal feelings, I campaigned and worked and voted for Smith. I said some pretty hard things against Mr. Herbert Hoover. I do not know whether he ever heard of it or not, and I do not care. If he has not heard of it, I will send him copies of it. But when he gets to be President of the United States, he will be my President, and it will be my pleasure to help uphold his hand whenever I think he is right in the administration of the affairs of Government.

The Senator from Tennessee [Mr. McKELLAR], a while ago, made some insinuation in reference to a change of vote on this canal question the other day. I want to tell him why I changed my vote, so that neither he nor anyone else will be worried about it. I voted one afternoon one way, and the next morning the other way.

We have a navy yard down at Charleston, S. C., that was in pretty bad shape.

The Government has been asking to close it up and I believe would have closed it up if the $300,000 appropriation in the bill which has just been agreed to had not been passed. The chances are that it will make the Charleston Navy Yard a permanent proposition and that the Government will do what it should do by it and take care of it.

I was reliably told that if the bill went through with the Nicaraguan provision in it, the chances were it would be vetoed and I changed my vote to save the Charleston (S. C.) Navy Yard. I have no apologies to make to anybody for it and no excuses to offer.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Jersey [Mr. EDGE] to concur in the amendments of the House.

The motion was agreed to.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McMASTER. Mr. President, I move that the request of the House for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. McMASTER, Mr. WATERMAN, and Mr. BAYARD conferees on the part of the Senate.

FEDERAL RADIO COMMISSION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to a third reading, read the third time, and passed.

ENLARGEMENT OF CAPITOL GROUNDS

Mr. KEYES and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. KEYES] is recognized.

Mr. WATSON. Mr. President, is there not a unanimous-consent agreement?

The PRESIDENT pro tempore. It will be made effective in a moment.

Mr. KEYES. Mr. President, the committee on order of business has designated a certain bill to follow the radio bill which we have just passed. I move that the Senate proceed to the consideration of Calendar No. 1485, the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds.

The motion was agreed to, and the Senate as in Committee of the whole proceeded to consider the bill which had been reported from the Committee on Public Buildings and Grounds with amendments.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent to proceed with the unanimous-consent agreement made last night, to wit, the consideration of unobjected bills on the calendar.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. That presupposes the laying aside temporarily of the unfinished business?

The PRESIDENT pro tempore. Yes; the unfinished business is temporarily laid aside and the unanimous-consent agreement entered into yesterday will now be proceeded with. The clerk will report the first bill on the calendar under the unanimous-consent agreement.

WORLD'S POULTRY CONGRESS

The joint resolution (S. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930 was announced as first in order under the unanimous-consent agreement.

Mr. BLEASE. Over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection a moment until I can say a word about the joint resolution? I thought last night we had an agreement with the Senator from Pennsylvania [Mr. REED] that by striking out the amount of money for traveling expenses he would have no objection.

Mr. REED of Pennsylvania. The deficiency bill which has just been agreed to by the House and doubtless will be agreed to by the Senate to-morrow, provides for $25,000 for this exhibit. The bill on the calendar is the same which was negatived by the Foreign Relations Committee and provides for the exhibit.

Mr. COPELAND. I thank the Senator. I have no further question to ask about it.

Mr. REED of Pennsylvania. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

NAVAL AIRSHIP BASE

The bill (H. R. 16839) to provide for investigation of sites suitable for the establishment of a naval airship base was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is directed to appoint a board of naval officers to examine and report upon such locations as may be deemed most suitable for the establishment of a naval airship base and to submit to the Congress the report of said board concerning the several locations considered and his recommendations as to the location of the airship base, together with estimates in detail of cost of the best sites available and of the structures, facilities, and improvements necessary to the efficiency of the airship base.

Mr. ROBINSON of Arkansas. Mr. President, what sites are to be investigated?

Mr. HALE. This is a bill providing for an investigation of suitable sites for a hangar for lighter-than-air ships on the Pacific coast. We are now building a great dirigible which before long will come into use, and when it is completed we have no hangar on the west coast in which to keep it. The bill merely provides for the making of an investigation of the various sites in order that we may select a suitable site.

Mr. ROBINSON of Arkansas. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, NIOBRARA, NEBR.

The bill (S. 5875) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., was considered as in Committee of the Whole and was read. The bill had been reported from the Committee on Commerce with an amendment in line 8, to strike out "1928" and insert "1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., authorized to be built by H. A. Rinder, his heirs, legal representatives, and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. COPELAND. Mr. President, may I ask if this is the same part of the river that is referred to in certain bridge bills which I have introduced?

Mr. NORRIS. No; it is an entirely different place.

Mr. COPELAND. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE BILLS

The following House bridge bills were considered in Committee of the Whole, reported to the Senate without amendment, read the third time, and passed:

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; and

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.

DECLARATION OF INTENTION IN NATURALIZATION PROCEEDINGS

The bill (H. R. 16440) relating to declarations of intentions in naturalization proceedings was considered as in Committee of the Whole. The bill had been reported from the Committee on Immigration with an amendment, on page 2, line 14, after the word "alien" to add the following:

No declaration of intention of petition for naturalization shall be made outside of the office of the clerk of the court,

So as to make the bill read:

Be it enacted, etc., That the first subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, is amended to read as follows:

"First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of 18 years, that it is bona fide his intention to become a citizen of the United States and to reside permanently therein, and that he will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time of admission a citizen or subject. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien. No declaration of intention or petition for naturalization shall be made outside of the office of the clerk of court."

SEC. 2. Section 1 of this act shall take effect 60 days after its enactment. A declaration of intention made before the expiration of such 60-day period, whether before or after the enactment of this act, in which appears an erroneous statement of allegiance, shall not be held invalid for such cause if the error was due to a change of political boundaries, or the creation of new countries, or the transfer of territory from one country to another. Nothing in this section shall permit the reinstatement of a petition for naturalization dismissed for such cause, but in such a case the benefits of this section may be obtained by filing a new petition before the expiration of the period of validity of the declaration of intention.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I send to the desk the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, after line 4, insert as an additional section:

SEC. 3. An alien veteran, as defined in section 1 of the act of May 26, 1926 (ch. 398, 44 Stat. 654, title 8, sec. 241, U. S. C. Supl. I), shall, if residing in the United States, be entitled, at any time within two years after the enactment of this act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

Mr. ROBINSON of Arkansas rose.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me a word of explanation?

Mr. ROBINSON of Arkansas. I was just going to ask the Senator to state the purpose of the bill.

Mr. REED of Pennsylvania. During the World War alien soldiers who had taken the oath of allegiance and were a part of the Army were permitted to be naturalized by a rather short proceeding. On May 26, 1926, Congress enacted a law providing that within two years after that date an alien veteran who, had he applied during the World War, might have been naturalized, should have the same right if he applied within two years after the passage of the act, provided, of course, that his service during the war had been honorable, that he had been honorably discharged, and that he had otherwise behaved himself well since that time.

This amendment would merely extend that privilege to alien veterans who had served honorably during the World War and before the armistice—that is, during the period of hostilities—and would give them the same privilege they had had during the past two years. It extends it for two years more. It is recommended to us by the Bureau of Naturalization and has the approval of all of the associations of veterans.

Mr. DILL. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. DILL. Why does the Senator limit it to two years more? Why does he not take off the limitation?

Mr. REED of Pennsylvania. Because we feel that there ought to be every incentive for prompt action; that if a man is so indifferent that he does not act within four years after the privilege is given him, he ought not to have the privilege. The reason for extending it, the additional two years, is that the Bureau of Naturalization has several hundred applications now pending upon which they have been unable to act.

Mr. DILL. I am in entire sympathy with the proposal to extend it for two years, but I think it is indefensible that the law should have been passed originally in the way it was. I do not, for my own part, see any reason why there should be any limitation. We will be called upon in two years to do the same thing again. A man who went into the Army during the World War and served and got an honorable discharge, ought to be permitted to apply to become a citizen at any time. I do not see why any man who did not go into the Army, such as the men we have here in the Senate—except, of course, the Senator from Pennsylvania—should for one minute feel that a man who gave his service in time of war should not be permitted to become a citizen at any time he saw fit.

Mr. REED of Pennsylvania. I feel the same way, but I should like to have him do it as soon as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

COAST GUARD COMMISSIONED PERSONNEL

The bill (H. R. 17060) to readjust the commissioned personnel of the Coast Guard, and for other purposes, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That on and after July 1, 1929, the total number of commissioned officers on the active list, regular and temporary combined (exclusive of the commandant and commissioned warrant officers and additional numbers that have been authorized by law), authorized in the Coast Guard shall be 588, consisting of 526 line officers distributed in the proportion of 4 in the grade of captain, to 8 in the grade of commander, to 15 in the grade of lieutenant commander, to 30 in the grade of lieutenant, to 43 in the grades of lieutenant (junior grade) and ensign, inclusive; and of 1 engineer in chief, 8 captains (engineering), 16 commanders (engineering), and 18 lieutenant commanders (engineering), and of 5 constructors, and 14 district commanders: *Provided*, That the number of temporary commissioned officers, not above the rank of lieutenant, within the total of commissioned officers herein authorized shall be as the President shall determine: *And provided further*, That notwithstanding the number of officers herein authorized in the grades of captain (engineering) and commander (engineering), respectively, an engineer officer may be promoted, subject to examination as provided by law, to either of these grades at the same time as a line officer of the same length of total service in the Coast Guard is promoted to either of the corresponding grades in the line.

SEC. 2. That each vacancy occurring at the bottom of the list of commissioned engineer officers on the active list after July 1, 1929, shall operate to reduce by one the total number of engineer officers and to increase by one the total number of line officers authorized by section 1 of this act.

SEC. 3. In making any computation required or authorized by or pursuant to this act there shall be excluded from consideration those officers carried by law as additional numbers, and whenever a final fraction of one-half or more occurs the whole number next above shall be regarded as the authorized number.

SEC. 4. That the Secretary of the Treasury, in his discretion, is hereby authorized to furnish an escort, not to exceed one person, to the place of burial for the body of an officer or enlisted man who has lost his life in the Coast Guard. Such expenses as are incurred for this purpose shall be paid from the proper appropriation.

SEC. 5. That nothing contained in this act shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. JONES. Mr. President, I think I should explain the bill. It is a very necessary bill. The bill has passed the House of Representatives—I think unanimously or by unanimous consent. It has been examined very carefully by practically all the members of the Committee on Commerce, and they are all in favor of it. The bill is recommended by the Budget and is, as I said, pointed out by the Secretary of the Treasury as being very necessary.

We have now for the Coast Guard 340 regular commissioned officers. We provided also, I think, for 110 temporary officers. Those temporary officers have no assurance of permanency at all; they have no retirement privileges; they have no benefits under the compensation act. As a result the temporary force is not nearly full. My recollection is that the report shows that there are probably 59 vacancies in the temporary force.

Ten cutters were authorized about three years ago. Four of those cutters have been built; one is nearly completed; appropriations have been made for three more; another one will probably soon be constructed. Those cutters will be without regular officers to man them.

I will read just a few extracts from the Secretary's letter urging the passage of this bill, which explains the necessity for it. In the first place, I will read from the House report just one paragraph:

While the task of preventing smuggling of liquor and narcotics from the sea is one of the difficult tasks of the Coast Guard, it is only one of the tasks. The preservation of life and property from the perils of the sea is the great work of the Coast Guard. Its importance can scarcely be overstated. In this great work the Coast Guard has a record of honorable achievements which in the opinion of the committee is unsurpassed by any branch of the Government service.

Let me say here that from time to time I have received letters with reference to the conditions affecting the Coast Guard, especially in Alaska—naturally I, rather than other Senators, receive letters from that Territory—pointing out the very great necessity for additional Coast Guard vessels in that region. It has not been very long since one or two, if not more, vessels were lost or nearly lost, being disabled, and no assistance could be rendered to them or was not rendered to them for a good while, largely because of the lack of Coast Guard service. Of course it is true the waters and channels of Alaska are so extensive that it probably will be a long time until adequate service shall be rendered there, but they are in great need of service now.

Secretary Mellon, among other things in his letter—I will not take time to read it all—says:

The greatest difficulty that confronts the Coast Guard to-day, as regards efficient and economical administration, is an acute shortage of commissioned officers and the fact that the commissioned officers are now, under existing law, divided into two classes, namely, officers of the regular service and officers holding temporary commissions. It is believed that a résumé of recent legislation with respect to the commissioned officers of the Coast Guard will be helpful in making clear the present condition that exists.

And he points that out. I will not read all of that portion of his letter.

Mr. ROBINSON of Arkansas. May I ask the Senator a question?

Mr. JONES. Yes.

Mr. ROBINSON of Arkansas. What increase in the Coast Guard Service is contemplated by the pending measure?

Mr. JONES. There are 340 regular officers now, and this bill contemplates raising that number to 589 and doing away with the temporary officers. It is expected that the force will not reach the maximum until 1934. The Secretary further says:

There have been so many difficulties connected with this policy—

That is, of having temporary officers—

of having temporary officers that the Coast Guard has practically stopped all efforts to obtain more of them, preferring to struggle along as best it can awaiting legislation to remedy the situation. On July 1 next there will probably be 56 vacancies in the temporary officers authorized, which means that this number of officers is practically lost to the service.

Then he closes his letter as follows:

I am convinced that unless suitable legislation be promptly enacted to readjust the commissioned personnel of the Coast Guard the time will shortly come when it will be impossible for the service properly to carry on the duties with which it is charged, because it will not have sufficient officers to do the work. This bill has my entire approval, and should you find it consistent with your own ideas, I shall be grateful if you will introduce the measure and give to its favorable consideration by Congress your personal attention.

There is a brief outline of the necessity for this legislation. It seems to be very desirable from the standpoint of securing efficient and economical service on the part of the Coast Guard for the performance of the duties imposed upon it by law.

Mr. KING. Mr. President, will the Senator from Washington permit a question?

Mr. JONES. Yes.

Mr. KING. I should like to ask the Senator whether other countries, particularly Great Britian, regard the Coast Guard Service as an adjunct to the Navy; and whether they give the same preferment, have the same proportionate number of officers from the lower grades to admirals for which this bill provides?

Mr. JONES. I will say frankly to the Senator that I am not prepared to answer that question. It does not appear to be discussed in the Secretary's letter, and that contains all the information that I have had an opportunity to obtain. I do know, however, that the Coast Guard is made a part of our Navy, and, in time of war especially, becomes an actual part of our naval force. Of course, during peace it is rendering dangerous service very generally.

Mr. KING. It is obvious that this bill contemplates nearly doubling the number of officers of the Coast Guard.

Mr. JONES. No; I think the Senator is mistaken in that. There are now 340 regular officers and 110 temporary officers, who are considered necessary and have been heretofore provided for. The total is to be increased to 589, but at the same time the temporary officers are discontinued, so that the bill really only contemplates an actual increase of a little over a hundred more than the total of temporary and regular force at the present time.

Mr. KING. I should like to ask the Senator what was the number of regular officers in the Coast Guard Service in 1915, 1916, and 1917, prior to the enactment of the Volstead Act?

Mr. JONES. I do not remember the exact figures. I think that probably 300 or 340 represented the number before we provided the temporary force of officers.

Mr. KING. Then, a very considerable part of the personnel, and a large part of the officers of the Coast Guard, are made necessary by reason of the enforcement of the Volstead Act?

Mr. JONES. I think that is true. We have imposed that duty upon them.

Mr. KING. And the cost now is approximately $50,000,000 annually for the Coast Guard.

Mr. JONES. That includes the building of cutters and all that sort of thing. Of course, we do not build cutters every year, but the other activities of the Coast Guard also have been very greatly increased during the last few years.

Mr. KING. Assume that we make greater progress toward sobriety and the observance of the Volstead Act during the next 10 or 15 years than has characterized our progress during the past 5 or 6 years, what steps are being taken or will be taken under existing or prospective legislation to bring the Coast Guard Service down again to a normal peace-time basis?

Mr. JONES. I will say when that time comes we will provide legislation to meet that situation.

Mr. KING. Having by legislation created all these positions, are the officers not in the service for life?

Mr. JONES. These particular officers may be in the service for life, but we can reduce the personnel afterwards by legislation, of course.

Mr. KING. The officers will be in the service for life, and will be entitled to pensions and retirement?

Mr. JONES. That is true.

Mr. KING. So that this bill adds greatly to the annual expenses of the Government?

Mr. JONES. I will say to the Senator, however, that with increased commerce and increased development, even though there should be a diminution of the work in other branches of the services, the necessities will still, I think, make necessary whatever increase may be provided under this proposed law, but the Coast Guard will probably be in a condition so that we will not have to make a further increase.

Then, as I said a while ago, we ought to take better care of Alaska, independent of the Volstead Act, because of the actual necessities that exist there at all times and the increase of local commerce there.

Mr. KING. Does the Senator regard it as necessary to create the same grades of officers in the Coast Guard as we do in the Navy, including captains and admirals? My recollection of the

Coast Guard Service in other countries is that they do not confer upon the commissioned personnel in the service the same rank, the same pay and allowances as are provided for the members of the Coast Guard Service in the United States.

Mr. JONES. There is not an equality in that respect in this bill. As a matter of fact, one section of the bill, the original section 4, was stricken out in the House, that did, I think, contemplate a little change in the two highest officers, but that was stricken out and left out of the bill.

Mr. KING. What is the highest grade attained in the Coast Guard?

Mr. JONES. They have the rank of admiral. I think the admiral of the Coast Guard is the commandant now, and this bill does not affect that.

Mr. KING. I notice that in this bill we make substantially the same provision as to the number of officers in the aggregate—the number of captains, the number of lieutenant commanders, the number of admirals—that would be provided in the Navy in proportion.

Mr. JONES. That may be true.

Mr. KING. The same rank, the same grade, the same number; so that we are creating out of the Coast Guard a navy, with all of the attachments and ornaments that belong to a navy.

Mr. JONES. They perform a very valuable service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DALE S. RICE

The bill (H. R. 14089) for the relief of Dale S. Rice was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DECLARATIONS OF INTENTION IN NATURALIZATION PROCEEDINGS

Mr. COPELAND. Mr. President, may I inquire of the Chair about reports of committees that were made as late as yesterday? Are they on the calendar for to-night?

The PRESIDENT pro tempore. The understanding of the Chair is that all reports submitted, up to and including the recess of yesterday, are now included on the Calendar.

Mr. COPELAND. Even though they are not printed?

The PRESIDENT pro tempore. The Chair is informed that they are all printed.

Mr. COPELAND. It so happens that I myself presented a report from the Committee on Immigration——

The PRESIDENT pro tempore. Does the Senator have the number.

Mr. COPELAND. I do not recall it at the moment. It is the Sabath bill.

Mr. JOHNSON. If the Senator from New York refers to House bill 16440 relating to declarations of intention in naturalization proceedings, that bill has been passed with an amendment presented by the Senator from Pennsylvania [Mr. REED].

Mr. COPELAND. Was it a satisfactory amendment?

Mr. JOHNSON. I think so. It related to veterans.

Mr. COPELAND. Very well.

ROCKY MOUNTAIN NATIONAL PARK, COLO.

The bill (H. R. 17101) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I invite the attention of the Senator from Colorado to the fact that I have had a number of letters from his State in regard to this bill.

Mr. BLEASE. Let the bill go over.

Mr. WATERMAN. I hope the Senator will withdraw the objection.

Mr. BLEASE. We are operating under a unanimous-consent agreement; it is now 25 minutes after 10, and the agreement was to consider unobjected bills.

The PRESIDENT pro tempore. Does the Senator from South Carolina object?

Mr. BLEASE. I will withdraw the objection if the Senator from Colorado wishes me to, but if we are going to have discussion of the bills we might just as well do away with the unanimous-consent agreement.

Mr. KING. The unanimous-consent agreement does not provide that a Senator may not make an inquiry regarding a bill.

Mr. WATERMAN. Mr. President, this is a bill accepting the cession by the State of Colorado of a large tract of land known as the Rocky Mountain National Park. It is satisfactory to the Government, to the Interior Department, and to the people of my State. The matter has been held in abeyance for some 15 years, and we have been trying to arrive at an agreement with reference to this cession. The agreement which has now been reached is satisfactory to every one who is interested in the matter, and I hope the bill may be allowed to pass.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Colorado, approved February 19, 1929, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Rocky Mountain National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tract; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the State of Colorado; and saving to the people of Colorado all vested, appropriated, and existing water rights and rights of way connected therewith, including all existing irrigation conduits and ditches. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

SEC. 2. That said park shall constitute a part of the United States judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Rocky Mountain National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested

under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the State of Colorado shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provision of section 4 of this act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause each person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Rocky Mountain National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the State of Colorado of the passage and approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLOTILDA FREUND

The bill (H. R. 6705) for the relief of Clotilda Freund was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

B. P. STRICKLIN

The bill (H. R. 10321) for the relief of B. P. Stricklin was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. BRIZARD (INC.)

The bill (H. R. 14583) for the relief of A. Brizard (Inc.) was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ZEISS, ADMINISTRATOR OF WILLIAM B. REANEY

The bill (S. 2268) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of $34,161.63, being the amount found due by the Court of Claims as reported to Congress in Senate Document No. 146, Fifty-ninth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. SCHMITT

The bill (H. R. 6698) for the relief of William C. Schmitt was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN GRAY

The bill (H. R. 8691) for the relief of Helen Gray was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENIA EDWARDS

The bill (H. R. 9396) to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF C. C. SPILLER, DECEASED

The bill (H. R. 11339) for the relief of the estate of C. C. Spiller, deceased, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA C. BOOKER, ADMINISTRATRIX

The bill (H. R. 12255) for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'GOURTY

The bill (H. R. 13734) for the relief of James McGourty was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BOWIE

The bill (H. R. 13801) for the relief of John Bowie, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FELIX COLE

The bill (H. R. 14022) for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TWIN CITY FORGE & FOUNDRY CO.

The bill (H. R. 16535) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings was announced as next in order.

Mr. KING. I ask that that go over.

The PRESIDENT pro tempore. The Senator from Utah objects, and the bill will be passed over.

The bill (H. R. 16090) for the relief of Hugh Dortch was announced as next in order.

Mr. KING. Let that go over, also.

The PRESIDENT pro tempore. This bill also will be passed over.

E. SCHAAF-REGELMAN

The bill (H. R. 16122) for the relief of E. Schaaf-Regelman was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. JOHN W. ELKINS, JR.

The bill (H. R. 10912) to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLYDE H. TAVENNER

The bill (H. R. 16342) for the relief of Clyde H. Tavenner was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. RING

The bill (H. R. 7174) granting compensation to William T. Ring was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACK MATTSON

Te bill (H. R. 8401) for the relief of Jack Mattson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. O'NEIL

The bill (H. R. 5995) for the relief of John F. O'Neil was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WALSH of Massachusetts subsequently said: Mr. President, in my absence some action was taken upon Order of Business No. 2087, House bill 5995, for the relief of John F. O'Neil. I ask unanimous consent to have it taken up now.

The PRESIDENT pro tempore. Objection was made.

Mr. WALSH of Massachusetts. Will the Senator from Utah permit me to make a statement about it?

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent to recur to the consideration of House bill 5995, to which objection was made by the Senator from Utah.

Mr. KING. I withhold the objection for the present. May I say that the report indicates, however, that there is no merit in the case?

Mr. WALSH of Massachusetts. Mr. President, this bill authorizes the Secretary of the Navy to appoint John F. O'Neil, jr., a carpenter in the United States Naval Reserve Force and place him upon the retired list with three-quarters pay of his grade, and that said John F. O'Neil shall not by the passage of this act be entitled to back pay or allowances.

O'Neil while a carpenter in the United States Naval Reserve was serving on board the U. S. S. *Lakemoor* when that vessel was torpedoed April 11, 1918. He suffered severe injuries, being in the sea for several hours; he was ordered to appear before a board of medical survey, which board recommended that he be discharged from the Naval Reserve Force. Thereupon O'Neil was honorably discharged from the service on July 11, 1919.

On June 4, 1920, an act was passed providing that all officers of the Naval Reserve Force who have heretofore incurred or who may hereafter incur physical disability in line of duty shall be eligible for retirement under the same conditions as now provided by law for officers of the regular Navy who have incurred physical disability in line of duty.

If O'Neil had not at that time been honorably discharged from the service because of his physical disabilities he would have immediately received the benefits of this law.

This act seeks to give him such benefits.

In fact, in 1921 O'Neil was authorized to appear before a medical survey, and that board then ordered that he be ordered before a retiring board. He was recommended for retirement, but due to the fact that he had been discharged from the Naval Reserve Force and was no longer an officer in the naval service, he was ineligible for retirement under the act of June 4, 1920.

If he had not been honorably discharged in 1919 for serious injuries in line of duty and had remained in the service beyond the 4th of June, 1920, he would have then been eligible for retirement, and it is probable that a Navy retiring board would have recommended him for retirement.

Mr. KING. Mr. President, I withdraw my objection, with the understanding that if, upon further examination to-morrow, I desire to move to reconsider, the Senator will consent to that.

Mr. WALSH of Massachusetts. I appreciate that very much.

The PRESIDENT pro tempore. Without objection, the Senate will recur to Order of Business No. 2087, House bill 5995, for the relief of John F. O'Neil.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF WORLD WAR ADJUSTED COMPENSATION ACT

Mr. BRATTON. Mr. President, referring to Order of Business 2088, Senate bill 5631, a House bill substantially the same, being H. R. 16395, was referred to the Senate Committee on Finance. I ask that the Senate committee be discharged from the further consideration of that bill and that it be substituted on the calendar for Senate bill 5631.

Mr. WALSH of Massachusetts. Mr. President, as the Senator reporting Senate bill 5631, and which I introduced, I approve the substitution of the House bill. Such a course will assure enactment before adjournment.

The PRESIDENT pro tempore. Without objection, the Committee on Finance will be discharged from the further consideration of House bill 16395.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16395) to reduce interest rates on adjusted-compensation loans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 5631 will be indefinitely postponed.

J. H. B. WILDER

Mr. KING. Mr. President, yesterday Senate bill 5715, for the relief of J. H. B. Wilder, was passed. This morning I noted a motion to reconsider and to recall the bill. I wish to withdraw the motion to reconsider.

The PRESIDENT pro tempore. Without objection, that permission will be granted.

KATHERINE ELIZABETH KERRIGAN CALLAGHAN

The bill (H. R. 16666) for the relief of Katherine Elizabeth Kerrigan Callaghan was announced as next in order.

Mr. KING. Mr. President, we have no print or report of that bill on our calendars.

Mr. BRATTON. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOWARD P. MILLIGAN

Mr. BLAINE. Mr. President, last May the House passed House bill 13440, for the relief of Howard P. Milligan. The Committee on Military Affairs has reported favorably Senate bill 3866, the same bill. I now ask that the Committee on Military Affairs be discharged from the consideration of the House bill, that the House bill be substituted for the Senate bill, and that it be passed.

Mr. KING. Let the House bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill (H. R. 13440) for the relief of Howard P. Milligan.

Mr. ROBINSON of Arkansas. Mr. President, do I understand that the Senate committee has already reported an identical bill?

Mr. BLAINE. The Senate committee has reported an identical bill.

Mr. KING. What is the purpose of the bill?

Mr. BLAINE. The bill is to authorize the President to reinstate an Army officer who had been removed on account of some social difficulties between himself and his superior.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOARD OF VISITORS TO PHILIPPINE ISLANDS

Mr. BINGHAM. Mr. President, the other evening, when we reached Order of Business 1771, House bill 16877, the junior Senator from Montana [Mr. WHEELER] objected to its consideration, and asked that it be explained. I have had a conversation with him, and he has authorized me to say that he has no objection to the bill. I ask unanimous consent that it may now be considered.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON of Arkansas. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill (H. R. 16877) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands.

Mr. KING. Mr. President, I think that bill had better go over.

The PRESIDENT pro tempore. Objection is made.

Mr. BINGHAM subsequently said: Mr. President, the Senator from Utah has agreed to withdraw his objection to the passage of House bill 16877 on condition that if, after looking into it to-morrow, he desires to move that it be reconsidered, that motion will be made.

Mr. KING I want to state it accurately. I am opposed to this bill, and I think it is very unwise. I think these junketing trips—and that is what they will amount to in the end—are not profitable either to the United States or to the Territories and colonies that we are seeking to incorporate under the flag. However, upon consultation with representatives of the Filipinos, if they desire this legislation I shall abate my opposition; but to-morrow morning, if I desire to move to reconsider, it is to be understood that unanimous consent shall be given, and that in the meantime the bill shall not be transmitted to the House.

The PRESIDENT pro tempore. Without objection, the Senate bill will recur to the consideration of House bill 16877, Order of Business 1771. Without objection, the Senator from Utah reserves the right to move to reconsider; and, without objection, the bill will not be transmitted to the House.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNEMPLOYMENT IN THE UNITED STATES

Mr. COUZENS. Mr. President, I desire to submit a report (No. 2072) from the Committee on Education and Labor, pursuant to Senate Resolution 219, providing for an analysis and appraisal of reports on unemployment, and systems for prevention and relief thereof. I ask that the report and evidence be printed as a public document. There is no legislation required and no bill.

The PRESIDENT pro tempore. Without objection, the report will be received; and, without objection, the report and the evidence will be printed as a public document.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I ask unanimous consent to consider Senate bill 4518, to create a National Institute of Health.

The PRESIDENT pro tempore. What is the calendar number?

Mr. RANSDELL. It is Order of Business 1322. The bill has been fully considered, and I do not ask to debate it if we can not take it up.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4518) to establish and operate a National Institute of Health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes.

The PRESIDENT pro tempore. The Senator from Louisiana offers certain amendments, which will be stated.

The amendments were, on page 2, line 4, after the word "or," to insert "when appropriations are made therefor"; on page 2, line 13, after the word "advisable," to strike out "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be adequate to carry out the provisions of this act"; on page 2, after line 16, to insert: "The Secretary of the Treasury is authorized and directed to submit to Congress not later than December 2, 1929, plans and estimates of appropriations necessary to carry out adequately the provisions of this act"; and on page 2, line 20, before the word "problems," to strike out "the fundamental" and insert "all," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to establish and operate a national institute of health under the jurisdiction of his department and the administrative control of the Surgeon General of the Public Health Service, which shall be devoted to scientific research in the problems of the diseases of man and matters pertaining to health. The Hygienic Laboratory shall hereafter be known as the national institute of health. The Secretary of the Treasury is authorized to utilize the site now occupied by the Hygienic Laboratory and the land adjacent thereto owned by the Government and available for this purpose, or when appropriations are made therefor to acquire by purchase, condemnation, or otherwise, in or near the District of Columbia, and to erect thereon suitable and adequate buildings, including furniture and equipment for the use of such institute. In the administration and operation of this institute the Surgeon General shall select persons who show unusual aptitude in science. The Surgeon General, with approval of the Secretary of the Treasury, may make such rules and regulations for the government and administration of such institute as he deems advisable. The Secretary of the Treasury is authorized and directed to submit to Congress not later than December 2, 1929, plans and estimates of appropriations necessary to carry out adequately the provisions of this act.

SEC. 2. The Secretary of the Treasury is authorized to accept, unconditionally, on behalf of the United States, gifts by will or otherwise for study, investigation, and research in all problems of the diseases of man and matters pertaining thereto. Any such gifts shall be held in trusts and shall be invested by the Secretary of the Treasury in securities of the United States, and the income thereof shall be administered by the Surgeon General, with the approval of the Secretary of the Treasury, for the purposes indicated in this act. The Surgeon General is authorized to establish fellowships in the national institute of health, and utilize the proceeds thereof in aid of individual scientists who have demonstrated or give promise of marked proficiency in research and investigations relating to the diseases of man. Donations of $500,000 or over in aid of research will be acknowledged permanently by the establishment within the institute of suitable memorials to the donors.

SEC. 3. Individual scientists designated by the Surgeon General to receive fellowships may be appointed for duty in the National Institute of Health established by this act. During the period of such fellowship, these appointees shall hold appointments under regulations promulgated by the Secretary of the Treasury, and shall be subject to administrative regulations for the conduct of the Public Health Service. Scientists so selected may likewise be designated for the prosecution of investigations in other localities and institutions in this and other countries during the term of their fellowships.

SEC. 4. The Secretary of the Treasury, upon the recommendation of the Surgeon General, is authorized (1) without regard to the classification act of 1923, to designate the titles and fix the compensation of the necessary scientific personnel; (2) in accordance with the civil service laws to appoint, and in accordance with the classification act of 1923, fix the compensation of such clerical and other assistants; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government, for books of reference, periodicals, and exhibits, and for printing and binding) as he deems necessary for the proper administration of such institution.

SEC. 5. The facilities of the institute shall from time to time be made available to bona fide health authorities of States, counties, or municipalities for purposes of instruction and investigation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 5888) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash., reported it without amendment and submitted a report (No. 2069) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5878) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., reported it without amendment and submitted a report (No. 2070) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 10817) for the relief of the Merrill Engineering Co., reported it without amendment and submitted a report (No. 2071) thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy;

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; and

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 10431. An act to amend section 101 of the Judicial Code, as amended.

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; and

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia."

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the joint resolution (S. J. Res. 117) authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua, and it was signed by the President pro tempore.

REPORT ON INDIAN FUNDS

The PRESIDENT pro tempore laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to authority of law, a report of the amount of the funds of Indians, the investment thereof, the rate of interest thereon as of June 30, 1928, together with comments pertinent to the uses made of such funds, which, with the accompanying report, was ordered to lie on the table.

CLAIM OF THE CITY OF BALTIMORE

The PRESIDENT pro tempore laid before the Senate a communication from the Comptroller General of the United States reporting, in response to Senate Resolution 246, agreed to May 28, 1928, relative to the claim of the city of Baltimore for amounts advanced at the request of Maj. Gen. R. C. Schenck, dated June 20, 1863, to aid the United States in the construction of works of defense, as allowed by the accounting officers of the Treasury and reimbursed pursuant to law, etc., which was ordered to lie on the table and to be printed.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore. Pursuant to an order of the Senate, the Chair refers sundry executive messages to their appropriate committees.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 10 o'clock and 41 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 2, 1929, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 1 (legislative day of February 25), 1929

COLLECTORS OF CUSTOMS

Leslie L. Glenn, of Champaign, Ill., to be comptroller of customs in customs collection district No. 39, with headquarters at Chicago, Ill., in place of Ralph F. Bradford, resigned.

Sidney C. Brown, of Lakeland, Fla., to be collector of customs for customs collection district No. 18, with headquarters at Tampa, Fla., in place of Hon. Charles N. Hildreth, jr., whose term of office expired February 27, 1929.

COLLECTOR OF INTERNAL REVENUE

Myrtle Tanner Blacklidge, of Chicago, to be collector of internal revenue for the first district of Illinois in place of Mable G. Reinecke.

UNITED STATES DISTRICT JUDGES

Lloyd P. Stryker, of New York, to be United States district judge, southern district of New York. (Additional position.)

Francis G. Caffey, of New York, to be United States district judge, southern district of New York. (Additional position.)

Allen Cox, of Mississippi, to be United States district judge, northern district of Mississippi. (Additional position.)

A. Lee Wyman, of South Dakota, to be United States district judge, district of South Dakota. (Additional position.)

Charles Edgar Woodward, of Illinois, to be United States district judge, northern district of Illinois, vice Adam C. Cliffe, deceased.

UNITED STATES CIRCUIT JUDGES

Orie L. Phillips, of New Mexico, to be United States circuit judge, tenth circuit. (New position.)

George T. McDermott, of Kansas, to be United States circuit judge, tenth circuit. (New position.)

Archibald K. Gardner, of South Dakota, to be United States circuit judge, eighth circuit. (Additional position.)

Curtis D. Wilbur, of California, to be United States circuit judge, ninth circuit. (Additional position.)

POSTMASTERS

ARKANSAS

Sammie W. Kennedy to be postmaster at Cotton Plant, Ark., in place of F. G. Kennedy, removed.

CALIFORNIA

Archie N. Moore to be postmaster at Covelo, Calif., in place of C. M. Grist, removed.

Asa E. Bishop to be postmaster at Mendocino, Calif., in place of J. W. Mullen, deceased.

GEORGIA

Minnie E. Nance to be postmaster at Arlington, Ga., in place of M. E. Nance. Incumbent's commission expired January 14, 1929.

Glossie A. Dunford to be postmaster at Helena, Ga., in place of G. A. Dunford. Incumbent's commission expired February 16, 1929.

Edgar S. Hicks to be postmaster at Yatesville, Ga., in place of E. S. Hicks. Incumbent's commission expired January 14, 1929.

ILLINOIS

Lottie M. Jones to be postmaster at Antioch, Ill., in place of L. M. Jones. Incumbent's commission expired May 20, 1928.

KANSAS

Neva F. Van Dolah to be postmaster at Preston, Kans., in place of N. F. Van Dolah. Incumbent's commission expires March 2, 1929.

MICHIGAN

John Y. Martin to be postmaster at Corunna, Mich., in place of E. R. Vincent. Incumbent's commission expired December 12, 1928.

Arthur L. Sturgis to be postmaster at Newaygo, Mich., in place of N. A. McDonald, deceased.

MINNESOTA

Richard C. O'Neill to be postmaster at Graceville, Minn., in place of H. L. Day, removed.

Anton M. Anderson to be postmaster at St. Peter, Minn., in place of L. J. Gault. Incumbent's commission expired December 9, 1928.

Burt I. Weld to be postmaster at Slayton, Minn., in place of R. F. Lamb. Incumbent's commission expired February 11, 1929.

John N. Irving to be postmaster at South St. Paul, Minn., in place of F. L. Henderson, deceased.

Ferdinand J. Reimers to be postmaster at Stewart, Minn., in place of F. J. Reimers. Incumbent's commission expired December 21, 1926.

MISSISSIPPI

Jack F. Ellard to be postmaster at Leland, Miss., in place of J. F. Ellard. Incumbent's commission expired February 17, 1929.

MISSOURI

Earl M. Brittain to be postmaster at Guilford, Mo. Office became presidential July 1, 1928.

Homer E. West to be postmaster at Dexter, Mo., in place of T. E. Hubbard. Incumbent's commission expired February 15, 1928.

NEW YORK

Clara F. Wood to be postmaster at Angola, N. Y., in place of C. N. Wood, deceased.

Vincent Phelps to be postmaster at Briarcliff Manor, N. Y., in place of C. H. Whitson, deceased.

SOUTH DAKOTA

John A. Nannestad to be postmaster at Brandt, S. Dak., in place of H. E. Kjenstad, removed.

WISCONSIN

Fred S. Bell to be postmaster at Mosinee, Wis., in place of E. V. Snider, deceased.

Fora G. DuBois to be postmaster at North Freedom, Wis., in place of H. N. Apker. Incumbent's commission expired January 10, 1929.

WEST VIRGINIA

James R. Wratchford to be postmaster at Moorefield, W. Va., in place of E. M. Tucker. Incumbent's commission expired January 2. 1929.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 1, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We give thanks to Thee, Blessed Father, for all the supplies of love and grace; we praise Thee for the bountiful hand that gives them, and may we strive to use them for Thy glory. Let not the burdens of care, the vicissitudes of business, or any disappointments daze or leave us uncertain as to the performance of our duty. Be our sovereign guide, our bread of life, and the rock of our salvation; we find in Thee the true life, calm and safe. O Lord unsettle the foundations of every iniquitous agency, put to naught every wicked thing, and bless the endeavors of those who seek the good with simplicity and earnestness. Direct us to harken unto Thy statutes, walk in the ways of Thy commandments, and keep our expectant lives toward the rising sun of hope and promise. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Caflin, and Edwin A. Wells;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

H. R. 3537. An act for the relief of William F. Goode;

H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 4029. An act for the relief of Maude A. Sanger;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4611. An act for the relief of Marion M. Clark;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 5341. An act for the relief of the Staunton Brick Co.;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 7230. An act for the relief of Charles L. Dewey;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10045. An act for the relief of Robert S. Ament;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11500. An act for the relief of Ella Mae Rinks;

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

H. R. 13260. An act for the relief of Josiah Harden.

H. R. 13430. An act for the relief of Arthur E. Rump.

H. R. 13521. An act for the relief of Minnie A. Travers.

H. R. 13573. An act for the relief of Pedro P. Alvarez.

H. R. 13869. An act for the relief of John Wesley Clark.

H. R. 13888. An act for the relief of Charles McCoombe.

H. R. 13992. An act for the relief of N. P. Nelson & Co.

H. R. 14242. An act for the relief of Everett A. Dougherty.

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14873. An act for the relief of Chesley P. Key;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15220. An act for the relief of Francis X. Callahan;

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md.;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16431. An act to extend the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;

H. R. 16432. An act granting the consent of Congress to the Highday Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the Naval Air Station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16985. An act authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus;

H. J. Res. 399. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; and

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 3737. An act for the relief of John T. O'Neil;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 9014. An act for the relief of Anthony Mullen;

H. R. 9966. An act to provide for the reimbursement of certain patients at the United States veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy;

H. R. 10431. An act to amend section 101 of the Judicial Code, as amended.

H. R. 12106. An act to create a national military park at Cowpens battle ground;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 12650. An act for the relief of John F. Fleming;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia";

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; and

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 119. An act for the relief of C. C. Moore & Co., engineers;

S. 801. An act to place Dr. Charles H. DeLancey on the retired list of the Navy as a lieutenant commander;

S. 2127. An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt;

S. 3027. An act to increase the pay of mail carriers in the village delivery service;

S. 3572. An act authorizing an appropriation for the purpose of defraying expenses incident to the making of a comprehensive survey covering the requirements of a Federal penal system;

S. 3691. An act for the relief of Charles W. Townsend;

S. 4237. An act for the relief of Antoine Laporte, alias Frank Lear;

S. 4308. An act for the relief of Maj. H. E. Miner, Capt. A. J. Touart, Capt. J. L. Hayden, Capt. H. H. Pohl, First Lieut. C. C. Jadwin, and First Lieut. F. B. Kane, United States Army;

S. 4336. An act for the relief of D. B. Traxler, president of the Realty Corporation, of Greenville, S. C.;

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against the U. S. S. *Connecticut;*

S. 4661. An act to place Norman A. Ross on the retired list of the Navy;

S. 4681. An act for the relief of Gilbert Peterson;

S. 4796. An act for the relief of Jesse J. Britton;

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger;

S. 4825. An act for the relief of August R. Lundstrom;

S. 4907. An act for the relief of August Mohr;

S. 5017. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 5056. An act for the relief of William B. Thompson;

S. 5202. An act to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida;

S. 5332. An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

S. 5365. An act granting the consent of Congress to the State of Oregon and the Haynes Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg.;

S. 5386. An act extending benefits of the World War adjusted compensation act, as amended, to John J. Helms;

S. 5472. An act to amend the immigration act of 1924, as amended, with regard to the issuance of immigration visas, and for other purposes;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Insitution for Women at Alderson, W. Va.;

S. 5555. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes;

S. 5616. An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5679. An act for the relief of Charles N. Neal;

S. 5715. An act for the relief of J. H. B. Wilder;

S. 5730. An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458);

S. 5740. An act to legalize a bridge across St. Johns River 2½ miles southeast of Green Cove Springs, Fla.;

S. 5781. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5843. An act to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio;

S. 5858. An act authorizing the New Harmony Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind.;

S. 5860. An act to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla.; and

S. J. Res. 188. Joint resolution to create a commission on a memorial to the signers of the Declaration of Independence.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 1781. An act to establish load lines for American vessels, and for other purposes; and

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The message also announced that the Senate concurs in the following resolution:

House Concurrent Resolution 60

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and Revolutionary period at New Bern, N. C.

Mr. CANNON. Mr. Speaker, we are now definitely given to understand that an extra session will be convened in April to consider farm-relief legislation and tariff readjustments to make such legislation effective. It is one of the most heartening assurances that could possibly be given. When Mr. Hoover made his now historic announcement that if elected he would call an extra session of Congress to deal with the agricultural problem, many considered it merely a campaign statement made in the heat of an unprecedented political contest and involving no definite obligation. And that conclusion seemed particularly plausible in view of the condition precedent with which he prefaced it—

provided the subject is not disposed of at the short session.

That members of the candidate's own party found room for that interpretation is shown by the fact that from the first day of this session until recently, when the intention of the President elect became too obvious to be longer misunderstood, administration leaders in both House and Senate, the Secretary of Agriculture, and President Coolidge himself have insisted that some species of farm bill be rushed through before March 4 in order to relieve the incoming administration from any embarrassment incident to requests for the redemption of that promise. Even some Members of the House, who had borne the heat and burden of the day in the fight for the McNary-Haugen bill, were temporarily stampeded and joined in the hue and cry for "some kind of a bill."

But it is now evident that Mr. Hoover meant what he said; that his campaign pledge to the farmers of the country was not merely "molasses to catch flies" but was made with a comprehensive understanding of the critical problems with which agriculture has been struggling for the last eight years and with a sincere desire to assist in their early and permanent solution. At least, we must accept that view until some proof is adduced to the contrary.

How accurately Mr. Hoover interprets, and how completely he accepts the farmer's point of view in calling an extra session, is shown by reference to the resolutions adopted by the American Farm Bureau Federation at its annual convention at Chicago last December. The Farm Bureau said at that time:

Surplus control legislation and agricultural tariffs can not be made major features of the second session of the Seventieth Congress, since time is not available in a short session of Congress adequately to correlate and dispose of these subjects in the proper manner. Both such major legislative projects should be considered at an extra session of the Seventy-first Congress, which we confidently expect will be called soon after adjournment of the Seventieth Congress.

It is one of the hopeful signs of the times that after eight years of delay and obstruction we are to have at last an administration which proposes to consider respectfully the recommendations of the farm organizations in the formulation of farm legislation. And still more encouraging is the fact that not only Mr. Hoover but practically every Representative returned from a rural district, whether Democrat or Republican, also pledged himself during the campaign to an earnest effort to place agriculture on a plane of economic equality with industry and labor.

It is not a partisan question. The McNary-Haugen bill, which in the last three Congresses was the acid test of farm interest, was supported by practically the same proportion of members of both political parties. Mr. Secretary Henry C. Wallace, unquestionably the greatest Secretary of Agriculture to hold that high office under any administration, ardently championed the principles embodied in that bill, while Mr. Secretary Jardine has just as ardently opposed them. There are men on both sides of the aisle ready and anxious to cooperate with Mr. Hoover in practical and effective farm legislation. And there are men on either side of the aisle who if they had their way would have Congress adjourn and go home and stay there until the regular session next December, leaving the farmer in the same precarious situation he occupies to-day. It is not a question of party polity. Friends of farm relief on this side as well as on that side of the aisle are ready to cooperate whole-heartedly and unreservedly with Mr. Hoover in the solution of what he termed in his speech in St. Louis last November—

The most urgent economic problem in our Nation to-day.

And as serious as the problem was when Mr. Hoover made that sweeping statement, it is even more serious and more urgent to-day. Every year for the last eight years professional optimists and administration apologists have assured us that the agricultural depression was past. Every year they have told us that farm conditions were improving. No report emanating from the Department of Agriculture; no bulletin issued by the business associations, commercial agencies, or industrial organizations of the country; no financial summary carried by the metropolitan papers has been complete without an enthusiastic deduction that farm conditions were growing steadily better. Continuously throughout the past eight years trade journals and political and commercial publicists representing interests profiting at the expense of the farmer have busily disseminated trade reports, news articles, editorials, cartoons, and other propaganda insisting that farm conditions were back to normal and the industry was again on a basis of rapidly increasing returns.

Let us look at these rosy reports of farm prosperity in the cold light of statistics compiled by the most unsympathetic agency in the world—the United States Department of Agriculture. What do the actual balance sheets show?

A summary just issued by the Bureau of Agricultural Economics shows that since 1919, while the index number representing industrial wages has risen 52 points, the index number representing the price of agricultural commodities has fallen 29 points. The rise of industrial wages and the fall of agricultural income have been simultaneous throughout these eight years, and at the close of December, 1928, this phenomenal drop in farm prices and this unprecedented rise in industrial wages are still in operation. Union labor is still getting more and more and the farmer is still getting less and less. During the year 1928, just reported, wages have risen from an index number of 230 to 237, an increase of 7 points, and farm prices have fallen from the index number of 137 to 134, a loss of 3 points. Instead of improving every year, as these prosperity howlers would have us believe, the agricultural situation grows continuously worse.

And during these eight years, while the farmer's income has steadily declined, his cost of living and his costs of production have just as persistently increased. Farm taxes rose from an index number of 130 in 1919 to 254 in 1927, and in the last 12 months the price of essential commodities bought by the farmer rose from 154 to 157. In other words, the less the farmer receives the more he is required to pay; the less he has the more is exacted of him.

To him that hath shall be given; and from him that hath not shall be taken away even that which he hath.

Land values representing the farmer's capital investment have declined without a pause for the last eight years and are still declining. The farmer's share in the national income has been shrinking for eight years and is still shrinking. The farm-mortgage debt, the number of farm foreclosures, and the number of rural bank failures have been just as steadily increasing and are increasing to-day. And this at a time when labor and industry are prospering as they have never prospered before.

Note the contrast. The total farm assets of the United States decreased $30,000,000,000 between 1920 and 1925, while the total industrial assets of the United States increased $56,000,000,000 during the same period. These are official figures based on the returns from the 1925 census. Interest on the farmers' capital investment declined from 4.3 per cent for the year 1925–26 to 2 per cent for the year 1926–27, while average earnings of all corporations on total capital investments, water and all, for that year were 13 per cent. Farm lands, after declining every year since 1919, involving a total loss in excess of $21,000,000,000—as incredible as that may seem—and after apparently reaching bedrock prices at the close of 1927, further declined 2 per cent in 1928.

And the loss continues. The Department of Agriculture reported on February 4 of this year that the decline in the general level of farm prices had continued over into 1929, and that the index figure representing farm prices fell from 134 on December 1, 1928, to 133 on January 15 last. On February 4, 1929, the index number was still lower. And this after eight years of falling markets.

The desperate plight in which the farmer finds himself—through no fault of his own—is all the more striking by contrast with industrial conditions. The New York City Bank in its summary for 1928, issued last week, says:

Never before has a nation made such progress in the accumulation of wealth in so short a time as has the United States since 1921.

And that is undoubtedly true; but what about the farmer during this marvelous period of universal prosperity? During that period the farmers of the country suffered the unparalleled loss of one-third of their property values, one-third of their invested capital assets. Suppose the railroads or the banks or any other industry had suffered the loss of one-third of their capital assets during those eight years. Can you imagine Congress sitting here and discussing the subject as placidly and as impotently as we have discussed the farmer's loss these last eight years? Carrying the analogy still further, the United States Bureau of Internal Revenue after tabulating the income statistics of the Nation announces that labor and industry are to-day enjoying the highest standards of living ever attained in this or any other country. So emphatic a statement from

such a source merits more than passing attention. And it is amply supported by reports from every other authoritative source. Industrial wages per capita are higher and hours of labor per day and per week are shorter in America to-day than ever before in the history of any people or any country since industrial statistics have been tabulated. But the economic position of the farmer, the purchasing power of his products, the wages received for his labor, and the return on his invested capital have declined year by year until the standard of living on the American farm has fallen to the irreducible minimum.

Now, let us not mistake the farmer's position. The farmer has no criticism to make of either labor or industry. The farmer believes in high wages and high prices. He would not take a penny from the wages of labor or from the returns of industry. But he does contend that if he must pay labor a high wage for its services and industry a high price for its products he, too, is entitled to a living wage for his labor and a fair price for his products.

He believes that a dollar invested in farm land and equipment is as sacred as a dollar invested in factories, public utilities, or rolling stock, and that an hour's honest labor on the farm is as much entitled to remuneration as an hour's labor in the shop or on the railroad. He maintains that if Congress has enacted laws under which labor has raised wages, and laws under which industry has increased prices, he, likewise, is entitled to legislation giving him the same right and placing him in a plane of economic equality with both labor and industry. He has been in dire need of that legislation for the last eight years, and he is in more desperate need of it now than ever before. For as drastic as has been the decline in farm assets reported by Federal agencies, such reports do not yet represent the full measure of the farmer's loss. Not only have his lands declined in market value, but their actual and intrinsic worth has depreciated even more rapidly through his lack of means with which to maintain them. Farm improvements which have required generations of successful farming to build are falling into irremediable decay. Lack of money with which to supply livestock, legumes, lime, and fertilizer; lack of respite from fixed charges in which to rotate crops; lack of labor to protect from erosion and predatory pests; the loss not only of surface fertility but of irreplaceable subsoils are alike combining to desolate vast areas of once fertile farm lands beyond hope of redemption.

As you travel through the country and see farms once prosperous and productive now washed and torn by erosion and neglect, gullied and depleted beyond possibility of reclamation, you realize that here in America we have accomplished by legislative discrimination what has been effected in Russia by revolution and confiscation. In prospering the city at the expense of the country, in denying the farmer the means with which to maintain his land we are exploiting and consuming just as effectively and just as ruthlessly the agricultural assets of our own country. In practically every community there are farms which have been so completely desolated in the last eight years that no amount of intelligent care and no expenditure of money can bring them back to the state of productivity they occupied in 1919. They have been permanently charged off the books of our national assets.

And farm resources have been still further impaired. In 1919 real estate was the highest form of collateral the farmer could offer in applying to his bank for credit. Notes secured by mortgages on farm land constituted the safest and most approved type of investment in which banks and insurance companies kept their surplus funds. To-day land is no longer acceptable collateral. There are few rural banks at which loans can be secured on farm lands. State finance departments frown on real-estate loans and sharply criticize their acceptance. Insurance companies have definitely withdrawn from the land-mortgage market. And the curtailment of farming operations through failure of the farmer to secure loans to tide him over the crop season or feeding period is the rule rather than the exception. Legislative discrimination has not only destroyed farm wealth and reduced farm income, but it has just as effectively depleted farm credit.

And having exploited farm lands and farm credits we are now beginning the exploitation of the farmers themselves. So stringent are farm conditions that the average family of the Central West is no longer able to provide standard educational advantages for its children. The enrollment and attendance of agricultural schools has everywhere declined. Young men and young women who should be taking agricultural courses and preparing themselves for the scientific management of the industry—farm boys and girls who should be in training for social and industrial leadership in agricultural communities—are denied that opportunity because agriculture is bankrupt. Too often the able and ambitious are being forced into other industries and the incompetent and ne'er-do-well are left on the farm. It is not merely a farm disaster; it is a national disaster. It is a situation which must inevitably be reflected throughout the land. No nation can starve an industry without eventually feeling the effects of that discrimination in every artery of trade. And agriculture has been slowly starving year by year for eight years. Not only has she failed to make a reasonable profit in a period of extraordinary profits for all other industries; not only has she lost one-third of all she possessed, but the loss has been spiritual and ethical as well as financial and material. The very calling is being stigmatized. For the last eight years it has been an economic anathema. Although from earliest times it has been the noblest profession to which men may aspire, under present conditions it is becoming synonymous with poverty and provincialism.

It is this situation—a situation growing daily more urgent—which Mr. Hoover proposes to make the first care of his administration. By what method he hopes to alleviate that situation has been the subject of much speculation and surmise. Up to this time he has made no announcement as to his personal views, but it may be pertinent to note the viewpoint from which he analyzed a similar problem some years ago in establishing salary schedules at a great university of which he was trustee. In a magazine article published in 1918 describing the incident the narrator relates:

> His first question was: "What is the figure below which a professor can not maintain himself on a basis which will not lower his efficiency in his work or his dignity in the community?" We finally agreed on a figure. "Well," said Hoover, "that must be the minimum salary."

If the President elect will approach the pending problem from that sympathetic point of view; if he will advocate a standard of living for the farm commensurate with that enjoyed by other industries, and measured by such standards of efficiency as those prescribed by labor unions and trade guilds, he will have taken a long step towards its solution. In the last eight years the standard of living in the American city has risen by leaps and bounds, while on the farm it has dropped tragically. The farmer, staggered by the collapse of his own prices, finds himself saddled with the added costs of supporting the continually advancing standards of living demanded by labor and industry. In this extremity, ground between the upper and nether millstones of a decreasing income on the one hand and an increasing budget on the other, the farmer is not demanding a lower standard of living for the rest of the country. He is not asking for the repeal of the transportation act, the immigration law, or the protective tariff. He is not suggesting a lower scale of union wages, decreased dividends on stocks, or lowered rates of interest on bonds.

He believes in an American standard of living. And he is asking that his status be raised to the American level; not that the general level be lowered to his. He is asking that some practicable means be found to make up the tremendous annual deficit of $5,000,000,000 on the American farm, as recommended by officials of the National Industrial Conference Board at Chicago last December; he is asking for a stabilized price for farm products maintained throughout the year, unaffected by imaginary cotton never planted or ginned or by phantom wheat neither sown nor harvested. In brief, he is asking to be taken into the American protective system; asking that he be protected against Asiatic prices for his wheat, South American prices for his corn, and African prices for his cotton, while he pays American prices for all he buys. Development of waterways alone will not accomplish this. Cooperative marketing, unsupplemented, can not bring it about. A Federal board without power to control production and handle farm surpluses can not effect it. But there is a way. Mr. Hoover unerringly pointed out the solution in his speech at St. Louis just before the election last fall, when he said:

> The first and most complete necessity is that the American farmer have the American market. That can be assured to him solely through the protective tariff.

Personally, I am not so enamored of prohibitive tariff. It is an arbitrary and artificial interference with economic law. It has been made frequently the instrument of flagrant injustice. But we are confronted to-day by a condition and not a theory. The whole fabric of our industrial system is based on the principle of protection of domestic labor and domestic commerce from foreign competition; on the reservation of American markets for American products. Even if it were desirable, the system can not be changed in a day. All must concede that we face a situation in which there is not the slightest possibility of any appreciable change in the protective system for years to come. Under such circumstances it is futile to argue an academic question while agriculture waits.

In view of this situation, I am constrained to concur in the views expressed by Mr. Henry A. Wallace when he said last December:

> I don't think much of tariff as a long-time method of solving the agricultural problem. However, as long as we have a high-tariff party in power which has declared in favor of using the tariff to do justice to agriculture, we might as well follow the example of industry and get what we can. If we fight hard enough to get our fair share of the tariff plunder, it may be that the industrial interests of the United States will wake up to the true significance of the tariff.

It is evident from many indications that the business interests of the Nation are already awakening to its true significance. There are strong indications of a revulsion of sentiment and a growing realization that prohibitive tariffs on foreign goods inevitably react on foreign markets for our own goods. But be that as it may, it is certain that for the present there can be no fundamental change in tariff policies, and we must adapt ourselves to conditions as we find them. In brief, that agriculture must be taken into the protective system and given the benefit of protective tariffs along with other American business interests.

That a bare enactment of tariff schedules for farm products or a mere increase in present tariff rates, without legislative provision to make those tariffs effective would be futile, is self-evident. Tariffs on farm products or any other commodity of which we produce an exportable surplus have no more effect on farm prices than legislative enactments on the rotations of the planets.

For example, on March 6, 1924, the duty on wheat was raised from 30 to 42 cents a bushel. Immediately there was a slump on the Liverpool market, promptly reflected in our domestic market, aggregating 11⅛ cents in 21 days. No amount of political or theoretical sophistry can controvert the naked testimony of a daily market report. On October 15, 1924, to choose a date at random, during the height of the campaign, when the tariff would have been invoked, if ever, No. 1 hard northern wheat sold at Winnipeg, Canada, without a tariff, for $1.23⅞ per bushel. On the same day, at Minneapolis, just across the boundary line in the United States, with a tariff of 42 cents a bushel, it sold for $1.11½.

Had the tariff been effective the price would have been 42 cents higher in the United States than in Canada for wheat of similar grade and a quotation of $1.23⅞ at Winnipeg would have meant a quotation of $1.65⅞ at Minneapolis instead of the $1.11½ for which it actually sold. This is typical. Compare the market reports from Winnipeg and Minneapolis any day in the year and note the utter failure of the tariff to affect farm prices. It is also apparent in the foreign and domestic prices of all other tariff-protected farm products of which we produce a surplus. The Department of Agriculture in a report released January 23, 1929, announced that the decreased estimate of the Argentine corn crop had materially advanced corn prices in the United States. And testimony before the Committee on Ways and Means only a few days ago showed that the price of potatoes in the United States was directly affected by the crop yield of Prince Edward Island. The daily market reports prove conclusively that tariffs on farm products produced in excess of domestic requirements are ineffective to the point of absurdity; so useless and so senseless, in fact, as to reflect gravely on the sincerity and good faith of those who advocate them, and on their estimate of the intelligence and gullibility of those for whose pretended benefit they are proposed.

It is apparent, therefore, that the problem confronting the administration and the Congress is not a question of levying or increasing farm tariffs but a question of making such tariffs effective. The farm slogan is no longer "a tariff for all or a tariff for none," but "an *effective* tariff for all or a tariff for none."

In other words, tariff and surplus control are inseparable. One is useless without the other. Just what legislative means can be adopted which will include both and thereby provide for a disposition of farm surpluses which will secure maximum benefits of the tariff for agriculture, is still an open question. Whether it be secured through an equalization fee, a commission, a marketing charge, a rebate, or some other method is not particularly material. The sole requirement, the sine qua non, is that it effectuate Mr. Hoover's proposal, "That the American farmer be assured the American market through the protective tariff." That is the farm objective in the coming session of Congress. The administrative details of the plan through which that objective is to be attained are secondary.

It is significant, however, that after eight years of intensive study by economists, financiers, farm organizations, and legislators; after six years of exhaustive debate in which all avenues of approach have been thoroughly explored and charted, no plan yet has been suggested which so nearly conforms to these requirements as that embodied in the McNary-Haugen bill. It may be that some one will yet offer a plan overlooked in these years of study and investigation which will better control farm surpluses and more adequately assure effective tariffs. If so, it will be most welcome. Neither Congress nor the farm organizations are wedded to the McNary-Haugen bill. If a better bill can be formulated, if a more satisfactory plan can be devised to insure the farmer the benefits of the protective system, it will meet with the wholehearted support of all true friends of farm relief. The resolution adopted by the American Federation of the Farm Bureau at Chicago is explicit on this point. After referring to its indorsement of the McNary-Haugen bill in former Congresses, the federation said:

> We are willing to compare legislation which has received our support in the past with that proposed by any other organization. We are also willing to consider these subjects with the forthcoming national administration from time to time to find, if possible, a better way than we have heretofore supported of effectuating adequate control of agricultural surpluses, of protecting and advancing cooperative commodity marketing, and of establishing on our farms the benefits of the American protective system, all of which secure that American standard of living which agriculture and industry alike desire.

And if the farm organizations continue their indorsement of the McNary-Haugen bill until a better bill is written, there is no reason why Congress should not continue its support of the McNary-Haugen principle until a better plan is presented.

The McNary-Haugen bill is the legislative protégé of both parties. It is indubitably a Republican measure. It was first suggested by a Republican Secretary of Agriculture; it was originally drafted by farm leaders who were without exception life-long Republicans; it was perfected and introduced by HAUGEN, of Iowa, one of the elders and leaders of the Republican Party in the House; it was considered and reported favorably by a Republican Committee on Agriculture; and was passed by a Congress in which the Republican Party held an overwhelming majority in both House and Senate. The McNary-Haugen bill is essentially a Republican measure.

And by the same criterion it is a Democratic measure. It had the indorsement and support of every Democratic farm leader who appeared in Washington in behalf of agricultural relief. A majority of the Democrats in both the House and the Senate voted for it on final passage. It was officially indorsed by the Democratic Party at Houston. Here is the Democratic plank on farm relief:

> We pledge the party to an earnest endeavor to solve this problem of the distribution of the cost of dealing with crop surpluses over the marketed units of the crop whose producers are benefited by such assistance. The solution of this problem would avoid Government subsidy to which the Democratic Party has always been opposed.

There you have the McNary-Haugen bill in its entirety, lock, stock, and barrel, equalization fee and all.

And last, it is indorsed and advocated by the standard bearer of the Democratic Party. Governor Smith said at Omaha:

> As I read the McNary-Haugen bill, its fundamental purpose is to establish an effective control of the sale of exportable surplus with the cost imposed upon the commodity benefited. For that principle the Democratic platform squarely stands, and for that principle I squarely stand.

The McNary-Haugen bill is a Democratic measure, championed and supported by the representatives of the Democratic Party in the House of Representatives and in the Senate of the United States; by the representatives of the Democratic Party in quadrennial session assembled at Houston; and by the official standard bearer of the Democratic Party in the greatest political campaign ever waged in America. It is essentially a Democratic measure.

And if both parties have fostered and supported the McNary-Haugen bill and the equalization fee for the last four years why should they not support them for the next four years? If an overwhelming majority of both parties in both Houses of Congress voted for the bill and the fee last May, is there any reason why they should not vote for them this coming May? It conforms to Mr. Hoover's plan enunciated at St. Louis. It will make the farm tariff effective. It will assure the American farmer the American market through the agency of the protective tariff.

A majority of the Members of this House, after mature deliberation and detailed study extending over a period of eight years, declared by their recorded votes that they approved the McNary-Haugen bill and believed it to be the most feasible plan of farm relief which has been presented. There has been

no material change in the situation since that vote was taken. The farmer is as much in need of relief to-day as he was then. The same economic laws are in force to-day which were in force last May. And the principles which we advocated in the campaign last fall are as sound now as they have been at any time heretofore. Having supported the bill in the Sixty-ninth and Seventieth Congresses, shall we now face about and oppose it? Are Members of Congress weather vanes, veering with every changing breeze that blows? Are they mere camp followers, trailing political dispensers of largess, and ready to desert any principle "that thrift may follow fawning"? Are they fair-weather friends of the farmer, loud in protestations of loyalty on the stump and on the Chautauqua platform, but ready to seek cover at the approach of the first cloud? Are they band-wagon patriots, without stability, ready to sacrifice conviction to expediency, to climb up beside the bass drum? Are they statesmen or politicians? We said the bill was right and we voted for it in the Sixty-ninth Congress. We said it was still right and we voted for it again in the Seventieth Congress. Is there any tenable reason why we should not be consistent and vote for it a third time in the Seventy-first Congress? If it was economic then, it is economic now. If it was workable then, it is workable now. If it was right then, it is right now. Having put our hand to the plow, shall we now turn back?

It has been contended by opponents of farm relief that the result of the election last November should be interpreted as antagonistic to the McNary-Haugen bill. Such statements usually emanate from those with whom the wish is father to the thought. The election last fall was in no sense of the word a referendum on the McNary-Haugen bill. It is only necessary to glance casually over the election returns to be convinced of the fallacy of this contention. To illustrate, the people of Iowa voted overwhelmingly for the Republican ticket. Who would say that they were impelled to vote for Mr. Hoover because of their opposition to the McNary-Haugen bill? On the other hand, Massachusetts was carried for the Democratic ticket. Who would contend that the people of Massachusetts voted for Governor Smith because they favored the McNary-Haugen bill? Search through the entire returns for a single indication that the result in any State was influenced in the slightest degree by the attitude of the voters on the question of farm relief. Wisconsin, Indiana, Kansas, Nebraska, North Dakota, South Dakota, Colorado, and Montana went Republican. And yet the congressional delegations from these States which had voted solidly for the McNary-Haugen bill were returned practically to a man by the same electorate which voted so enthusiastically for Mr. Hoover. Likewise, the States of Delaware, Georgia, Louisiana, and Rhode Island voted unanimously against the McNary-Haugen bill in Congress last May and almost as emphatically for the Democratic ticket in the election last November. The idea that the McNary-Haugen bill or the equalization fee had any part in the determination of the last national election is refuted by every rule of political deduction. It is true that some of us desired to make it an issue, but as well have tried to interest a small boy in the midweek prayer meeting with a 3-ringed circus putting on a free performance in town, as to interest the voters last fall in any economic issue, agriculture or otherwise. The vote for President of the United States in the last election was in no respect a vote on the McNary-Haugen bill. There has been no change of attitude on the part of the farmers or of the country at large on the question of farm relief. The need and demand for remedial legislation is as insistent to-day as it was a year ago. The Farmer's Union of America, meeting at Jamestown, N. Dak., on November 17, 1928, just 11 days after the election, with 455 accredited delegates in attendance, passed the following resolution:

Resolved, That we renew our demand for the enactment of the McNary-Haugen bill without compromise on the equalization feature.

The tenth annual meeting of the American Farm Bureau Federation, meeting at Chicago on December 10, 1928, with 40 State farm bureaus officially represented, and speaking for more than 2,000,000 organized farmers, said:

We reiterate the principles for which we have striven in the past * * * to require all portions of the crop to share in the cost of bringing the crop into the American protective system. * * * This legislation must be of a nature which does not subsidize agriculture. * * * We have seen nothing up to this time which would cause us to recede from our former position.

And practically every other farm organization in the United States, including the Corn Belt committee, unites in this indorsement with increasing emphasis.

It is futile to defer action in the hope that the problem will adjust itself. The situation instead of improving grows every year more acute. Competition of foreign agricultural products with American agricultural products is increasing. World production of foodstuffs and raw materials is expanding. The United States Department of Agriculture reports that 44 nations have increased their wheat production for 1928 5.4 per cent over that of 1927. The Canadian crop for 1928 was 45,000,000 bushels more than that produced in 1927, and the Dominion embraces vast areas of potential wheat lands yet unutilized. The introduction of power machinery in Argentina, India, Egypt, Australia, and other countries where cheap land and cheap labor are competing with the American farmer, is being pushed vigorously by American manufacturers and is tremendously increasing the pressure on the world markets which fix the price of wheat in America. In Russia especially, one of the greatest wheat-growing countries of all time, the importation of tractors and combines manufactured in the United States, has made it possible for one Russian, working for a pittance, to produce as much wheat as 500 men formerly produced with ox teams and primitive equipment. Competition is growing. The Asiatic coolie, the Russian peasant, and the Argentine peon are throwing an ever-increasing flood of foodstuffs into the markets of the world to compete with the American farmer; to hammer down the price of his products; and to pull his family down to their meager standard of living.

It is to meet this competition, increasing with each crop season, that the farmer asks the enactment of the McNary-Haugen bill. American labor refuses to compete with the pauper labor of Europe and Asia; American industry refuses to compete with foreign industry; and the farmer who is paying the increased prices required for their protection sees no reason why he is not entitled to the same protection against the same enemy. To extend this protection is the purpose and mission of the special session of Congress soon to be convened. Mr. Hoover has assured us that he regards the problem as the supreme challenge of his administration. It is more than that. It is a challenge of the constructive statesmanship of the Congress and of every Member, regardless of section or party. And it should be approached with an open mind and in a spirit of broad and earnest cooperation.

It is difficult to imagine circumstances under which the last six years of study and struggle would go for naught and the bill which twice has been passed by Congress be entirely discarded, but if Mr. Hoover brings forward a measure embodying another but equally effective plan, it should have universal support. The one desideratum is that it make the farm tariff effective. In the words of Abraham Lincoln we should—

Stand with anybody that stands right. Stand with him while he is right and part with him when he goes wrong.

MEMORIAL TO COL. WILLIAM COLVILL

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting as a part of my remarks an address delivered by President Coolidge on July 29, 1928, at Cannon Falls, Minn., in connection with the dedication of a memorial to Col. William Colvill; also the dedicatory address delivered by Lieut. Col. E. C. Clemans, and the new national anthem, America, My Country, as sung by the chorus of the One hundred and thirty-fifth Infantry.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks by printing an address delivered by President Coolidge in Minnesota some time ago, together with other matters incident to the occasion. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Speaker and Members of the House of Representatives, to the rural community of Cannon Falls, one of the thriving little cities of Goodhue County, Minn., came President Coolidge and men prominent in State and national affairs, on Sunday, July 29, 1928, to help dedicate a Civil War memorial.

The Nation's Chief Executive, with his charming wife, journeyed several hundred miles to participate at the unveiling of a beautiful memorial to Col. William Colvill, commander of the First Minnesota Regiment in the Civil War.

It is because of the immortal charge during the Battle of Gettysburg—the turning point in the Civil War—that the memory of Col. William Colvill and the First Minnesota lives. Here 263 men, the strength of the regiment at the time, charged the Confederate forces and held them back in the crucial period of the conflict, and only 47 left the field when the combat was over.

The memorial, a beautiful stone, bearing a tablet recounting the history of the First Minnesota, an ornamental stone stairway, leading to the knoll on which Colonel and Mrs. Colvill are buried, and upon which stands a large bronze statue of the war hero, was unveiled by Mrs. Calvin Coolidge and dedicated by President Coolidge and Lieutenant Colonel Clemans.

The memorial to Col. William Colvill was constructed with funds donated individually by officers and men of the One hundred and thirty-fifth Infantry, lineal descendants' organization of the First, in memory of Col. William Colvill, who commanded the First Minnesota United States Volunteer Infantry at the Battle of Gettysburg, July 1 to 3, 1863. With only 262 officers and men, Colonel Colvill, by order of General Hancock, met a victorious onward march of many thousand Confederate troops under the veteran generals, Longstreet and Hill, drove them back with a bayonet charge, and held the enemy until Union forces relieved them. Forty-seven officers and men were able to leave the field; 225 were lying dead or wounded—the greatest proportionate loss of any regiment in the Civil War. The heroic charge of the already decimated regiment is credited with saving the Union Army from defeat and thus making possible a Union victory on the following day. In the final analysis, Colonel Colvill, perhaps, saved not only the Union Army and the day at Gettysburg, but turned back "the high tide of the Confederacy" and saved the Union.

Colonel Colvill was born in Chatauqua County, N. Y., in 1830. He was admitted to the bar in 1851, moved to Red Wing, Minn., where he practiced law, and in 1861, as captain in the First Minnesota, entered the Civil War. He was promoted to lieutenant colonel and colonel, and when the regiment was mustered out in 1864 was brevetted brigadier general. He entered the service again as colonel of the First Regiment of Minnesota Heavy Artillery and was mustered out at the close of the war. He served one term as Attorney General. He died June 12, 1905, and was buried at Cannon Falls, Minn.

As a soldier, statesman, and citizen Colonel Colvill gained for himself an immortal name indelibly carved upon the pages of the history of his country. As a neighbor and friend, while he lived in Cannon Falls and Red Wing, he was loved by all. His name and his deeds are history, and the people of Goodhue County are proud to have had him as its leading citizen.

ADDRESS BY HON. CALVIN COOLIDGE, PRESIDENT OF THE UNITED STATES, DELIVERED AT CANNON FALLS, MINN., ON JULY 29, 1928, IN HONOR OF COL. WILLIAM COLVILL

Fellow citizens: Heroic deeds have about them an element of immortality. We stand in reverence before those who perform them and cherish their memory down through the ages because we recognize in them the manifestation of a spiritual life, the evidence of things not seen, the presence which was without beginning and is without end, a power that lifts men above the things of this earth into the realm of the divine. Except as we cherish a belief in these realities, we should have no requirement for heroic deeds and no reverence for those who do them. Because of their very nature, because a knowledge of them inspires us to higher things, it is altogether fitting that we should assemble on this Lord's Day to reconsecrate ourselves by dedicating a memorial to one of the heroes of the Battle of Gettysburg. Because we believe in the reality of right and truth and justice and recognize the necessity of supporting them with every necessary sacrifice, including life itself, we could not be engaged in any more devotional action than in reverencing the memory of those who have nobly responded to that high conception of eternal duty.

GREAT CAUSE

Heroism is not only in the man but in the occasion. While there is a certain glamour which attaches itself to the peril which the highwayman and the bandit incur in their criminal activities, it is not genuinely heroic. It will not survive analysis. It leads nowhere. Having no moral quality, it provides no inspiration. It is only a counterfeit of the reality. If it is remembered at all, it is not as a blessing but as a curse.

The memorial which we dedicate to-day is not only to the physical courage of men of high character displayed in an hour of great peril but also in behalf of a great cause. There was in their deed no element of selfishness, no hope of personal gain. It stands as an exhibition of pure patriotism, of supreme sacrifice for the integrity of the Union, and the inviolate sovereignty of the Federal Constitution. It is these qualities which bring the great concourse of our citizens to do honor to the action of Colonel Colvill and his regiment more than three score years after the event. That same honor will continue to be paid them not only so long as the Nation which they served shall endure but so long as self-sacrificing devotion to high ideals commends itself to the heart of men.

STORY OF REGIMENT

The story of Col. William Colvill and the First Minnesota Volunteer Infantry is too well known to need extended repetition. When President Lincoln called for volunteers to prevent the dissolution of the Union, this was the first regiment offered for three years' enlistment. It gave valiant service upon many a resolutely contested field, but its most conspicuous record was made at Gettysburg on the second day of that decisive battle. When the forces under the command of General Sickles advanced into action a little after noon, the First Regiment, of which only eight companies were present, numbering 262 men, took the position they vacated. The overwhelming forces of the Confederates under Longstreet and Hill repulsed and drove back the command of General Sickles and were advancing on the left flank of the Union Army, which was in grave danger of being rolled up in defeat. It was at this juncture that General Hancock ordered this depleted regiment to charge the advancing Confederates.

The gallant First Minnesota, led by Colonel Colvill, at once responded with an impetuosity that broke the first and second line of the enemy, and stopped the advance. When the action was over but 47 men of the 262 who began the charge were still in line. The remaining 215 lay dead or wounded on the field. In all the history of warfare this charge has few, if any, equals and no superiors. It was an exhibition of the most exalted heroism against an apparently insuperable antagonist. By holding the Confederate forces in check until other reserves came up, it probably saved the Union Army from defeat. What that defeat would have meant to the North no one can tell. Washington, Philadelphia, New York, and the whole heart of the North would have been lost. So far as human judgment can determine, Colonel Colvill and those eight companies of the First Minnesota are entitled to rank among the saviors of their country.

HOPE OF HUMANITY

We may well stop to consider on this Sabbath day what Power it was that stationed these men at this strategic point on this occasion, which held so much of the hope of humanity. We can only infer that it was the same power which guided the path of the Mayflower, which gave our country Franklin and Washington, which brought this Northwestern territory into the Union through the miraculous victory of George Rogers Clark at Vincennes and peopled it with a freedom-loving immigration, which raised up Lincoln and Grant, which went to the rescue of liberty in Cuba and on the fields of France. Was it not the same Power which set these men as its sentinels on that July day to guard the progress of humanity? As we behold it all we can but conclude in the words of Holy Writ that, "The judgments of the Lord are true and righteous altogether."

The time has come when our whole country can take a more dispassionate view of the long train of events that led up to Appomattox and the new constitutional guaranties of freedom to every inhabitant under our flag. Our national life was begun without any adequate and final declaration of the principle of freedom or demarcation of the line separating the authority of the States and the authority of the Federal Union. Some of the ablest minds of the country honestly differed in their interpretation of our institutions.

As the intensity of opinions and their application to the practical affairs of life of each side developed, they necessarily gave rise to what was described as an irrepressible conflict. That generation of the South found itself involved in a net if circumstances which very much of its best thought undoubtedly deplored, but from which it was totally unable to extricate itself. We can see now that instead of being charged with all the blame, they were in many ways entitled to sympathy. Our country was all involved in a great national tragedy from which it could extricate itself only by an appalling national sacrifice. That tragedy involved both the North and the South. The conditions which brought about the great conflict were national conditions. It was humanly impossible for either section of itself to furnish an adequate solution. If there was to be an extension of freedom under constitutional guaranties it had to be brought about by national action. Any adequate expiation required the cleansing of the heart of the whole Nation. This could not only be accomplished through an immeasurable sacrifice made in the tears of our women and the blood of our men.

GREAT TRAGEDY

When the great tragedy was passed, when the tumult of the conflict had ceased, the North found itself depleted, but the South was entirely prostrated. It was under the necessity of rebuilding its whole social and economic structure. The recovery of the North began more early, because it was not compelled to establish its methods of life and of business on new theories. It was possible to build on the solid foundation that was already laid. In the South it was necessary to go through the long and painful process of erecting an entirely new structure. The old methods of existence and of business had to be discarded and new systems established. This would have been most difficult under any circumstances. Coming at the end of four years of conflict, it was well-nigh impossible. But the task was performed slowly and imperfectly at first, but in recent years with a rapidity that seemed scarcely possible.

The agriculture which had been the dominant activity of the old South was gradually revived. Then came the development of its natural resources of coal, iron, and water power, and the growth of great manufacturing enterprises. Minerals and manufactured products are to-day almost twice the value of its agriculture. Of our overseas commerce nearly 40 per cent of the tonnage is from southern ports. Since 1900 the value of manufactured products increased from about $1,500,000,000 to about $9,500,000,000. Capital invested in cotton manufacturing increased from about $130,000,000 to about $1,000,000,000. Deposits in banks in the same period have risen from $700,000,000 to $7,000,000,000. In public improvements the progress has been very marked. In 1904 less than $13,000,000 were spent on highways. In 1925 this

amount had reached $316,000,000. In 1900 only about $35,000,000 were laid out for public schools. In 1924 this amount had risen to over $350,000,000. It is perfectly apparent that in progress and prosperity the South is going forward in a way which it could never have done under the old system. It is no wonder that it is referred to now as the new South.

It has been demonstrated that what never could have been created under a condition of servitude is the almost natural result of a condition of freedom. Human nature has been so designed that men are only at their best when they are permitted to live like men. It is when they are released from bondage of the body, given control over their own actions, receive the returns from their own labor, and released from bondage of the mind, so that ignorance and superstition are replaced by education and moral influences that most progress is made toward an enlightened civilization.

Meantime our whole Nation has risen into a new life with unparalleled swiftness. Out of the sacrifices that were made in our war labor was given a new dignity throughout the whole country. Since that time its position has almost constantly improved, until to-day the value of human effort is recognized in this country by a system of wages and a standard of living never before reached in all past history. We have been taught that it is profitable not only that labor should be free but that it should be well paid. Under that practice our national income advanced from about $65,000,000,000 in 1921 to about $90,000,000,000 in 1927. These material results would not have been possible without the spiritual regeneration of our country.

NO HOSTILITY

One result of the war which retarded our national progress for many years was the bitterness, hatred, and sectional animosities that it left in its wake. For many years, both for the North and for the South, these were unfortunately stimulated and kept alive for the political advantage that the sponsors of such action hoped to secure. The time has long since passed when to hold or express such hostile sentiments should ever be permitted to work to the advantage of anyone. Those who resort to them should find that their standing in the public confidence is thereby seriously impaired. While isolated outbreaks may continue to occur in unresponsible quarters, I am firmly convinced that the responsible elements both in the North and the South each look with pride and satisfaction upon the brilliant contribution which the other is making to the national welfare and are just as eager to help the other as they are to help themselves. A notable example of this occurred in the last session of the Congress when the flood-relief measure for the lower Mississippi Valley, which will probably equal in cost the Panama Canal and a very large amount of which will be paid for by Northern States, passed by practically a unanimous vote. The day of sectionalism is passed. We are a united Nation.

It is in accordance with these conceptions that we have come to-day to dedicate this memorial and to rededicate ourselves to the support and preservation of those principles which have been demonstrated through long experience to be sound. We have come to increase our admiration for all that is heroic in life, to express our reverence for those who have made sacrifices for the well-being of their fellow men, to renew our fealty to the Constitution of the United States, to rejoice in the universal freedom which it guarantees, and in the perfect Union which it has created, and, finally, for all these blessings in gratitude and humility to acknowledge our dependence upon the Giver of every true and perfect gift.

AMERICA, MY COUNTRY

(The new national anthem)

By Jens K. Grondahl, Red Wing, Minn.

America, my country, I come at thy call,
I plight thee my troth and I give thee my all;
In peace or in war I am wed to thy weal,
I'll carry thy flag thru the fire and the steel.
Unsullied it floats o'er our peace-loving race,
On sea nor on land shall it suffer disgrace;
In rev'rence I kneel at sweet liberty's shrine,
America, my country, command, I am thine.

America, my country, brave souls gave thee birth,
They yearned for a haven of freedom on earth.
When proudly thy flag to the winds was unfurled,
There came to thy shores the opprest of the world.
Thy milk and thy honey flow freely for all,
Who takes of thy bounty shall come at thy call;
Who quaffs of thy nectar of freedom shall say:
"America, my country, command, I obey."

America, my country, now come is thy hour,
The Lord God of hosts counts thy courage and pow'r;
Humanity pleads for the strength of thy hand
That peace and good will rule on sea and on land.
Thou guardian of freedom, thou keeper of right,
When liberty bleeds we may trust in thy might;
No more shall the sword and the saber enthrall,
America, my country, I come at thy call.

CHORUS

America, my country, I answer thy call,
That freedom may live and that tyrants may fall;
I owe thee my all and my all will I give,
I do and I die that America may live.

DEDICATORY ADDRESS—LIEUT. COL. E. C. CLEMANS

The summer camps of the Minnesota National Guard regiments are named after members of the regiment, who, though dead, yet speak of service and heroism. The camp of this regiment, the One hundred and thirty-fifth Infantry, at Lake City last year was named in loving memory of William Colvill, the colonel of the First Minnesota in the Battle of Gettysburg, the decisive battle of the Civil War. The One hundred and thirty-fifth Infantry has been recognized by the War Department as the lineal successor of the First Minnesota, of Civil War fame, "first," not only in name but the first regiment accepted by President Lincoln for service in the War of the Rebellion. This memorial tablet gives the royal succession: First Minnesota, Civil War; Thirteenth Minnesota, Spanish American War; First Minnesota, Mexican border service; One hundred and thirty-fifth Infantry, World War; and on the battle streamers that adorn the regimental flag you can read the names of battles from 1861 to 1918. Our heroic dead lie on every battle field from Bull Run to the forest of the Argonne in France.

It was suggested at the regimental camp last year that the coming year the regiment, on the encampment Sunday, go in a body to Cannon Falls, and, at the grave of Colonel Colvill, the chaplain of the regiment conduct divine services, and the colonel of the regiment place a wreath upon the grave of the hero of Gettysburg. Col. O. I. Ronningen, the commanding officer of the regiment, immediately appointed a commission, composed of Lieut. Col. E. C. Clemans, Lieut. Col. W. T. Mollison, Maj. R. E. Gillesby, and First Lieutenant Soper to provide for a regimental memorial to be placed on the grave in Cannon Falls. The commission met and organized, erected this memorial with its surrounding steps, walks, and seats of Bedford stone, this bronze tablet giving the glorious, historical succession of one of the most famous regiments in the service of our country. And we have met to-day, honored by the presence of the President of the United States and his wife, these venerable survivors of the First Minnesota, these members of the Grand Army of the Republic, these statesmen, soldiers, and citizens of Minnesota met in patriotic and reverential assemblage to dedicate this memorial.

We dedicate this memorial to the flag of the First Minnesota of the Civil War, presented in April, 1861, to the regiment by the ladies of St. Paul, carried in victorious battle, war worn, bullet riddled, blood stained, its staff broken in two places by the shrapnel of the enemy, spliced with a section of a Confederate flagstaff, emblematical of a reunited North and South; the flag returned with the regiment to St. Paul, after three years gallant service, now resting in the capitol building of our State with not one star lost, not one stripe sullied—"it never touched the ground."

We dedicate this memorial to the members of the First Minnesota, "the brave men living and dead," who never failed to respond to every call of duty; who carried their flag in 23 battles; who, led by Colonel Colvill, shoulder to shoulder, marched to what seemed certain death; who determined to die "to the last man," if need be, to save the day; who charged bayonets and drove back a division of Confederates many times their number; who saved the battle the second day of the Gettysburg fight, in the last analysis saving the United States; who, out of 262 officers and men who went into the fight left 225 dead, wounded, or dying on the field. The First Minnesota, first in name, first in response to President Lincoln's call, first in its dreadful percentage of death at Gettysburg, first in the hearts of the officers and men of the One hundred and thirty-fifth Infantry, first in the hearts of the citizens of Minnesota, and, we trust in time to be, first with other brave regiments in the hearts of the American people.

We dedicate this memorial to the memory of Col. William Colvill, citizen soldier, loyal American, comrade as well as commanding officer, "wounded as wounded" with his men, modest and unassuming, calm and well poised. The brave officer, who, when asked by General Hancock on that bloody second day at Gettysburg whether he could hold back the victorious Confederates until the imperiled left flank of the Union Army could be reinforced replied, "General, to the last man!" To William Colvill, captain, major, colonel, brevet brigadier general, whose massive statue looks down upon us, cast in a metal which but feebly typifies his unflinching courage and bravery, we dedicate this memorial with the fond hope that his life of patriotic service and devotion may inspire us to greater love and service for the flag, which he so greatly loved and for the country he helped so heroically to save.

My comrades of the One hundred and thirty-fifth Infantry, in honoring William Colvill we have honored ourselves. With no help from the outside, you, each one of you, have contributed to make this memorial possible. You have done this with the firm intention to make the people of Minnesota and of the Nation remember the man whose heroic service and sacrifice have been forgotten. Your desire is to make the citizens of this land of ours know what William Colvill did at Gettysburg. And, my comrades, the dedication of this memorial will place his name among the immortal heroes of America. From now on no his-

torian can write the history of America and forget William Colvill. May the memory of this great soldier and his comrades inspire us to greater service and devotion and may we, in peace or war, as citizens of "no mean country" do all we can to preserve our great Republic, born amid weeping prayer, baptized in blood, and consecrated to the sacred cause of liberty and justice for all.

NAMING OF THE CRUISER "LOUISVILLE"

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD touching the announcement of the Secretary of the Navy that the scout cruiser now under construction at the Puget Sound Navy Yard will be christened the *Louisville* in honor of the city of Louisville, in the State of Kentucky.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, announcement has been made by the distinguished Secretary of the Navy, Hon. Curtis D. Wilbur, that the scout cruiser now under construction at the Puget Sound Navy Yard will be christened and will bear the name *Louisville*, in honor of Kentucky's metropolis.

Since I represent the Louisville district in Congress, I am very grateful and happy over this action. The people of my district, and of the entire Kentucky region, are likewise very grateful and happy. A just and signal honor has been paid them and the city of Louisville.

It is most fitting that this gallant cruiser should be thus named. The city which has been recognized and complimented by this action is most deserving. Something of the history touching this matter may be of interest.

In April, 1927, at Louisville, information came to me from the Washington representative of the Louisville Times, Mr. Lorenzo Martin, that the policy which the Navy Department had in mind touching the naming of the eight new cruisers whose construction had been authorized, might afford the opportunity to secure the naming of one of these cruisers for the city of Louisville. I immediately wired the Secretary of the Navy, urging the claims of Louisville in this connection, and arranged for the sending of similar wires by the mayor and board of trade of the city. A few days afterwards, in Washington, I called on the Secretary and made further representations about the matter. Ever since then it has been my pleasure to continue these efforts. Also during the past few months an intensive campaign has been waged in the like behalf. It was deemed vitally essential that the people of the Louisville community should convince the officials of the Navy Department of their earnest desire that one of these cruisers be named for their city, and that they would appreciate this great compliment, if accorded. In Louisville the mayor and other public officials, the schools and school children, the civic and patriotic clubs and organizations, aided by effective newspaper publicity, in which the Louisville Herald-Post played a very active part, joined in this campaign; while in Washington Senator SACKETT, whose home is in Louisville, and I did everything within our power to cooperate and assist.

Thus the sentiment of the people of Louisville and of the Louisville community was effectively registered in the Navy Department, and important reasons and arguments in behalf of Louisville's claims were emphasized.

Some of these reasons are set forth in a letter I had the honor to address Secretary Wilbur on the subject in November last. I quote from that letter as follows:

> Confirming the conversation I have just had with you, I earnestly hope that you may see your way clear to name for my home city of Louisville the cruiser which must shortly be christened.
>
> Louisville has many strong arguments in favor of this proposal. It was founded by the famous conqueror of the Northwest, Gen. George Roger Clark, in 1778; two years later it was incorporated by an act of the Virginia Legislature and formally called Louisville, in honor of Louis XVI of France, whose soldiers were then aiding the American cause in the Revolutionary War.
>
> The city stands at the great falls in the Ohio River, and is the greatest manufacturing center south of the Potomac and Ohio Rivers. It is a splendid city, rapidly growing, and now has a population of more than 350,000.
>
> Louisville was the base of operations of General Clark in his famous expedition to the Northwest during the Revolutionary War, by means of which expedition the great States of Ohio, Indiana, Illinois, Michigan, and Wisconsin were wrested from British control and permanently brought under the American flag.
>
> The year 1928 marks the one hundred and fiftieth anniversary of the founding of the city of Louisville, and the christening of this cruiser in honor of the Kentucky metropolis would, when added to the many other reasons, constitute a very happy and appropriate sesquicentennial recognition of the city's settlement and the work of its founder, mainly achieved in 1778, 150 years ago.

Among other considerations urged were the following:

Louisville is one of the most important inland cities of the Nation, and one of the most important of the entire Ohio River Valley region. Not only is it rich in historic and scenic interest, but it is also rich in every other feature of appeal. It is a city of homes, it holds a patriotic and splendid citizenry, and it is soundly progressive. Its financial and business institutions are solidly grounded. It leads the world in a number of important industries. Its hospitality is of the most thoroughgoing Kentucky brand, and is world famed.

It was a very happy idea, that of naming six of these scout cruisers after some of the more important of our interior cities. The other two have been named for two of our coast cities. By this action millions of our interior populations are brought into closer contact with the American Navy, and come to have a better understanding of its character and significance. Recently—that is to say, on February 23, 1929—I had the pleasure of accompanying Secretary Wilbur and other distinguished members of our Naval Establishment from Washington to Camden, N. J., to witness there the launching of one of these eight cruisers now under construction. This is the *Salt Lake City*, a sister ship of the vessel to be christened the *Louisville*. The launching was splendidly inspiring, and the fine patriotic address delivered by Secretary Wilbur on that occasion appears in the CONGRESSIONAL RECORD of January 25, 1929, in my extension of remarks upon the occasion of this launching. As indicated by the Secretary in that address, the *Salt Lake City* is the first of the eight scout cruisers now being constructed. That which is building at the Puget Sound Navy Yard, and which will bear the name *Louisville*, is the last of the eight. All of these vessels in tonnage, design, and armament will be practically identical in character. Hence, the *Louisville* will be of 10,000 tons displacement, with a length of 585½ feet, and a beam, or maximum width, of 65 feet. It will have an estimated speed of 32½ knots per hour. Also, it will carry nine 8-inch guns, and will have engines capable of developing more than 100,000 horsepower. This vessel is known as cruiser No. 28. It is expected that its hull will be completed about March, 1930, and its launching and formal christening will thereupon take place. This will be followed by the installation of engines, machinery, and armament, and it should be ready for service about March or April, 1931.

Mr. Speaker and colleagues, I desire now to extend to each and every one of you the heartiest possible invitation to attend the launching and christening of this gallant ship.

I quote from Secretary Wilbur's Camden address the following portions which bear on the subject of the construction of these cruisers:

> The launching of the *Salt Lake City* is significant, as it is the first post-treaty cruiser to be launched by the United States. Its tonnage and its armament are limited by a treaty with the great naval powers. If we were to build the type of cruiser most needed by the United States its tonnage would be 40,000 instead of 10,000 tons, and its guns would discharge 2,100-pound projectiles instead of 250 pounds, such as the *Saratoga*, which was building in this yard at the time of the limitation of naval armament, one of whose guns was vastly more powerful than all of the guns of the *Salt Lake City* combined. The war and the Washington treaty left us with an unbalanced fleet. This was because of the exigencies due to the submarine war. We abandoned cruiser construction and devoted all our shipbuilding activities to the construction of a vast merchant marine, which we expected to be sunk by submarines, and a great number of destroyers and submarines to protect our transports and the allied merchant marine. We still have these destroyers and submarines, but with the lapse of time they are rapidly approaching obsolescence.
>
> The treaty of Washington required us to scrap all our partly completed battle cruisers, as well as our uncompleted battleships, except the *West Virginia* and the *Colorado*, now with the fleet. We did complete ten 6-inch gun cruisers, and this represents our entire cruiser strength of vessels under 20 years of age.
>
> Notwithstanding our shortage in cruisers we have proceeded hesitantly, and even reluctantly, to build new cruisers, not because they are not urgently needed, but because we hoped that either by our example or by further limitation the cost of naval armament to the naval powers might be further reduced.
>
> Other powers to the treaty—Great Britain, Japan, France—however, proceeded to round out their fleets by the construction of the much needed cruisers. We are about to launch our first 8-inch gun cruiser. Great Britain has launched 16 (counting four 7½-inch), Japan 8, France 2, completed. We should regard this construction by these powers as evidence of the greatest possible weight as to the value of and the need of cruisers in national defense. Those who are unwilling to accept the evidence and the judgment of our own officials charged under the Constitution with our national defense, those who discount the official declarations of the President and of his Navy Department, should be persuaded by this tangible evidence, the best possible proof,

by other naval powers, as to such need. Nor are we driven to the necessity of inference from actual cruiser construction, however plain and manifest that inference, but we have the most formal and solemn statement of British needs, made in friendly conference at Geneva, that she needs, must have, and is constructing with all reasonable diligence 600,000 tons of cruisers.

The unanimous testimony of all naval authorities thus agrees to the positive need of cruisers.

In this general connection it is interesting to note the fact that while at present no naval vessel of the United States bears the name *Louisville*, during the World War there was a cruiser which carried this name; and during that critical period that ship made many interesting and hazardous trips between American and European ports and in a large way operated in the submarine and mine-infested waters of the European zones. It was retired from naval service shortly after the close of the World War. Before that time it had also known distinguished naval service in the Spanish-American War, bearing the name *City of St. Louis*. Later, under the same name, it became a trans-Atlantic liner, and thus operated until the United States entered the world conflict when, as already indicated, it became a craft of the United States Navy, bearing the name *Louisville*.

Mr. Speaker, as you know, the present Congress has enacted the necessary legislation authorizing the construction of 15 additional scout cruisers of the same character as the 8 already mentioned; and necessary appropriations for the beginning of this additional program of construction have been made during this session. Thus, within a few years our Navy will be increased by the total of 23 new scout cruisers.

Of the 15 additional cruisers just authorized, the first 5 will be of the same tonnage, horsepower, and dimensions as the 8 cruisers now under construction.

The armament of these 5 cruisers will each include nine 8-inch guns, just as will be the case with 6 of the 8 cruisers now building; that is to say, No. 26, No. 27, No. 28, No. 29, No. 30, and No. 31. Of the indicated 8 cruisers, the *Pensacola* and *Salt Lake City*, No. 24 and No. 25, respectively, though identical with the 6 remaining cruisers of the 8 in all other respects, will each carry ten 8-inch guns, instead of 9, as will be the case with the other 6 of this group of 8. The remaining 10 cruisers of the 15 just authorized it is expected will be of the same tonnage, general dimensions, horsepower, and armament as the first 5 of the group of 15; subject, however, to such modifications of machinery and equipment as improved processes and discoveries may warrant.

The eight cruisers now under construction will bear the names: *Pensacola*, in honor of Pensacola, Fla.; *Salt Lake City*, in honor of Salt Lake City, Utah; *Northampton*, in honor of Northampton, Mass.; *Chester*, in honor of Chester, Pa.; *Chicago*, in honor of Chicago, Ill.; *Houston*, in honor of Houston, Tex.; *Augusta*, in honor of Augusta, Ga.; and *Louisville*, in honor of Louisville, Ky.

The citizens of Louisville and of the Louisville region not only account themselves signally honored because this new cruiser will bear the name *Louisville*, but they deem themselves and their city as being also most highly honored by reason of the fact that so many other splendid cities of the country were friendly, but unsuccessful, rivals and contenders. Great credit is due to those who have cooperated in the effort to secure this favorable action by the Navy Department, and who have aided in the popular campaign to bring forth, and to register with naval officials, the interest of the people of the Louisville community in behalf of the claims of the city. This campaign was excellently conducted, and now that the movement to secure the naming of one of the eight cruisers in honor of the city of Louisville has been crowned with success, the Louisville community, in a collective way, is most grateful to all of those individuals, officials, agencies, and organizations that have cooperated to bring about this result.

Also, the thanks of the Louisville community are especially due to the distinguished Secretary of the Navy, who is shortly to retire from office after the performance of a period of distinguished, able, and patriotic service. Therefore, in behalf of the city of Louisville and in behalf of the men, women, and children of Louisville and the Louisville region, I take advantage of this opportunity to indicate, in this public manner, to Secretary Wilbur the assurances of their deepest appreciation and gratitude because of his action in conferring upon their city and upon them this great honor. Also I join them in giving expression to the belief that no worthier name for this gallant ship of the line could have been found than that which has been given it; and the prophecy is now indulged that, manned by American sailors, carrying the flag of our country, and bearing the name *Louisville*, this magnificent cruiser in the years to come after it shall be completed and committed unto the sea, will fully sustain the noblest traditions of the American Navy, and will bring to the city for which it is named the greatest possible measure of honor and renown.

THE PROBLEM OF PERMANENCY

Mr. WINTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of our American institutions.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his own remarks in the RECORD. Is there objection?

There was no objection.

Mr. WINTER. Mr. Speaker, my theme is large. In fact, it is so great that I feel my utter inadequacy to present it. I can hope to give you but a fleeting glimpse of its vast circle. It is drawn from the depths of antiquity, it stretches into the unknown future, and yet it is of vital present interest to every American. It is the problem of the permanency of our national life and civilization.

From the far reaches of history I desire to draw, if possible, a few truths that, coupled with present science and philosophy, may well concern us in contemplating our present and future national life, and which are applicable to our individual lives.

No reader of history has failed to be profoundly impressed with the number of great nations, peoples, and civilizations which have appeared and disappeared—risen to supreme power and fallen into oblivion. Babylon, Assyria, Egypt, Greece, Rome, these and many more, forming a procession of colossals, have moved majestically from out the darkness of ignorance and barbarism into the light of civilization, power, preeminence, and then have passed tragically off the theater of the world's activities. To-day, we excavate their cities from the shifting sands of the deserts, or new cities have reared their growth over the old, or the old still exists, but in a living death, devoid of spirit or power or hope.

We ask, Why? Is there no such thing as permanency? Does the law of nature which demands motion, require inevitable endings, constant beginnings? Can there be no great world growth of humanity in the large continuing sense, except through new and successive peoples and waves or epochs? Must there always be displacement and replacement? In human history this law has been invariable. Every civilization in the past, with the exception of those nations or cities whose extinction may have been due to great climatic or seismic changes, has seen its period of overbalance, ultrarefinement, wealth and commercial greed, luxury, weakness, and decay; then, subjugation or supersession by a fresh race, physically strong, with a will to conquer.

These are underlying laws and principles that we must consider if we go to the bottom of the question. I may now say some startling things, but I ask that you suspend judgment until the entire theme is presented. In the human physical organization there are in the blood two kinds of corpuscles, the red and the white; the red, representing the iron, the strength-giving element; the white, the refining element. The savage represents the abnormal preponderance of the red; the highly cultured, the preponderance of the white; the one is undercivilized, the other overrefined.

ANTERIOR AND POSTERIOR BRAIN

In the first you will find excessive posterior development of the head or brain; in the second you will find an excessive frontal development. The frontal is the guiding influence, presiding over the mental attributes; the posterior is the motive power, presiding over the physical. Note that development runs from the posterior head to the frontal; that means the ascendancy of the intellectual in the individual, in peoples the advancement of civilization; in both, culture, education, gentleness, wealth. So far, so good. Then we come to the excess of these things—excess at the cost of their complements—their completements, the balance of qualities.

Carried to excess, meaning great disproportion, we find that culture results in insincerity and insincerity in falseness; education in the impractical, the impractical in the visionary; gentleness in effeminacy, and effeminacy in weakness; wealth is followed by idleness, and idleness by corruption. The end of all these is failure and death.

In the posterior brain development we find in the first alignment strength, courage, humanness (meaning social instinct, impulsiveness, passion, emotion), freedom—all beneficial and necessary, but which, carried to excess to the exclusion of their balancing qualities, their complements, develop as follows: Strength to brutality, to violence; courage to recklessness, to bravado; humanness to dissipation, to degradation; freedom to lawlessness, to savagery. And the end of all these is failure and death.

INDIVIDUAL EXAMPLES OF EXTREMES

Thus it is apparent that extremes kill. Let us take two individual examples. Here is a man who is an example of the utmost extremes of culture, gentleness, education, and wealth. His stock has run its course through seven or eight generations of wealth and idleness and is dying of decay. Vice finds him an easy prey; he has no powers of resistance, no constitution to withstand, no will; his moral, mental, and physical fibers are loosed. There is little hope for him; his inevitable end, in the natural course, is decadence and—death. It is not entirely his fault. The generations that have gone before him are in a great measure responsible; though to every man is given conscience, the divine spark, and if he wills he may save himself against all odds. But the process has gone far, accelerated by his own deliberate acts. He will perish.

On the other hand, here is a man whose blood is red. Heredity gave him that. Contact with nature has accentuated it. He comes from a fresh, virile, strong stock. His frontal development has been deficient; his posterior brain qualities are abnormally intense. He has the good qualities that belong to this type—strength, courage, humanness, love of freedom—but these have gone to their natural excess in him for lack of influence of the white corpuscle, the anterior brain qualities; and he has therefore been violent, brutal, lawless, savage. He is therefore subject to the penalty of these extremes, which is destruction. His career, carried out to its unhindered, logical conclusion, would end in a violent death.

But he is not necessarily doomed, as is the case with our other example, his antithesis, for the reason that in him there is the raw force that survives; and capacity for development, the beginnings of the frontal qualities, white corpuscles, which, though they have been undeveloped, nevertheless are there, and may at any time begin to assert themselves. If education, refinement, culture, moral principles, ambition for higher and finer things be developed in him, if those qualities are not substituted for but added to his superabundant physical power, his wonderful vitality, his fighting spirit, his love of freedom, his daring optimism, then, indeed, will there be a man to whom all things are possible. And if he then retains, as his education and refinement continue, the qualities of strength and courage, humanness, and independence, he may rise in stable equilibrium to incalculable heights.

SAME LAW AS TO NATIONS

I have spoken of individuals. It is through the individuals multiplied that these things work out in the larger organizations. All that I have said is therefore applicable to races, peoples, governments, civilizations. The nations of the past lost their vitality! Hence the tragic procession of the great peoples of antiquity; hence Egyptian civilization went down; effeminate Greek was conquered by the hardy Roman, and, in turn, the corrupt Roman by the fresh hordes of the Goths and Huns and Vandals under Attila the Scourge. I include in this list all nations which have sunk far from former grandeur. Spain was once mistress of the world. China endures because it has not lived. Such nations exist but do not live. But China, Japan, Russia, are from barbarian stocks which are yet to live, and this brings us directly to the question.

THE AMERICAN REPUBLIC

What of the American people? What of the destiny of this Republic? Shall it be thus with us? Will history repeat itself? Will progress demand in time our displacement? Will we be subject to that invariable process, or will we be an exception to the hitherto insatiable law of racial and national rise, deterioration, and death? Shall we perish at the hands of a raw race which will destroy or overrun or absorb, and itself begin a new era of development to a higher civilization? Or will this process of the ages terminate with and for us?

THE EAST

Tendencies that lead to deterioration can be observed in this country to-day. The East, especially as its life is found in our great cities, represents the white corpuscle, the frontal development. There we find education, culture, refinement, industry, high civilization, wealth; there, too, we find the settled, centralizing, conservative, consolidating influences. Like the sun, the East draws everything to itself—it has the habit of increase, increment. Customs, manners, habits, views there converge, contract, set, crystallize. We can already note there exclusion, seclusion, attenuation, overbreeding, interbreeding, the gradual diminution of physical power and motive force. Excessive and long-continued wealth, handed down from generation to generation in one family or relationship, is beginning to show its effects. The process of dissipation and idleness shows on the surface in moral disintegration, broken domestic relations, subnormal birth rate, dishonest business practices, domination of wealth, vice. Unhindered, carried to its natural end, all these mean ultimate destruction.

THE WEST

The West of this country has represented and now largely represents the red corpuscle, the posterior brain development and its particular attributes. The accompanying tendencies have in the past rather been in the ascendency, and whereas we have seen and admired the characteristics of strength, courage, humanness, freedom, we know they have many times run to excess and become, in their intermediate form, brutality, recklessness, dissipation, lawlessness, and in their last stages, violence, bravado, degradation, savagery. All of which, unhindered by the influence of the white corpuscle, the anterior balance, spell ultimate destruction.

In the natural course of events, the East would die of disease. which is general and complete—annihilative decadence. The West, if left to its tendencies alone, would be swept by violence, which is individual—destructive savagery. The West would not die; its more forceful element would endure and supersede.

POSTERIOR HEAD QUALITIES SURVIVE

Then, of the two excesses or extremes, the posterior brain force, the red corpuscle, the element of the stronger stock, will survive. The simple reason is that there is no hope where there is decay; dissolution has set in. It is the end—the stock has lived its life. The violence of the other extreme is significant of force, power, life, growth. It is the beginning—the stock has yet to run its course.

REASONS FOR PERPETUITY OF AMERICA

Now, it is indeed a bold man who would deliberately say that with our own people and Nation the inexorable processes of the ages will be turned aside. But I believe that there are reasons which justify us in entertaining the hope that our Nation, our civilization, Americanism, will endure indefinitely.

I preface my reasons with the obvious proposition, that it being the extremes that kill, the solution of the problem of permanency of continuous efficient life, is the normal, the golden mean.

ILLUSTRATIONS

This is true in everything. All work deadens; all idleness atrophies. Neither the Arctic Zone nor the Torrid Zone produces as does the Temperate Zone. Neither mountain peaks nor the swampy low lands, but the great intermediate plains and valleys feed the world. All study without experiment, or all experiment without study, all theory or all practice do not produce the desired results. An architect's dream is of no value unless reduced to blue print and produced in wood or stone or steel; on the other hand, we do not build a house without plans. Ultraconservatism kills by inaction, ultraradicalism by overaction; progress lies between. Nonresistance and nonpreparedness insure dishonor and defeat; ultramilitarism seeks aggression and will not be borne by a free people; honor and safety lie between. Science tells us that we are all either abnormal or subnormal in some respect in some degree. The normal is the perfect type. The true course then is that of balance, harmony, a proper combination.

PROPER COMBINATION

The first series of qualities of both the frontal and posterior head development are all good and all necessary to civilization and progress. The problem is not, then, how to retard or shackle either, but how, along with the growth of each, to keep them properly proportioned. So that as long as each of these tendencies has its proper place and influence in our country's people, they will each prevent the other from going to the extreme characteristic of each; thus the balance may be maintained permanently; and, though each develop indefinitely, the second and third harmful stages may be avoided. Note, if you mingle properly or combine reasonably education and freedom, you need not fear that they will ever become the impractical and visionary on the one hand or lawlessness or savagery on the other. Likewise, combine in the same race culture and courage; then insincerity and falseness, recklessness and bravado are eliminated. Again, join gentleness and humanness and you eradicate effeminacy and weakness, dissipation and degradation. Given a people who have both wealth and strength, and you will have no idleness and corruption, brutality and violence. The rule is that these qualities act as a check upon each other and prevent the extremes.

So the question is, Shall we be able in this country to maintain the right development of the frontal and posterior brain, the guiding and the propelling forces, the conservative and the radical, the white corpuscle and the red, avoid the extremes, maintain the mean, and thus endure? There are reasons to encourage a belief that we will.

FRESH STOCK

We are as a people a fresh, practically a new, stock. The hardy, the vigorous, the daring, the bold, the courageous, the strong, joined together in our Revolution to establish the new nation. They were explorers, builders, fighters, men of red blood, freedom lovers; they excelled in the hardier virtues; their posterior brain development, presiding over the physical, was strong, dominant. So, as a fresh stock, we have our national life yet to live.

VITAL FORCES MAINTAINED BY OCCUPATION OF NEW TERRITORY

We find an added argument for our perpetuity in that all through our national life, so far, the greater proportion of our people have been engaged in toil in the soil, in the subduing of the wilderness. They are yet exploring, prospecting, discovering, fighting, settling, conquering. This not only requires the motive power of the dominant physical and its attendant qualities of daring, enterprise, initiative, bravery, skill, self-dependence, but it also maintains and develops these qualities and renews in the blood of our people from the East to the West, as they settle each area, the iron of health, endurance, and longevity. Thus the blood will be kept red and strong.

INFUSION OF NEW BLOOD

Though our main racial current is the dominant Anglo-Saxon, and we will have to that extent the benefits which inhere in a distinctive blood strain, we are not a single race or nationality. Men of all nations, lands, and peoples fought in our ranks, battled nature, and laid the foundation for a new country. We are a mixture of nationalities, an admixture of blood. Not only did we have this mingling of nationalities originally, thus giving us a broad foundation and obviating, or, at least, indefinitely removing, the danger of the attenuation and weakening to which a distinct and separate strain is subject, but by the vastness and fertility of our country and the desirableness of our citizenship, this infusion of the fresh blood from the common, hardy, healthy stock of all nations, eliminating the diseased and criminal, is continuing and will continue for many years. So that, tower as high as the tree of national life may, it will be supported by adequate root and soil, for there will be this constant refreshment and reinvigoration from the bottom.

PHYSICAL GEOGRAPHY

Once more, the physical geography of our country will have its effect in maintaining in our people a proper balance. That climate and soil and altitude have a decided influence upon the character of mankind is a well-settled truth. By the vastness of our country we are afforded a variety of topography that is highly beneficial.

Generally speaking, the East is the ocean, seaboard, seafaring commercial portion of this country, and its people naturally develop, through social and business intercourse, industry, and invention; and, through the intercourse of peoples and trades, wealth, and culture. In the central part, we have the Great Plains section where agriculture is predominant, where there is contact with the soil. Its peoples are developed most in healthful labor and strength. In the West, we have the mountainous regions. Mountain dwellers have always, and history affords abundant proof, been devotees of freedom, patriotic, unconquerable. "Montani semper liberi—Mountaineers are always free men." Because of them, the spirit of liberty will never die with us.

With this variety of configuration and employment, the three qualities of culture, strength, and liberty will be maintained; and as long as they exist, the Nation can not die. These physical features of our country are unchangeable, hence their influence will be perpetual.

CHARACTERISTICS IMPARTED TO EACH SECTION

Not only will these respective saving qualities continue to generate and emanate and be wrought into the characters of the respective peoples of those sections, but the sections and peoples thereof being contiguous and being interlaced, despite our great area, by a thousand ties—by rail, mail, family, travel, contact, trade, interdependence—the preserving qualities of each are disseminated and absorbed throughout the whole. The leaven of each section will spread through and elevate the mass.

THE TRUE TYPE

Most marked example of this fact to-day is our central, plains people, extending from the Rockies to the Alleghenies. From each side, they absorb the best—culture from the East, freedom from the West, which, combined with their own quality of strength, makes them the most perfectly and harmoniously developed of our people. They represent the golden mean. To-day, they are the heart, the core, of this Republic. To-day, they constitute the highest average of intelligence, character, and efficiency, the best combination of all qualities, to be found not only in the people of this Nation but they are the highest product of mankind in mass the world has produced.

BALANCED GOVERNMENT

We have a form of government that coincides and harmonizes with this theory of proper balance. Our Constitution itself is a solution of this very same problem in governmental affairs. After chiefs came monarchs, despots, royal lines, and the so-called divine right of kings. Then the people awoke to the fact that government was too much centralized in these heads and that their former individualism has left them, their liberties were gone. Denied liberty, they in time revolted against all authority and produced anarchy; and history ever since has been made up of the struggles between governing powers for more power and the people for more freedom. Out of all this it was seen that there must be both governing power, meaning law and central authority, and individual liberty.

When this Nation was established it came nearer solving the problem of the proper balance of these factors than had any nation on earth. In fact, it solved it, although readjustments will go on for many years to come. We are now in a period of regulating too unrestricted liberty, to which we swung in our revolution in our fierce reaction against a tyrannical monarchy. Our Government is so formed that there is authority—the centralizing, centripetal power, corresponding to the sun in the solar system, the white corpuscle in the human system; and there is liberty—the expanding, centrifugal power, corresponding to the force of the earth's tangent-seeking momentum in the planetary system, the red corpuscle in the human system. Thus, like the earth, the Government is kept in its proper orbit equally balanced between centralization and individualism. The result is orderly liberty, which should endure.

PATRIOTIC SOLIDARITY

Another point of view. The patriotic solidarity of our people, considering our mass, notwithstanding the influx of heterogeneous millions, is the most wonderful of all time. The homogeneous patriotism of our people is not a subject but an appreciating, participating citizen patriotism. It is not the forced support of a system or a name, it is not an ignorant, blind, mechanical attachment, but a broad, free, intelligent, voluntary, glorious patriotism. This is due largely to our form of government, each individual being a unit in the sum of the whole.

EXCEPTION TO ALL NATIONS

We stand to-day an exception to all nations of earth, past and present, in that, while every nation may have some of the qualities that make for continuity and some nations have many of the characteristics and reasons for longevity, no nation, save America, has all of these factors that go to insure perpetuity.

THE WORLD PREPARED FOR PERMANENT PROGRESS

Why should the present civilization, as founded and as it is progressing, ever be displaced and replaced? There is no answer which appeals to reason. I hold the abiding conviction that the world is prepared for the development of a permanent, constantly progressing civilization. Why is not this, our Nation, our people, the fitting foundation for the perfect superstructure; the prepared root and stock for the perfect growth, foliage, flower, and fruit? For thousands of years mankind has been struggling upward for freedom, for justice, for liberty, for knowledge, for brotherhood. Through our race, upon our soil, under our Government may the goal of the ages be attained, and may we uplift and draw all mankind with us.

OUR DUTY

But a nation so situated and provided is like a man with talents. Talents alone do not prevail. A nation may preserve itself in efficiency, or it may fail despite all advantages. With all that has been given us it would be the calamity of all the world calamities—a crime against humanity—were Americans to fail of their high destiny.

We must remember as a people and as individuals that faith in our destiny is not enough. "Faith without works is dead." We must remember that the problem of permanency is solved by harmonious development, by equilibrium.

We are not as a people overrefined—far from it; we can not overemphasize education; education must go on and on; it is absolutely essential to our great future. We can and do underemphasize vitality. Vitality is necessary for existence, for life; and life is the sine qua non—the without which not. We must remember that highly-tempered steel crystalizes, brittles, and snaps under impact and strain, unless the strength, the molecular cohesion, the inherent tenacity of the original iron is retained.

We must bear in mind that a nation steeped in commercialism, the pursuit of material wealth, if it be to the exclusion of high ideals—in action, of strength exercised, of right defended—is treading the way of one extreme which kills, courting the loss

of the spirit that battles for and preserves existence. We do not expect to be attacked. Nobody wants war. But war is a possibility. We must be able, ready, and willing to defend our life or join in the procession of the living dead.

The Greeks fell not because they became highly intellectual, beauty lovers, artists, but because they lost their stamina, their motive power, the will to live.

The Romans fell not because of the intellectual development that produced the Roman law, not because of education, oratory, literature, and wealth, but because of the idleness, weakness, vice, corruption, which became associated with these things and the loss of honor, courage, vital force, the will to live.

Attila was called "the scourge" not without reason. "The scourge," because he was the instrument for the overrunning of a nation because of her delinquency, her failure to retain vitality, which abides only with morality, cleanness, health, activity, and redness of blood.

May America never cease refining. May America never be scourged. She is now full upon the stage of the world. Will she remain there? It is for us to decide for this and several generations whether she will lose her harmony of development, her self-preserving elements, and be forced off the stage of humanity's progress, either by a raw race or by a civilized power with a will to conquer; or whether she will hold fast to her vital forces, retain the iron in her blood, her moral and physical courage, her fighting spirit, the will to live. And stand. Maintain her balance and rise in humanity's service, to heights of glory.

Right alone does not save when pitted against might, but right evolving might will triumph over wrong and might. We must be a civilized, refined Nation whose will will be developed instead of atrophied, whose vitality, dynamic powers, and efficiency will be conserved and intensified simultaneously with advancement in culture and wealth.

Thus only may we endure, and our liberty, our ideals, Americanism be secured to humanity. Thus we will go upward, with mankind, to an ever-increasing, ennobling, and beneficent destiny.

STEAMSHIP "W. I. RADCLIFFE"

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 11698, conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table House bill 11698, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

MINUTE MEN'S CONSTITUTIONAL AMENDMENT

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to print in the RECORD remarks of my own on a constitutional amendment for which I have introduced a bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his own remarks in the RECORD on the subject of a constitutional amendment. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker, under leave granted me by the House, I give this brief statement as to a resolution which I have introduced at the request of Frank J. Batcheller, chairman of the national committee of the American Minute Men, providing for an amendment to the Constitution. The Minute Men's organization has now a membership of over 6,000,000, and their amendment has been indorsed by organization whose membership exceeds 15,000,000. It is likely that resolutions backed by this immense constituency will be presented to the next Congress with an appeal for the approval of their proposed constitutional amendment.

This measure would absolutely prohibit appropriations of public money for sectarian schools and other religious institutions and would terminate all controversy over the matter. In the minds of thinking men it would forever remove any real cause of religious controversy from American politics. The measure is in every way eminently just and fair. It treats every religious body exactly alike. The Government, remember, must be the protector of all churches, but it must not be the patron of any.

There is a very real need for the amendment. In several States large amounts of public money are appropriated regularly for sectarian institutions. In several other States frequent attempts are made to secure such grants, many of the efforts being successful. Open demands have been made for State support of sectarian schools in different parts of the country, and actual attempts have been made to secure such appropriations in Rhode Island, Maine, and Illinois, the effort being successful in the last-named State, and hundreds of thousands of dollars being given to the religious schools of one denomination. There is no provision in the National Constitution to prevent sectarian appropriations by Congress whenever the element favoring such grants can secure the necessary votes in this body. These facts have convinced thinking citizens that this great issue must be met by the American people, and I believe that the statesmanlike way to settle the question is by the adoption of the Minute Men amendment.

The American Minute Men, the movement which originated the amendment and which is leading the fight in its behalf, is in no way connected with any other society or organization. It aims to prohibit sectarian appropriations; that and nothing else. It is in no sense of the word narrow, bigoted, or intolerant. It stands for broad, American principles in a broad, American way.

Its present membership is at least 5,000,000, and that membership is composed of men and women of the highest possible standing.

This amendment, which has been indorsed by civic, religious, and patriotic organizations all over America, is necessary to correct widespread abuses as natural as human nature itself. Of course, no man can object to such a law, except somebody who wants to get his hand in the Public Treasury for his own particular creed. Such an amendment is as fundamental as the very spirit of our Constitution—a spirit, alas, which has often been abused for lack of this specific provision.

If Roger Williams was right in teaching that the State has no right to coerce any person's conscience in the realm of religion, then this constitutional amendment is right in demanding that no man's purse shall be coerced for the sake of promoting another person's sectarian views. Its enactment into law will be the tardy triumph of the very essence of real Americanism.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5544, to increase the membership of the National Advisory Committee for Aeronautics, and I am doing this by direction of the Committee on Naval Affairs.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of Senate bill 5544, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the membership of the National Advisory Committee for Aeronautics is hereby increased from 12 members to 15 members: *Provided*, That the 3 additional members to be appointed by the President shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences, and shall serve as such without compensation.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS—CONFERENCE REPORT

Mr. KNUTSON. Mr. Speaker, I present a conference report upon the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, for printing under the rule.

JOINT-STOCK LAND BANKS

Mr. McFADDEN. Mr. Speaker, I call up Senate bill 4039, to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended. This bill having been considered by the Committee on Banking and Currency I ask for its immediate consideration.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of Senate bill 4039, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is this the same bill the gentleman sought to bring up last night?

Mr. McFADDEN. It is; yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first proviso of the second paragraph of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C. title 15, ch. 1, sec. 19), is amended to read as follows:

"*Provided,* That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares, to joint-stock land banks organized under the provisions of the Federal farm loan act, or to other banking institutions which do no commercial banking business."

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. McFADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Oklahoma [Mr. JOHNSON] for 20 minutes.

Mr. JOHNSON of Oklahoma. Mr. Speaker, a few days ago I introduced in the House a measure known as House Resolution No. 341, providing for the appointment of a committee of the House of Representatives for the purpose of investigating and making report on the illegal entrance of aliens into the United States of America, and fixing the responsibility for same.

I desire at this time to send the resolution to the reading clerk and have it read out of my time:

Resolution

Whereas it is estimated by reliable authority that approximately 1,000,000 aliens are now residing in the United States of America who entered our country illegally; and

Whereas it is known that hundreds of thousands of undesirable aliens have been smuggled, or otherwise illegally permitted to enter the United States of America in defiance of law, within the past eight years; and

Whereas such aliens illegally entered into the United States of America have added to the problems of the unemployed, they having displaced American citizens; and

Whereas it is a matter of common knowledge that the hordes of undesirable aliens who have been illegally and fraudulently permitted to enter our borders in recent years have added materially to the wave of crime and increased law violations in America; and

Whereas it is further known that a large persentage of such aliens as have been brought into America illegally within the past few years are engaged in the traffic of narcotics and liquors and are smuggling and bootlegging these unlawful and deadly drugs and liquors to the youth of our land, thereby undermining health, integrity, and moral fiber of the forthcoming generations: Therefore be it

Resolved, That the Speaker of this House is hereby authorized and directed to appoint nine Members from the House to act as and to constitute a special investigating committee; that said committee is hereby authorized and directed to immediately institute a thorough investigation to ascertain the facts and conditions concerning the foregoing allegations made, to determine the number of such aliens who have illegally entered the United States within the past eight years, the reasons for their illegal entrance and continued residence herein, and to ascertain the agency or agencies responsible for such conditions; and the aforesaid special committee shall report its findings to the House of Representatives on or before the first Monday in December, 1929, with such recommendations as it may deem advisable.

For the purpose of such investigation this special committee shall have, and is hereby given, the power to meet at such time and places, and to employ such stenographic service to report its hearings, and to make any and all other expenditures, including expenses for traveling, as it may deem necessary. The said special committee is further authorized to sit immediately following the adjournment of the Seventieth Congress, to send for persons and papers, and to provide for all expenses incident thereto, to administer oaths and affirmations, and to take testimony. The chairman of this special committee, designated as such by the Speaker, is hereby authorized and directed to issue subpœnas. In the event this committee holds hearings beyond the bounds and confines of the District of Columbia, the United States marshal of the particular district where such hearings are being held is hereby authorized and directed to serve any and all subpœnas required of him by the said special committee. Any person who willfully refuses to obey any such subpœna and any witness guilty of contumacy shall be reliable to the penalty provided in section 102 of the Revised Statutes.

The Department of Labor, and any and all other departments of the Government, shall cooperate with said committee and, upon request, shall furnish such assistance and information to said committee as will enable it to make a full, complete, and comprehensive report and findings.

All expenses of this special committee incurred under this resolution in making a full, fair, and thorough investigation shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman thereof, and approved by the Committee on Accounts.

Mr. JOHNSON of Oklahoma. In introducing this resolution in the House of Representatives seeking to have a committee appointed by the House for the purpose of investigating the illegal entry of aliens into the United States, I had only one object in view, and that was to protect this country from a general influx of undesirable aliens in excess of the quotas provided by law.

Certainly no one can question the seriousness of this situation when the daily press is constantly carrying news items to the effect that smuggling and bootlegging are carried on promiscuously throughout the country. Neither can anyone seriously question the fact that there are hundreds of thousands, yes, there have been, in my judgment, according to the best information I can get, more than 1,000,000 aliens admitted illegally and improperly to the United States during the last eight years.

It is not the purpose of the resolution to embarrass anyone in authority, but most certainly the people of the United States are entitled to have their laws administered in a proper manner and to see to it that the officers in charge of law enforcement do their duty as outlined by the Congress of the United States. To hold any other view is contrary to the spirit and intent of our laws and is a rank miscarriage of justice. I have no particular interest in who administers the law, provided the law is properly administered, but as an American citizen and a Representative in Congress I say to you no excuse can be given by any law-enforcement officer for permitting the illegal admission of undesirable aliens into this country.

In my judgment no greater crime can be permitted to exist in America than the promiscuous bootlegging of aliens into the United States. Especially is this true when it is considered from the standpoint of law enforcement. Congress recently voted increased millions in an effort to better enforce prohibition in America, and yesterday the House passed the Jones bill, providing drastic penalties for violations of the dry law. I voted for the bill, hoping it will aid law enforcement. But I submit for your consideration that it will continue to be difficult to have real effective prohibition enforcement when officers and those sworn to uphold the Constitution and laws of the United States permit the illegal entry of more than a million aliens into our borders, many of whom are the scum of the Old World, who have no respect for our laws and who are adding materially to that great army of bootleggers. Many of these undesirable aliens are not only peddling booze but are bootlegging drugs and narcotics and contributing materially to the breaking down of law and order and lax enforcement in many quarters.

Before introducing my resolution to make a thorough investigation as to the number of aliens who have entered the United States I made a rather extensive investigation of the situation. If given an opportunity, I know that I can produce witnesses who will give the Congress information that is really astounding. I think it will be clearly demonstrated by investigation by a proper committee of Congress that not only are aliens bootlegged into the United States in large numbers and pay taken from them for their entry but in a great many instances the people who bootleg them into the country assist in having them deported after they have taken their money from them.

Furthermore, gentlemen of the Congress, I am convinced that undeniable and indisputable evidence can be obtained where aliens have been brought in and paid the price of entry to immigration officers, then robbed of all the remaining money they had in their possession, beaten up, and deported shortly thereafter. I am assured that it can be demonstrated by an investigation that women have been brought into this country, the price paid for their entry in accordance with the custom of those who have been taking bribes for their illegal entry into the United States, that these women have given birth to children shortly after their entry and left stranded, with no money and without proper medical attention.

Mr. SABATH. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to the gentleman.

Mr. SABATH. Will the gentleman state where he gets his information?

Mr. JOHNSON of Oklahoma. I am glad the gentleman from Illinois has asked the question, and I assure my distinguished

and able friend that I did not make these statements without a thorough investigation, as I stated at the outset. I hold in my hand letters and affidavits from former immigration officials, and I will say to the gentleman I shall be gald to let him see some of them, and will also be delighted to submit same to a proper committee of the Congress. I think I can open the eyes of the gentleman with reference to this deplorable situation.

Mr. SABATH. I will say in reply that the committee, as well as myself, will be delighted and pleased to obtain this information and such evidence, because I know the committee is desirous of putting an end to the practice that it is charged is going on along the borders.

Mr. JOHNSON of Oklahoma. I thank the gentleman, and I again assure him that I will be glad to give him this information and much additional information if he so desires.

I have been assured by men who are willing to testify that they can tell a congressional committee, if they are properly protected, of various cases wherein aliens have been bootlegged into the country, where bribes have been accepted, and where reports have been made to the authorities and no action taken. As an instance of this deplorable, damnable condition, I have a case in mind—and I think the accuracy of the statement can be established without any question of doubt—where immigration inspectors have watched the smuggling of aliens, liquor, and morphine into the country in wholesale lots, and where the authorities were notified by immigration inspectors who could not be bribed that on certain dates smuggling boats would arrive at certain points, and instead of the authorities taking proper precaution to prevent the illegal entry of these aliens into the country, as well as the liquor and dope, they were permitted to land unmolested, unload their cargo of aliens, liquor, and narcotics, despite the fact that those in authority had advance information that these boats would enter.

Mr. SABATH. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes; I shall be pleased to yield again to the gentleman.

Mr. SABATH. This is a very serious charge against the Department of Labor and the immigration inspectors and officials, and in view of the fact that the gentleman states that he has the evidence, I think he ought to put it in the RECORD. We ought to know about it. We are entitled to have the information.

Mr. JOHNSON of Oklahoma. I shall be glad to give the gentleman and the committee and the House information concerning this and many other matters if they will permit me to appear before a proper committee. I could bring witnesses here within one hour. I have talked with them and I have some of their affidavits. All I am asking now is a chance to be heard and call witnesses before an investigating committee.

Mr. SABATH. Whenever the gentleman is ready, I will assure him that we will endeavor to call a meeting of the committee and give him the opportunity he seeks, and I am only regretful he has not made the request before to-day.

Mr. GIFFORD. Will the gentleman yield there?

Mr. JOHNSON of Oklahoma. I will be glad to yield, provided I may be assured of a little more time. I only have 20 minutes, and I want to give the Congress what information I can in the limited time given me. I have considerable information that is more astounding than any I have yet given you.

Mr. GIFFORD. I simply want to ask the gentleman if he has referred this information to the proper executive departments previous to bringing it here seeking an investigation, and also ask him if that is not the proper place for such information to go in the first instance?

Mr. JOHNSON of Oklahoma. I will say to the gentleman that I did not secure all the information I have in my possession until yesterday, but I think it is proper to call the attention of the House and of the country to the fact that I have introduced this resolution and have asked to appear before a proper committee and produce my witnesses. Gentlemen, I have them in abundance. Moreover, I am very much of the opinion that the proper departments have in their possession much of the evidence given me. Just why no action has been taken I am at a loss to understand.

I am also advised on what I have reason to consider reliable authority that as many as 150 aliens, to say nothing of the liquor and narcotics, have been landed within a very few days at one given point.

I have no doubt that substantially these further facts can be demonstrated, that when new immigration officers are assigned to certain points they will be immediately approached with the advice that they can have a high-powered car and go on the pay roll for much more money per week than they receive from the Government if they will only "keep their mouths shut" or be away from the docks at certain times when the boats arrive. If these men do not see fit to accept the terms of the alien bootleggers and have a sense of justice and decency and proper respect for their oaths of office, I am told they are either removed or some kind of complaint is filed against them. If they, in turn, seek to report these infamous, scandalous, and outrageous cases of violation of the law to a higher authority, they are dismissed from the service, so my informants declare, or threatened to be beaten up, if not actually beaten for doing so. If given an opportunity I can produce before an investigating committee men who will not only testify that they have been threatened to be beaten up for making reports of illegal entry of aliens into the country, but I am sure we can produce witnesses who were assigned to beat them up if they did not accept the terms.

Mr. BROWNING. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Certainly I will yield to my good friend the distinguished gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. I would like to ask the gentleman in that connection why a resort to the courts has not been had if such a condition prevails. I am very much interested in the gentleman's statement.

Mr. JOHNSON of Oklahoma. I am delighted that the gentleman has asked the question. I was just coming to that very thought. I will say to the gentleman that I yield to no one in my respect for the courts, but it is very difficult for an honest immigration official to get a square deal when he is "framed" by these law violators, these gangs of criminals who have no regard for law, for their oaths, and who delight in railroading honest officials to the penitentiary.

Mr. SABATH. If the gentleman has the information, I would appreciate it if he will put in the RECORD the number of such inspectors that have been discharged because they have failed to cooperate with the bootleggers, or any additional evidence he may have; and let me suggest to the gentleman that I know something about this information that comes to Members a few days before an immigration bill is taken up on the floor of the House, and I want to say that you can not always rely on all the "dope" they send out, because most of the time such people can not prove their statements.

Mr. JOHNSON of Oklahoma. I am pleased to assure the gentleman that I have asked my informants to reduce their statements to writing and, if possible, to affidavits. I have some of their affidavits and signed statements. I have promises of others that they will be delighted to give, if properly protected, before a proper committee—information that will astound the gentleman and shock the entire country. [Applause.]

Let us suppose a case, and I have reasons to believe that if this committee is appointed and makes proper investigations that it can uncover just such cases: Inspector A is an honest man, and he catches 5, 10, or even 15 aliens who have illegally entered the country and who have paid the price, whatever it may be—perhaps from $200 to $1,000 per alien—and the aliens are taken into court. Inspector A brings charges against them for illegal entry and incidently in these charges says Inspector B permitted the illegal entry into the country. The aliens in all probability will be instructed to plead guilty of having come into the country, and have as their defense that they paid the price required of them to be admitted; and when the court asks them to whom they paid the bootleg money, they are instructed to say they paid it to Inspector A, who made the arrest, and identify Inspector A as the man to whom they paid the graft.

The SPEAKER pro tempore (Mr. LAGUARDIA). The time of the gentleman from Oklahoma has expired.

Mr. GARBER. Mr. Speaker, the gentleman is making a very informative address, in which we are all interested, and I ask unanimous consent that his time be extended for a period of 10 minutes.

Mr. SNELL. Mr. Speaker, reserving the right to object, we have a lot of matters to take up to-day. Would the gentleman just as soon extend the rest of his remarks?

Mr. GARBER. The gentleman seldom addresses the House and certainly does not abuse the privilege of the House, and I would consider it a personal favor if the gentleman from New York would permit this extension of time.

Mr. SNELL. We have to adjourn at 4.30 for the Democratic caucus. I do not want to cut the gentleman off, but I hope he will not go longer than the 10 minutes.

Mr. JOHNSON of Oklahoma. I promise the gentleman I will not continue longer than 10 additional minutes, and I would not ask for any extension of time if I had not been interrupted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. GARBER]?

There was no objection.

Mr. JOHNSON of Oklahoma. Let us see. I believe I was discussing a case I have in mind of Inspectors A and B. May I

not inquire in what kind of a position would Inspector A, the honest, faithful officer, find himself, under circumstances I related before being interrupted. Of course, the aliens would be deported, because they have plead guilty, but what about honest Inspector A who caught the aliens? Where do you suppose he would land as a result of his experience in the United States court? Or let us suppose that the aliens who have been caught, after they have paid the price, do not identify the inspector who made the arrest as the one who received the graft, but instead identify some prominent citizen, who may be in the court, or suppose some citizen who has interested himself in trying to break up an alien bootleg ring? These aliens will in all probability be instructed to name him as the one to whom they paid the graft and the court sends for this citizen and brings him before the judge, when these aliens positively identify this man as the one who accepted the bribe for their illegal entry. What happens to this public-spirited citizen in cases of this kind? I am quite sure that it would be a good guess to predict that he would take a trip to Atlanta or elsewhere for a forced vacation. I have heard of just such a case and perhaps if the committee is appointed we can produce some citizens who have served terms in Atlanta for just such cases as this.

Let us take another case. Suppose this committee in making its investigation as proposed in my resolution should find that men are willing to testify to the fact that they were the parties acting as immigration officers who were instructed by higher officers to act as a clearing house and accept for the ring the money paid by the aliens for illegal entry into the country? Could anyone say that if such evidence of flagrant violation of the law were disclosed as a result of this investigation that the efforts of Congress in making the investigation would be useless?

If by chance we were able to uncover, in our efforts to give clean government, the fact that when reports are made by officers who had some regard for their oath of office and some regard for common decency and the best interests of our common country, when they fail to get proper cooperation from district inspectors or other higher authorities, to the authorities in Washington, these reports instead of being investigated by the proper authority were forwarded to other district inspectors, who in turn forwarded them to the district inspector guilty of having been engaged in the business of bootlegging, and the man or men making reports of these flagrant violations of the law were told that if they made any more reports except through the regular channels they would be bumped off, beaten up, or something of that kind, would not such investigation have any effect on relieving this horrible situation?

Or let us presume a still further case. Suppose it were to develop, in an investigation, that when district inspectors or other inspectors are checked up and found remiss in their duties, or even guilty of accepting or knowing that bribes are accepted, and when such facts became known instead of being dismissed from the service they were transferred to other posts where they could ply their dastardly trade in a more remunerative manner and where opportunities for compensation were more alluring. Do you not feel, gentlemen, if this and other similar and even worse cases can be proven, that it would be worth the while to pursue an investigation of this character, in order that the Congress and the country may know just what is going on and those in higher authority may be convinced of the dire need for improvement and a general shake-up in several quarters. [Applause.]

It can not be said that I have ulterior motives in pressing a question of this kind. It is a well-known fact that many aliens have been admittedly illegally entered into the United States during the last eight years, and I assume that the new administration would surely welcome an investigation as to why these conditions exist. We are supposed to have an outstanding genius who is about to enter upon his arduous duties at the head of the Government, who, we hope and believe, will refuse to tolerate such deplorable and damnable conditions. It is not a party matter at all. It is a matter worthy the consideration of our people, as well as that of the Congress of the United States. I, therefore, express the hope that a thorough investigation of these conditions may be had at an early date, and see what can be done to rid the country of one of the blackest crimes in the annals of our Government. [Applause.]

HOSPITALIZATION FOR WORLD WAR VETERANS

The SPEAKER pro tempore. Under the special order the Chair recognizes the lady from Massachusetts [Mrs. ROGERS] for 10 minutes.

Mrs. ROGERS. Mr. Speaker and Members of the House, I have asked for time to-day in order that I might discuss H. R. 15921, a bill which I reported to the House for the Committee on World War Veterans' Legislation last week. This bill authorizes additional hospital, domiciliary, and out-patient facilities for our World War veterans. I wish to tell Members of the House of the greatly overcrowded conditions, not only in our veterans' hospitals but also in the State hospitals. That there is need for beds for the tuberculosis and neuropsychiatric cases in both Federal and State hospitals there is no denying. The situation is most deplorable. The Veterans' Bureau has repeatedly said that there are no unoccupied veterans' hospital beds for neuropsychiatric cases anywhere in the country.

There is also need for tuberculosis beds in certain sections of the country, and there is need for medical and surgical beds in certain sections of the country.

According to the records of the United States Veterans' Bureau on January 31, 1929, the bureau was operating 48 hospitals, using a part of the facilities of 50 other Government hospitals, and 144 civilian hospitals. The patient load in these hospitals was as follows:

TUBERCULOSIS

United States veterans' hospitals	5,380
Public Health Service hospitals	24
Army hospitals	706
Navy hospitals	87
Soldiers' homes	564
Contract hospitals	447
Total, tuberculosis patients	7,208

GENERAL MEDICAL AND SURGICAL

United States veterans' hospitals	3,668
Public Health Service hospitals	386
Army hospitals	1,135
Navy hospitals	2,141
Soldiers' homes	400
Contract hospitals	211
Total, general medical and surgical cases	7,941

NEUROPSYCHIATRIC

United States veterans' hospitals	10,945
Army hospitals	189
Navy hospitals	316
Soldiers' homes	662
St. Elizabeths	347
Contract hospitals	1,160
Total, neuropsychiatric patients	13,619

SUMMARY

The grand total for the above three classes of patients is:

United States veterans' hospitals	19,993
Public Health Service hospitals	410
Army hospitals	2,030
Navy hospitals	2,544
Soldiers' homes	1,626
St. Elizabeths	347
Contract hospitals	1,818
Making a total patient load of	28,768

These figures, as before stated, show the patient load of the United States Veterans' Bureau as of January 31, 1929. As of this same date the total capacity of the United States veterans' hospitals was 21,805, with additional facilities in process of building of 1,007. The average number of beds occupied during the month of January, 1929, was 19,601.

The hospital-construction program submitted by the United States Veterans' Bureau follows:

Hospital-construction program submitted by United States Veterans' Bureau

Location	Type	Beds	Cost	Purpose
Bedford, Mass.	Neuropsychiatric	150	$360,000	Continued-treatment building; additional staff and attendants' quarters.
New York, N. Y.	do	1,000	1,900,000	Additional facilities at Northport, Long Island; and the new hospital authorized at Somerset Hills, N. J., to replace the Bronx.
New York City	General [1]	200	1,000,000	New hospital and facilities for regional office.
Western New York State.	Neuropsychiatric	400	1,700,000	New hospital with facilities for a limited number of general cases to supplement the general beds contemplated at Aspinwall, Pa., and facilities for regional office.
Augusta, Ga.	General	138	300,000	Acute building.
Alabama	do	250	1,100,000	New hospital and facilities for regional office.
Gulfport, Miss.	Neuropsychiatric	138	340,000	Acute building; additional quarters.

[1] Facilities will be provided for all 3 types of cases with beds for general condition predominant.

Hospital-construction program submitted by United States Veterans' Bureau—Con.

Location	Type	Beds	Cost	Purpose
Indiana	General [1]	150	$500,000	New hospital (exclusive of personnel quarters) and facilities for regional office.
North Chicago	Neuropsychiatric	150	280,000	Additional beds and quarters for personnel.
Knoxville, Iowa [1]	do	150	270,000	Continued-treatment building.
Albuquerque, N. Mex.	General [1]	250	1,250,000	New hospital and facilities for regional office.
San Francisco, Calif.	do.[1]	200	1,000,000	New hospital with facilities for diagnostic center and regional office.
Tucson, Ariz	Tuberculosis	100	280,000	Additional beds and quarters.
Texas	Neuropsychiatric	300	1,200,000	New hospital and facilities for regional office.
Total		3,576	[2]11,480,000	

[1] Facilities will be provided for all 3 types of cases with beds for general condition predominant.

[2] To offset the expenditures called for by the above program the bureau proposes to secure legislation authorizing the sale of the hospital properties at the Bronx, N. Y., Dwight, Ill., and Waukesha, Wis., which it is conservatively estimated will result in the return of not less than $3,750,000 to the credit of miscellaneous receipts, Treasury Department. In addition, it is estimated that the sum of $2,000,000 will be saved to the Federal Government through the return of the hospital property at Fort Bayard, N. Mex., to the War Department for the purpose of housing a regiment of troops. Savings of approximately $143,000 annually will also be effected through the proposed evacuation of the space now reserved in leased buildings for the regional offices at New York, N. Y.; San Francisco, Calif.; Albuquerque, N. Mex.; Indianapolis, Ind.; and possibly Dallas, Tex. The regional offices at Buffalo, N. Y., and Birmingham, Ala., are occupying space in Government-owned buildings.

It will be noted that the program of the Director of the United States Veterans' Bureau is largely to provide additional facilities for neuropsychiatric cases and that while four of the projects mentioned are designated as hospitals of the general type, these facilities will provide for all three types of cases with beds for general medical and surgical cases predominating. The director of the bureau when appearing before the committee stated that the bureau's experience has shown that it is desirable to provide in each general hospital a certain number of beds for neuropsychiatric cases and a certain number of beds for tubercular cases. The wards might be termed as clearing houses. It is to such hospitals that suspected neuropsychiatric or tubercular cases will be sent. Their condition will be carefully studied and, if possible, a recovery made. If, after intensive treatment, it is determined that the disease will be of long duration, or that recovery within a reasonable time may not be had, the plan is to then send the patient to an institution for the care of such cases alone.

It will be noted that tubercular facilities are provided for at Tucson, Ariz. As is well known, there is already existing a large tubercular hospital at that point and the additional beds and quarters provided for herein are absolutely necessary to take care of the present load.

It is the plan of the bureau to offset the expenditures authorized by this bill upon the completion of the program by securing legislation authorizing the sale of the hospital properties at the Bronx, N. Y., Dwight, Ill., and Waukesha, Wis., which, it is conservatively estimated by the director of the bureau, will result in the return of not less than $3,750,000 to the credit of miscellaneous receipts, Treasury Department. In addition, it is estimated that upon the completion of the program the hospital property at Fort Bayard, N. Mex., may be returned to the War Department for the purpose of housing troops which would result in a probable saving to the Federal Government of $2,000,000. Savings of approximately $143,000 annually will also be effected through the proposed evacuation of the space now reserved in leased buildings for the regional offices at New York, N. Y., San Francisco, Calif., Albuquerque, N. Mex., Indianapolis, Ind., and, possibly, Dallas, Tex. The regional offices at Buffalo, N. Y., and Birmingham, Ala., are occupying space in Government-owned buildings.

The savings, in so far as the regional offices are concerned, will be immediate upon the completion of this program, as it has been recommended by the bureau, and in adopting the program your committee agrees that sufficient space in the administration buildings of such hospitals should be allotted to house the activities of the regional offices. In so far as the sale of the properties mentioned is concerned, your committee did not feel it proper to include in the present bill any authority, as experience may show upon the completion of this program, as has been the case with others, that the patient load of the Veterans' Bureau will not permit the immediate disposal of such plants.

The director of the bureau has informed the committee that, due to the fact that the bureau had not planned on presenting a program at this session of Congress and to the limited time available for the preparation of a program, it was not possible, as has been customary, for the bureau to submit its recommendations to the Federal Board of Hospitalization for the consideration of that agency. However, your committee had before it the Director of the Veterans' Bureau, the representatives of the various service organizations, many Members of both Houses of Congress, as well as others, all of whom submitted data showing the need for the projects authorized herein.

It must be kept in mind that there are at present 55,000 mentally afflicted World War veterans whose disabilities are connected with the service, and for which they are now in receipt of compensation. Yet less than one-fourth of these veterans—10,500—are now in Veterans' Bureau hospitals receiving Government care and treatment. What of the other 40,000 veterans mentally afflicted as a result of the war? Are they to be denied Government treatment and cure, because we have failed to build hospitals for their care?

The condition of many of these 40,000 veterans is growing steadily worse. Soon thousands of them will require hospitalization, and the Government should be prepared to do its duty by them by constructing hospitals for their treatment and cure when needed.

Congress, under the World War veterans' act, 1924, as amended, in section 202–10, has made mandatory the hospitalization of all T. B. and N. P. cases.

Some Members of the House feel, I know, that the States rather than the Federal Government should pay for the care of the nonservice-connected cases. Whether that is true or not, whether they are right in their opinions or not, I think we are all agreed that either the State or the Federal Government should care for the disabled veterans that need hospitalization. The Federal Government called the men to arms; the Federal Government should hospitalize our men before it is too late.

I have an idea that it may be possible to get the States at a later date to pay or help pay for the care of our nonservice-connected cases in veterans' hospitals. In the meantime, we need beds desperately and should build Veterans' Bureau hospitals. I have not time to read the telegrams from different State hospitals and from commissioners of health of different States, proving that there is hospital overcrowding, but I ask unanimous consent that they be inserted at this time and which are as follows:

PIERRE, S. DAK., *February 24, 1929.*

EDITH NOURSE ROGERS,

Member of Congress:

Insane, 1,300 beds; none vacant. Tuberculosis, 406 beds; none vacant. Feeble-minded, 526; none vacant. No State general hospital.

P. B. JENKINS.

DOVER, DEL., *February 25, 1929.*

EDITH NOURSE ROGERS,

Member of Congress:

About 15 vacant beds in tuberculosis hospital; no vacant bed in insane hospital. This State maintains no general hospital beds.

A. C. JOST,
Board of Health Building.

RICHMOND, VA., *February 24, 1929.*

EDITH NOURSE ROGERS,

Member of Congress, Washington, D. C.:

State tuberculosis hospitals only under our jurisdiction. Approximately 600 beds in 3 sanatoria all full. Information as to vacant beds at State neuropathic hospitals must be secured from superintendents at Williamsburg, Staunton, Marion, Petersburg, and Lynchburg. State welfare commissioner stated last week that each was crowded. New buildings are nearing completion. General hospital wards at University of Virginia almost always full. General hospital wards, medical college, Richmond, have to-day 20 vacant beds; white, 25; colored, 10; under 12 at children's hospital.

ROY K. FLANNAGAN,
Assistant State Health Commissioner.

SPRINGFIELD, ILL., *February 25, 1929.*

EDITH NOURSE ROGERS,

Member of Congress, Washington, D. C.:

State hospitals in Illinois are overcrowded 1,190. The above are insane patients. Our institutions are not grouped according diseases.

RODNEY H. BRAMDON,
Director Department of Public Welfare.

MONTGOMERY, ALA., *February 24, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, Washington, D. C.:
Wire received. No State hospitals in Alabama, except for mental cases. These for both white and colored are crowded to capacity.

STATE BOARD OF HEALTH.

LINCOLN, NEBR., *February 24, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, Washington:
No vacant beds in Nebraska State hospitals.

BARTHOLOMEW,
Director of Public Health.

SALT LAKE CITY, UTAH, *February 24, 1929.*

EDITH NOURSE ROGERS,
Member Congress, Washington, D. C.:
Utah has no State hospital, excepting one for insane, at Provo, at present overpopulated.

P. B. BEATTY,
State Health Commissioner.

BOISE, IDAHO, *February 24, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, Washington, D. C.:
There is no State hospital here.

COMMISSIONER OF PUBLIC HEALTH.

BOSTON, MASS., *February 18, 1929.*

Mrs. EDITH NOURSE ROGERS,
Member of Congress:
Waiting lists at four tuberculosis sanatoria and cancer hospital under this department. Tewksbury State Infirmary reports 150 patients beyond supposed capacity. Department of mental diseases reports no vacancies in its institutions.

G. H. BIGELOW, M. C.

INDIANAPOLIS, IND., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, House of Representatives:
State insane hospitals have no vacant beds except as needed for new patients as admitted. State has no psychiatric hospital. State has one general hospital at Indianapolis, with a constant waiting list. State tuberculosis hospital needs 300 more beds to care for waiting list.

WM. F. KING,
State Health Commissioner.

AUSTIN, TEX., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
All State hospitals full capacity. Have long waiting list.

J. C. ANDERSON, M. D.,
State Health Officer.

CHEYENNE, WYO., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
Ten vacant beds, tuberculosis; 50, general; none, neuropsychiatric.

AMY G. ABBOT,
Secretary State Board of Charities and Reform.

ATLANTA, GA., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
No vacant beds in tuberculosis or neuropsychiatric hospitals in State. Information as to beds in general hospitals not available.

T. F. ABERCROMBIE,
State Commissioner of Health.

SEATTLE, WASH., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
No vacant beds any State institution or hospitals. Legislature convening hope to pass building program at this session. No State tuberculosis hospital. State of Washington has adopted county-unit plan. Total number 6, all overcrowded.

A. E. STUHT, M. D.,
State Director of Health.

JEFFERSON CITY, MO., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
Hospitals for insane are full. School for feeble-minded and epileptic approximately 15 vacancies. Sanitorium for tubercular, 20 vacancies to-day.

W. P. FULKERSON, *President.*

ALBANY, N. Y., *February 25, 1929.*

EDITH NOURSE ROGERS,
House of Representatives, Washington, D. C.:
Overcrowding State hospitals for insane, approximately 30 per cent. Substantial construction under way.

FREDERICK W. PARSONS, M. D.,
Commissioner.

HARTFORD, CONN., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, Washington, D. C.:
Twenty-eight vacant beds for ambulatory patients only in five State tuberculosis sanatoria. Both State insane hospitals overcrowded and construction of another considered. State has no general hospital.

CONNECTICUT STATE DEPARTMENT OF HEALTH.

CONCORD, N. H., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
No vacant beds in the New Hampshire State Hospital for Insane.

C. H. DOLLOFF, *Superintendent.*

TOPEKA, KANS., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
Tuberculosis, neuropsychiatric, and general hospitals, Kansas, filled beyond capacity.

BOARD OF ADMINISTRATION.

TRENTON, N. J., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
New Jersey insane hospital 1,700 overcrowded.

W. J. ELLIS.

DENVER, COLO., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
No vacant beds in any Colorado State hospital. Each hospital needing additional beds.

S. R. MCKELVEY,
Secretary State Board of Health.

PORTLAND, OREG., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:
Waiting list for tuberculosis hospital. Neuropsychiatric, Pendleton, few beds. Salem, full.

FREDERICK D. STRICKER,
State Health Officer.

RALEIGH, N. C., *February 24, 1929.*

EDITH NOURSE ROGERS,
House of Representatives, Washington, D. C.:
Tuberculosis, none. Orthopedic, none. Neuropsychiatric, about 40. State has no general hospitals.

CHAS. O. LAUGINGHOUSE.

AUGUSTA, ME., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, Washington, D. C.:
Hospitals mentioned in your telegram not under supervision of State department of health. Each have separate board, but reports state all beds occupied and large waiting lists.

C. F. KENDALL.

CHARLESTON, W. VA., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, Washington, D. C.:
West Virginia has four State hospitals for neuropsychiatrics: Huntington, Weston, Spencer, and Lakin; all overcrowded. No vacant beds. Building nearing completion at Lakin, 250 beds. Budget before legislature now in session carries appropriation for 250-bed hospital building at Weston. We have one sanitarium at Hopemount for tuberculosis. No vacant beds now, but new building, 125 beds, to be opened

in September and another sanitarium at Beckley to be opened in September, 150 beds. We have three general hospitals—Welch, 54 vacant beds; McKendree, 30 vacant beds; and Fairmont, 27 vacant beds.

STATE BOARD OF CONTROL,
By J. S. LAKIN.

LITTLE ROCK, ARK., *February 25, 1929.*

EDITH NOURSE ROGERS,
House of Representatives:

Re telegram, no vacant beds. State hospital for nervous diseases, 2,700 inmates, normally 2,200-bed hospital. State tuberculosis sanitarium, 340 beds; long waiting list. No general or other State hospital. Government has Army hospital, Hot Springs, and Veterans' Bureau hospital, Little Rock. Information available Washington, these hospitals.

C. W. GARRISON.

JACKSON, MISS., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress, Washington, D. C.:

No vacant beds in State hospitals. Overcrowded and long waiting list in most instances.

FELIX J. UNDERWOOD, M. D.,
State Health Officer.

BISMARCK, N. DAK., *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:

No vacant beds in any State hospital. Large waiting list.

A. A. WHITTEMORE,
State Health Officer.

DES MOINES, IOWA, *February 25, 1929.*

EDITH NOURSE ROGERS,
Member of Congress:

Answering wire to commissioner of public health, institutions of Iowa very much overcrowded; no vacant beds available at any of them.

BOARD OF CONTROL, STATE INSTITUTIONS OF IOWA,
By E. J. HINES, *Secretary.*

During the fiscal year ending June 30, 1927, there were 71,967 veterans hospitalized by the Veterans' Bureau. This number increased to 73,270 during the fiscal year ending June 30, 1928.

The American Legion at Denver, Colo., reports that there are 41 service-connected cases awaiting hospitalization at Denver.

The American Legion at Boston reported to-day that 42 service-connected cases of mental disability have been refused hospitalization within the past month due to lack of beds; that 177 202 (10) mental cases are now awaiting hospitalization there; and that there are in addition 154 mental cases in State hospitals eligible for transfer to Government hospitals for whom no claims have been filed.

The Veterans' Bureau corroborates this.

The Dallas (Tex.) regional office reports that there are 30 men now awaiting beds—4 service-connected cases and the remainder 202-10 cases, which are mandatory for hospitalization and should be counted as service connected. Six of this number are hospitalized in county jails.

We must face the fact that to care for intelligently veterans of all wars is a very big problem. I am going to ask that a board be appointed, nonpolitical and nonpartisan, and if possible a nonsalaried board, to study the whole veterans' problem and make a report as to what is needed to adequately care for the veterans and as to the best method of so doing.

Mr. BROWNING. Will the lady yield?

Mrs. ROGERS. I will yield a little later.

Statistics show at the present time that there are 1,100 service-connected cases awaiting hospitalization, and they are entitled to hospitalization in the Veterans' Bureau hospitals. Section 202 (10) of the act of 1926 as amended made mandatory the hospitalization of neuropsychiatric and tubercular cases, and certain other cases should be treated exactly as if they were service connected in the matter of hospitalization. I will quote that section:

SEC. 202-10, World War Veterans' Act, 1924, as amended: That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases, paralysis agitans, encephalitis lethargica, or amoebic dysentery, or the loss of sight of both eyes, regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, incuding those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That any and all laws applicable to women who belonged to the Nurse Corps of the Army after February 2, 1901, shall apply equally to members of the Army Nurse Corps who served under contract between April 21, 1898, and February 2, 1901, including all women who served honorably as nurses, chief nurses, or superintendent of said corps in said period: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses: *Provided further*, That where a veteran hospitalized under the authority of this subdivision is financially unable to supply himself with clothing, he shall also be furnished with such clothing as the director may deem necessary: *Provided further*, That where a veteran entitled to hospitalization under this subdivision is suffering with a disease or injury necessitating the wearing of a prosthetic appliance and is financially unable to supply himself with same, upon an affidavit to that effect the director is hereby authorized to furnish such appliance and to effect necessary repairs to the same without cost to the veteran: *And provided further*, That the pension of a veteran entitled to hospitalization under this subdivision shall not be subject to deduction, while such veteran is hospitalized in any Government hospital, for board, maintenance, or any other purpose incident to hospitalization: *Provided further*, That the act of May 4, 1898, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes," the act of February 28, 1861, as amended by the act of February 2, 1909, relative to the Government hospital for the insane in the District of Columbia, or any other act, in so far as they are inconsistent with the provisions of this section, be, and they are, hereby modified accordingly.

In the insular possessions or Territories of the United States the director is further authorized to furnish hospitalization in other than Government hospitals.

The doctors in this House know only too well that prompt diagnosis, prompt hospitalization, means a saving not only of human life but it means a saving of reason. I feel I have a right to speak of this fact because I have worked in the hospitals. I worked steadily in hospitals from 1918 to 1922. I have watched the care of veterans in the hospitals in different parts of the country since then. I saw then what prompt care did in curing these service men and women, and I also saw how as a result of lack of care some of them become hopeless cases. Take a diabetic, for instance. At the present time, since the discovery of insulin, if he is promptly hospitalized, promptly diagnosed, he is taught to have the proper diet, taught the proper care, and he can go out in the world and earn his living for himself and for his family. Immediate care of a mental case often means that the patient is brought back to normal. Certainly from the economic point of view it is important to diagnose these men promptly, to hospitalize them promptly. It is much better for the men to have them get well and it is much better for the families to have them get well, and also for the Federal Government. They are, then, not a financial drain upon the Government.

This bill (H. R. 15921) provides approximately 3,500 beds for our disabled veterans in the different parts of the country. The program which goes with the bill, which is inserted in the committee's report of the bill, is recommended by the Director of the Veterans' Bureau as being the one he favors at this time. I am not completely satisfied with it because I believe we need beds in certain other parts of the country that he has not recommended. He has stated that while no appropriation could possibly pass the House and the Senate during this session of Congress, yet if he had the authorization to go ahead and plan to build these hospitals, there would be a great saving of time in their erection.

The Veterans' Bureau states that it takes nearly three years to complete a building program. This statement, however, is not borne out by an analysis of the actual facts. It should be recognized that if a program were to be completed within three years, that the average date upon which all of the hospitals included in the program were to be opened would necessarily be less than three years. For example, if the entire program were to be completed within three years, the first hospital must have been completed within, say, 18 months and the remaining hospitals completed at intervals every few months thereafter until the completion of the last hospital within the 3-year limit.

An analysis has just been made of the dates on which the last 10 Veterans' Bureau hospitals have been opened. This analysis shows that it takes three years, on the average, from the date of authorization to the completion date of a hospital, and does not in any sense represent the time for completion of a hospital building program.

The 10 last hospitals opened by the Veterans' Bureau, from which this study has been made, are listed below, showing the name of the hospital, the date of its authorization, the date of its completion, the elapsed time between authorization and completion and the number of beds involved.

Name and No.	Date authorized	Date completed	Time from authorization to completion	Number of beds
St. Cloud, 101	April, 1922	September, 1924	2 years 5 months	340
Excelsior Springs, 99	do	October, 1924	2 years 6 months	125
Camp Custer, 100	do	do	do	575
Livermore, 102	do	April, 1925	3 years	306
Aspinwall, 103	March, 1921	October, 1925	4 years 7 months	228
San Fernando, 104	April, 1922	March, 1926	3 years 11 months	230
North Chicago, 105	June, 1924	do	1 year 9 months	700
Minneapolis, 106	do	April, 1927	2 years 10 months	557
Northport, 108	do	April, 1928	3 years 10 months	1,000
Bedford, 107	March, 1925	July, 1928	3 years 4 months	350

It took 30 years and 8 months to complete these 10 hospitals, or an average of 3 years for each hospital. The average bed capacity of each of these hospitals is 441 beds, in other words, average-sized hospitals.

The last 10 hospitals opened were chosen arbitrarily to obtain the average time of construction, for several reasons, as follows:

First. The Veterans' Bureau architectural and engineering corps is now working at higher efficiency than in the beginning, so their latest efforts form a better medium of comparison than would their earlier efforts.

Second. Ten hospitals were chosen arbitrarily, as this would give a sufficient number from which to strike a fair average time for the construction of one hospital under present conditions.

The 4,411 beds involved approximate the size of the average program authorized by the Congress.

Third. Of the hospitals opened at an earlier date many were buildings which had not been erected for hospital use but which were purchased by the Government and transformed into hospitals for use of the disabled veterans. Others were purchased outright. For this reason an analysis of the elapsed time between authorization and opening of the earlier hospitals would not be a true indication of the time it takes to build a hospital, it now being the Veterans' Bureau policy to construct the hospitals authorized by the Congress.

The present program will not be adequate to hospitalize all veterans in Veterans' Bureau hospitals. It is felt that with these additional facilities and the continued use of the beds now allotted to the bureau by other governmental agencies the Veterans' Bureau will be in a position to take care during the next several years of practically all service-connected cases and the more aggravated 202—10 cases.

In approving the program submitted by the director, there is no intention on the part of the committee to designate a particular location for hospitals. It is expected to place the structures in the areas set out herein at such places as the director may select, but if conditions should be so altered as to require changes in location or allocation, it is expected that the director, with the approval of the Federal board for hospitalization and the President, will make such changes.

This bill has been indorsed by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Spanish War Veterans, and the Grand Army of the Republic. The suggestions of these veterans' organizations have been very helpful as they constantly make surveys of the hospitalization problem. While your committee did not see fit to recommend all that these organizations requested, it did attempt to fill the greatest need.

I have taken at random the 10 last hospital projects. They have averaged three years a project. You can imagine what three years means to a sick veteran if he is waiting for hospitalization. The Legion tells me, and I know from my own experience, that it takes frequently from one to three months to secure hospitalization for a veteran, and then it is necessary, often, to have a Member of Congress telegraph to secure that hospitalization. The veteran should be hospitalized the day that he is taken sick.

There is one thing I think most of us do not take into consideration, and that is the transportation costs to the Government if the hospitals are at a considerable distance from the veteran's home. Last year the veterans expended over $2,000,000 in transportation. Last year the hospital bill authorized for the building of beds an appropriation of $15,000,000. That money has already been appropriated, and every cent of it the Director of the Veterans' Bureau tells me has been allocated. Seven million dollars was appropriated by Congress immediately after the passage of the bill last year. And this session of Congress appropriated $6,000,000, and granted to the bureau authority to obligate the remaining $2,000,000. I speak of this because, on the floor, it was said that was $2,000,000 available which the director could use for hospital projects. The Veterans' Bureau has told me several times that every cent of the $2,000,000 is allocated, every cent of it obligated. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, it is my intention in a few moments to move to suspend the rules and pass H. R. 16819, and pending that motion I ask unanimous consent to address the House for 10 minutes upon the question of hospitalization for disabled veterans.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I make the request to couple with that that I have five minutes, to follow the gentleman from South Dakota.

The SPEAKER. The gentleman from Mississippi couples with that a request that he may have five minutes. Is there objection to these requests?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, like every other Member of the House, I have listened with a great deal of interest to the address concerning hospitals made by the distinguished lady from Massachusetts [Mrs. ROGERS], and like every other Member of the House, and I know that to be a certainty, having served here for 11 years since the war, I desire to see every disabled soldier in the United States given hospitalization. The whole matter of veterans' legislation presents many problems to the Congress and to the country. The legislation with reference to compensation and that with reference to hospitalization must be considered together. We have entered this hospital-building program rather gradually. The sum total of appropriations for the building of hospitals since the war is approximately $90,000,000, which means that for each service-connected disabled patient in Veterans' Bureau hospitals in the United States the Government has expended $7,000.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. No; not until I finish this statement. The total load in all hospitals to-day is approximately 29,000 men. We started out with the theory that we would give hospital treatment to every service-connected person who was disabled in the war, but in the veterans' act of 1924 we found that there were some vacant beds not required for service men, which could be used by those who were not disabled in the war. Congress passed this act:

> The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization of veterans * * * without regard to the nature or origin of their disability.

So that the existing law to-day is that every ex-service man of the World War who has a service-connected disability mandatorily must be hospitalized, and if there are vacant beds these men who have non-service-connected disabilities may be hospitalized. For instance, men who last year were run over by an automobile or to-day become diseased may be hospitalized. That is existing law. This has been the final result: We have 29,000 men in the hospitals and 10,000 of them have non-service-connected disabilities; so that if they were removed from the hospitals, as contemplated by the existing law, whether it was wise or not, there would be plenty of beds available for the service-connected men.

I call your attention to this largely because I know that the time is now here when Congress must not only consider this matter in connection with a general hospital policy but in connection also with a policy of pensions. In that connection I wish to call attention to report No. 2715 which accompanies the bill H. R. 15921, discussed by the lady from Massachusetts [Mrs. ROGERS], and also call attention to the minority views. They are called "minority views" because that is the only way we can file them. But as a matter of fact I do not think there will be any disagreement eventually among the responsible Members of Congress and the responsible service men and citizens of the country as to what must be done. But before this program is carried out, and before we make commitments and agreements, we ought to know where we are going to get the money, and what should be done with it, and how the men will be treated.

All I desire to do in this short time that I have is to call the attention of the House to the great problem and to see that Members do not commit themselves to a policy that may be found to be unsound. When we do agree upon a policy we ought to let the ex-service men and the taxpayers know what we promise, and then live up to that promise.

I happened to be on the floor of the House 12 years ago, when war was declared, and I happened to be on the floor when we passed the conscription law; and I still remember those fluent speeches made by gentlemen who insisted on our entering the war unprepared as to what would be done with the men who would be injured. It is not my duty to definitely determine what will be done with the men, but it is up to us to make a comprehensive study before we decide upon a program.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Mr. Speaker, will the gentleman yield there?

Mr. JOHNSON of South Dakota. I will yield first to the member of the committee, the gentleman from Tennessee.

Mr. BROWNING. Is not the law now absolutely mandatory that we hospitalize every disabled veteran?

Mr. JOHNSON of South Dakota. The gentleman, as usual, is correct in the statement of the law with reference to these two classes. As to the non-service-connected cases, if they were taken from the hospitals, we would have room for the classes of patients to which the gentleman refers.

Mr. BROWNING. Are there not numbers of those men who can not get hospitalization?

Mr. JOHNSON of South Dakota. Yes; non-service-connected cases. If the hospital bill is passed—and I have said frankly in the minority views that I did not think it would pass——

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. In a moment. And time has demonstrated that I was right, because in my opinion we have not a chance to pass it. Even if it passed this body it would not become law. If we did pass this hospital bill there would be no opportunity afforded to procure the money necessary for the building of the hospitals until July 1, 1930. I have every confidence that this administration must recognize the fact that there must be a consolidation of activities affecting the ex-service men, instead of having five different operating heads, including hospitalization and everything else. We must use some plain, ordinary common sense in this governmental matter and put all these activities under one head, and then we could intelligently appropriate the money that may be necessary. There are 11 or 12 soldiers' homes, and the patient load may be entirely different a year or six months from now from what it is to-day.

Mrs. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mrs. ROGERS. I suppose the gentleman realizes that the Director of the Veterans' Bureau has repeatedly stated that we would not have enough beds even if those of the soldiers' homes were taken over by the Veterans' Bureau?

Mr. JOHNSON of South Dakota. I have been so informed by ladies and gentlemen who have talked with the Director of the Veterans' Bureau, but I must depend for his attitude upon the statements he makes when he comes before the committee as a witness. He has never made that statement to the committee or to me.

Mr. BROWNING. Mr. Speaker, will the gentleman yield again?

Mr. JOHNSON of South Dakota. Yes.

Mr. BROWNING. Can the gentleman tell us why he is so positive that this bill can not pass the Senate?

Mr. JOHNSON of South Dakota. I do not want to go into that, but experience here has taught me that certain bills can go through without being fought, and certain others will not pass. I do not believe the gentleman and myself will disagree on what eventually ought to be done.

Mr. BROWNING. If we had the same unanimity of view in the House as there is in the committee, the gentleman would think, would he not, that there would be an overwhelming vote in favor of the bill?

Mr. JOHNSON of South Dakota. I can not go into that. I can not answer the gentleman's question without violating the rules of the House.

The SPEAKER. The time of the gentleman from South Dakota has expired.

COWPENS BATTLE GROUND

Mr. McSWAIN. Mr. Speaker, by authority of the chairman of the Committee on Military Affairs and at the request of the author of the bill, the gentleman from South Carolina [Mr. STEVENSON] I ask unanimous consent to take from the Speaker's table H. R. 12106, to erect a national monument at Cowpens battle ground, with Senate amendments, and concur in the Senate amendments. The Senate amendments are very much more favorable to the Treasury of the United States, and we desire to end the matter.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table House bill 12106 with Senate amendments and concur in the Senate amendments. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

JOHN F. FLEMING

Mr. McSWAIN. Mr. Speaker, by authority of the chairman of the Committee on Military Affairs I ask unanimous consent to take from the Speaker's table H. R. 12650, granting an honorable discharge to John F. Fleming, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table House bill 12650, with a Senate amendment, and concur in the same. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

HOSPITALIZATION FOR WORLD WAR VETERANS

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] is recognized for five minutes.

Mr. RANKIN. Mr. Speaker, I thoroughly agree with the lady from Massachusetts that we ought to pass the hospital bill reported from the Veterans' Committee. I submit, Mr. Speaker, in answer to the gentleman from South Dakota [Mr. JOHNSON] who says it has not a chance to pass, that if it is given an opportunity to pass it will pass this House and the other body and receive the signature of the President.

The sentiment in favor of this legislation is overwhelming. It is recommended by the American Legion; it is recommended by the Disabled American Veterans; it is recommended by every veterans' organization that has investigated the hospital situation; it has the approval of the Veterans' Bureau, and it has the approval of the Veterans' Committee, of which the gentleman from South Dakota is the chairman. They indorsed it by a vote of almost 4 to 1 on a record vote.

Why, then, should we be denied the opportunity of bringing this bill before the House? He says we could not get the money for some time. But we want to begin making arrangements for the construction or expansion of these hospitals in order that by the time the money can be appropriated we will be ready to proceed with their construction.

The gentleman from South Dakota says we are taking care of men now whose disabilities are not service connected. He knows that in the beginning I was one man, if not the only man, on the committee who opposed embarking upon that policy. But we have embarked upon it now, and even the gentleman from South Dakota will not stand on this floor and say he is willing to back off from it, and to throw these men out into the cold who are now in the various hospitals.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. RANKIN. For a question; yes.

Mr. JOHNSON of South Dakota. It would be difficult to make it a question. I will have to make a statement. I will say I would favor the policy of putting all veterans who have service-connected disabilities in hospitals and to equalize the States, fixing a percentage of non-service connected cases that could be admitted to each hospital.

Mr. RANKIN. I can not yield for a speech, Mr. Speaker. The time has now come when we need space, when we need new hospitals, and when we need these hospitals expanded. The Director of the Veterans' Bureau tells you that in the program he has submitted the hospitals are in localities where the increases in the load are going to be greatest in the years to come.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. JOHNSON of Washington. Does the proposed bill specify a set and limited program?

Mr. RANKIN. If the gentleman from Washington will read the report, he will find that in that report the committee has inserted the tentative program as recommended by the Veterans' Bureau. It includes the hospitals we want to construct or expand, and in those localities where they are most necessary to take care of the disabled veterans we are not able to take care of now.

Mr. JOHNSON of Washington. And where is the program that will lead to further needed hospital construction? Will we not need still another program? Do we not need it now?

Mr. RANKIN. Certainly! Wars always lead to disabled soldiers, and if a government does its duty disabled soldiers

lead to hospitals and caring for those men when they break down as a result of their war services. [Applause.]

Mr. BROWNING. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BROWNING. I will ask the gentleman if he does not think there are really thousands of these sick men who have never been service connected by the bureau, but who are absolutely disabled because of their service connection?

Mr. RANKIN. Absolutely; and there is your trouble. You have a great deal of technical red tape by which men are being denied compensation, and as a result many of those men who are now suffering for the want of compensation or hospitalization are suffering from service-connected disabilities. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

WORLD WAR VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16819) to amend the World War veterans' act, 1924, as amended.

The SPEAKER. The gentleman from South Dakota moves to suspend the rules and pass the bill H. R. 16819, as amended. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 16819) to amend the World War veterans' act, 1924

Be it enacted, etc., That section 16 of the World War veterans' act, 1924, as amended (sec. 442, title 38, U. S. C.), is hereby amended to read as follows:

"SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of title 3 deposited and covered into the Treasury to the credit of this appropriation shall, where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of title 3 hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum, including all premium payments, is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of title 3, including the refund of premiums and such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the awards by the director."

SEC. 2. That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 19. In the event of disagreement as to claim, including claim for refund of premiums, under a contract of insurance between the bureau and any person or persons claiming thereunder, an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such persons, or any one of them, resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 5 and 6 of the act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, and section 10 thereof in so far as applicable. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court, to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside: *Provided,* That not less than 30 days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 239 and 240 of the Judicial Code, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final. This section shall apply to all suits now pending against the United States under the provisions of the war risk insurance act, as amended, or of the World War veterans' act, 1924, and amendments thereto.

"No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made, or within one year from the date of the approval of this amendatory act, whichever is the later date: *Provided,* That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further,* That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year, though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section. This section shall apply to all suits now pending against the United States under the provisions of this section.

"In any suit, action, or proceeding brought under the provisions of this act, subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided,* That no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word 'district' and the words 'district court' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

"Part-time and fee-basis employees of the bureau, in addition to their regular travel and subsistence allowance when ordered in writing by the director to appear as witnesses in suits under this section, may be allowed, within the discretion and under written orders of the director, a fee in an amount not to exceed $20 per day."

SEC. 3. That section 28 of the World War veterans' act, 1924, as amended (sec. 453, title 38, U. S. C.), is hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any person who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"When under the provisions of this section the recovery of a payment made from the United States Government life-insurance fund is waived, the United States Government life-insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance.

"This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 4. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 37, and to read as follows:

"SEC. 37. Checks properly issued to beneficiaries and undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished, or, until three full fiscal years have elapsed after the end of the fiscal year in which issued."

SEC. 5. That section 201, paragraph (f), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person: *Provided,* That the status of dependency shall be determined annually as of the anniversary date of the approval of the award, and the director is authorized to require a submission of such proof of dependency as he, in his discretion, may deem necessary: *Provided further,* That upon refusal or neglect of the claimant or claimants to supply such proof of dependency in a reasonable time, the payment of compensation shall be suspended or discontinued."

SEC. 6. That section 202, subdivision (1), paragraph (e), of the World War veterans' act, 1924, as amended (sec. 475, title 38, U. S. C.), be hereby amended to read as follows:

"(e) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent: *Provided,* That the status of dependency shall be determined annually as of the anniversary date of the approval of the award, and the director is authorized to require the submission of such proof of dependency as he, in his discretion, deems necessary: *Provided further,* That upon refusal or neglect of the claimant to supply such proof of dependency in a reasonable time, the payment of such additional compensation as herein provided shall be suspended or discontinued."

SEC. 7. That the first paragraph of section 202, subdivision (7), of the World War veterans' act, 1924, as amended (sec. 480, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent, shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $30 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however,* That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the provisions of this subdivision."

SEC. 8. That section 206 of the World War veterans act, 1924, as amended (sec. 495, title 38, U. S. C.), is hereby repealed.

SEC. 9. That section 209 of the World War veterans' act, 1924, as amended (sec. 498, title 38, U. S. C.), is hereby repealed.

SEC. 10. That section 301, paragraphs 3 and 4, of the World War veterans' act, 1924, as amended (sec. 512, title 38, U. S. C.), be hereby amended to read as follows:

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to reinstate or convert said term insurance as hereinbefore provided: *Provided,* That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided,* That when the amount of an individual monthly payment is less than $5, such amount may in the discretion of the director be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for refund of premiums, cash, loan, paid-up, and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided."

SEC. 11. That section 311 of the World War veterans' act, 1924, as amended (title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 311. The director is hereby authorized and directed to include in United States Government life (converted) insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of three consecutive months or more, before attaining the age of 65 years and before default in payment of any premium, shall be paid disability benefits at the rate of $5.75 monthly for each $1,000 of converted insurance in force when total-disability benefits become payable. The amount of such monthly payment under the provisions of this section shall not be reduced because of payment of permanent and total disability benefits under the United States Government life (converted) insurance policy. Such payments shall be effective as of the date of beginning of total disability, and shall be made monthly during the continuance of such total disability. Such payments shall be concurrent with or independent of permanent total-disability benefits under the United States Government life (converted) insurance policy. In addition to the monthly disability benefits the payment of premiums on the United States Government life (converted) insurance policy and for the total-disability benefits authorized by this section shall be waived during the continuance of such total disability. Regulations shall provide for reexaminations of beneficiaries under this section; and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums and payment of benefits shall cease and the United States Government life (converted) insurance policy, including the total-disability provision authorized by this section, may be continued by payment of premiums as provided in said policy and the total-disability provision authorized by this section. Neither the dividends nor the amount payable in any settlement under any United States Government life (converted) insurance policy shall be decreased because of disability benefits granted under the provisions of this section. The payment of total-disability benefits shall not prejudice the right of any insured, who is totally and permanently disabled, to total permanent disability benefits under his United States Government life (converted) insurance policy: *Provided,* That the provision authorized by this section shall not be included in any United States Government life (converted) insurance policy heretofore or hereafter issued except upon application, payment of premium by the insured, and proof of good health satisfactory to the director. The benefit granted under this section shall be on the basis of multiples of $500, and not less than $1,000 or more than the amount of United States Government life (converted) insurance in force at the time of application. The director shall determine the amount of the monthly premium to cover the benefits of this section, and in order to continue such benefits in force the monthly premiums shall be payable until the insured attains the age of 65 years or until the prior maturity of the policy. In all other respects such monthly premium shall be payable under the same terms and conditions as the regular monthly premium on the United States Government life (converted) insurance policy."

The SPEAKER. Is a second demanded?

Mr. BULWINKLE. Mr. Speaker, I demand a second.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, time is very limited for the discussion of this meaure, and it is very technical. In order that all this discussion concerning veterans' legislation and hospitalization may be found in one place and that the things that are said concerning this measure may be brought to the attention of the House, I ask unanimous consent to extend my remarks by inserting the report on this bill and the majority report and the minority views on the bill H. R. 15921, the hospitalization bill, which is found in report No. 2715. This will put in the RECORD the views of everybody.

Mr. RANKIN. Mr. Speaker, I reserve the right to object. I can not agree to see go into this RECORD the minority report on bills that the gentleman from South Dakota will not help us to get up on the floor of the House and pass, and I will have to object.

Mr. JOHNSON of South Dakota. Will the gentleman reserve his objection for a moment?

Mr. RANKIN. Yes; I will do that.

Mr. JOHNSON of South Dakota. Why will not the gentleman let everything that has been said by everybody who has discussed these measures go into the RECORD, so that every Member of the Congress and the public will not have to search 40 different RECORDS and reports to find out what has been said and what has been done. If the gentleman will consent to my request, it will put in the RECORD to-day the views of everyone on all veterans' legislation and save a great search of RECORDS and reading of reports.

Mr. RANKIN. I am not willing for that minority report to go into this RECORD without having an opportunity to answer it on the floor of this House, and I am going to stand by my objection.

Mr. JOHNSON of South Dakota. Now, Mr. Speaker, in order that the membership of the House may in the future be able to find the conflicting viewpoints of Members of the House, I desire at this time to say that anyone who desires to be fully advised may refer to the RECORD of last Monday, February 25, when a bill reported by the gentleman from Mississippi [Mr. RANKIN], a general pension bill, was discussed in the House, and the debate will be found in the RECORD of the date to which I have referred. I desire further to call the attention of the House, in connection with the debate we have just had, to the fact that all the information concerning the hospital building bill (H. R. 15921) may be found in report No. 2715; and in that report will be found the majority report of the Committee on World War Veterans' Legislation and the minority views signed by myself and three other members of the committee.

Mr. GREEN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Florida.

Mr. GREEN. I believe the chairman of the committee is advised that something like two years ago there was considerable talk by the bureau, if not by the committee, about consolidating hospitals in the Southeast and possibly the elimination of the hospital at Lake City, Fla., does the gentleman know of any move like that?

Mr. JOHNSON of South Dakota. I would say to the gentleman I do not think there is any such move under way. I do not foresee the abandonment of any Veterans' Bureau hospital at this time.

Mr. GREEN. I appreciate that information.

Mr. JOHNSON of South Dakota. Now, Mr. Chairman, in the short time allotted to me it is absolutely impossible to discuss in any great degree this technical measure. So I now ask unanimous consent to insert in the RECORD at this point in my remarks the unanimous report of the World War Veterans' Committee on the bill now under consideration.

Mr. RANKIN. The bill now before the House?

Mr. JOHNSON of South Dakota. Yes; the insurance bill.

The SPEAKER. Is there objection?

Mr. RANKIN. That does not include the minority views on the other bill?

Mr. JOHNSON of South Dakota. No.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, the report contains the bill itself. The bill has already been read and I suggest that the gentleman omit the bill which is at the conclusion of the report.

Mr. JOHNSON of South Dakota. I shall omit that in my remarks.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to follows:

Mr. JOHNSON of South Dakota, from the Committee on World War Veterans' Legislation, submitted the following report (to accompany H. R. 16819):

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 16819) to amend the World War veterans' act, 1924, as amended, having considered the same, reports thereon with the recommendation that it be passed. The bill as now presented proposes several substantial changes to which the attention of the House of Representatives is specifically directed. They are as follows:

1. Section 1 of the bill amends section 16 of the World War veterans' act, 1924, as amended, for the purpose of specifically authorizing the refund of premiums on war risk term insurance. The bureau since its inception has always, wherever a retroactive rating of permanent and total disability has been made as of a date prior to the time when the insured ceased the payment of premiums, refunded such premiums. This practice is in accord with the practice of all commercial insurance companies. However, in the Harvey Ned Howard case the Comptroller General (decisions of November 9, 1928, and January 7, 1929) stated that the appropriations for yearly renewable term insurance were not available for the refund of premiums. Your committee thought that the bureau's practice was in accord with the existing law but in order to overcome the decisions of the Comptroller General and to insure expedited action on the refund of such premiums the amendment is included in this bill.

2. Section 2 of the bill proposes to amend section 19 of the World War veterans' act, 1924, as amended, which relates to the filing of suits on insurance, by including therein a provision authorizing the court as part of judgments entered thereunder to direct the refund of unearned premiums, and also by authorizing the issuance of subpœnas for witnesses who are required to attend the trials, these subpœnas to run from any district into another, provided that in the event the witness lives out of the district in which the court is held at a greater distance than 100 miles from the place the court is held, the permission of the court must be had. Prior to September 19, 1928, the district courts had authority to issue subpœnas under the circumstances mentioned, this authority being contained in section 654, title 28, United States Code, the operation of which, however, expired, by its own terms, on September 19, 1928, since which date the United States district courts have had no authority in civil cases to subpœna witnesses living in a different district a greater distance than 100 miles from the place in which the court is held. Defense witnesses in most of the insurance suits live more than 100 miles from the district court in which the suits are brought, and although authority exists for the taking of testimony of such witnesses by deposition, this method is unsatisfactory and the defense of the Government is restricted and hampered by the limitations of the present law. This amendment is recommneded by the director. The bill further proposes to amend section 19 by the inclusion of a paragraph under which the director will be authorized to order part-time and fee-basis employees of the bureau to appear as witnesses in suits against the Government under this section and to pay them, in his discretion, a fee in an amount not to exceed $20 per day. The Comptroller General has ruled that the Government is unauthorized to pay as expert witnesses in the trial of insurance suits physicians who are already in the employ of the Government on a part-time or fee basis, on the theory that the payment of a witness fee in addition to the usual compensation paid them as part-time salaries or as fees by the bureau would be double payment to these employees. This lack of authority in the bureau to use and pay as witnesses physicians who are familiar with the cases in suit also hampers the Government in its defense.

3. Section 3 of the bill proposes to amend section 28 of the World War veterans' act, 1924, as amended, to provide that said section, as amended, shall be deemed to be in effect as of June 7, 1924. Section 28 of the World War veterans' act, as amended, authorizes the waiver of recovery of payments from any person, who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience, and further provides that no disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section. The last-mentioned provision, relieving the disbursing officers from liability, was inserted in the statute at the first session of the present Congress on recommendation of the Director of the United States Veterans' Bureau, it having been shown that the Comptroller General of the United States had held that, although recovery might be waived in so far as the payee was concerned, the disbursing officer was nevertheless liable under his bond for any erroneous disbursement. Although the committee believed that the language was sufficiently clear and unambiguous to express the intention of Congress, that these disbursing officers should no longer be liable for amounts, the recovery of which had been waived prior to the amendment, as well as those which might be waived subsequent thereto, the Comptroller General has ruled that there is no authority to apply this amendment retroactively so as to relieve disbursing officers for disallowances set up against their accounts prior to May 29, 1928. This amendment specifically declaring that section 28, as amended, shall be deemed to be in effect as of June 7, 1924, is therefore now included at the request of the director of the bureau. It is estimated that the cost of this amendment will be approximately $218,500.

4. Section 4 of the bill adds a new section to Title I of the World War veterans' act, 1924, as amended, to provide that checks properly issued to beneficiaries, which are undelivered for any reason, shall be retained in the files of the bureau until such time as delivery may be accomplished, or until three full fiscal years have elapsed after the end of the fiscal year in which issued. This amendment is included at the request of the director. At the present time the General Accounting Office insists that all undelivered checks, which are more than three months old, be forwarded to that office for safe-keeping, with the requirement that a claim be submitted by the payee before they may be remailed. This procedure was established under regulations issued by the Comptroller General under his general authority to regulate the settlement and adjustment of the accounts of the Government of the United States. It is not believed, however, that this procedure properly considers the great numbers of checks issued by the bureau and which, upon failure of delivery to beneficiaries, are returned. It is not thought that a beneficiary, who has once filed a proper claim for the benefits conferred by the legislation administered by the United States Veterans' Bureau, and who very often is receiving current payments on an award, should be required to file another claim in order to secure a check which has been issued to him and returned to the bureau undelivered for any reason. Further, the work of the bureau is complicated unduly, especially in the supervision of the accounts of fiduciaries for minor and incompetent beneficiaries, inasmuch as when these checks are remailed by the General Accounting Office the bureau receives no notice thereof, unless certification is made to a payee other than the one in whose favor the check was originally drawn, and it will readily be seen, therefore, that a fiduciary may receive payments of which the bureau will have no knowledge and will therefore be unable to require a proper accounting as contemplated by section 21 of the World War veterans' act, as amended. The amendment recommended whereby the Veterans' Bureau will be authorized to retain these checks for a period of not more than three years will be less costly, in the opinion of the bureau, than the present procedure under which they are required to be delivered to the General Accounting Office, to be held for a period of not less than three years before final disposal is made of them.

5. Section 5 of the bill proposes to amend section 201, subdivision (f) of the World War veterans' act, 1924, as amended, which now provides that the status of dependency of a father or mother of a deceased veteran who is receiving dependency compensation, shall be determined as of the first day of each year, by the substitution of language, which, although requiring an annual determination of dependency, will not require it as of the first day of each year, which has been construed by the bureau and the Comptroller General to mean the first day of each calendar year. The administrative burden placed upon the bureau through the necessity of reviewing all of these cases as of the 1st day of January in each year is so great that the director has recommended that the language be changed to permit of the annual review as of the anniversary date of the award. This will spread the reviews throughout the entire year, and not only relieve the burden upon the bureau but also upon the dependent parents, especially in those cases where the first award is made toward the end of one calendar year, only to be reviewed, with the submission of such proof as may be required, as of the first of the next calendar year.

6. Section 6 of the bill proposes to amend section 202, subdivision (1), paragraph (e) of the World War veterans' act, 1924, as amended, which provides for the payment of dependency compensation to parents of disabled veterans, by the substitution of the same language relative to the annual review of the status of dependency as is included in

section 201 (f) and explained in paragraph 5 of this report with reference to parents of deceased veterans. The reasons for making this amendment are the same.

7. Section 7 of the bill proposes to amend the first paragraph of section 202, subdivision (7) of the World War veterans' act, 1924, as amended, by increasing the amount of compensation now paid to disabled veterans who have no dependents and who are being maintained by the Government in hospitals, from $20 to $30 per month. This amendment would result in an increased cost to the Government of $643,980 per annum.

8. Sections 8 and 9 of the bill propose to repeal sections 206 and 209 of the statute which now limit the time for filing claim and proof thereof to April 6, 1930. There would be no immediate increased cost involved in this amendment in view of the fact that the termination date will not be reached until April 6, 1930. It is impossible to estimate the effect of the repeal of these sections prior to that date. It is the opinion of the committee that no restrictions should be placed upon the filing of claims and proof thereof.

9. Section 10 of the bill proposes a slight amendment to paragraph 3 of section 301 of the statute. This section now provides that where an insured, whose yearly renewable term insurance has matured by reason of permanent and total disability, is found and declared to be no longer totally disabled, and is required to renew payment of premiums on said term insurance, and this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given an additional period of two years in which to renew payment of premiums and to convert said term insurance. The amendment provides that during the same two years he shall also have the right to reinstate his term insurance should it lapse. There are quite a number of cases in which the insured has permitted his insurance to lapse either by failure to pay the first premium at the required time, or, having once renewed the payment of premiums, and before conversion, has permitted the insurance to lapse. In such cases the insured, unless in a state of health which would meet the requirements for direct application for converted insurance under section 310 of the World War veterans' act, as amended, is precluded from carrying Government insurance. This amendment would, within the 2-year period described, permit him to reinstate his old-term insurance and convert it under less rigid requirements as to good health.

The records of the bureau show that there are at present 100 cases in which insurance has been allowed to lapse after recovery from a disability rated permanent and total, 48 of which lapsed for the nonpayment of the first premium due after the rerating, and 52 for the nonpayment of premiums subsequent to the first. In a number of cases the remittance to cover the monthly premium was only a few days late. The fourth paragraph of this section is also amended, the purpose being merely to carry through the entire act the amendment included in section 1 of this bill which, as explained heretofore, amends section 16 of the World War veterans' act, 1924, as amended, to specifically authorize refund of unearned premiums on yearly renewable term insurance.

10. Section 11 of the bill proposes to amend section 311 of the statute, which was added to the law at the last session of Congress (Public, No. 585, 70th Cong.), and was designed to authorize the director to include in the present United States Government life (converted) insurance policy a clause providing a new maturing factor. This amendment provided that where an insured was totally disabled for a period of 12 consecutive months he should receive disability benefits as though he were permanently and totally disabled, thus authorizing the payment of disability benefits of $5.75 for each $1,000 of insurance, the face of the policy being depleted by such payments. Prior to this amendment the man must have been permanently and totally disabled before any disability benefit was payable under his policy. The amendment in the present bill, however, provides for a disability benefit of $5.75 per $1,000 upon application of the insured, which upon the happening of the contingency on which it is based, i. e., total disability for a period of three months or more, shall be paid independent of the present permanent and total disability clause in the policy and shall not deplete the face value of the policy. In the event the insured becomes actually permanently and totally disabled within the meaning of the present provision in the converted insurance policy he is, under the amendment, to receive payments under the new total disability clause concurrently with payments under the permanent and total disability clause now in the converted policy, payments under the latter only depleting the face value. This new disability feature is limited to a rate of $5.75 on each $1,000 of insurance carried and may be less than the total amount carried but not more. It is to be handled as a separate liability from the present provision for a permanent and total disability and will be so shown on the records, so that the present United States Government life-insurance fund shall not be assessed for any losses to be paid under this provision. This insurance will be paid for by the insured and will not result in any increased cost to the Government except in so far as the cost of administration is concerned.

Mr. JOHNSON of South Dakota. Mr. Speaker, this measure would cost the Government approximately $900,000 per year. It is a unanimous report of the committee, and the bill contains no provision that was not unanimously reported from the Committee on World War Veterans' Legislation during the last session of this Congress and was not unanimously passed by this House at the last session of this Congress.

It was the intention of the committee to present a bill to this House, and, therefore, to the Congress, that could be enacted. There were many matters that perhaps a majority of the committee would like to have included in this measure, but at this short session in a parliamentary body not so far away from here it might meet with opposition and be defeated if it contained controversial matters.

One of the most important provisions in the bill is the change in the insurance features of the World War veterans' act which will allow service men by the payment of a slight additional premium to secure a rider on their insurance policies not at the Government expense but at their own expense, which will give them in the future for total disability, $57.50 monthly for life, making to these men who carry insurance a total payment of $115 per month. The $57.50 additional will not be deducted from the face of the policy as is now done under the total disability act.

Mr. Speaker, I reserve the balance of my time.

Mr. BULWINKLE. Mr. Speaker, this is a legislative bill, and its provisions are primarily for the benefit of the disabled men. I have not the time to speak of all of the provisions of the bill, but again I wish to call to your attention the fact that this bill carries a provision to remove the limitation as to the time of filing the claim for those who were disabled in the service.

The bill last year had it, and the Senate struck it out. There is no reason why a man who is disabled or injured in the service should not at any time file his claim for compensation. There should be no limit on that.

Another provision in the bill which would take quite a time to explain is that provided for the benefit of those who are carrying insurance. The bill, on the whole, is largely for the administrative purposes of the bureau.

While others have spoken of the hospital bill, I desire to call the attention of Members of the House to a condition which will have to be met in the future by Congress. We are constructing hospitals in many States in the United States for the benefit of the disabled men. The load of the insane or mental cases is increasing, and the experts say that in the next 20 years the Government will have 45,000 to 50,000 of these cases. Realize, now, that the Federal Government has no right to control the custody of any citizen of the United States, whether that citizen be sane or be mentally ill. As an illustration, North Carolina has no hospital for those mentally ill. North Carolina's patients have to be sent to Perry Point, Md., Augusta, Ga., or to Gulfport, Miss. No court in North Carolina, or in any other State, for that matter, can adjudge a man who is insane to be confined out of the State in an institution. A man can go to the Gulfport Hospital, but when he gets there—in a moment of sanity, it may be—he says that he wants to be turned loose, and they have to turn him loose, and he goes home.

This is one of the conditions that will have to be met in the future, for it is causing the bureau trouble now. I believe that every man who is in the service, who is disabled by that service, should receive the full benefit of the law; if possible, he should receive more than the benefit, if you please, from this Government; but there should not be any wild method of arriving at what should be the best for him.

There are bills which have been introduced, which will place every man who is disabled regardless of his disability under the provisions of the World War veterans' act, and speaking as an ex-service man I can not approve of those bills, one of which, I think, has been reported, which would allow any man who was disabled in the World War, from any cause whatever, to receive the benefits of the World War veterans' act. Speaking as an ex-service man myself, if I had been injured in the service the Government should deal very kindly and sympathetically with me, but the Government does not owe me one cent because I served it in time of national peril.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. DENISON. Does the gentleman from North Carolina understand the present law to be that veterans who are suffering with diseases that are of nonservice origin can only be hospitalized when there are beds not needed by soldiers who are suffering from service-connected cases?

Mr. BULWINKLE. That is hardly correct.

Mr. DENISON. Then, is the law being disregarded when the hospitals are filled up by service men who are suffering with diseases of nonservice origin, when there are other veterans who are entitled to be hospitalized?

Mr. BULWINKLE. It is, yes; if that is being done.

Mr. DENISON. What can we do about that, what ought we to do about that?

Mr. BULWINKLE. I agree with the lady from Massachusetts [Mrs. ROGERS] that there should be a careful investigation of this subject, and sufficient beds should be provided to take care of the Government beneficiaries. But remember this, that in the tuberculous cases the load is decreasing each year, and in the surgical cases, I think, it is slightly increasing.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. MICHENER. As a matter of fact, in determining who enters the hospitals when they are crowded for room, the bureau goes into the financial condition of the applicant, does it not?

Mr. BULWINKLE. I do not think so; I never heard of that being done.

Mr. MICHENER. I had a letter from a service man the other day who said that they asked him to fill out what he called a "pauper affidavit," and I took up the matter with the department and sent them the letter, and their reply was that they had to make proper regulations and make certain inquiries, and the substance of the reply was that when there was one man who could afford to pay for his own treatment, then the other man who could not so afford was given preference, or something to that effect.

Mr. BULWINKLE. Possibly that is so, but I have never had that to contend with. I would suggest that you talk to General Hines. He, I might say, is doing his utmost for the disabled.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. NEWTON. I would like to get the gentleman's opinion on the question of limiting the percentage of non-service-connected cases so as to keep beds always available for service-origin cases.

Mr. BULWINKLE. You never will have beds available unless the number of hospitals and the number of beds are increased. We have taken in the Spanish-American War veterans, all the World War veterans, all veterans of the Philippine insurrection, and others, and it should be remembered that each day these men are growing older, and that diseases are increasing among them to a certain extent. I would not want to say that I would be in favor of limiting any number that could be taken under any bill.

Mr. NEWTON. The way we are now proceeding, even if we should make a substantial increase in the number of hospitals, and thereby increase the beds, in a short space of time they would be filled up by nonservice patients. Am I not correct in that?

Mr. BULWINKLE. That is correct.

Mr. NEWTON. Will we not be faced with that situation, and is there any way out of it other than the multiplying of hospitals to a great extent or limiting the number of nonservice patients?

Mr. BULWINKLE. I would not limit them at the present time, but, as the lady from Massachusetts [Mrs. ROGERS] said, you will have to have a study of this question. All on the committee agree practically on the question of hospitalization. I know there is not a single man who opposes increased hospital facilities.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. VINSON of Kentucky. As I understand the gentleman, he states that the peak in the tuberculosis cases has been reached?

Mr. BULWINKLE. Yes.

Mr. VINSON of Kentucky. And that the peak in the surgical cases is almost reached?

Mr. BULWINKLE. Yes.

Mr. VINSON of Kentucky. In regard to the nervous or mental disease cases, is it not true that that peak has not been arrived at?

Mr. BULWINKLE. There will be within the next 20 years 30,000 more men than there are now. There are now around 15,000, in round numbers, and there will be around 45,000 to be taken care of 20 years from now.

Mr. VINSON of Kentucky. As a matter of fact, do not the authorities state that the peak in the N. P. cases will not be reached until 1947?

Mr. BULWINKLE. That is correct.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. HASTINGS. I am very much interested in the statement of the gentleman from North Carolina and also in the statement of the lady from Massachusetts. The lady from Massachusetts referred to a bill which I understood is pending that will create a board to make an investigation of this entire subject. I want to know why your committee could not make that investigation, why it could not summon the officers of the Veterans' Bureau before it, why, through correspondence with Legion posts and representatives of the Legion, it could not make an investigation, because, if a board is created, it means that it must go over for another year?

Mr. BULWINKLE. Are you going to take over the soldiers' homes? If you do, you will add additional facilities. That is to be considered. You have the Public Health Service hospitals. All these institutions should be considered in the entire question of hospitalization.

Mr. HASTINGS. Ought not a committee of Congress consider it rather than a board?

Mr. BULWINKLE. A committee of Congress would be satisfactory, but probably what the lady from Massachusetts has in mind is a board appointed by members of these various committees affecting this matter to consider it.

Mr. HASTINGS. I favor the committee considering it itself, without passing the responsibility on to any board, because, after all, the committee will have to come back and review the findings of the board.

Mrs. ROGERS. Mr. Speaker, my feeling was that it would be much better to have a nonpartisan board, a board composed of men who were not paid for that investigation. Then you would have, in my opinion, a little fairer report and a report that the country would consider a little bit more unprejudiced.

Mr. HASTINGS. I thought that this committee was a nonpartisan committee.

Mr. BULWINKLE. It is absolutely a nonpartisan committee. I have never seen yet, since I have been on the committee, a single bit of partisanship manifested. Of course, the members of the committee differ on various questions, but not from a partisan standpoint.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. JOHNSON of Washington. I want to know if this is a slow program, a continuation of hospital building as the ex-service men need hospitals?

Mr. BULWINKLE. The program up to this date is just what was thought to be needed.

Mr. JOHNSON of Washington. I know; but I need hospitals for 150 men who are insane and I can not get them.

Mr. BULWINKLE. I regret that time does not permit me to answer the questions and further explain this and the hospital bill. I must close, but before I do I wish to express my appreciation of the many kindnesses and the many courtesies and the sterling qualities of each and every member on the committee.

Mr. Speaker, I yield the remainder of my time to the gentleman from Mississippi [Mr. RANKIN].

Mr. JOHNSON of South Dakota. Mr. Speaker, how much time remains on each side?

The SPEAKER. The gentleman from North Carolina [Mr. BULWINKLE] has 6 minutes and the gentleman from South Dakota has 13.

Mr. JOHNSON of South Dakota. Mr. Speaker, this is the last time the distinguished gentleman from North Carolina [Mr. BULWINKLE], who has just addressed the House, will appear in this body for some time as a Member of Congress, and I do not want to close this discussion on veterans' legislation without expressing to him some of the feeling that the majority side of the House entertains for him. His work on the committee has been rendered without partisanship. He has rendered in the House and in committee the same service that he rendered to his Government as a major of artillery in a combat unit during the World War. [Applause.] No propaganda from any source has been able to swerve him from his path of duty, any more than the enemy artillery could drive him from the battle field in the World War. [Applause.]

Members of the House may not know it, but so far as I know—and I think I am correct—he is the only man of the minority party who was ever appointed by a chairman of the opposite political faith to act as chairman of a subcommittee. I had the pleasure of appointing him as the chairman of a subcommittee to survey and inspect the hospitals in the South, and he discovered many things in the hospitals of North Carolina and neighboring States which were of great value to the committee, to the service men, and the country. When he leaves here I know I am expressing the feeling of the entire House when I say the House realizes that it is losing a man of great moral courage and of high ideals whose presence from the House will be greatly missed. [Applause.]

I yield the remainder of my time to the gentleman from Massachusetts [Mr. LUCE].

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. LUCE. Mr. Speaker, I am very glad to have the opportunity to add a word to what the gentleman from South Dakota [Mr. JOHNSON] has said in regard to the gentleman from North Carolina [Mr. BULWINKLE]. The gentleman from North Carolina has been a courageous, consistent, and faithful public servant. [Applause.]

In the matter of the pending bill it is only fair to call attention to the fact that the action of the committee is unanimous. The support of it includes that of every man on the committee who has been charged in some quarters with being disloyal to the interests of the veterans. Such unanimous support has been the case with nearly all the general legislation that has been reported in behalf of World War veterans since the committee was created.

In that period its advice has prevailed in the matter of three hospital bills, resulting in the total appropriation of $31,850,000 for new construction. With the other members of the committee I have shared the responsibility for this, approving and urging all save $2,000,000 last year added to the bill that as chairman of the subcommittee on hospitals I had reported to the full committee. My reason for opposing that addition was one I would bring to your attention because of its bearing on this whole matter of hospitals, namely, lack of knowledge on which to act. This is also a fundamental reason why there bids fair to be no action this year. It lies in the fact that we have been unable to verify the allegations made that there are veterans of the World War suffering from ailments or injuries incurred therein who can not be hospitalized. Again and again I have asked for that information, and I ask for it to-day. I request that so much as one name, with address, be submitted. My colleague tells you that there are hundreds of such cases, but not a name has been brought to our committee.

Mrs. ROGERS. Mr. Speaker, will the gentleman yield there?

Mr. LUCE. I do so, with great pleasure.

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to insert in the RECORD the names of men who are awaiting hospitalization who are service connected. [Applause.]

Mr. LUCE. I thank the lady. I have been hunting for this information and have been assured again and again that it would be given to me, but never has the name with address of one such case been presented. If names with addresses are now presented I shall be grateful. I have sought such names in order to verify the allegations. If such names are given they will be sent to the Veterans' Bureau and if the facts are as represented we will demand the reasons why these men are not in hospitals. Under the law they should be hospitalized. The Veterans' Bureau time and time again has denied that there are such cases. I do not want to act upon rumors and gossip. I want to rely on facts. There may be those in this House who do not want facts and are willing to grant every request made to them in behalf of the veteran without consideration of details. As a member of the committee and as a Member of the House I want to know the facts that a just and wise answer may be given when requests for legislation are made.

The suggestion of my colleague the lady from Massachusetts that a thorough study be made of the whole hospital situation, meets my hearty approval. Also I approve her suggestion that there should be inquiry as to the possibility of some plan whereunder the various States should pay for the non-service-connected cases in Federal hospitals. The need for knowledge confirms my belief that we act prudently this year in not authorizing further appropriation now. Within a month Congress has appropriated $8,000,000 for new construction and $3,250,000 for extensions, alterations, and so forth, making a total of $11,250,000 available for construction purposes in the coming fiscal year. The Veterans' Bureau informs us that this is as much as it can wisely expend in the 12 months onward from the 1st of July next. There will be ample time next winter to provide what should be expended after July 1, 1930. The inquiry and study my colleague suggests to be desirable would let us then act with understanding of the need such as human foresight is now unequal to giving.

Mrs. NORTON of New Jersey. Will the gentleman please tell the Members of the House why he introduced this bill?

Mr. LUCE. I introduced the hospital bill at the request of the American Legion. I believe in the purposes of the American Legion. I desire to help the American Legion, and when I am asked as a matter of courtesy to introduce a bill it submits, I gladly grant its request. Does the lady think I am to be criticized for granting that courtesy to the American Legion?

Mrs. NORTON of New Jersey. I think one should be criticized for introducing a bill and then not supporting the bill.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. JOHNSON of South Dakota. May I call the gentleman's attention to the fact that the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars—the three recognized organizations—submit bills to the chairman of the committee for introduction and the chairman introduces such bills for the benefit of the membership of the House, but that does not mean that the chairman supports everything contained in those bills.

Mr. NEWTON. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. NEWTON. I want to add to what has been said that it is the practice of the chairman of the Committee on Interstate and Foreign Commerce and of the chairmen of subcommittees of that committee to repeatedly introduce bills at the request of others for the purpose of bringing the subject matter before the House for careful consideration and deliberation. I have done it. It is likewise the practice in other committees. It does not commit one to the bill or even its general principle.

Mr. LUCE. Mr. Speaker, I would make an earnest appeal to Members to read the report to which reference has been made, and, lest you may not have secured the number of the report, I give it again, Report No. 2715, accompanying H. R. 15921. You will find in the minority views no argument, but you will find a statement of facts that vitally concern directly, individually, and personally every Member of this House.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield the gentleman one additional minute.

Mr. LUCE. The proposals therein explained vitally concern the fortunes of every man here; they concern the affairs of the Republic more than any other proposals that have been brought in since the World War; in their ultimate results they involve billions of expenditure. I ask you simply to study the facts. You will have to answer the questions raised. They are here. They must be faced. You should be ready to answer [Applause.]

Under permission to extend my remarks, I would add a condensation of the "views" to which reference has been made. These views are held by the chairman of the Committee on World War Veterans' Legislation, Hon. ROYAL C. JOHNSON, of South Dakota, Hon. RANDOLPH PERKINS and Hon. FREDERICK R. LEHLBACH, of New Jersey, and myself. The full statement should be read by anyone who would share in contributing to that public opinion without adequate expression of which no decision on such all-important issues should be reached.

The issues in question are those of pensions and State medicine for between four and five million of our people. They involve ultimate outlay of a huge amount through the medium of taxes and appropriations.

They were raised by two bills reported on the same day from the Committee on World War Veterans' Legislation. One would have given virtually a pension of $100 a month to every veteran totally disabled by a chronic or constitutional disease, regardless of its origin, thus bringing in men suffering from ailments incurred or injuries sustained since the World War, whether or not the result of accident or their own misconduct. This would be the first step toward pensions to all afflicted veterans. In the case of those hospitalized it would be on top of $120 a month of hospital expense borne by the Federal Government, making a total grant of $220 a month.

As the maxim says, "It is the first step that costs."

The chairman of the committee, in his minority report, pointed out that such legislation, carried to its logical conclusion, would shortly require the expenditure of billions of dollars of the public funds. If the laws are to be so amended, we must immediately face the problem of greatly increasing the public revenue. It is manifestly unfair, unjust, and inequitable, said Mr. JOHNSON, to prefer one sole class of non-service-connected disability cases and pay this class $100 per month pension plus hospitalization.

The other measure reported, the hospital construction bill, was the response to the first definite expression of intent on the part of the Veterans' Bureau to build new hospitals in order to serve non-service-connected cases, a course not now warranted by law. Hitherto the new construction has all been to meet the needs of those suffering by reason of the war. This would bring in those suffering by reason of the hazards of life since the war.

It was pointed out that the original outlay is but the beginning of expenses. The maintenance cost averages $4 a day, or $1,460 a year for every occupied bed. For hospitals of medium size, 250 beds, this means $365,000 a year of running expense. If the hospital should be used for 40 years, the total would be $14,600,000 in addition to original cost of not less than $1,100,-

000, and there should be added for replacements and repairs enough to make the grand total at least $16,000,000.

This means that every bed supplied implies an ultimate expenditure of $64,000.

The total of more than $200,000,000 involved in the particular program urged for authorization this year was brought to attention, not because it is beyond the capacity of the Nation, nor because it should be escaped if duty demands otherwise, but to bring out the seriousness of action by the committees of Congress and by Congress itself.

The House was informed that on the 1st of last December the Veterans' Bureau was hospitalizing 10,160 cases not shown to be connected with the World War, more than one-third of all those being hospitalized. They were costing the Federal Government, at $4 a day for average maintenance cost, $40,640 a day, which is at the rate of very nearly $15,000,000 a year.

In these enlightened days, it was declared, the common instincts of humanity demand that all suffering men and women who can not afford private treatment shall get hospital care.

We do not so much as whisper a word against this outlay—

Said the report—

we raise only the question, Who shall bear the cost? Ought it to be borne by the Nation, or by the States, counties, cities, towns, or neighborhoods concerned? These men and women once wore the khaki. Does this of itself put on the Federal Government the responsibility of caring for their ailments or injuries? Or when those ailments or injuries are the result of the hazards incident to civil life, as distinct from military service, is the responsibility instead that of civil organization of the vicinity, governmental, or otherwise? We are not disposed here to try to answer the question. What we urge, and the only thing we urge, is that it should be answered and forthwith.

The "views" referred to went on to say that the present situation is wholly illogical and unfair, for the reason that it is distributing the burden unequally. To illustrate, the district made up of Illinois, Michigan, and Wisconsin is hospitalizing at Federal expense about three times more in proportion to population than is the district made up of Ohio, Indiana, and Kentucky; that made up of Louisiana, Alabama, and Mississippi about twice as many as that made up of Pennsylvania and Delaware. There is good reason to believe, though it can not be proved by figures, that the cities are getting much more than their fair share of Federal aid in this way, with injustice to the remoter country regions. To illustrate, in the Edward Hines Junior Hospital, in Chicago, December 1 last, there were 293 victims of the war, and 558 cases that could not be shown to be connected with the war. The maintenance cost for these 558 nonservice-connected cases is at the rate of more than $800,000 a year.

If these 558 men and women, not suffering because of military service, should nevertheless be cared for at Federal expense, if the more than 10,000 such cases in the whole country now hospitalized should so be cared for, then why not every other suffering man and woman in the land ever in the Army or Navy be treated in the same way?

If so, then at any rate the cost in prospect should at least be estimated and faced. What will it cost to hospitalize at Federal expense between four and five million men and women whenever it may be needed as long as life may last?

The instant need would be to build about 200 more hospitals, at a cost of perhaps $150,000,000. Many more would be necessary if attention were to be paid to propinquity; that is, to putting a hospital within easy reach of every sufferer.

As to the maintenance costs of these hospitals and the additional expense contemplated by the program urged, only a guess is possible, but if you put at a million, the figure of those who will turn to Federal hospitals for medical, surgical, ocular, aural, dental, and other treatment (for in principle there is no limiting the nature of the demand), and if you put the total cost through life at $1,000 each, covering the needs of, say, 40 years on the average, you would have a thousand million dollars as the total.

This estimate would be far below the probabilities, for the proposal is to give free treatment to every applicant who can reach the door of a hospital, regardless of his ability to pay. In the light of the well-known phase of human nature, it can be safely predicted that many more than from one-fifth to one-quarter of the veterans of the World War will turn from private practitioners to the Federal physicians, surgeons, oculists, aurists, and dentists when their services can be had without charge. Furthermore, the Federal practitioners, supported by the taxpayers, will not be the only resort. To-day the inmates of the hospitals get when necessary the help of the best specialists within reach. It may be confidently predicted that like help will be put at the command of those who come to the doors of the hospital.

The program may not stop there. The records of the bureau show that last year the out-patient medical service reported 38,633 home visits. Where is this to end logically save in home visits to every ailing veteran?

The strong protest of the American Medical Association may be prompted by self-interest. Its merit is not to be here weighed. "We wish" it was said, "simply to call attention to the existing fact, and to its logical conclusion."

Under the law the Director of the Bureau is required to hospitalize every service-connected case, in the State or civil hospitals when there are not available beds in Federal hospitals. The suggestion that this can not be done because of lack of room in State and civil hospitals is hard to reconcile with the fact that in 1922, when the peak was reached, 47,962 veterans were in State or civil hospitals, whereas in 1928 the number had been reduced to 2,416.

It is inconceivable that only six years ago there were almost 48,000 beds available in State and civil hospitals, but that there are none now. As a matter of fact the continued presence of 2,416 veterans in State and civil hospitals is in part due to the opposition to transfer made by guardians, and to the preferences of patients or their relatives.

Furthermore, while the supply of beds in Federal hospitals has been steadily increasing, the demand for them to accommodate service-connected cases has, with equal steadiness, been decreasing. From 21,899 such cases hospitalized in Veterans' Bureau hospitals or outside under contract December 31, 1925, the number fell to 16,253 at the end of September last. That is to say, in less than three years the demand fell by one-quarter. The general medical and surgical cases fell off by a third; the tuberculosis cases by more than one-half; only the neuropsychiatric increased. The rate of increase of the neuropsychiatric cases was 327 a year, at which rate the building of one medium hospital a year would suffice in case need could not be met by altering facilities no longer necessary for other types of disease.

All this shows that the real reason and the only reason for such further hospital construction programs as that submitted by the committee is to hospitalize veterans not shown to be suffering from ailments or injuries connected with the war.

Passage of the hospital bill would have committed the House to the policy of State medicine for four or five million of our people. This most far-reaching committal would have been made without adequate consideration by the House itself, without the benefit of any discussion of the issue in the press, without the knowledge of the people of the land. If it were wise thus to commit the Nation to a policy that would ultimately mean the expenditure of a billion dollars or more, surely that ought not to be done without the support of public opinion and the knowledge of the Congress making the commitment.

So we come face to face with these tremendously important issues. They must be met.

Mr. JOHNSON of South Dakota. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from South Dakota has four minutes remaining and the gentleman from Mississippi six minutes.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, I wish to take one of these minutes to pay my tribute to the ranking Democratic member of the Veterans' Committee, Major BULWINKLE, who is about to retire from Congress at this time. I wish to say to the membership of the House of Representatives that the service men of the United States, and particularly the disabled service men of the United States, had no better friend in the Congress of the United States than the gentleman from North Carolina, Major BULWINKLE. [Applause.]

Now, in the short time remaining to me, I wish to say simply this: For the third time on the floor of the House of Representatives at the close of a Congress I wish to protest against veterans' legislation being brought in under suspension of the rules. It seems that the powers that be are afraid to trust the membership of the House and afraid to give the membership of this body an opportunity to put any amendments on a bill affecting the World War veterans. The right is given to every other committee in the House, but the leaders are afraid to let the Congress go on record in doing justice to the service men. At this time I protest against it. Let me say again to the service men of the country that the administration has double-crossed them, and it will continue to do so until legislation is brought on the floor here which will allow the opportunity for

amendments to be offered so that Congress and not the Republican leaders will be legislating for the disabled service men of the United States. So, I am again uttering my protest. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. VINCENT]. [Applause.]

Mr. VINCENT of Michigan. Mr. Speaker, a very large part of the discussion on this bill has been in connection with other matters and not at all connected with the present measure that is before the House for consideration. I hope the membership of the House will not be confused by that as to the question upon which they are now to decide—the passage of this particular measure.

May I say that this measure was prepared by a subcommittee consisting of the chairman of our main committee [Mr. JOHNSON of South Dakota], the gentleman from North Carolina, Major BULWINKLE, and myself. It secured the unanimous approval of the Committee on World War Veterans' Legislation. It ought to be passed without a dissenting vote, in my humble judgment.

It has the support of the Veterans' Bureau with respect to every section of it. It will be of great benefit to the ex-service men. I have not time in three minutes to explain all of this. One thing it does is to repeal the time limit under which service men may make a claim for compensation. So long as they have to prove service-connected disability in order to get a compensation claim allowed, certainly the man who has waited and has taken his part in society ought not to be penalized and prevented from introducing his claim for consideration by the bureau by any time limit at all. [Applause.]

Another thing it does is this: The disabled man who has Government insurance can not obtain the benefit of the total and permanent disability provision under our present insurance policies until the physicians of the bureau have found that he is permanently and totally disabled so that there can never be any question of any recovery. This is not the rule with respect to policies in private insurance corporations. They provide, most of them, for three months' total disability; some provide for six months' total disability to bring into being the total-disability benefits.

This bill provides a sane, sensible way by which the veteran can obtain the benefit of total and permanent disability after a short time of actually proved total disability.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I now yield the one minute I have remaining to the gentleman from New York [Mr. FISH], himself a distinguished soldier, to introduce a congressional medal of honor man and a very famous soldier of the World War who is now in the gallery.

A DISTINGUISHED VISITOR

Mr. FISH. Mr. Speaker and gentlemen of the House. It seems eminently fitting at this time, while we are discussing legislation for the benefit of disabled veterans, to introduce to the House one of the outstanding heroes of the World War, Lieut. Dan Edwards, of New York City, who won the distinguished service cross with the First Division at Cantigny, and who later won the medal of honor at the battle of Soissons. Lieutenant Edwards lost an arm and a leg in the World War. I ask him now to stand up and be introduced to the Members of the House of Representatives. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, I only wish there could be present in the gallery with Dan Edwards the youngest congressional medal of honor man, Dick O'Niel, who will be leading one of the organizations in the Inaugural Parade. I hope to have the pleasure of introducing that boy to the Members of the House before the expiration of the session.

WORLD WAR VETERANS' LEGISLATION

Mr. RANKIN. Mr. Speaker, we are all for this bill. Our only objection is that it does not go far enough.

I object to the gentleman from South Dakota stating to the House and to the country, or to anybody else, that the bill which I introduced to take care of our disabled ex-service men who are totally and permanently disabled is a "general pension bill." His statement on the floor of the House the other day that it would pay some men $220 a month is so absurd, far afield, that I hardly think it is necessary to answer it.

But we have a few men who are not covered by this bill. We have a few men who evidently received their disabilities originally in the World War, who are now totally and permanently disabled, but who can not get a dollar in the world, and it is to take care of these men that I introduced this bill.

I want also to answer the distinguished gentleman from Massachusetts [Mr. LUCE], who is attacking the hospital bill. The gentleman says he introduced it, but he did it at the instance of the American Legion. Does the gentleman from Massachusetts think, or does the House think, that the American Legion or the Disabled American Veterans or any other veterans' organization would mislead the chairman of the subcommittee into introducing such a bill?

Not only this, but after an investigation the Veterans' Bureau came in and not only approved that bill but added $1,480,000 to it. This hospital bill, which the gentleman from Massachusetts [Mr. LUCE] and the gentleman from South Dakota [Mr. JOHNSON] are opposing, was considered by the World War Veterans' Committee and reported by a vote of almost 4 to 1. That bill is meritorious; the hospitals are needed and should be provided for at once.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HUGHES. Mr. Speaker, I was unable to get any time from Mr. JOHNSON, the gentleman in charge of H. R. 15921, the hospitalization bill. I am very much interested in this measure, and I feel that that is one proposition in which the Government should go out of its way to take care of World War soldiers. They made the great sacrifice and came back to us, a great many of them, in a condition for which no amount of money would repay them, and we certainly should use every effort to, as far as possible, take care of them in the best possible way, and give them the very best opportunity to recover as far as it is possible for them to do so.

Now, this statement with reference to having plenty of hospitals that has been made on the floor of this House. The facts will not substantiate it, for I have in my office now a number of cases where soldiers are waiting for hospitalization. They are emergency cases, and they should be hospitalized at the earliest possible date. In fact, any delay is very dangerous for them. Take, for instance, this case. A man with a blood pressure of 250. That is a dangerous condition for him to be in, and unless he gets medical treatment, at least at an early date, he is liable to die at any time. I know of such cases as that. I know of cases where men have lost their minds and they have to be kept at home for a week, 10 days, 2 weeks, and sometimes longer, before they can get in a Government hospital. This condition should not exist, and I sincerely hope that the committee having this matter in charge will use every effort to take care of these unfortunate people. In addition to that, there are a lot of the laws that are now controlling the compensation to soldiers that should be amended.

I have offered myself two bills which are meritorious, and should, by all means, be passed at the earliest possible date. It is true I introduced those bills late in the session, but early enough, so they could have been passed, if I could have gotten a report from the committee on them. One of them is H. R. 16765. This bill would amend section 200 of the World War veterans' act, 1924, by striking out January 1, 1925, wherever it appears in such section, and inserting in lieu thereof January 1, 1930. I think the present pension law would allow these soldiers a pension but it is not so construed by the Veterans' Bureau and they are turning down day after day deserving cases. This would let in a lot of cases that they could not possibly turn down, and it would compel them to do, in my opinion, what I think the law already sets up for them to do, but which under the construction of this act they fail to do, thereby doing these soldiers a great injustice.

Now, in addition to this bill, I have introduced another bill amending section 202, paragraph 7, of the Word War veterans' act of 1924, so as to amend by adding at the end thereof the following new paragraph, to read as follows:

> That statements of competent physicians diagnosing disability act of tuberculosis should be accepted as sound proof in the absence of sputum or X-ray examinations.

Now, these cases run back as far as 1918, and unless these sputum or X-ray examinations are furnished these cases are turned down. At that time there were no X-ray examinations for those purposes, and therefore it was impossible for the soldier to have an examination which would cover that. Now, in my opinion, the Veterans' Bureau should not be so technical in cases where they can not help, but know where a man has been gassed and shell shocked that the disability that he now has should be traced to that. I have one particular case where a man was examined and treated for bronchial trouble and dis-

ease of his lungs by one of the most competent physicians in the city of Huntington. This case was turned down by the United States Veterans' Bureau at Charleston. It was then appealed to New York and was turned down there, and was argued by the board at Washington and all the evidence was presented in that case that anyone could possibly ask for, and then it was turned down. I was present and I knew that it was going to be turned down. I could feel that the board had already made up their minds before they heard a word of that evidence, and I want to repeat now my statement that I made to that board, and that was that the board did not realize or know what their duties were. They seemed to be of the opinion from their actions that it was their duty to, by some technicality, prevent the soldier from getting what he was justly entitled to. I told them that was not their duty; that their duty was to try this case the same as a judge on the bench, and if there were leanings at all, they should be in the interest of the soldier, because the Government was able to take care of itself. But that is not the way those cases are decided, and that is my reason for offering these amendments, so that the soldier can get what I feel he is justly entitled to.

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill passed as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

REDUCTION OF INTEREST RATES ON ADJUSTED COMPENSATION LOANS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16395) to reduce interest rates on adjusted compensation loans.

The SPEAKER pro tempore. The Clerk will read the committee amendment:

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That subdivision (i) of section 502 of the World War adjusted compensation act, as amended, is amended to read as follows:

"'(i) The Director of the United States Veterans' Bureau is authorized, through such officers and at such regional offices, suboffices, and hospitals of the United States Veterans' Bureau as he may designate, and out of the United States Government life insurance fund established by section 17 of the World War veterans' act, 1924, as amended, to make loans to veterans upon their adjusted-service certificates in the same amounts and upon the same terms and conditions as are applicable in the case of loans made under this section by a bank, and the provisions of this section shall be applicable to such loans; except that the rate of interest shall be 2 per cent per annum more than the rate charged at the date of the loan for the discount of 90-day commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which is located the regional office, suboffice, or hospital of the United States Veterans' Bureau at which the loan is made, but in no event shall the rate of interest exceed 6 per cent per annum.'

"SEC. 2. Section 705 of the World War adjusted compensation act, as amended, is amended to read as follows:

"'SEC. 705. Whenever it appears to the director, by evidence clear and satisfactory to him, that any adjusted-service certificate has, without bad faith upon the part of the person entitled to payment thereon, been lost or destroyed, and such adjusted-service certificate is identified number and description, he shall, under such regulations and with such restrictions as to time and retention for security or otherwise as he may prescribe, issue a duplicate thereof of like value in all respects to the original certificate and so marked as to show the original number of the certificate lost or destroyed and the date thereof. The lawful holder of such certificate who makes application for a duplicate shall file in the United States Veterans' Bureau a bond in a penal sum of the face value of such lost or destroyed certificate, with two good and sufficient sureties, residents of the United States, to be approved by the director, with condition to indemnify and save harmless the United States from any claim upon such lost or destroyed certificate; except that a duplicate certificate shall be issued without the requirement of a bond when it is shown to the satisfaction of the director that the original certificate, (1) before delivery to the veteran, has been lost, destroyed, wholly or in part, or so defaced as to impair its value, and (2) after delivery to the veteran, has, without bad faith upon the part of the person entitled to payment thereon, been partially destroyed or defaced so as to impair its value, is capable of identification, and is surrendered by such person to the Veterans' Bureau.'"

Amend the title so as to read: "A bill to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted-service certificates, and for other purposes."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion by Mr. HAWLEY to reconsider the vote by which the bill was passed was laid on the table.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Interior Department appropriation bill, H. R. 15089, and further insist on the disagreement to the Senate amendment, and agree to the conference asked for

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the Interior Department appropriation bill, further insist on the disagreement to the Senate amendment, and agree to the conference asked for. Is there objection?

Mr. GARNER of Texas. I presume this is satisfactory to the minority Member?

Mr. CRAMTON. It certainly is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado.

SURVEY FOR A NICARAGUAN CANAL

Mr. SNELL. Mr. Speaker, by direction of the Rules Committee, I call up a privileged House resolution.

The Clerk read the resolution, as follows:

House Resolution 345

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 117, authorizing an investigation and survey for a Nicaraguan canal. That after general debate, which shall be confined to the Senate joint resolution, and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the Senate joint resolution for amendment the committee shall rise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, the intent and purpose of this resolution are fully set forth in the rule itself, which was debated about an hour yesterday and will be further debated under the bill itself. I do not want to take any more of the time of the House, and I move the previous question.

Mr. HUDDLESTON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HUDDLESTON. It is my understanding that this resolution has been reported to-day. It is my recollection of the rule that it must be reported by a two-thirds vote in order to be in order except during the last three days of the session. The parliamentary inquiry is whether this is within the last three days of the session?

The SPEAKER pro tempore. The Chair will hold that it is within the three last days of the session.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on agreeing to the resolution.

The resolution was agreed to.

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 117.

Mr. GARRETT of Tennessee. Does not the gentleman wish to make some arrangement as to the control of the time?

Mr. PARKER. I assumed that the gentleman from Texas would control half of the time. I ask, Mr. Speaker, unanimous consent that one half the time be controlled by the gentleman from Texas [Mr. RAYBURN] and the other half by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The motion of Mr. PARKER was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The Clerk read the title of the joint resolution.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the joint resolution be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, this resolution or practically this resolution was discussed for an hour last night and rather thoroughly discussed. The charge was made that there was no reason for this resolution, that the resolution was brought up with undue haste. If you will refer to the RECORD of December 17, 1928, you will find that the Senator from New Jersey made a very long address in the Senate, in which he advocated the passage of this resolution, and served notice on the Senate that he was going to do his best to secure its adoption. If you have read the papers—both your local papers and the Washington papers during the last three months—you will have seen continuously in these papers a discussion about the consideration of this particular measure. So that I do not think the charge made that this resolution has had no consideration is quite fair.

As to the reason for the resolution, the gentleman from Alabama [Mr. HUDDLESTON] talked about bugs under a chip. If he can find one, all well and good. He is a much smarter man than I am, I admit, but let me tell you the plain, ordinary facts about the case. The maximum ability of the Panama Canal is conceded to be 54 boats a day, that is, a 24-hour-day service. Fifty-four boats are all the boats that can go through the Panama Canal in 24 hours. The canal can not be used at that capacity in the dry season, so that 54 boats do not mean the maximum the year around. We are now spending $12,000,000 in Panama on the so-called Alhajuela Dam to insure water that will lift these boats to 85 feet, which they must be lifted from the Atlantic to Gatun Lake. You have to have water to do that. The evaporation in Panama is tremendously great during the dry season. The engineers think that they have water enough to put in a third lock, but that can not be determined until this dam, which is now called the Madden Dam, in honor of the former chairman of the Committee on Appropriations of this House [applause] is completed. How long will that take? The engineers tell us it will be seven years before that dam is completed. We appropriate a million and a half dollars this year to do what? To construct a dam? No; to get ready to construct it. We are building a cement road down there up to the site of the dam, many miles long, instead of building a railroad, which we would have to tear up afterwards. We are building a cement road so that the repairs to the dam can easily be made. When this dam is completed the capacity of the canal will be 54 ships. That is dependent almost entirely upon the mechanical perfection of your locks, and there is not a man here who does not know that any mechanical device is not 100 per cent perfect. You all know that. You all know that those locks will not function 100 per cent all of the time, and the effectiveness of your canal is the effectiveness of your lowest point.

The strength of your chain is the strength of the weakest link. It can not be 54 boats a day. That is too high, because you have not perfection. How many boats have ever been through the canal in one day. The maximum number of boats through the canal in one day is 53. Thirty-five of those were commercial boats and 18 of them were Navy boats. That was a 24-hour operation. If you want to get the facts, they are all in the record, brought out by questions responded to by the governor of the canal, put to him by the gentleman from California and the gentleman from New York, members of the Subcommittee on Appropriations on Military Affairs. They say that you have an average. Your theoretical spread is between 54, the number of boats that theoretically might be put through and your average. Your average is 19 a day. To digress a moment, do you gentlemen realize that in the month of January the receipts of the Panama Canal were $80,000 a day, for tolls? We are not dealing in small business. I am surprised that my friend from Alabama [Mr. HUDDLESTON] is against this proposition, because, as I understand it, Government ownership is not objectionable to his theory of government. Here is a pure and simple Government-ownership proposition. The revenues in January were two and a half millions dollars, $80,000 a day.

Mr. QUIN. Will the gentleman give us the difference between the expense and the revenue for the year?

Mr. PARKER. In answer to that, I will say that my information is that the canal paid over 7 per cent on the investment, and that is all that I can say.

Mr. SIROVICH. Would the gentleman be good enough to let us know what the toll charged is for each trip?

Mr. PARKER. I can not tell the gentleman that.

Mr. SIROVICH. The receipts are $80,000 a day.

Mr. PARKER. Yes.

Mr. SIROVICH. And with 20 boats on an average that would be $4,000 a ship.

Mr. PARKER. You all know that your average is not what tells the story, because you have not a constant flow of ships through the canal. You have many more to-day than you will have to-morrow. I have pointed out that the record is 53. Certainly, if the record is 53, you must have some small days to bring it down to 19.

Mr. JOHNSON of Texas. Can the gentleman tell us what the increase is in the volume of business through the canal?

Mr. PARKER. Yes. The Governor of the Canal Zone made the statement that he thought business would increase 10,000,000 tons every 10 years, or 1,000,000 tons a year. We often think of this business as being entirely oil.

We shipped through the canal in 1926, 4,500,000 tons of oil. Last year we shipped through the canal only 600,000 tons, a decrease of nearly 4,000,000 tons. So your increase in the tonnage in the canal is not a matter entirely of the shipment of oil. The decrease in oil means that you are shipping more of the general commodities of commerce, and your increase in tonnage comes from general commerce, not from the shipment of one kind.

Mr. RAYBURN. The gentleman is talking about the Panama Canal entirely?

Mr. PARKER. Entirely.

Mr. RAYBURN. Let me say this to the gentleman from New York: If he will limit this resolution to the Panama Canal and increasing its facilities in time to come, the whole opposition would be withdrawn.

Mr. PARKER. I was quoted yesterday by the gentleman from Alabama [Mr. HUDDLESTON] as saying we could not pass this bill in regard to the Nicaraguan canal. I will tell you why we could not do it. It would be the worst business in the world to do it. There is no man living in this House who knows whether we should embark on an expenditure of, perhaps, hundreds of millions of dollars to enlarge the Panama Canal until we know whether we would expend the money to far better purpose by digging a new canal in Nicaragua. No one knows that fact, and all that we do in this resolution is to provide for the ascertainment of the facts. I agree with the gentleman from Texas. If it can be done, I am in favor of enlarging the Panama Canal and not digging a new canal. It does not seem that the House in its wisdom should turn down a resolution of this kind whn it commits us to nothing in the world.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. BLACK of New York. Have the engineers informed the committee how long it would take to build the Nicaragua canal?

Mr. PARKER. No; we have only the old estimates.

Mr. THATCHER. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. THATCHER. Have the investigations shown that the Panama Canal can be increased in its capacity and that its capacity ought to be increased and exhausted before we embark on another ambitious program?

Mr. PARKER. That is my personal opinion. This bill does not authorize anything but an investigation.

Mr. THATCHER. Just an investigation?

Mr. PARKER. Yes. You have got to come back to this House after you have obtained these facts and get an authorization to build the Nicaragua canal or to extend the Panama Canal or anything else. This does not bind you to one single thing.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. McMILLAN. Have the engineers informed the committee how long it would take to make a survey?

Mr. PARKER. The estimates call for two years.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER. I yield back the balance of my time.

The CHAIRMAN. The gentleman has 16 minutes remaining.

Mr. COLLINS rose.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. COLLINS. Mr. Chairman and members of the committee, the facilities of the Panama Canal were discussed on December 11, 1928, at some length before the subcommittee of the Committee on Appropriations handling the War Department appropriation bill. Col. Harry Burgess, the Governor of the Canal Zone and in charge of all facilities of the Panama Canal, was on the stand. I dare say he knows as much about the situation down there as any other man in this country, and Governor Burgess testified that the existing facilities there now, with the ratio of increase in the future as in the past, would take care of all traffic for the next 30 years, and in addition to that he testified that with the addition of one lock beside the two at each point along the canal, in other words, the changing of the locks from the duplicate system to the triplicate system, then the canal would take care of all traffic for 60 years hence.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. No; I can not yield; but I am going to read his testimony to you. Here it is. The question was asked of Governor Burgess—

Have you made any estimate of the time when you will have to increase the lockage facilities?

His answer was:

As nearly as we can tell, the increase will not be more than 10,000,000 tons per decade. We are transmitting 30,000,000 tons now. We can take care of 60,000,000 tons before we need the third locks. That indicates a period of about 30 years before we need the third locks.

The addition of this third lock or triplicate system will take care of 30,000,000 tons additional, and 10,000,000 tons increase per decade means that the facilities there now, with this additional third lock, will take care of traffic for 60 years hence.

Now, gentlemen, we might as well approach this subject from the standpoint of business men, and if we do there is certainly no excuse for a proposal for another canal. If we had a hotel that was actually taking care of all business now and able to take care of all future business for 60 years hence, we would not begin the construction of another hotel. To do so would be foolish, and this proposal is on all fours with the illustration.

Governor Burgess is a capable engineer. He is as well equipped, and better so, to give us the facts as they really are than any commission that could be appointed. His is the testimony of a capable man who is in charge of the canal's operation. He is studying it day by day. His conclusions are the result of his best judgment, and his judgment is that of the most experienced officer having to do with the canal's operation.

Mr. ALLGOOD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. ALLGOOD. Is it not a fact that the canal can be electrified so that they can use it at night also?

Mr. COLLINS. Yes; and I thank the gentleman for suggesting this. The canal is operated now only during the day. It can easily be operated at night, and the expense of doing this is small, whereas the cost of building a new canal in Nicaragua would amount to more than a billion dollars.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman and gentlemen, I really do not know whether this resolution is seriously offered or is being submitted to the House merely for the purpose of a little play. Personally, of course, I do not blame the New York delegation for favoring this legislation or this outlay of money; but I, in a measure, represent the Great Lakes region, and I am especially interested in the welfare of that section of the country—the Middle West. I would like to know what good the Middle West might be expected to derive from this proposed legislation? I know this, that we have for years been endeavoring to secure a waterway, the so-called St. Lawrence project, but certain interests in the East, aided by powerful Canadian influences, have been able to prevent any action upon that much-needed water route that would be of some benefit to the Middle West. I would like to know from the gentlemen representing the farm sections of the Middle West how much good they can expect from this legislation. I admit the Panama Canal—and I voted for all of these appropriations—has done a great deal of good for the Nation. It has saved millions and millions of dollars to the East and to the coasts, but unfortunately the legislation which has been passed in this House during the last 10 or 15 years—notwithstanding the fact that the Middle West always delivers itself to the Republican Party—has not been of benefit to that section of the country. No effort is being made to do anything for that vast territory, for the manufacturing interests, or for the farmers of the Middle West.

Mr. KNUTSON. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. KNUTSON. Is it not a fact that the Panama Canal has resulted in giving us in the Middle West higher freight rates and placed us at a disadvantage with the two coasts?

Mr. SABATH. There is no question about that. I will take it for granted that these gentlemen are intelligent and honest, but if they are frank, they must admit they have always deliberately discriminated against the Middle West and the people west of the Mississippi.

Mr. KNUTSON. And a canal at Nicaragua would aggravate the situation?

Mr. SABATH. Well, it may increase the discrimination. Of course, we will have one privilege, the privilege of paying additional taxes for the construction of the Nicaraguan canal or the enlargement of the Panama Canal.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SABATH. Yes; I yield to the gentleman from New York, who is always ready to protect his section of the country, and especially his city. I yield to him.

Mr. O'CONNOR of New York. Well, I did not rise for that purpose at this moment. I wanted to ask the gentleman this question: If the opposite party has discriminated against the Middle West, has it ever lost anything politically by such discrimination?

Mr. SABATH. It seems to me it has not, and that is because the people have not really been awakened; they have not seen the light, but I am of the opinion that the time is at hand when they will recognize that they can not expect anything from that party to which they have at all times delivered themselves, and that they will ere long see the light and in the future rally around a party that has their interest at heart and that really desires to aid and protect them. I feel that if the money provided for in this resolution is expended it will not secure much, if any, benefit for our section of the country, but we will have to shoulder an enormous expense.

The gentleman from Wisconsin and the gentleman from New York argue that a Nicaraguan canal should be constructed in the interest of peace and in the interest of the security of the United States as well.

However, I can not forget that when the House was considering the Panama Canal we also heard equally alluring appeals. Many gentlemen who believed themselves experts in military and naval matters assured us the Panama Canal would materially strengthen us in a military way, and that it would obviate the necessity of two fleets and be a great saving in that way; that instead of requiring a fleet in the Atlantic and another in the Pacific, a single fleet, which could pass swiftly through the canal from one ocean to the other, would suffice.

This argument appealed to many as being logical. But, Lord behold, within a short space of time after the work on the canal had gotten well under way, these very same gentlemen, together with the militarists, changed their tunes completely and began pointing out to us the necessity, by the very reason of protecting the Panama Canal, of increasing—yes, doubling—the number of battleships and cruisers and of the entire United States Navy. They now declared that unless this was done the canal and the United States itself would be in grave danger. The Japanese bugaboo, too, was used as a club. So the Navy was greatly enlarged in every respect, as was the Army, and in addition the taxpayers have been forced all these years to meet a tremendous burden of added expense in maintaining and fortifying the Canal Zone and in keeping troops there. What I am wondering is whether history is not going to repeat itself in the case of the proposed Nicaraguan canal.

This resolution, in my judgment, is tantamount to authorization of the construction of a Nicaraguan canal, which is going to cost this Nation more than a thousand million dollars—a billion dollars—and this notwithstanding the fact that the reports show that the Panama Canal can take care of the ever-increasing tonnage passing through the canal for at least 30 years to come.

Why I say this resolution is really tantamount to the authorization of a new canal is because a survey has already been made of a canal route through Nicaragua. It was made before we decided to take over the construction of the Panama Canal. But it seems to me that the eastern and southern influences behind this Nicaraguan project are so great that, regardless of what I may say, or anyone else from the Middle West may say, the resolution will be adopted, and this notwithstanding that when we on the Great Lakes and in the Middle West appeal for even small appropriations for an actually needed water route that would be of great value to our section, such as a 9-foot channel in the Illinois River to complete a water route from the Great Lakes to the Gulf, or seek action upon the St. Lawrence River project to give us an outlet to the seas, our requests are ignored.

How long, I wonder, will the people on the Great Lakes and in the Middle West continue to stand for this discrimination? I for one propose from now on to oppose these tremendous appropriations for waterways and great improvement projects for other sections of the country until some consideration and much-needed relief is given our own greatest manufacturing and farming section in the world.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARKER. Mr. Chairman, may I inquire how much time has been consumed?

The CHAIRMAN. The gentleman from New York has 18 minutes remaining and the gentleman from Texas has 20 minutes remaining.

Mr. PARKER. Mr. Chairman, I yield four minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, I am sorry to see my colleagues opposing this resolution. The United States Government for many years argued through the Congress for some kind of canal. Senator Morgan, of the State of Alabama, when I was a little boy in swaddling clothes, was talking for the Nicaragua canal. It finally wound up by our getting the Panama Canal a few years ago, which men on both sides of the aisle at that time said would be a losing game for the United States.

Just such stuff as the gentleman from Arkansas has preached here was talked 30 years ago; and it has been demonstrated not only with the progressive age we are now living that the Panama Canal was an absolute necessity, but it is also paying 7 per cent profit on the money invested.

What do we care if it does cost $1,000,000,000? It will make your Southern States worth more than $1,000,000,000. It will increase the trade with Central and South American countries and will benefit the Southern States more than it will New York or any other State.

My friend from Chicago says this will not help the Middle West. Look at the railroads now running from Chicago clear down to the Gulf of Mexico. Your country is living off of the South, and yet you object to the railroads running from Chicago to the Gulf of Mexico or to the city of New Orleans. You object to the railroads having freight to carry back to that country that comes off of the vessels coming through the Panama Canal and there would be greatly increased freight in case we established the Nicaragua canal, and yet the gentleman says he is against it because it will not help the Middle West.

A man must be looking through smoked glasses if he believes that a great, world-wide enterprise that takes commerce from all parts of the earth to our next-door neighbor down in Central America will not only benefit New York City, but Arkansas, Texas, Mississippi, Georgia, and every other State of this Republic. The gentleman does not understand and visualize what this means.

Gentlemen of the committee, we can not be narrow-minded when we realize this great Nation of 125,000,000 people is now recognized wherever the flag of commerce, culture, and civilization floats. To sit down and say we can not put out $150,000 to have a survey to see whether we are going to increase the capacity of the Panama Canal or whether it is in the best interests of the country to have another canal built is ridiculous.

The gentleman from Arkansas said it would take 30 years. It took 75 years to get the Panama Canal, and, with such talk as we are having on this floor in opposition to this measure, it will take 75 years to ever get the Nicaragua canal. So it is time to start the survey.

I am for this resolution and hope it will pass. [Applause.]

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, the Panama Canal was constructed as a military necessity, not as a commercial enterprise. It was built and constructed for the purpose of enabling this country to get its fleet from the Atlantic to the Pacific, or from the Pacific to the Atlantic expeditiously, in order to meet any emergency that might arise in the future of this country. Of course, the proponents and advocates of this defense necessity appealed to the cupidity of the people and put it on the basis of a commercial enterprise in order to get them to favorably respond and do the patriotic thing. That has been the history of all similar enterprises in the history of the world. In peace times it is necessary to stimulate the interest of the people in their own defense by pretending and assuming that the national necessity is a commercial enterprise and will yield golden returns. The Nicaragua route was preferable to the Panama Canal but had to be abandoned out of expediency. The Nicaragua route is necessary as an additional safeguard to our national defense for as the Panama Canal is a lock canal and can be blown into infinitesimal smithereens by bombs dropped from enemy airplanes it is the part of prudence and safety to have another canal at Nicaragua making for an insurance that can be secured in no other way and reducing our present risk immeasurably. The Nicaragua canal is preferable to the people of the Mississippi Valley, and the Gulf ports for it places the Gulf ports 600 miles nearer to the West Coast. I am surprised that southern men here who voted for the cruiser bill, the naval bill, the Army bill, making for enormous expenditures all over the country except in their own sections, should oppose this proposed survey and as a justification for their opposition conjure up in their heated imaginations sinister purposes and designs on the part of its proponents and indulge in bolderdash and tommyrot to the effect that the Nicaraguan canal survey will keep the marines in Nicaragua. Did the building of the Panama Canal bring or keep marines in Panama? Bunk, balderdash! Flapdoodle! There is not the remotest connection between the marines in Nicaragua and a proposed survey to ascertain the feasibility of constructing another great canal for defense purposes and to meet the expanding commercial requirements of our country. I can understand some of the Great Lakes people looking for the development of the St. Lawrence and not the Mississippi, fighting this great patriotic and commercial undertaking upon the basis laid down by the gentleman from Illinois [Mr. SABATH], though I hold that they are blind to their own interests and indifferent to ours in not seeing that which would benefit the greater part of the valley would inure to the prosperity of the Nation as a whole. Why does he not go to the Interstate Commerce Commission for the relief which he implies should be given to the Mid West? Why do not he and those of his thought endeavor to secure rates that would be competitive with coastwise water rates through the canal, or why do they not try to place coastwise traffic under the jurisdiction of the Interstate Commerce Commission?

O my friends, why becloud the issue? This is a proposed survey and who can object to finding the facts that will be gathered and laid before the Congress? I am amazed; you vote for bills in the way of enormous expenditures for every section for stupendous ornamental bridges and unnecessary public buildings at a cost of millions, but when it comes to the development of your own section and your own interests you turn your backs upon it. You see visions, and see spooks, you see it as some dreadful monster keeping the marines down there, binding your eyes to the fact and bludgeoning your common sense into the delusion that you can maintain the Monroe doctrine by a policy which would mean that we would not assist in preserving order, and will not permit anyone else to do so. If we will not protect the lives and the property of other nationals how in the name of all that is fair, just, and decent can we object to their own countries doing so, and whenever they will or would do so, that would mean an invasion of, a violation of, the Monroe doctrine, and bring us into military contact with nations that would never consent to endure the intolerable situation that would be presented.

The marines in Nicaragua means for peace with European countries; their withdrawal means chaos in Central America and war with Europe. There are none so blind as those who will not see. There are many idealists who persist in looking at the horizon when they should be looking at their feet. No further elaboration of these remarks is necessary, Mr. Chairman, in view of the report and the many explanatory and brilliant speeches made here to-day in behalf of the resolution.

Mr. PARKER. Mr. Chairman, I yield four minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman, I was opposed to this bill when it came over from the Senate. However, the Committee on Interstate and Foreign Commerce struck out everything after the enacting clause and inserted in lieu thereof certain provisions which make it practically an entirely different bill. For example: The title of the Senate bill was, "Authorizing an investigation and survey for a Nicaraguan canal."

Throughout the entire bill there was the emphasis, if not specific commitment, for the building of a new canal, the Nicaraguan canal. The Nicaraguan features appeared in the first part of the Senate bill. Among other provisions of section 1 of the Senate bill the House struck out the following:

> The investigation and survey [of the Nicaraguan route] which shall be made upon the basis of a canal having a capacity sufficient for the convenient passage of vessels of such tonnage and draft as may reasonably be anticipated.

This language our committee struck out.

The Senate bill contained several sections referring to the treaty between the Republic of Nicaragua and the United States. In this connection there was a provision which in the original text of the Senate bill read as follows:

> The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement upon the details of the terms under which such canal may be constructed, operated, and maintained.

The convention between the United States and Nicaragua, signed in 1914 and consented to in 1916, contained a provision whereby Nicaragua granted certain interoceanic canal rights to the United States. Among the provisions thereof in Article 1 of the treaty is a grant of the right to construct a canal—

> The details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal.

Did not the text in the original Senate bill contain sufficient language to notify Nicaragua within the meaning of the treaty of a commitment and intention upon the part of the United States to construct the canal? Apparently the Senate thought that it did or that, at least, it might be so contended, for the Senate inserted a proviso to the contrary. Our committee, however, struck out the entire proposition and any reference to the treaty.

In section 6 of the Senate bill there was a direct appropriation made of $150,000. That is the amount of the authorization in this bill. In addition, however, there was inserted this language:

and there are hereby authorized to be appropriated such additional moneys as may be necessary for such purposes.

The purposes, of course, were those set forth in the Senate bill. The principal purpose of the Senate bill was a practical commitment by this Government to the construction of the Nicaragua canal. Our committee struck out this general blanket authorization. If we had not done so, there would have been an authorization for the expenditure of any sum of money necessary for the purpose of making the investigation and survey.

The above are the provisions, therefore, that we in the Committee on Interstate and Foreign Commerce of the House saw fit to strike out before reporting this measure to the House because we did not want to commit this Government to the Nicaraguan route either by direct commitment or even by undue emphasis or a blanket authorization of expenditure.

As amended what does the bill do? That is best expressed in the new title of the bill which reads as follows:

Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua.

Note that the investigation of additional facilities at Panama comes first and that the Nicaraguan route comes second in the title.

Section 1 of the new bill authorizes a survey relating to enlarging facilities at Panama.

Section 2 of the bill which relates to the Nicaraguan route, reads as follows:

The President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to Congress, with respect to the practicability and advantages and approximate cost of constructing a canal across Nicaragua, and for the purpose of obtaining all additional available information respecting (1) the most practical route for an interoceanic ship canal across the Republic of Nicaragua by way of the San Juan River and the Great Lake of Nicaragua, or by way of any other route over Nicaraguan territory, including suitable locations for harbors at each of the termini thereof; (2) the practicability and approximate cost of constructing and maintaining such canal; and (3) the approximate cost of acquiring all private rights, properties, privileges, and franchises, if any, included in or necessarily affected by such canal route.

Note there is provided the following:

Bringing down to date the reports of the original Isthmian Canal Commission with the object of obtaining information as to practicability, approximate cost, and other information, including approximate cost of maintenance and acquiring of rights as well as approximate cost of construction.

Note that there is no commitment whatever. There is no emphasis upon the Nicaraguan route. The provisions pertaining to Nicaragua are not substantially dissimilar from those pertaining to the enlargement of the facilities at Panama.

I am going into this matter in detail because I am one of those who must be shown before he is going to vote for the construction of another isthmian canal. The construction of the Panama Canal has worked havoc with some of the industries in the upper Mississippi Valley. To-day it is possible to ship a goodly number of commodities by rail from Mississippi River points to the Atlantic seaboard and from there by boat to the Panama Canal and to the north Pacific coast for less than it costs to ship the same commodity by rail from the same point to the north Pacific coast. Some of our industries, by reason of this fact, have been placed at a distinct disadvantage. We do not want that disadvantage aggravated or increased. We have a well-grounded fear that such would be the case if another canal was constructed. There is no question but what the bill as it came from the Senate would have been a practical commitment to a new route. Therefore I want to say to my good friends who feel as I do about this matter that the Committee on Interstate and Foreign Commerce has done some very excellent work in eliminating these provisions so objectionable to us. As amended, the resolution is a straight out and out modest authorization for information, with no commitments for a new route or even for an extended survey in the event that a proposal should be made in the future for substantially additional authorizations of money.

It has been said, authorize the investigation as to the Panama Canal; but why even seek information on the other route? Information without implied or expressed commitment at no great expense is not going to harm anybody. Bear in mind that we paid Nicaragua $3,000,000 for this option for the right to construct a canal. We have that much money invested. Our engineers some years ago made an extensive survey and an exhaustive report. With this investment and with the propaganda that is going on for the construction of a canal in another route, it would seem to me that we ought to be willing to spend a little money to bring that report down to date so that we may have up-to-date information. In substance, that is all that there is in this bill in so far as the Nicaraguan route is concerned.

Mr. Chairman, the recent agitation for the construction of this Nicaraguan route commenced last summer, as I recall it. I do not believe that its construction is at all necessary, but that is no reason why I should oppose any reasonable effort to acquire information.

Now then, if after the investigation has been made and a report is submitted, this is followed by a movement to construct such a canal, I shall undoubtedly oppose it and oppose it vigorously. We in the upper Mississippi Valley are in substantial accord on the proposition that before there is to be any new Isthmian Canal route or any substantial enlargement of existing facilities for the construction of one, for which we will be taxed with the rest of the country, that substantial progress be made toward the construction of the Great Lakes-St. Lawrence waterway project and the development of our inland riverways system. The development of our inland rivers through the deepening of our channels to a generally uniform and standard depth where there can be an interchange of freight, is absolutely essential for the people of the Middle West; we need a 9-foot channel. I want to again state that substantial progress along these lines must be made before there should be any construction of a new Isthmian Canal in Nicaragua or anywhere else.

In closing, Mr. Chairman, let me again reiterate that this amended resolution merely seeks information. It does not commit the Government to the construction of another route, nor does it even emphasize that. I shall, therefore, support the resolution as it has been so substantially amended by our committee.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. RAYBURN. Mr. Chairman and gentlemen of the committee, I am opposed to the passage of this resolution. In the first place, when a committee of which I am a member brings legislation into this House, I have pride enough in the committee to want it to come before the House with enough information about the proposed legislation to intelligently tell the House of Representatives the reason why it should be enacted. This resolution came to our committee about three days ago, a resolution involving not only great national but great international problems. It came there and was taken up without one word of hearing, without one scintilla of testimony. When those of us who wanted to know something about the resolution asked why we should vote for it and what were the facts about the Panama Canal as to its present capacity and its capacity to take care of the ships that might pass through it in the future, we were asked to read a Senator's speech and get the information we desired in order to pass on a great question like this.

I am amused at some of the gentlemen here who say that we should vote for this resolution because if this canal is built there will be some money expended in our section of the United States. What is the hurry about this? Why not have knowledge as to the capacity of the Panama Canal? The Governor of the Panama Canal Zone said in his testimony before the Committee on Appropriations that before the Panama Canal would need enlarging, it could take care of all the commerce that would want to go through it for 30 years to come. Then why build another canal? Why do you want to investigate the Nicaragua route again when it was abandoned because it was impracticable, because the cost of digging the canal there was prohibitive. If we want to increase the capacity of the canal,

why not limit this resolution to an investigation of the Panama Canal and that alone? Do you want to have another canal that will increase your foreign entanglements? Do you want to have another canal that you will have to defend, if such a time ever comes?

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. PARKER. Does not the gentleman think it wise, while we are ascertaining facts about the Panama Canal, to also find out if it would be advisable, from a business standpoint, to dig the Nicaragua canal?

Mr. RAYBURN. I do not, for the simple reason that I do not think we ought to go into negotiations with any other country in Central America as long as there is a canal that we can broaden or deepen and increase, which we already have.

Mr. PARKER. Have we not already gone into those negotiations? Did we not go into them under the Wilson administration, and was there not a treaty made with Nicaragua by Mr. Bryan?

Mr. RAYBURN. Oh, yes; but this is the first time anybody has ever suggested that we operate under it.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SIROVICH. This resolution appropriates $150,000 to make a survey of the Nicaragua route. Was there ever a survey made of the proposed Nicaragua canal before the Panama Canal was built?

Mr. RAYBURN. Yes; and it was abandoned and the Panama Canal was dug.

Mr. KNUTSON. This measure is simply the entering wedge for the construction of a Nicaragua canal, is it not? This is preliminary, and if we want to block it now is the time to block it.

Mr. RAYBURN. I think we ought to strike everything out of this resolution except with reference to investigating the capacity of the Panama Canal. I wanted a hearing on this resolution, and the reason was I wanted to find out who it is who wants to open up negotiations with Nicaragua. I wanted to find out what bug is under the chip, and why the United States wants to open up again negotiations with Nicaragua. If we had had time to investigate the subject, if we had called witnesses before the committee who had information on the question, we would have been able to develop whether or not this proposition is a business proposition, whether we shall dig a canal at Nicaragua, or whether the $150,000 is an entering wedge to spend millions of dollars there to try to pull somebody out of an international mess.

Mr. PARKER. Does the gentleman think we could determine whether it is a good business proposition without having a survey?

Mr. RAYBURN. It has been abandoned once as a bad business proposition.

Mr. SABATH. There is already a survey.

Mr. RAYBURN. There was a survey, and everyone, to begin with, was in favor of digging the canal through Nicaragua, but after the investigation, after the survey, they abandoned that route, and went to Panama, where we now have our fortifications and our canal in operation, and where, with a few more men to operate it, we can take care of the commerce there, and we will then have only one canal to protect. What I protest against in the passage of this resolution, and every other resolution involving great questions, is being asked to support it without information or an attempt to get information.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. MEAD. I am wondering if the necessity for this legislation could be based on the fear of earthquake or slides or lack of water or any other physical condition imperiling the Panama Canal. Is there anything like that in this question?

Mr. RAYBURN. I do not know. We called no experts. We did not know anything about it. That is the reason why I do not like legislation of this character crammed down our throats in the dying hours of a session without hearings and without explanation.

Mr. PARKER. Whom would you expect to give the information?

Mr. RAYBURN. I should expect some one sponsoring this resolution to give us some information. I should like to ask some few questions.

Mr. JOHNSON of Texas. Mr. Chairman, will my colleague yield?

Mr. RAYBURN. Yes.

Mr. JOHNSON of Texas. The object of this resolution apparently is to revise and bring down to date the estimates of the Isthmian Canal Commission. Does the gentleman think the lapse of time has so changed conditions that the estimates should be brought down to date?

Mr. RAYBURN. Not at all.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HUDDLESTON. They have had a number of earthquakes down there along the line of the proposed canal. They have them so frequently that it would take a good many investigations to keep up with them.

Mr. RAYBURN. I think what the House ought to do would be to strike out everything in this resolution except the authorization of an investigation of the facilities of the Panama Canal. After we shall have done that, then we can go down there to some other country and begin to negotiate treaties and agreements and to acquire property on which to build another canal. I protest now, as I have always protested in this House, against legislation which is brought up in the dying hours of a session, with no information on the subject, and which is attempted to be jammed down the throat of Congress. Why in this resolution can you not cut out Nicaragua? We must ask the Senate of the United States to do it before we can put it in an appropriation. If the Senate agrees to this and the House does not agree to it, why not abandon it?

Mr. PARKER. Does the gentleman think this resolution ought to be changed?

Mr. RAYBURN. Yes. I would rather have none; but if you are investigating merely the Panama Canal, then you are doing something.

Mr. NEWTON. Does not the gentleman understand that the House very substantially amended the Senate resolution?

Mr. RAYBURN. I think the House should still more amend the Senate resolution, so that we will know what we are doing. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Texas yields back the balance of his time.

Mr. PARKER. Mr. Chairman, has the gentleman from Texas exhausted his time?

The CHAIRMAN. The gentleman from Texas has two minutes remaining.

Mr. PARKER. Mr. Chairman, with the understanding that the gentleman from Texas has used all his time, I yield the balance of my time to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. DENISON. Mr. Chairman and members of the committee, before our Government constructed the Panama Canal many able engineers in this country thought the canal ought to be built at Nicaragua. We appointed a commission, which made an exhaustive study of both routes, and that commission unanimously recommended Nicaragua. Some of the ablest men in the Senate and in the House thought we ought to construct the canal across Nicaragua, but Congress at that time decided otherwise.

Now, whether we approve of it or not, in 1914, the President of the United States negotiated a treaty with the Republic of Nicaragua, which was approved by the Senate. That was done during the administration of President Wilson. That treaty gave us the right to construct a ship canal across the Republic of Nicaragua.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. MONTAGUE. Was that done under the Wilson administration?

Mr. DENISON. Yes; that was done under the Wilson administration, and Mr. Bryan negotiated the treaty.

Mr. MONTAGUE. For a canal across the Isthmus of Panama?

Mr. DENISON. Across Nicaragua.

Now we have that right. I am in favor of this resolution. We will always retain that right unless Congress takes some action looking to either utilizing it or surrendering it, and I think that as long as we have this rather incomplete canal right by the treaty negotiated in 1914 it is liable to be used as an excuse for interfering or intervening down there in that country. I think this Government ought to have an exhaustive survey made of the proposed Nicaragua route and find out whether it is practicable to build a canal there and ascertain what it will probably cost. If the investigation shows that it will be impracticable, or shows that it is going to cost too much, then our Government ought to abandon the rights we have there under the treaty of 1914 and get out.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield there for a question?

Mr. DENISON. The only way that will ever be done and the only way we will ever get action is to have a complete investigation and survey made, as provided in the pending resolution, and find out the facts.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield there?

Mr. DENISON. I am sorry I can not yield. I have only five minutes.

I think it is good business and good policy to make this investigation, so that our Government can determine the course it is going to pursue with reference to Nicaragua.

Mr. CROSSER. Is there any such big rush as seems to be assumed at this hour? Assuming all the gentleman says to be true—and I admit there is some force in what he says—would it not be better to have some one called here to give us an explanation of the foreign policy they have in mind?

Mr. DENISON. I will say this to my friend from Ohio: The State Department recommends that this be done; the War Department recommends that it be done; the Secretary of War, who has general supervision over the Panama Canal, recommends that it be done; the Navy Department recommends that it be done; the President is agreeable to it, and the Bureau of the Budget approves it.

Mr. PARKS. Why did they not come before the committee?

Mr. DENISON. They did come before the Senate committee and their views are all in the report. The resolution was submitted to all these departments of the Government and their replies are all in the report, so I think the House has ample evidence upon which to act.

Now, the testimony of Colonel Burgess, the Governor of the Panama Canal Zone, has been read here. I have recently been to the Panama Canal Zone. I am intensely interested in that project and I happen to be the chairman of the subcommittee that handles all Panama Canal legislation. I am a believer in the future of the Panama Canal, and I think I know the feelings of the Governor of the Panama Canal, Colonel Burgess. I believe he thinks this investigation ought to be made.

Mr. PARKS. An investigation of the Panama Canal or of the Nicaraguan route?

Mr. DENISON. Both of them. I think they ought to go together, and such an investigation and survey will have to be made sooner or later. If that is so, why not go ahead and have it made now? The sooner we make a complete investigation and survey of the Nicaraguan route and the sooner the House and the Senate are fully informed as to what it will cost to build a canal there, and whether or not it will be practicable, the better it will be for this country in order to enable us to determine our policy toward Nicaragua as well as toward the Republic of Panama. In short, if this investigation and survey should show that it is practicable to construct an interoceanic ship canal across Nicaragua, and that the cost of such a canal would not be prohibitive, then our Government should fully protect our rights under the treaty of 1914 from interference from any source. But if it should show that such a canal would be impracticable, or that the cost would be prohibitive, then we should surrender our rights under the treaty and withdraw from further special interests there.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired, and the Clerk will read the bill for amendment.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the amendment be read in lieu of the bill.

The CHAIRMAN. Is there objection?

Mr. FISH. Reserving the right to object, will that cut anybody off from striking out the last word?

Mr. PARKER. That is not the intention at all.

Mr. BURTNESS. Reserving the right to object, in the event the amendment is read, how would amendments be proposed after the reading of each section or at the end of the entire amendment?

Mr. PARKER. After the reading of the entire committee amendment, which is the entire resolution.

Mr. HUDDLESTON. Mr. Chairman, reserving the right to object, would not the gentleman from New York think it better to consider the amendment as the bill and read the amendment by sections, as though we were reading the bill instead of considering the amendment as an entirety and reading it from beginning to end without stopping? If it can be arranged to read the amendment in lieu of the bill and deal with it by sections, as though we were reading the original bill, I shall have no objection.

Mr. PARKER. I simply ask unanimous consent to have the amendment read in lieu of the bill. I do not wish to shut off anybody from offering any amendment that they may see fit to offer, but I do believe we should have it read all at once. I believe we should read the amendment and then offer such amendments to it as are desired to be offered.

Mr. SABATH. But there are several sections, and if the unanimous consent is granted Members will be prevented from offering any amendment to the various sections.

Mr. PARKER. Not at all; and that is not the intention.

Mr. SABATH. So that amendments to the respective sections will be in order?

Mr. PARKER. That is my understanding.

Mr. RAYBURN. Will not the gentleman ask that it be read section by section?

Mr. PARKER. I prefer to have it read the other way. It makes no difference, and I think it will expedite matters.

Mr. RAYBURN. Well, it might not. I do not want to object and have the original Senate bill read and thus waste time.

Mr. PARKER. I am only making this request for the purpose of saving time and not for the purpose of shutting off anybody from offering any amendment they please to offer.

Mr. RAYBURN. I think it would save time if it is read section by section.

Mr. PARKER. If I do not secure this unanimous consent, I shall move to have it read in that way.

Mr. RAYBURN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

Resolved, etc., That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and such civilian engineers as the President deems advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to the Congress, and for the purpose of collecting the additional information and data necessary in order to ascertain (1) the most practicable route for an interoceanic ship canal by way of the San Juan River and Great Lake of Nicaragua or by way of any route over Nicaraguan territory, including a suitable harbor at each of the termini thereof; (2) the feasibility and approximate cost of the construction and maintenance of such canal; and (3) the cost of acquiring all private rights, privileges, and franchises, if any, pertaining to such route. The investigation and survey shall be made upon the basis of a canal having a capacity sufficient for the convenient passage of vessels of such tonnage and draft as may reasonably be anticipated.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

Mr. TILSON. Mr. Chairman, has the entire bill been read?

The CHAIRMAN. The Chair would inform the gentleman that we are reading the bill under the general rules of the House section by section. Amendments will be in order at the conclusion of the reading of any section of the stricken-out part of the bill.

Mr. FISH. Mr. Chairman, I am opposed to the entire bill. I am not opposed to it for the reasons given, that it might keep our marines in Nicaragua. I believe both factions in Nicaragua, the Conservatives and the Liberals—and if there are any other factions, those, too—would agree unanimously in favor of the United States coming down there and spending hundreds of millions of American dollars to dig this 180-mile ditch. There is no question about that. You could not find anybody in Nicaragua who does not want us to come down there and spend our money. It is not a question of whether the marines are to stay in Nicaragua or whether they are to get out.

I am opposed to this resolution because it amounts virtually to a commitment to build the Nicaraguan canal, and we will be led right into appropriating $500,000,000 or $1,000,000,000 within a year or so to dig a 180-mile canal in a foreign country which we do not need.

I am opposed to this whole proposition, and I hope that the Representatives of the farmers of the Western States will pay some attention to the purposes of this legislation. For the last eight years they have been promising their farmer constituents in the Middle Western States that they were about to start building an all-American route, or the St. Lawrence route, to permit ships to go from the interior to Europe. Certain Western States have subsidized the St. Lawrence route, and when and where in the world do you expect to get the money for either the St. Lawrence route or the New York route if you go ahead and make a virtual commitment for $1,000,000,000 now to be spent in Nicaragua?

Let me say further to the farmers from the West—from Minnesota and the other Western States—I appreciate that they are committed to the St. Lawrence route, and they honestly believe that the politicians in Canada are staying up at night thinking out ways and means to help dig an ocean ship canal

from the Great Lakes to the St. Lawrence River. What the farmers want is a canal. They want either the St. Lawrence route or the New York route, and let me tell you this:

The good people of Canada are not staying up nights over the St. Lawrence route. They are in many sections opposed to the St. Lawrence route. It is the biggest unexploded myth before the country at the present time. It is subsidized by huge water-power interests, and yet the farmers out West honestly believe there is a chance for the St. Lawrence route. Why, the city of Montreal, with 1,000,000 population, has not any idea at all of giving up its position at the head of ocean traffic. The Province of Quebec, with one-third of the population of Canada, is united in its opposition to the St. Lawrence route.

What the farmers of the West want is a waterway, a ship canal to the Atlantic Ocean. They do not care whether it goes through New York or whether it goes by the St. Lawrence River. I believe I know something about the Canadian point of view because I happen to spend a part of the summer in Canada on the St. Lawrence River. I have talked with many of the officials in the Province of Quebec. I have talked with the prime minister, M. Taschereau and have had lunch with him. He is not under any illusion about the building of the St. Lawrence canal at this time or in the near future. There is no more chance of building the St. Lawrence canal than of repealing the eighteenth amendment in our time and generation. [Applause.] It is a lot of humbug that has been sold to the farmer out West. What you want is a ship canal to the Atlantic Ocean, and if you want such a canal you should vote against this resolution which will commit us before we know it to building the Nicaragua canal.

If you want $500,000,000 or $1,000,000,000 next year or five years from now to build a ship canal to help lower the freight rates, if you want to keep your promises and your pledges to the farmers back home, you have got to vote down this resolution, because this is the entering wedge and amounts to a commitment for the Nicaragua canal, and that is all there is to it. You can not have the Nicaragua canal and the St. Lawrence canal or the New York waterway. It can not be done. We can not appropriate one-half billion dollars one year for Nicaragua and another one-half billion dollars for the New York route.

Mr. O'CONNOR of Lousiana. Why does not the gentleman want the Nicaragua canal?

Mr. FISH. The gentleman asks why I do not want the Nicaragua canal. Because I am convinced that the Panama Canal has sufficient facilities to take care of the necessary traffic for the next 60 years if we put in a third lock. The governor of the canal has stated officially that we do not need more than one more lock to take care of the traffic requirements for the next 60 years.

Mr. SCHAFER. Will the gentleman yield?

Mr. FISH. I yield, yes.

Mr. SCHAFER. Is the gentleman in favor of the St. Lawrence canal?

Mr. FISH. I am certainly not, for many sound reasons, and besides Canada is against it and there is no chance of it being constructed. The Western States are for it, but the Province of Quebec with one-third of the population of Canada is strongly opposed to it and so are the big Canadian railroads.

Mr. SCHAFER. The people of the great Western States that the gentleman has referred to are for it?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NEWTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NEWTON. I would like to inquire of the Chair if, after having read the first section, the committee amendment is now in order or whether it will be necessary, under the rules of the House, to read every section of the Senate bill when the committee amendment will then be in order?

The CHAIRMAN. In answer to the gentleman's inquiry, the Chair would suggest that what he has stated is in order. However, the general practice of the House and the best practice is that when a bill is considered by section or paragraph, a substitute for the whole bill is properly offered after reading for amendment is concluded. Therefore, either course would be in order. The Chair recommends the latter course as being preferable.

Mr. CHALMERS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. NEWTON. Mr. Chairman, I did not hear the last remark of the Chair.

The CHAIRMAN. The recommendation of the Chair is that the usual rule be followed and that the strickén part of the bill be read complete before the committee amendment is offered.

Mr. CHALMERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHALMERS. Since the Chair has recognized the gentleman from New York on a pro forma amendment, I ask if the Chair would recognize me for five minutes to oppose the pro forma amendment.

The CHAIRMAN. The gentleman has his rights under the rules. Does the gentleman demand recognition in opposition to the pro forma amendment?

Mr. CHALMERS. I demand recognition; yes.

The CHAIRMAN. The gentleman from Ohio [Mr. CHALMERS] is recognized for five minutes.

Mr. CHALMERS. Mr. Chairman, I admire the gentleman from New York on account of his ability, on account of what he has done and is doing, and also I admire him because of his imagination. [Laughter.] He says that the St. Lawrence canal will not be built in his day or mine. I want to say to the gentleman that in my judgment the St. Lawrence canal will be provided for in a treaty between this country and Canada within the next four years. [Applause.] I have great faith in the big chief who will take the reins of this Government at high noon on next Monday. He will bring about, with the assistance of this House and the other body, a treaty to build the Great Lakes-St. Lawrence waterway. There is not any possibility of stopping that great human necessity. We farmers of the West, 28 States landlocked, that have been praying for what is considered the birthright of humanity since the dawn of creation—an outlet to the sea.

The gentleman from New York recommends the New York route. Over and over again the New York route has been reported upon adversely by the experts as an economic impossibility. There is no such report standing against the St. Lawrence route. It is God's way to the sea from the Mid West.

We have 241,000 cubic feet of water flowing into the St. Lawrence River every second from Lake Ontario, down hill all the way, carrying our products from the West to the sea.

I know we will have some difficulty in adjusting the treaty with Canada, but the main obstacle there is New York influence. I do not see why New York is opposed to this great economic necessity. It is going to come within four years.

Do you know that New York seems to be afraid that if the farmers in the West have the right to build the St. Lawrence waterway that it will turn that great metropolitan city back into a cow pasture or a country village? That grass will again grow on Broadway. Fifth Avenue will become a sheep pasture and the lambs will go unmolested even down in Wall Street. [Laughter.]

Mr. SABATH. They are taking care of the lambs in Wall Street now. [Laughter.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the committee substitute for the Senate bill be read section by section.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining (1) such additional locks and other facilities at the Panama Canal as may be necessary to provide for the future needs of interoceanic shipping; and (2) any other route for a ship canal between the Atlantic and Pacific Oceans.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, if I did not believe that the people I have the honor to represent have a vital interest in this proposition I would not take the floor a second time. But, gentlemen, keep in mind that the Panama Canal was built as a military necessity, as a part of our national defense. [Applause.] Never let that escape your mind. And that canal should have been a sea-level canal. Everyone well informed in the history of that day knows that some powerful interests, political and otherwise, had frustrated every attempt to construct a sea-level canal. Everyone knows that the contracting interests were determined that it should be a dam-and-lock canal or no canal at all. Everyone knows that the great statesmen of that day and generation made it reluctantly, as an unreasonable concession, which they were powerless to refuse in view of the supreme necessity of getting a canal, lock or no lock. That canal was built, I repeat, my colleagues, for military purposes as a part of the national defenses and a forti-

ori, as the lawyers say, we need a second canal to insure that defense, which is just as pressing to-day as then, if not more so, in view of the development of airplanes, bombing planes, and airplane carriers. And keep in mind, we do not own the Panama Canal, and I rest on that proposition with all of its tremendous implications and inferences. You know that President Wilson, in language unmistakable and unforgettable, asked Congress to repeal the toll provisions in the Panama Canal act. That message indicated to many of his countrymen that he was acting under some great stress or felt a menacing attitude from some country beyond the Atlantic Ocean. We do not own the canal! President Wilson's interpretation of the Hay-Pauncefote treaty and the repeal by the Congress of the Panama Canal toll act indicate that we agree that we are not in that control which goes to ownership.

The debate has taken a wide range, but it is on the anvil of discussion, the spark of truth will fly, though some hold that too much discussion obscures if it does not entirely conceal the truth.

Therefore let us act and pass this resolution for a survey and if necessary let us dig this other canal, which will prevent war, which will not cost one-hundredth part of the cost of the World War to us, and which will bind us to Nicaragua, for be it remembered that the press carried the pleasing news when the President elect was down there on his good-will trip that the officials there indicated to him their pleasure and satisfaction at the construction of the prospective canal. And by whom will the survey be made? By the same sort of a commission that is in control of the flood works in the Mississippi Valley, which everyone knows will cost approximately $500,000,000. If that sort of a commission can undertake and execute the greatest domestic work in the history of the country, why can it not be trusted to make a survey at a cost of $150,000?

Mr. Chairman, I am for waterways. I am for the St. Lawrence project, if you can get the preliminaries settled by agreement with Canada. I am for the development of the Mississippi River and its wonderful tributaries. I am for the development of all waterways. It will expand our commerce and make for the glory and the grandeur of this country. I appeal to my southern colleagues not to turn down a proposition which makes for the development of their section, which will lead to a waterway connection that will give us in a few years vast returns and make for an opulence and a splendor that can come only with utilization of every available avenue of commerce. Do not turn your backs on your interests out of a mere fetish worship of some visionary, idealistic notion that you are hugging to your souls and remote from the practical demands of your own civilization. [Applause.]

Do not strain your vision for base purposes and sinister designs in the conduct of those who are seeking to secure the national defense and make for the acquisition of another canal if the survey and investigation show one to be necessary. The returns on the new canal, if built, would in my judgment exceed the amount expended for its construction. Do not question too searchingly the motives of those who honestly believe in a progress which may not appeal to you. There is no "bug under the chip," unless there is a bug under the chip in your opposition to a survey which will discover facts that have come into existence since the old survey and upon which we can predicate the future.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be now closed.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 2. The President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to Congress, with respect to the practicability and advantages and approximate cost of constructing a canal across Nicaragua, and for the purpose of obtaining all additional available information respecting (1) the most practical route for an interoceanic ship canal across the Republic of Nicaragua by way of the San Juan River and the Great Lake of Nicaragua, or by way of any other route over Nicaraguan territory, including suitable locations for harbors at each of the termini thereof; (2) the practicability and approximate cost of constructing and maintaining such canal; and (3) the approximate cost of acquiring all private rights, properties, privileges, and franchises, if any, included in or necessarily affected by such canal route.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered to the committee amendment by Mr. BURTNESS: Page 5, line 6, strike out all of section 2.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I am offering this amendment in all sincerity, and yet I admit that it is done with some hesitation.

I agree thoroughly with the gentleman from Minnesota [Mr. NEWTON] that the resolution reported by way of a substitute by the House committee is a great improvement over the Senate resolution. It is because I was, with others, instrumental in greatly improving the resolution by the committee amendment that I hesitate in asking further to strike out section 2. The Senate resolution as it came to the House, it seemed to some of us at least, was an absolute commitment on the part of this country, or would have been construed as such, to the building of the Nicaraguan Canal. You will note that the amendment proposed by the committee makes the Nicaraguan survey in a way secondary, and puts provisions into the first section of the resolution for an investigation to determine what can be done at the Panama Canal by building new locks and additional facilities of any sort so as to take care of the shipping needs of the future, making the survey of the Panama Canal paramount. And yet when we come to section 2 we find in it a very definite provision with reference to the Nicaraguan Canal, which might also be construed by many as a commitment to the building thereof. Surely we can well imagine that in a year or two from now our good friend from Louisiana [Mr. O'CONNOR], who made such an excellent speech here a few minutes ago, from his viewpoint, would at least argue very specifically, in the event of the passage of this resolution, that we are committed to such purpose, if for no other reason than as a military necessity. The speech made by him would give some justification for that contention.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. I can not yield now. Let us see what my amendment would do. I submit, if you strike out section 2, you retain everything that is reasonably necessary, whether it be for investigating what may be the need for enlarging the Panama Canal, as well as what may be reasonably proper and necessary at this time in the matter of surveying routes for ship canals between the Atlantic and the Pacific Oceans, because I call your attention to subdivision 2, found on page 5, in line 4 of that page.

You still have a general provision there so that the engineers of the War Department and the civilian engineers may use this money to the limit of $150,000, as now proposed, for the general purpose of making a reasonably accurate survey and informing the people of this country as to the results thereof. Of course, that was not the intent of the survey provided by the Senate bill, and I doubt whether it is the intent of the survey provided by section 2. The Senate resolution laid its main emphasis on the Nicaraguan route, appropriated $150,000 to start with, and made the sky the limit with reference to future appropriations to complete the work. No one knows to-day whether the cost of those surveys will amount to half a million dollars or five million dollars. I think every member of the committee will agree that $150,000 can not possibly provide for the cost of the surveys contemplated by section 2, in addition to the survey of the facts with reference to the Panama Canal, contemplated by section 1, and when an attempt is made to make that limitation, it becomes more or less of a camouflage, if all of the purposes of the resolution are going to be carried out.

Remember this, also. If you vote to retain section 2 in the resolution, our adopting it will not necessarily mean it will be enacted in this way. It will have to go to conference, and you will be conferring there with the other body upon the malicious provisions that are found in the Senate resolution which would not only commit us to the building of the Nicaraguan canal but is a mandate to the President of the United States to enter into negotiations not only with Nicaragua but also with other countries, to do what?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. PARKS. Mr. Chairman, I ask unanimous consent that the time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Chairman, in the Senate resolution there is a mandate to the effect that the President shall open up negotiations with Nicaragua that will absolutely decide the details under which the canal shall be operated if it is constructed.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. DEMPSEY. Does not the gentleman think that the provision in the Senate resolution, the second paragraph on page 3, is a wise provision to include in the resolution pending here?

Mr. BURTNESS. Yes. I would not object to that at all. I think it would be a rather wise provision.

Mr. Chairman, out in the Northwest where the burden of the cost of the Panama Canal weighs more heavily on the people than anywhere else in the country, in the manner of higher transportation costs on our products, we are not opposed to providing facilities that will make it possible for our commerce and for our naval ships or for any other commerce that needs a canal to pass from the Atlantic to the Pacific. Not at all. But we do say this, that I think the entire Middle West and the Northwest are ready to give notice to the country that we are not going to entertain a proposition of actually building a second canal until we shall have found an outlet from the Great Lakes to the sea.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. RAMSEYER. I want information. I want to know what is the present capacity of the Panama Canal to take care of the ships that want to go through there now.

Mr. BURTNESS. That has been given several times. We had no formal hearings on it in our committee, but I understand that the average number of ships going through per day is about 19 with a maximum capacity of 54. Additional facilities can be provided. We are already committed in a way to the enlargement of the facilities of the Panama Canal, for otherwise why are we spending money in the appropriation bills from year to year to build a dam across the Chagres River to impound water there to add to the water of the Panama Canal? It is believed that when that water becomes available it will take care of another set of locks. That is the information I have. One additional set of locks will practically double the capacity of the canal.

Mr. RAMSEYER. From the information before your committee, is there any commercial need for another canal at this time?

Mr. BURTNESS. Absolutely not; and there is no existing emergency. If additional facilities that might be built at Panama under a survey such as provided in section 1, it would probably take care of the needs for from 30 to 50 years. Such a survey alone will take a few months. Let us get information on that first, and upon obtaining that information let us proceed to do what ought to be done. We can then determine in a more judicial way than now possible whether we should provide for a Nicaraguan survey in addition.

Mr. RAMSEYER. Is there any information before the committee indicating the necessity of enlarging the Panama Canal?

Mr. BURTNESS. There was not a single witness that appeared before the committee on that point, and the best information I know of with reference to the subject can be found not in the hearings on this resolution, but in the hearings had before the Subcommittee on Military Affairs of the Appropriations Committee. I do know there is no emergency now existing.

Mr. RAMSEYER. What was the cost mentioned in the report of the committee on the Nicaraguan project?

Mr. BURTNESS. I do not know what the cost could or would be. I doubt whether anyone knows. Personally, in so far as dealing with the proposed Nicaraguan route is concerned, I do not believe there is any justification for it. I think, however, there is ample justification and ground for getting complete information as to the cost and practicability of providing enlarged facilities in the Panama Canal project as provided by section 1 of this bill. I think it would be a worth-while piece of legislation. If it is enacted, the Chief of Engineers and the President can proceed to determine in a scientific and engineering way just what we can accomplish at Panama in the way of providing additional facilities. They can also give to the country and to Congress their best judgment, after thorough economic surveys, of the shipping needs of the future. It will then be early enough to decide about a Nicaraguan survey.

For these reasons I urge that section 2 be stricken from the bill.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last two words of the gentleman's amendment.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, I find that on this occasion I regret that I am not in agreement with a great many of my colleagues with whom I generally agree and with whom I often find myself in the minority. I do not look at this resolution in the light of solely military purpose, but am attracted to it for its useful commercial purposes and its tremendous peace potentialities.

This proposition has nothing to do with any other canal, so it is only confusing the issue to bring in a discussion of any other canal at this time. We eventually will build this canal and we will also build other great canals.

Now, gentlemen, it is stated that at the present time we do not need additional canal facilities down on the Isthmus. That may be true, but as legislators here we have more important duties than passing private bills for the relief of John Jones or John Smith, and a legislator is not worth his salt unless he has sufficient vision to look 50, 75, or even 100 years into the future. [Applause.] The very opposition here to-day indicates that even after the survey is completed it will take many years before we will be able to start the actual digging of this canal. There is nothing in the argument that we will not have sufficient funds with which to undertake this project and another canal project for the reason that if there is one thing this country has too much of it is money. I would sooner see our enormous surplus expended in such useful projects beneficial to all humanity than in a race of competitive armaments.

I want to say that in addition to the so-called military necessity I look at this project as another great agency of peace. It can not be said that the Panama Canal, which brought us nearer to the Orient, has in any way stimulated war. The Panama Canal brought peace, and the nearer we can get to the people of other nations the greater will be the hope for permanent peace.

I want to say to my colleagues in the Democratic Party that when the history of the world is written by the next generation, if there is one man who will have a glorious page in that history for his sincere efforts toward world peace it is your own William Jennings Bryan [applause], and he initiated this very project. That being so it is quite consistent that some of us, who are bending every effort to keep our country from engaging in the race for armament and keeping our country from becoming a militaristic nation, should indorse this project. We see in it not a threatened danger of war but a real agency for bringing the people of the world closer together and, therefore, being a greater agency of peace.

This is the age of great undertakings. After all to what better purpose can we devote our enormous resources than to apply the ingenuity of man of this enlightened day to correcting the defects of nature and thus bringing the people of the world not only closer to each other but also to a better understanding of each other. If the Nicaragua canal will be needed 60 years from now it is our duty to pass this resolution to-day. [Applause.]

Mr. MAPES rose.

The CHAIRMAN. For what purpose does the gentleman from Michigan, a member of the committee, rise?

Mr. MAPES. I desire to oppose the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes in opposition to the amendment.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. There was one speech in favor of the amendment and two gentlemen have already spoken against the amendment. I am for the amendment, and I am not entitled to be recognized now?

The CHAIRMAN. The gentleman from Michigan, as the Chair understands, rises in opposition to the pro forma amendment offered by the gentleman from New York [Mr. LAGUARDIA] and is recognized for five minutes.

Mr. SABATH. I was under the impression that the gentleman desired to speak against the original amendment.

The CHAIRMAN. The gentleman from Michigan will proceed in order.

Mr. MAPES. Mr. Chairman, I rose to oppose the amendment offered by the gentleman from North Dakota [Mr. BURTNESS] to strike out the paragraph.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan for that purpose.

Mr. MAPES. Mr. Chairman, ladies, and gentlemen of the committee, I am in favor of the St. Lawrence waterway, but for the life of me I can not see what that has to do with the resolution before the committee to-day. The gentleman from North Dakota [Mr. BURTNESS], who made the motion to strike out section 2, says that the passage of this resolution will commit Congress to the proposition of building a Nicaraguan canal. In that he differs from the author of the resolution, Senator EDGE, who says that the only purpose of the resolution is to obtain information.

A great many Members seem to think there is something sinister back of this resolution. If there is it does not appear on

its face. The gentleman from Iowa [Mr. RAMSEYER] asked the gentleman from North Dakota what is the cause of it, and the gentleman from North Dakota [Mr. BURTNESS] and others seem to attempt to convey the impression that there is something back of it. The cause of it, the reason for it, is to seek information. Members are justified in scrutinizing every piece of legislation that comes before the House to find out what, if anything, there is back of it. No one can take any exception to that policy; but at the same time they ought not to see things where there is nothing to be seen. This resolution simply provides that Army and civilian engineers shall examine these two routes and make a report back to Congress of what they find. That is all there is to it. No stretch of the imagination can find anything else in it. The author of the resolution in the Senate, Senator EDGE, says:

The joint resolution provides simply and alone for information. It does not establish any policy at all.

In that statement he differs from the gentleman from North Dakota [Mr. BURTNESS]:

It provides that Congress and the country shall be informed through an investigation to be made by the Board of Engineers as to the practicability and feasibility of taking advantage of the right of way which we purchased from the Government of Nicaragua to construct an interoceanic canal across the Isthmus at that point; likewise, to be given all information as to the feasibility and practicability of increasing the facilities of the Panama Canal. It has been suggested that it might be possible to install a third set of locks at Panama and thus increase the facilities of the Panama Canal approximately one-third.

Now, dismissing these bugaboos that some people have in their minds, all the resolution proposes to do is to authorize the engineers to survey the situation and make a report so that the Congress and the country will know what the situation is.

Mr. RAMSEYER and Mr. SABATH rose.

Mr. MAPES. I am sorry, but I have not the time to yield.

Mr. RAMSEYER. I want to ask a pertinent question for information.

Mr. MAPES. I am sorry, but I have not the time to yield.

The question has been asked, What is the need of this survey; what is the need of additional canal facilities at the Isthmus? And there have been some answers here to the effect that it will be 60 years before there will be any necessity for additional canal facilities at the Isthmus.

Gentlemen who make such statements are undoubtedly sincere. They make them in good faith and believe them to be true, but such statements should be understood for what they are. They are merely expressions of opinion and not statements of fact. There are great differences of opinion about the present facilities of the canal being sufficient even 10 years from now. As Senator EDGE well said in his speech on this resolution in the Senate, "Estimates, of course, are nothing but guesswork," and the traffic in the Panama Canal has doubled in every 5-year cycle since it was opened.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MAPES. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. For the first 5 years it was a certain amount, the next 5 years it was twice as much as it was the first 5, the next 5 years it was twice what it was the preceding 5, and so on.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MAPES. I am sorry, but I have not the time.

Mr. HUDDLESTON. It is right on that point.

Mr. MAPES. I quote from the speech of Senator EDGE. I am sorry I have not the time to yield, I will say to the gentleman.

We can not visualize commercial traffic for 5 or 10 or 15 or 20 years—

Said Senator EDGE.

What sounder proposition was ever made?

We can not visualize commercial traffic for 5 or 10 or 15 or 20 years. The fact remains that in each cycle of five years since the canal has been operating, the traffic has more than doubled. * * * It is coming along with such rapidity that surely there can not be any reasonable objection to getting all the information in order to be prepared for a final decision on the part of Congress as to our future canal policy. That is all this joint resolution does.

That is the statement of the proponent of the resolution, Senator EDGE. Let me quote the Senator from Tennessee, Senator MCKELLAR, who refers to a statement by his colleague, Senator KENDRICK, of Wyoming. Senator MCKELLAR, speaking of the conditions and about the need of this survey and of additional canal facilities, says:

The Senator from Wyoming, Mr. KENDRICK, is exactly right when he says that the Panama Canal will be used to its utmost limit of capacity in six or seven years.

See how widely opinions differ as to the capacity of the canal at present to take care of the future needs? Senator MCKELLAR and Senator KENDRICK say that it will be used to its utmost capacity in six or seven years. Senator MCKELLAR continued:

It will be but a very short time until that happens; and it is absolutely necessary that something should be done at once to provide increased canal facilities.

Now that is the situation. This resolution simply provides for a survey and for a report on the two propositions.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

Mr. HUDDLESTON. I trust the gentleman will not make that motion until I have an opportunity to be heard.

Mr. HOWARD of Nebraska. I may want to talk some myself.

Mr. PARKER. I will amend the motion in order to allow the gentleman to have five minutes.

Mr. HUDDLESTON. Mr. Chairman, I shall claim recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. PARKER] moves that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I expressed my views on this bill last night and had not intended to say anything more.

The gentleman from Michigan [Mr. MAPES] has fallen into a gross error with reference to the rate of increase in the use of the Panama Canal. I hold in my hand the report of the Senate committee on this bill. It carries a table on the use of the canal which I assume comes from some reliable source, and I read it, as follows:

Fiscal year ending June 30—	Number of transits	Panama Canal net tonnage	Tolls	Tons of cargo
1915	1,075	3,792,572	$4,367,550.19	4,888,454
1916	758	2,396,162	2,408,089.62	3,094,114
1917	1,803	5,798,557	5,627,463.05	7,058,563
1918	2,069	6,574,073	6,438,853.15	7,582,031
1919	2,024	6,124,990	6,172,828.59	6,916,621
1920	2,478	8,546,044	8,513,933.15	9,374,499
1921	2,892	11,415,876	11,276,889.91	11,599,214
1922	2,736	11,417,459	11,197,832.41	10,834,910
1923	3,967	18,605,786	17,508,414.85	19,567,875
1924	5,230	26,148,878	24,290,963.54	26,994,710
1925	4,673	22,855,151	21,400,523.51	23,958,836
1926	5,197	24,774,591	22,931,055.98	26,037,448
1927	5,475	26,227,815	24,228,830.11	27,748,215

It purports to give us the business of the canal for every year since 1915. It plainly shows that there has been little increase in the use of the canal since 1924. There was a falling off in 1925 and 1926 below the amount of 1924. In 1927 the use of the canal again came up until it slightly exceeded the use of 1924.

Now, I want to say further, this: We do not object to any investigation gentlemen may want to make with reference to the Panama Canal, and its enlargement. The amendment of the gentleman from North Dakota [Mr. BURTNESS] contemplates merely striking out the reference to the Nicaragua end of the proposition. That is what we want to eliminate.

Let us consider the matter like sensible men. We are appropriating here $150,000 and have provided that with that sum an investigation shall be made of the Nicaraguan route, of the San Blas route, and also of the Panama route. That sum is probably not sufficient to pay more than one-tenth of the cost of all that work. It is not sufficient to do what is required to be done at Panama alone. It will take a matter of five years and probably more to complete the entire three investigations included in this bill. If we should confine this bill to Panama alone, that money and more could be spent in the Panama investigation, and yet the investigation will not have been completed by the time Congress assembles again and probably not for a year or two thereafter. There will be plenty of time in which to pass a measure and to make new appropriations for the San Blas and the Nicaraguan routes.

These two projects are an unnecessary part and do not belong in the bill. Therefore I say as I stated last night that we can not escape the conclusion that there is "a bug under the chip," and that the full purpose of the bill has not been

disclosed. The gentleman from Illinois [Mr. DENISON] twitted me that I was "too suspicious," that I was looking for something sinister in everything. Let me say to him that "a burnt child dreads the fire." I was not born yesterday. I have been misled before, and therefore I am afraid. I advise every Member of the House if they want to act advisedly on this measure to get more information before they act. Ask some one to tell you why the Nicaraguan route was put into this bill. I asked it last night. I challenged the chairman of the committee, and every Member who advocated the bill to give a single reason for the haste with which they were pressing it forward. I got no answer, nothing but silence. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired; all time has expired, and the question is on the amendment of the gentleman from North Dakota.

The question was taken; and on a division (demanded by Mr. BURTNESS) there were 50 ayes and 110 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. The President is hereby requested to report to the Congress not later than two years from the approval of this resolution the results of the investigations and surveys hereby authorized, together with such recommendations in connection therewith as he may deem advisable.

Mr. FISH. Mr. Chairman, I move to strike out the last word. The proponents of this resolution have placed it before you, but have refused to give you any information. I took the trouble to send a radiogram to the American Governor of the Panama Canal Zone, and I would appreciate the attention of the House to the reading of his reply. The following is the radiogram received a few minutes ago from the Governor of the Panama Canal Zone. It is addressed to me; in reply to a radiogram I sent yesterday for information as to the facilities of the Panama Canal. This radiogram was received at 2 p. m. to-day, and was sent from Balboa Heights, Panama Canal, March 1, 1929:

Making all allowances such as for locks overhaul periods, present capacity of the Panama Canal is 60,000,000 tons per year. Traffic last year was something less than 30,000,000 tons. According to best estimate that is now possible the growth of traffic will not exceed 10,000,000 tons per decade, which indicates third set of locks will be required in about 30 years, but to construct in such manner as to cause minimum interference with traffic their construction should be undertaken at least 10 years before actually required. I have stated that constant study should be made by the canal administration of growth of traffic in order that Congress may be informed in ample time to provide for construction of third set of locks. The present water supply is sufficient to operate existing locks, although for more satisfactory navigation Alhajuela Reservoir should be completed as soon as possible. Congress has already authorized beginning of this work, but appropriations have been small. Subsequent to completion of this reservoir water supply will be ample for third set of locks, giving Panama Canal traffic capacity of 100,000,000 tons per year.

BURGESS.

FRIDAY—11 a. m.

One hundred million tons is over three times the traffic needs at the present time, and, further, in spite of all that Senator EDGE has said, according to the reading of the CONGRESSIONAL RECORD here to-day, the Governor of the Canal Zone says that with three locks the facilities of the Panama Canal will be sufficient for 70 years to come. I join with the others who are asking and demanding without response why should this legislation be rushed in at the eleventh hour, and why should we be asked to authorize a survey of the Nicaraguan canal, when the Governor of the Panama Canal Zone, a man who has been the chief engineer there for four years, says that the Panama Canal can take care of all requirements for 30 years and with an additional lock for 30 more years?

Mr. JOHNSON of Washington. Who is that signed by?

Mr. FISH. It is signed by Burgess, who is the Governor of the Panama Canal Zone, and who was formerly chief engineer for years on the Panama Canal.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on the committee substitute for the Senate resolution.

The committee substitute was agreed to.

The CHAIRMAN. Under the rule the committee will now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 117, pursuant to House Resolution 345, and he reported the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended be agreed to.

The SPEAKER. Under the rule the previous question is ordered. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

Mr. RAYBURN. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. RAYBURN moves to recommit S. J. Res. 117 to the Committee on Interstate and Foreign Commerce with instructions to report the same back with the following amendment:

Strike out all of section 2, and "for the operation of a canal across Nicaragua or elsewhere and," on lines 5 and 6 of page 6.

The SPEAKER. The question is on the motion to recommit.

Mr. BURTNESS. On that I demand the yeas and nays.

The SPEAKER. As many as favor ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-seven Members have risen, not a sufficient number, and the yeas and nays are refused. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RAYBURN) there were—ayes 56, noes 185.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the resolution pass?

The question was taken, and the resolution was agreed to.

The title was amended.

ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. MICHENER. I understand that we are about to take a recess until 8 o'clock. What business will be taken up at the night session?

Mr. TILSON. Conference reports and other privileged matters.

Mr. JOHNSON of Washington. Mr. Speaker, I think the House ought to be informed that I shall endeavor to call up the conference report upon H. R. 349, the naturalization bill.

Mr. BEEDY. Do I understand that bridge bills are going to be brought up this evening?

The SPEAKER. The session to-night will be a regular business session of the House.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House stand in recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 4 o'clock and 32 minutes p. m.) the House stood in recess.

EVENING SESSION

The recess having expired, the House was called to order by the Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the House of Representatives is respectfully requested to return to the Senate the bill (S. 5715) entitled "An act for the relief of J. H. B. Wilder."

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 16436. An act to provide for the repatriation of certain insane American citizens.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red

Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The message also announced that the House of Representatives is respectfully requested to return to the Senate the bill (S. 2127) entitled "An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt."

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S. J. Res. 117) entitled "Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1625. An act to carry into effect the findings of the court of claims in favor of Myron C. Bond, Guy M. Caflin, and Edwin A. Wells;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

H. R. 3537. An act for the relief of William F. Goode;

H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 4029. An act for the relief of Maude A. Sanger;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4611. An act for the relief of Marion M. Clark;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 5341. An act for the relief of Staunton Brick Co.;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River, and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 7230. An act for the relief of Charles L. Dewey;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10045. An act for the relief of Robert S. Ament;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11500. An act for the relief of Ella Mae Rinks.

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 12650. An act for the relief of John F. Fleming;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

H. R. 13260. An act for the relief of Josiah Harden;

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13593. An act to legalize a bridge across the Fox River at East Dundee, Ill.;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 14242. An act for the relief of Everett A. Dougherty;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14873. An act for the relief of Chesley P. Key;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15220. An act for the relief of Francis X. Callahan;

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to re-

construct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16431. An act extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;

H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners for the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.;

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River, at or near Chattanooga, Hamilton County, Tenn.;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16985. An act authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus;

H. J. Res. 399. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia and supplements; and

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1781. An act to establish load lines for American vessels, and for other purposes;

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions;

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States;

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age;

S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; and

S. J. Res. 117. Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua.

BRIDGE ACROSS THE LITTLE CALUMET RIVER, ILL.

Mr. DENISON. Mr. Speaker, I call up from the Speaker's table the bill S. 5824, an identical bill being on the House Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, at or near Ashland Avenue in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SABATH. Mr. Speaker, may I ask the gentleman from Illinois where is that bridge? Is it on Michigan Avenue?

Mr. DENISON. It is on Ashland Avenue.

Mr. SABATH. That is outside of my district. I thought it was in my district.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The motion to reconsider the last vote was laid on the table.

On motion of Mr. DENISON a similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER, MO.

Mr. DENISON. Mr. Speaker, I also call up the Senate bill 5835.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5835) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.

Be it enacted, etc., That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point about four miles south of west of the city of St. Charles, in the county of St. Charles, Mo., to a point in St. Louis County in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT MIAMI, MO.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5837, on the Speaker's table.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5837) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Saline County, Mo., authorized to be built by Frank M. Burruss, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT ARROW ROCK, MO.

Mr. DENISON. Mr. Speaker, I also call up Senate bill 5836, an identical House bill being on the calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5836) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo., authorized to be built by F. C. Barnhill, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ARKANSAS CITY, ARK.

Mr. DENISON. Mr. Speaker, I also call up the bill S. 5825, a similar bill being on the House Calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark., authorized to be built by Henry Thane, his heirs, legal representatives, and assigns, by the act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT BETTENDORF, IOWA

Mr. DENISON. Mr. Speaker, I call up from the Speaker's table the bill S. 5844, an identical bill being on the House Calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5844) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa, authorized to be built by B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, by the act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from May 26, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT KANSAS CITY, MO.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 5758. I am authorized by the Committee on Interstate and Foreign Commerce to call it up.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5758) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RAILROAD BRIDGE ACROSS THE OHIO RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5845, granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, above Cincinnati, Ohio, near Coney Island, to a point above Newport, Ky., opposite the Ohio terminal, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, transferred, or who shall acquire the same by mortgage or foreclosure or otherwise, is hereby authorized to excercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR ARROW ROCK, MO.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5834, authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo., and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the town of Arrow Rock, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS LAKE CHAMPLAIN

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5045, authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt., and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Jed P. Ladd, of Burlington, Vt., his heirs, legal representatives, and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near East Alburg, Vt., and a point at or near West Swanton, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Jed P. Ladd, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the pro-

ceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Jed P. Ladd, his heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Vermont, any public agency or political subdivision of such State within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivision thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjudged as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. Jed P. Ladd, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of such State shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Jed P. Ladd, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Jed P. Ladd, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or persons.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS PERDIDO BAY, FLA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5677, to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla., and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.," be, and the same is hereby, amended so as to read as follows:

"SEC. 2. If the rights and privileges granted by said act approved June 22, 1916, shall be acquired by any one or more of the counties or States designated in section 1 of this act, it or they are authorized to transfer and assign all such rights and privileges to either or both of the counties or either or both of the States mentioned in said section 1, or to the highway commissioners or departments or other public agency of either or both of said States, but any bridge constructed or reconstructed under authority of said act of June 22, 1916, shall be maintained and operated in accordance with all the terms, provisions, and conditions of said act."

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

CONFERENCE REPORTS

The SPEAKER. The Chair desires to know whether any gentleman wishes to present conference reports at this time which are uncontested?

T. L. YOUNG AND C. T. COLE—CONFERENCE REPORT

Mr. IRWIN. Mr. Speaker, I present a conference report on the bill S. 4848, for the relief of T. L. Young and C. T. Cole.

The SPEAKER. The gentleman from Illinois presents a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4848) entitled "An act for the relief of T. L. Young and C. T. Cole" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment, strike out all the language in said bill after the numerals "1924," in line 1, page 2, except the period at the end thereof; and the House agree to the same.

ED. M. IRWIN,
U. S. GUYER,
Managers on the part of the House.

ARTHUR CAPPER,
GERALD P. NYE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The House amendment to the Senate bill (S. 4848) provided that the defendants, T. L. Young and C. T. Cole, pay the costs in case No. 2613, and in the Senate amendment to the House amendment the claimants, T. L. Young and C. T. Cole, are relieved from liability.

ED. M. IRWIN,
U. S. GUYER,
Managers on the part of the House.

The conference report was agreed to.

HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. The Chair desires to announce an appointment. Under authority of section 175 of title 40 of the United States Code the Speaker appoints to succeed the gentleman from Tennessee [Mr. GARRETT], upon the expiration of his term on March 4, 1929, the Hon. JOHN N. GARNER, of Texas. [Applause.]

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES ON ACCOUNT OF PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 9285, to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table House bill 9285, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. UNDERHILL, IRWIN, and BULWINKLE.

ENTRY OF ALIENS INTO THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, I present a conference report upon the bill (S. 5094), making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, for printing under the rule.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. I would like to ask whether during the last three days it is necessary that a conference report be printed.

The SPEAKER. It is not.

Mr. JOHNSON of Washington. Then it can be called up when opportunity affords?

The SPEAKER. Yes.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill H. R. 17223, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The SPEAKER. The gentleman from Indiana [Mr. WOOD] calls up the conference report on the bill H. R. 17223, which the Clerk will report.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 33, 36, 37, 43, 44, 56, 69, 70, and 92.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 52, 54, 55, 57, 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 93, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lines 10 and 11 of the matter inserted by said amendment strike out the following: "by contract or otherwise as the President" and insert in lieu thereof the following: ", in the discretion of the President, by contract or otherwise as he"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"CIVIL SERVICE COMMISSION

"Salaries: For an additional amount for personal services in the District of Columbia and in the field, fiscal years 1929 and 1930, $161,000.

"Traveling expenses: For an additional amount for traveling expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $34,500.

"Contingent expenses: For an additional amount for contingent expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $4,500."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That in the expenditure of any appropriations made under such public resolution, the commission is authorized to delegate to a board of alternates, designated by the commission for that purpose, any of the powers and duties vested in the commission by such public resolution, and the acts of such board of alternates shall have the same force and effect as though performed by the commission. The commission or the board of alternates may authorize the disbursement of funds, approved for disbursement by either of them, directly through a disbursing agent appointed or designated by the commission for that purpose, or may authorize such disbursing agent to advance funds to the insular treasury for effecting approved disbursements"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: After the word "Congress)," where it appears in such amendment, insert the following: "fiscal years 1929 and 1930," and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum "$12,000,000," in said amendment, insert the following: "$7,400,000, to be allocated in equal amounts to each vessel and"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"BUREAU OF PROHIBITION

"Narcotic enforcement: For an additional amount for the enforcement of the acts relating to narcotics, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, $200,000."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line

3 of the matter inserted by said amendment, strike out "$185,000" and insert "$150,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 13 of the matter inserted by said amendment, after the article "a," insert the following: "laboratory and"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, strike out the period and insert the following: ": *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half the expenses of such demonstration work"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out all of lines 14 and 15 of the matter inserted by said amendment after the syllable "ary" and insert in lieu thereof the following: "25, 1929"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"CORPS OF ENGINEERS

"Interoceanic canals: For every expenditure requisite for and incident to the investigation and survey to determine the practicability and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of shipping, and the practicability, necessity, and cost of an interoceanic ship canal over Nicaraguan territory, $150,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"SHORT TITLE

"This act may be cited as the 'second deficiency act, fiscal year 1929.'"

And the Senate agree to the same.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
HENRY W. KEYES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 1, 2, and 3, relating to the Senate: Appropriates $1,800 for payment to two persons for services rendered the Senate or committees thereof, as proposed by the Senate.

On Nos. 4 and 5, relating to the House of Representatives: Appropriates $422.33, as proposed by the Senate, for payment to Everett Kent for expenses in connection with the contested-election case of James M. Beck.

On No. 6: Appropriates $5,000, as proposed by the Senate, for printing and binding, Library of Congress.

On No. 7: Appropriates $48,000 for improvements and maintenance at Mount Weather, Va., as proposed by the Senate, modified by placing the expenditure at the discretion of the President.

On No. 8: Eliminates the appropriation of $250,000 proposed by the House primarily for an inquiry into the problem of law enforcement, as proposed by the Senate, and restores the appropriations proposed by the House under the Civil Service Commission of $161,000 for salaries, $34,500 for traveling expenses, and $4,500 for contingent expenses.

On No. 9: Appropriates $15,000, as proposed by the Senate, for cooperative vocational rehabilitation of disabled residents of the District of Columbia.

On No. 10: Appropriates $100,000 and authorizes contractual obligations to the extent of $150,000, as proposed by the Senate, in consequence of the act creating the Mount Rushmore National Memorial Commission.

On No. 11: Modifies the proviso inserted by the Senate with respect to disbursement of funds appropriated for the relief of Porto Ricans by providing for a board of alternates to act in the place of the commission when designated by the commission for that purpose and authorizes the use of the insular treasury for making disbursements of appropriations when approved by the commission or the alternates.

On Nos. 12 and 13, relating to the District of Columbia: Appropriates $15,000, as proposed by the Senate, on account of vocational rehabilitation of disabled residents of the District of Columbia, and strikes out the appropriation of $1,000, proposed by the Senate, on account of additional accommodations for the Home for Aged and Infirm.

On Nos. 14 to 19, both inclusive, relating to the Department of Agriculture: Transfers $10,000 of the appropriation "Salaries and expenses, Weather Bureau, 1930," to the Coast Guard appropriation "for compensation of civilian employees in the field, and so forth," 1930, as proposed by the Senate; appropriates $25,000 for improvements at the dry land field station, Tucumcari, N. M., as proposed by the Senate; appropriates for fertilizer investigations $17,000 for the fiscal year 1929 and $25,000 for the fiscal year 1930, as proposed by the Senate; appropriates $80,000 for carrying into effect the provisions of the migratory bird conservation act, as proposed by the Senate; appropriates, as proposed by the Senate, $6,000,000 for the relief of farmers in the storm and flood-stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama; appropriates $25,000, as proposed by the Senate, for the expense of an exhibit at the World's Fourth Poultry Congress.

On Nos. 20 to 24, both inclusive, relating to the Department of Commerce: Appropriates $50,000, as proposed by the Senate, for enforcement of wireless communication laws; corrects the text of the appropriation proposed by the House for testing structural materials; appropriates $190,000 for aids to navigation, Bureau of Lighthouses, and appropriates for mining experiment stations under the Bureau of Mines for the recovery of potash from domestic deposits $33,000 for the fiscal year 1929 and $25,000 for the fiscal year 1930, all as proposed by the Senate.

On Nos. 25 to 35, both inclusive, relating to the Interior Department: Appropriates $1,067.35 for the payment of damage claims, as proposed by the Senate, instead of $67.35, as proposed by the House; authorizes and directs the Federal Power Commission to waive payment of the usual administrative fees or commissions in the issuance of permits or licenses for the development of power or power sites in the Flathead Indian Reservation, Mont., as proposed by the Senate; authorizes the use of $2,000 of the tribal funds of the Wichita and affiliated bands of Indians of Oklahoma for the payment of expenses of attorneys for such Indians in prosecuting claims pending in the Court of Claims, as proposed by the Senate; inserts a title for the appropriation for Lake Andes, S. Dak., spillway and drainage ditch, as proposed by the Senate; makes the appropriation for per capita payment to members of the Menominee Tribe of Indians, Wisconsin, available for the fiscal years 1929 and 1930, as proposed by the Senate, instead of for the fiscal year 1929 only, as proposed by the House; appropriates $91,000 on account of additional hospital facilities at the Kiowa Indian Hospital, Oklahoma, as proposed by the Senate; appropriates $100,000 of tribal funds for payment to the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma instead of $200,000, as proposed by the Senate; restores the provision proposed by the House denying the use of available funds for the enlargement of the Avalon Reservoir until the Director of the Geological Survey shall have reported favorably on the foundation of the Avalon Dam and on the depth to which water may be stored in the proposed enlarged reservoir; inserts a title to the authorization making 1930 appropriations for the Yellowstone National Park available for expenses incident to the adjustment of the boundaries of such park, as proposed by the Senate; and authorizes, as proposed by the Senate, the Secretary of the Interior to dispose of the surplus elk from the Yellowstone National Park herd.

On Nos. 36 and 37, relating to the Department of Justice: Restores the appropriation of $121,600, proposed by the House, on account of special assistant attorneys, and restores the ap-

propriation of $28,800, proposed by the House, for miscellaneous expenses of United States courts and their officers.

On Nos. 38 to 45, both inclusive, relating to the Navy Department: Appropriates $16,484.78, as proposed by the Senate, instead of $14,228.78, as proposed by the House, for claims for damages by naval vessels; appropriates $4,253.50, as proposed by the Senate, instead of $3,995, as proposed by the House, for damage claims, private property; makes $10.61 of the Navy pension fund available for payment of claim of Floyd A. Newell, as proposed by the Senate; strikes out the appropriations of $140,000 and $110,000 under the Bureaus of Engineering and Construction and Repair, respectively, proposed by the Senate; appropriates $7,400,000 for modernizing the U. S. S. *Pennsylvania* and *Arizona*, to be allocated in equal amounts to each vessel, instead of $12,000,000 without restriction as to allocation, as proposed by the Senate.

On Nos. 46 and 47: Appropriates $27,475.03, as proposed by the Senate, instead of $26,477.27, as proposed by the House, for the payment of damage claims, Post Office Department.

On Nos. 48 to 52, both inclusive, relating to the Department of State: Appropriates $4,500 for payment to widow of George M. Hanson, late American consul at Colon, Panama, as proposed by the Senate; appropriates $875 for the payment to the Chinese Government as full indemnity for the death of Wang Erh-Ko, as proposed by the Senate; corrects the text of the appropriation proposed by the House for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain; appropriates $300 for each of the fiscal years 1929 and 1930, as proposed by the Senate, to pay the annual contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship; and appropriates $10,000, as proposed by the Senate, to assist in meeting the expenses of the American group of the Interparliamentary Union during the fiscal year 1930.

On Nos. 53 to 64, both inclusive, relating to the Treasury Department: Appropriates $200,000 for the enforcement of acts relating to narcotics, instead of $1,719,654 proposed by the House for the enforcement of the narcotic and national prohibition acts, proposed by the Senate to be eliminated; appropriates $1,201.82, as proposed by the Senate, instead of $1,016.82, as proposed by the House, to pay damage claims; restores the appropriation of $707,860 proposed by the House for collecting the revenue from customs; appropriates $10,000, as proposed by the Senate, on account of the Coast Guard Academy; appropriates $130,500 for studies in rural sanitation, as proposed by the Senate, amended to require that Federal funds be matched by State or county funds in advance of expenditure; changes the phraseology of the appropriation for the Clovis (N. Mex.) post office, as proposed by the Senate; makes a technical construction in the appropriation for the La Fayette (Ind.) post office, as proposed by the Senate; appropriates $50,000 on account of the Salisbury (N. C.) post office, as proposed by the Senate, amended by establishing the total estimated cost at $150,000, instead of $185,000, as proposed by the Senate; appropriates $25,000 to reimburse the Economics Building Co., Washington, D. C., for expenditures made by it in the erection of the Economics Building, as proposed by the Senate; and appropriates $30,000, as proposed by the Senate, on account of Nogales (Ariz.) International Street.

On Nos. 65 to 77, both inclusive, relating to the War Department: Appropriates $1,834.87, as proposed by the Senate, instead of $1,824.62, as proposed by the House, for settlement of damage claims; appropriates $1,103,000 for construction at military posts and makes available for various construction projects at Camp Devens, Mass., $300,000 previously appropriated for the construction of a hospital at Camp Devens, Mass., as proposed by the Senate; makes $347,536 of sums previously appropriated for technical construction for the Army Air Corps available for various construction projects at Army air fields, as authorized by the act of February 25, 1929, as proposed by the Senate; appropriates $1,050,403, as proposed by the House, instead of $1,402,344, as proposed by the Senate, for ammunition-storage facilities, Army; strikes out the authorization proposed by the Senate for a modification of the plans for storing ammunition in Hawaii; makes a technical correction; continues the availability of the unexpended balance of the appropriation in the second deficiency act, fiscal year 1928, on account of Fort Donelson National Military Park, as proposed by the Senate; makes a technical correction in the appropriation for the battlefields of Brices Cross Roads and Tupelo, Miss.; appropriates $150,000 for survey of the Panama Canal and the Nicaraguan route, as proposed by the Senate, rephrased so as to include investigation of the cost and necessity of the Nicaraguan route as well as the practicability; modifies the river and harbor project at Bayboro Harbor, St. Petersburg, Fla., as proposed by the Senate; and appropriates $500,000, as proposed by the Senate, for the Bath Home, Bath, N. Y., leased to the National Home for Disabled Volunteer Soldiers.

On Nos. 78 to 83, inclusive, relating to judgments, United States courts: Appropriates $7,712.40 as proposed by the Senate, instead of $6,679.80, as proposed by the House, and appropriates $756,758.60, as proposed by the Senate, instead of $47,659.82, as proposed by the House.

On Nos. 84 to 87, inclusive, relating to judgments, Court of Claims: Appropriates $3,697,611.75, as proposed by the Senate, instead of $3,509,891.58, as proposed by the House.

On No. 88: Appropriates $115,896.71 for audited claims, as proposed by the Senate.

On No. 89: Makes a technical correction.

On No. 90: Appropriates $5,000 for payment to John F. and Mary L. White, as proposed by the Senate.

On No. 91: Strikes out the matter proposed by the House with respect to the Personnel Classification Board.

On No. 92: Strikes out the matter inserted by the Senate with respect to the reclassification of Federal employees.

On No. 93: Strikes out Title III of the bill, as proposed by the Senate.

On No. 94: Corrects the short title of the act.

WILL. R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve a point of order on the conference report. Will the gentleman yield to me?

Mr. WOOD. I yield.

Mr. GARRETT of Tennessee. Of course, we do not have the report before us and all we can get is from the reading of the statement. Is there any instance in which the conferees have put into this report or dealt with anything in this report that was not in dispute between the two bodies?

Mr. WOOD. There is not.

Mr. GARRETT of Tennessee. I think it is well for that statement to go in the RECORD. I withdraw the reservation of a point of order.

Mr. WOOD. Mr. Speaker and gentlemen of the House, I wish to say to the House that the conferees having under consideration the first and second deficiency bills are in complete agreement, for which we are very thankful and I presume every Member of this House is very grateful.

The statement that has just been read to you is with reference to the second deficiency act.

There are no items in dispute in so far as the first deficiency bill is concerned. The first deficiency bill, under the parliamentary situation in which we find ourselves, has to be presented first to the Senate, while on the other hand we are to present the conference report on the second deficiency bill first to the House.

There are three or four important items that attracted more or less attention while these measures were under consideration in the House. Foremost, I expect, was the prohibition item.

I am glad to inform you that we are in complete agreement with reference to this item and I am pleased that the conferees on behalf of the Senate receded and accepted the proposition proposed by the House. [Applause.]

This is divided, however, in the first and second deficiency bills. In the first deficiency bill we have placed all that we put in the second bill for prohibition enforcement amounting to one million and some odd hundred thousand dollars. The other items with reference to an increase for the Department of Justice, for the Customs Service, and for the civil service are in the second deficiency bill or the one that has just been reported. In all, we have appropriated for prohibition enforcement in round numbers $2,750,000.

I wish to say in this connection that an item of $200,000 was proposed in the Senate, and adopted, for the enforcement of the narcotic law. This was agreed to by the conferees on behalf of the House.

Thus you will see how we have divided the amount of money that was suggested by the estimates that came from the Treasury Department with reference to prohibition enforcement.

There is another item that I wish to call to your attention where we found ourselves absolutely unable to reach an agreement and that was with reference to the limitation that was put upon the second deficiency bill concerning the salaries of the civil service employees in the District of Columbia.

The conferees representing the Senate would not yield and would not recede in the opposition of the Senate to the limitation placed on the bill as it passed the House and went over to the Senate. The so-called Brookhart amendment that was substituted in the Senate on the second deficiency bill was absolutely impossible so far as the conferees on behalf of the House were concerned, and the Senate having knocked out the House proposition, we together knocked out the Senate proposition and the matter is just as it was before either the Senate or the House acted upon it; and while it is unfortunate that there has been no legislation at this session of the Congress curing the ills that are manifest in the civil-service salaries of the District, I believe we have done the best thing possible in rejecting not only the proposal of the Senate but perhaps in not agreeing to the proposal of the House, because this will eventuate, I trust, in a just and equitable salary law coming as a matter of legislation from the committee whose business it is to propose such a law.

I can not agree to the proposal in the Brookhart amendment. I do not believe there is anyone acquainted with the facts that can subscribe to it. I do not believe there is any Member of this House or of the Senate, knowing the facts as they exist and can be made plain to everyone who wishes to inform himself, who believes that this Congress ever intended that any employee of this Government should jump two or three grades at once, raising in many instances, if you please, their salaries as much as $2,000 and some as high as $2,500. More than 2,800 of the civil-service employees have been benefited in the higher grades, while those in the lower grades have been benefited but a trifle.

We all believed, as was stated here time and time again, when the so-called Welch bill was passed, that we were enacting it for the purpose of helping the members of the clerical forces who were illy paid and none of us believed and none of us ever intended that instead of helping them but a trifle that we should increase by one-third, in many instances, the salaries of those in the higher brackets.

So that I say in regard to those who have the ill-gotten gains—and I measure my words—that legislation should be had to reduce the status in which they have been placed to that the Congress intended they should occupy, and at the same time those may receive the benefit intended for them, and I hope this legislation may be had at the earliest opportunity.

This committee has been assailed, has been besieged by those who were recipients of the large salaries. We have been told that unless they are allowed to remain we will lose in various departments many scientific, learned, and highly paid gentlemen who will go out into other fields. It is a wonder that they did not lose many of them from heart failure when they became conscious that the increase was made under this interpretation. [Laughter.] We are now in the condition that we were before your committee attempted to do anything with reference to the salary list of the civil service.

These are the two most important items in the report. There is another item that many are interested in, and that is the reconstruction of the two vessels—*Virginia* and *Pennsylvania*. An authorization was had a short time ago for the reconditioning of these two vessels, carrying an authorized appropriation of $14,800,000. No estimates came in. It appeared that it was the part of economy to the United States to recondition these vessels immediately. We have conditioned six heretofore, and in order that they might recondition them economically and not make too great a strain on the Treasury at one time we have appropriated one-half of the allocation.

In this case we have provided that the allocation should be equal between the two vessels in reconditioning. These are among the prime items of importance in this bill that will come over to-night.

Mr. EDWARDS. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. EDWARDS. The $6,000,000 for the storm sufferers is included in the bill?

Mr. WOOD. Yes.

Mr. McKEOWN. You have not reached any agreement as to the increase in salaries—that is still in controversy?

Mr. WOOD. No; it is not, as far as we are concerned. The Senate knocked out the proposal made by the House, and the conferees rejected the proposal made by the Senate. So neither is in either bill.

Mr. DOUGLASS of Massachusetts. How much is the amount for reconditioning the vessels?

Mr. WOOD. $7,400,000.

Mr. DOUGLASS of Massachusetts. How soon is the reconditioning to begin?

Mr. WOOD. As soon as the vessels now on the ways are taken off; about the 1st of July next.

Mr. LINTHICUM. What became of my little item for Lucy Knox?

Mr. WOOD. That went the way of the whangdoodle. [Laughter.]

Mr. RAMSEYER. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. RAMSEYER. The gentleman stated how much was in the bill for prohibition enforcement?

Mr. WOOD. You will see that the item carried in the joint bill provided for $250,000 for the survey to be made. As proposed in the Senate it was to inquire into the violation of the prohibition laws and stopped at that. But in order that there might be a full and intelligent survey, made not only of the violation of the prohibition law but the violation of all laws, we enlarged the language so as to make it apply to the investigation of all law violations.

Mr. VINSON of Kentucky. The item in regard to the rural sanitation is in the bill?

Mr. WOOD. Yes. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker, ladies, and gentlemen of the House, I take the floor to comment briefly on that portion of this conference report which has eliminated all prospect of any correction of the glaring defects and inequalities that the Congress about a year ago forced upon the Government employees. If any Member of the House thought that we were passing legislation that would benefit the poorer-paid employees when we passed the Welch bill, then he just deliberately and blindly shut his eyes and stopped up his ears, and did not carefully consider what he was voting on. The Welch bill as originally introduced by the gentleman from California [Mr. WELCH] was designed to aid the lower-paid employees, and it would have cost the Government around $90,000,000 a year.

We all remember very well that great army of clerks and employees who came to Capitol Hill to evince their interest in this legislation, and many of us were enthusiastic because we hoped the time had come when we would be able to do something in a material way for this great army of underpaid clerks and employees of the Government. But what happened? The legislation was submitted not to the legislative branch of the Government, but to the executive branch of the Government, and the Director of the Budget started in to cut off some of the necessary funds to pay for this legislation. Of course, instead of cutting it off from the higher-paid employees, he cut if off from the lower-salaried employees, and we passed a legislative monstrosity, under which, after the Comptroller General had put the finishing touches on it, we found we had increased the salaries of a group of higher-paid Government officials anywhere from $1,500 a year to $2,500 a year, and the clerks receiving around $1,100 or $1,200 or $1,500 were given $120 a year increase, or sometimes only $60 a year.

This Congress was importuned to pass corrective legislation, and the gentleman from New Jersey, the chairman of the Civil Service Committee, Mr. LEHLBACH, introduced a very splendid bill, known as the Lehlbach bill. In the first place, the Lehlbach bill undertook to call upon the Personnel Classification Board to reallocate those higher-paid salaries, and to take the money out of the pockets of those officials who had appropriated the fund illegally, and unlawfully to their own salaries, and reallocate it and give the lower-paid employees an increase. That was a righteous provision, and the House incorporated that provision in the deficiency appropriation bill when we passed it the other day. In the next place, the gentleman from New Jersey incorporated in his bill certain provisions which would have insured additional raises in salaries of the lower-paid employees.

But again the executive branch of the Government stepped in and showed its hand, and the gentleman from New Jersey reintroduced his bill, and when the new bill was reintroduced he cut out all reference to a reduction of the higher-paid employees, and the ultimatum came down to this end of Pennsylvania Avenue from other end of Pennsylvania Avenue that there would be no pay legislation if Congress undertook to reduce the salaries of any of the higher-paid employees, and the House of Representatives, doing in this instance just as it has done in the instance of the retirement legislation, hauled down its flag and abdicated in favor of the executive branch of the Government. And there will be no legislation this Congress in the interest of the lower-paid Federal employees.

What has happened in this bill? In the deficiency appropriation bill the House has incorporated a provision demanding that these higher-paid employees disgorge, that they give up these salaries that they have unlawfully appropriated to themselves and that this money be parcelled out to the lower-paid employees. The Senate at the other end of the Capitol incorporated a provision that would have given a raise to the lower-paid employees.

I do not criticize our conferees. I am sure that they had a tremendous task to perform, and there were many important and necessary items in this bill that could not be prejudiced. However, the conferees on the part of the Senate and House got into a room and had a boxing match, and the House kicked out the Senate provisions and the Senate kicked out the House provision, and now we come down to the end, and the gavel will fall on the 4th of March with the same confusion and chaos in the ranks of the Goverment employees that existed a year ago, and it will keep on doing that until the House of Representatives stops long enough in the earlier days of one of its sessions to give sane, careful consideration to this great problem. And what must we do? We must have a complete survey of the whole Federal pay roll and take the time to sit down and work it out, and stop legislating for groups and classes.

We raise this group and the next group comes in for a raise, and then another group comes in for a raise. Some of you may be astounded when I tell you to-night that there is not a Federal department now that can tell you within 10,000 or 15,000 or 20,000 how many employees there are of this Federal Government. There is not a department that knows that. Everybody has guessed about it and Congress has been guessing about it.

I know it is too late in the session to pass any kind of constructive legislation on this point. My only thought in taking your time to-night when you are busy and want to get to other affairs is to register a protest in order that when we come back again in another legislative session we may give to this matter of readjusting Federal salaries careful consideration, and take time and have patience and try to mete out some measure of justice to the men and women in the departments who are working on small salaries, and, if you please, who are the warp and woof of this Government. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

The SPEAKER. The gentleman from Maryland is recognized for five minutes.

Mr. LINTHICUM. Mr. Speaker and Members of the House, I asked the chairman of the Appropriations Committee in charge of the bill [Mr. WOOD], what had become of the little item for Mrs. Lucy B. Knox. He said it had gone the way of the whangdoodle. I do not know what a whangdoodle is, but I want to take the time to protest against the fact that this item was not included in either the first nor second deficiency bill by the House Appropriations Committee.

It is a matter which I think should be considered at this time. Mrs. Lucy B. Knox is the widow of Lieut. Commander Forney Moore Knox, who died in the interim between the time the law was supposed to be repealed by the war risk insurance act and its reenactment June 4, 1920. If Commander Knox had lived four months longer his widow would have received at once a half year's salary of $2,370.

I brought the matter before the Committee on Naval Affairs of the Sixty-ninth Congress. They reported the bill favorably. It was passed by this House. It went to the Senate, but was lost in committee. I went before the Committee on Naval Affairs again at the last session. It was reported favorably again, and passed this House April 20, 1928. It went over to the Senate and passed the Senate, and was signed by the President. An estimate was sent down to the Appropriations Committee at this session. And yet in spite of the fact that the bill had passed this House on two occasions and had passed the Senate and was signed by the President and an estimate had been sent down to the Committee on Appropriations the Committee on Appropriations of the House has absolutely ignored it. In the Senate they put it in the first deficiency bill, and they put it in the second deficiency bill, and yet the conference committee on this side opposed the Senate amendment, so it was omitted.

Now, the question I want to bring before you is just this: Has this House no voice in the appropriation of the people's money when such appropriation has been considered and authorized by Congress? Has the Appropriation Committee grown so great that it can so ignore legislation? Are we to sit idly by and have the Committee on Appropriations ignore us? Was it not their duty to appropriate?

I asked the chairman of the Committee on Appropriations—the gentleman and I are perfectly good friends—why it was, and he said he did not know, but that he did not believe in it. I said to him, "The Senate and the House have both passed it." He said, "Yes; we have even to correct the actions of the House of Representatives on some occasions."

As I understand, it was tacitly understood that this Committee on Appropriations when created, as I understood and when I voted for its establishment, would appropriate for the things we authorized to be paid. Yet the committee by its act says concerning this little widow (who is working for her living), while other widows of men who died in the naval service are receiving their money, that she can not get her half-year salary because her husband died before a certain day of the reenactment. I asked the chairman why not insert the appropriation? He replied, "Because it would set a dangerous precedent." I wrote to the chairman of the committee and also the conferees and quoted them four separate precedents on all-fours with this, and yet they refused.

I think this is a matter worthy of being called to the attention of the House, and I am going to insist that Mrs. Lucy B. Knox be given the money to which she is entitled. I have just begun to fight. [Applause.]

[Extract from Naval Affairs Committee report]

Commander Forney Moore Knox died during a lapse in the law; that is, between the time that it was held to have been repealed by the war risk insurance act and the time it was reenacted, June 4, 1920.

The purpose of this bill is to authorize payment to Lucy B. Knox of six months' pay at the rate received by her husband, the late Lieut. Commander Forney Moore Knox, United States Navy, at the time of his death. The records show that this officer died at Annapolis, Md., on February 16, 1920, as the result of pneumonia.

The act approved May 13, 1908, which was repealed by the act of October 6, 1917, provided for the payment to the beneficiary of an officer or enlisted man of the Navy or Marine Corps, who died as the result of wounds or disease contracted in the line of duty, of an amount equal to six months' pay at the rate received by the officer or enlisted man concerned at the date of his death. This provision of law was reenacted under the act of June 4, 1920, but at the time of Lieutenant Commander Knox's death, there was no law in effect which authorized the payment of the gratuity in question to his widow.

Had Lieutenant Commander Knox's death occurred on or after June 4, 1920, his widow would have been entitled to six months' pay at the rate received by her late husband at the time of his death. However, the date of this officer's death precludes payment of the gratuity to his widow under the law.

The Navy Department has consistently recommended general legislation, but the committee is of the opinion that these cases should be taken care of as they are presented by the individuals. In the Sixty-seventh Congress legislation was enacted granting six months' pay to the following persons: Harriet B. Castle, private law 273; Alice P. Dewey, private law 255; Josephine Barin, private law 242; Ellen McNamara, private law 222.

* * * * * * *

The Committee on Naval Affairs of the House of Representatives, to whom was referred the bill (H. R. 1406) granting six months' pay to Lucy B. Knox, having had the same under consideration, report favorably thereon, without amendment, and with the recommendation that the bill do pass.

When the war risk insurance act was passed it was held that the act granting six months' pay to the widow of an officer who died in the service was repealed. This seemingly was not the intent of the Congress as they again in the act of June 4, 1920, reenacted in substance the former law which gave to the widow six months' pay upon the death of her husband. That law is as follows:

"That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of said officer, enlisted man, or nurse previously designated by him or her an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the "Pay of the Navy" and "Pay of the Marine Corps," respectively.

Mr. WOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RESIGNATION OF A MEMBER FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

MANKATO, KANS., *February 25, 1929.*

Hon. NICHOLAS LONGWORTH,

Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Believing that it might be convenient to the committee and to its chairman and to the Republican organization in the Congress, I hereby hand you my resignation, effective immediately, from the Committee on Immigration and Naturalization in the Seventieth Congress.

This letter is your authority to that effect.

Most respectfully yours,

HAYS B. WHITE,

Member of Congress, Sixth Kansas District.

The SPEAKER. Without objection, the resignation is accepted. There was no objection.

ALFRED L. DIEBOLT, SR., AND ALBERT L. DIEBOLT, JR.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12475, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 12475, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

Mr. SCHAFER. Mr. Speaker, will the gentleman from Illinois inform us what is the aggregate amount appropriated by the Senate amendments?

Mr. IRWIN. They knock out about $2,500 and add $5,000.

The SPEAKER. The Chair desires to say that he is prepared to recognize, and recognize only for a short time, gentlemen who desire to take up House bills with Senate amendments and ask to concur in the Senate amendments.

EASTERN JUDICIAL DISTRICT OF OKLAHOMA

Mr. GRAHAM. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 10431, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 10431) to amend section 101 of the Judicial Code, as amended.

The Senate amendment was read.

The Senate amendment was agreed to.

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN AT ALDERSON, W. VA.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5493, relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va., now on the Speaker's table and which is the same as the House bill reported on favorably by the Judiciary Committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of Senate bill 5493, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized to accept for and on behalf of the United States funds raised or to be raised by popular subscription for the construction of a suitable chapel upon the premises occupied and used by and for the Federal Industrial Institution for Women at Alderson, W. Va. The funds so donated shall be expended under the direction of the Attorney General for the construction of such chapel and, after construction, the chapel shall be maintained at the expense of the United States: *Provided,* That the Attorney General is authorized to procure by contract preliminary sketches for the chapel, and after approval thereof by the Attorney General, to procure by contract working drawings, full-size details, specifications, etc., for the construction of the chapel and supervision of the construction: *Provided further,* That the Secretary of the Treasury is hereby authorized, if requested of the Attorney General, to cause the plans, drawings, specifications, and estimates for the construction of the chapel to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of constructing said chapel to be supervised by the field force of said office if practicable: *And provided further,* That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed from said donated funds for the cost of repairing such plans, drawings, specifications, and estimates for the aforesaid work and the supervision of the construction of said chapel.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, have all the names of the women's societies been stricken from this bill?

Mr. GRAHAM. That was the action of the Senate and approved by our committee.

Mr. LAGUARDIA. What check-up will there be?

Mr. GRAHAM. I do not know. This bill was amended in the Senate and was adopted by our committee.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGISTRATION OF NURSES IN THE DISTRICT OF COLUMBIA

Mr. FISH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 15387, to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," with Senate amendments, and concur in the same.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table House bill 15387, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

UNPLATTED PORTIONS OF GOVERNMENT TOWN SITES ON IRRIGATION PROJECTS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 16082, to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table House bill 16082, with a Senate amendment, and concur in the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Mr. Speaker, we realize the press of business to-night, but when gentlemen on the other side ask unanimous consent to take up bills on the Speaker's table we think they should at least predicate their request by the statement that they have conferred with the Members on the minority side, or that the request is at the direction of the committee involved.

The SPEAKER. The Chair thinks the gentleman is correct, and the Chair hopes hereafter chairmen of committees will announce, in calling up these House bills with Senate amendments and to concur in the Senate amendments, that they are authorized by their committees to do so. The Chair assumes that is the fact.

Mr. BANKHEAD. We trust that will not be a violent assumption to-night.

The SPEAKER. The Chair hopes so, too. Is there objection?

There was no objection.

The Senate amendment was agreed to.

J. A. SMITH

Mr. UNDERHILL. Mr. Speaker, by direction of the Committee on Claims, I ask unanimous consent to take from the Speaker's table H. R. 14728, for the relief of J. A. Smith, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table House bill 14728, with a Senate amendment, and concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

FEDERAL BUILDING SITE AT SAVANNAH, GA.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 17026, granting a part of the Federal building site at Savannah, Ga., to the city of

Savannah for street purposes, with a Senate amendment, and concur in the Senate amendment. This is a bill which belongs to the minority side. I have conferred with them, and they are satisfied with it.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table House bill 17026, with a Senate amendment, and concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

COMMANDER FRANCIS JAMES CLEARY, UNITED STATES NAVY

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy, and concur in the Senate amendment. I will state, Mr. Speaker, I have conferred with the other members of the committee, particularly the ranking members on the Democratic side of the committee, and they agree that this action should be taken.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

RELIEF OF CERTAIN OFFICERS AND FORMER OFFICERS OF THE ARMY OF THE UNITED STATES

Mr. STRONG of Kansas. Mr. Speaker, by direction of the members of the War Claims Committee I ask unanimous consent to take from the Speaker's table the bill (H. R. 4265) for the relief of certain officers and former officers of the Army of the United States and for other individual claims approved by the War Department, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Senate amendments were agreed to.

ANNIE M'COLGAN

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2425) for the relief of Annie McColgan, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Senate amendment was agreed to.

NATURALIZATION

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report on the bill (H. R. 349) to supplement the naturalization laws, and for other purposes.

Mr. PARKS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER (after counting). Two hundred and eighty-seven Members present, a quorum.

The gentleman from Washington calls up the conference report, which the Clerk will report.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

On page 1 of the Senate engrossed amendment, line 11, strike out "July 1, 1924," and insert "July 3, 1921";

On page 3 of the Senate engrossed amendment, lines 4 and 5, strike out "After the expiration of 60 days after the enactment of this act no" and in lieu thereof insert "No";

On page 3 of the Senate engrossed amendment, line 7, after "valid," insert a comma;

On page 5 of the Senate engrossed amendment, line 2, before the period, insert a comma and the following: "in addition to the affidavits required by this act to be included in the petition";

On page 8 of the Senate engrossed amendment, line 22, strike out "or under section 1993 of the Revised Statutes,";

On page 9 of the Senate engrossed amendment, lines 16 and 17, strike out "be conclusive evidence of the citizenship of the individual named therein" and insert "have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction";

One page 11 of the Senate engrossed amendment, line 4, after the semicolon, insert "any political subdivision of a State not included within any county" and a semicolon; and

On page 12 of the Senate engrossed amendment, after line 5, insert the following:

"SEC. 12. Sections 1 to 10, inclusive, of this act shall take effect on July 1, 1929. The remainder of the act shall take effect upon its enactment."

And the Senate agree to the same.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
Managers on the part of the House.

HIRAM W. JOHNSON,
DAVID A. REED,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill changes the method of making proof of residence and good moral character by petitioners for naturalization. The Senate amendment strikes out the House text and inserts a number of provisions relating to naturalization. These are:

(1) The provisions of the House bill are substantially reinserted with a few clerical amendments. To these clerical amendments the House agrees with further clerical amendments.

(2) It is provided, in the case of petitions heard after the enactment of the act, that the five years' continuous residence required for naturalization purposes shall be presumed to have been broken by return to the country of the alien's allegiance, and remaining there for more than six months but less than one year, such presumption to be overcome on showing of reasonable cause for not returning sooner. Absence for a continued period of one year or more conclusively breaks the continuity of residence. The House agrees to this provision.

(3) Another provision extends the privilege of naturalization of alien seamen serving three years on board merchant or fishing vessels of the United States of more than 20 tons burden, so as to include service on all vessels of more than 20 tons burden which are not foreign vessels, the principal classes thus included being yachts and certain harbor boats. The Senate amendment also adds a clarifying provision to the existing law relating to the naturalization of members of the military and naval forces and seamen. The House agrees to these provisions.

(4) The Senate amendment also authorizes the making, upon payment of a fee of $20, of a record at ports of entry in the case of an alien in whose case there is no record of admission for permanent residence, if the alien shows to the satisfaction of the Commissioner General of Immigration that he entered the United States prior to July 1, 1924, has resided here continuously since the date of his entry, is a person of good moral character, and is not subject to deportation. The record thus made may be used as a basis for issuance of the certificate of arrival required by the naturalization laws to be attached to the petition for citizenship. For the purposes of the immigration and naturalization laws, an alien for whom a record of registry has been made is deemed to have been lawfully admitted to the United States for permanent residence as of the date of his entry. The House agrees to these provisions, with an amendment limiting their application to aliens who entered the United States prior to June 3, 1921.

(5) The Senate amendment also provides that declarations of intention made after 60 days after the passage of the act shall not be valid until a certificate of arrival has been issued

and the lawful entry of the alien for permanent residence has been established. The House agrees to this provision with an amendment making the effective date July 1, 1929.

(6) The House also agrees to the provisions of the Senate amendment establishing a fee of $5 for all certificates of arrival, raising the fee for declarations of intention from $1 to $5, and the fee for certificates of citizenship from $4 to $10, and to a provision relating to the method of accounting for fees received by clerks of Federal courts in naturalization proceedings.

(7) The Senate amendment also provides for the issuance by the Commissioner of Naturalization of duplicate certificates of citizenship and declarations of intention where the original is lost, mutilated, or destroyed. A fee of $10 is provided. The House agrees to this provision.

(8) The House also agrees to a Senate provision authorizing the Commissioner of Naturalization to issue, upon payment of a fee of $10, to any naturalized citizen a special certificate of citizenship for use by the citizen only for the purpose of obtaining recognition as a United States citizen by the country of his former allegiance.

(9) The Senate amendment also authorizes the Commissioner of Naturalization to issue a certificate of citizenship to any individual over 21 years of age claiming to have derived United States citizenship through the naturalization of a parent or husband, or by birth in a foreign country of an American father, upon payment of a fee of $10 and the taking of an oath of allegiance. The certificate can not be granted unless the individual is within the United States. The amendment further provides that the certificate of citizenship thus issued shall be conclusive evidence of citizenship, and provides for penalties for offenses in connection with the certificate and its issuance. The House agrees to these provisions with two amendments, first taking out the language which authorized the issuance of certificates to persons deriving citizenship by birth in a foreign country of an American father, and, secondly, providing that the certificate instead of being conclusive evidence, shall have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction.

(10) The House agrees to provisions of the Senate amendment requiring an applicant for first or final citizenship papers to furnish two photographs of himself for identification purposes, and directing the Commissioner of Naturalization to make studies and furnish statistical information that will show the relation by nationalities of aliens heretofore seeking citizenship to the numbers of annually arriving aliens and to the census of foreign-born populations.

The action of the House conferees as above indicated is subject to the further condition that the taking effect of the act shall be postponed to July 1, 1929, except the section of the Senate amendment authorizing appropriation of the sums necessary to carry out the act.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
Managers on the part of the House.

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House——

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. BOX. What arrangement will the gentleman be able to make as to time?

Mr. JOHNSON of Washington. My desire is to make a statement of about 10 minutes, roughly outlining the bill and then yield to the gentleman from Texas and the gentleman from Illinois, members of the committee, between them about 25 minutes.

Mr. BOX. I thought the gentleman from Texas was to have 20 minutes.

Mr. JOHNSON of Washington. I think that is about right. I would like to make as brief a statement as I can as to the necessity for the major part of this legislation.

This has been a great problem in the naturalization office, the Department of Labor, and in Congress for many years. In the old days it was the so-called nunc pro tunc process. For years many efforts were made to put riders on bills to take care of a situation that seemed unhandleable.

If you will examine the naturalization law of June 29, 1906, made at a time when the Immigration Service was not a great bureau, you will find that the naturalization provision in the first paragraph provided that the Bureau of Naturalization, under the direction and control of the Secretary, shall have charge of all matters concerning naturalization of aliens, and that it shall be the duty of the Bureau of Immigration to do certain things. What? To provide for the use of the various immigration stations throughout the United States books and records wherein the Commissioner of Immigration shall cause a registry to be made in the case of each alien arriving in the United States, personal description, and so forth, intended place of residence, and the date of arrival of said alien, and if entered through a port, the name of vessel in which he came; and it shall be the duty of said Commissioner of Immigration to cause to be granted to such alien a certificate of such registry with the particulars thereof.

In thousands and thousands of cases this was not done.

Mr. O'CONNELL. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. O'CONNELL. Is that not now the law?

Mr. JOHNSON of Washington. That naturalization law is in effect.

Mr. O'CONNELL. Then, why bring out a new bill?

Mr. JOHNSON of Washington. I am not bringing up a new one. I am explaining why this bill (H. R. 349) is necessary, for the reason that many persons who were entitled to receive certificates of entry from the United States Government never received them. That is the whole point.

Mr. O'CONNELL. I thank the gentleman.

Mr. JOHNSON of Washington. For five years no record was made at the American points of entry along the Canadian border. Inspection of aliens was made at Montreal, Halifax, Vancouver, and other Canadian ports, but the law required a record to be made at the American ports of entry, such as Seattle, Buffalo, Detroit, Portal, N. Dak., and other places.

Probably the largest number of beneficiaries under the act we are now about to agree to will be due to this failure of recording. The parents and friends of many who came here are now dead. Children from other countries can not tell you how they came, because the United States did not keep a record, although the law I have read calls for that record.

That was, in part, the situation when the temporary quota law was passed limiting the number and making exceptions for visitors for pleasure. The quota law was passed June 3, 1921. This conference report calls for the use of that date on which the officers may on proper inquiry issue a certificate of entry to the alien domiciled prior to June 3, 1921, and who at the time of the application can show good conduct. With a certificate of entry, and then proceed to citizenship in the course of time, and must, of course, prove good conduct.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. DICKSTEIN. The gentleman is referring to the people in this country?

Mr. JOHNSON of Washington. In the United States.

Mr. DICKSTEIN. And we can not put them out on account of the statute of limitations?

Mr. JOHNSON of Washington. I should have mentioned that.

Mr. CELLER. There is nothing in the act involving compulsory registration?

Mr. JOHNSON of Washington. No; nothing at all. Persons who have been here five years can not be deported except for a few crimes. The people to which this bill refers have been here since 1921 and can not be deported. Those that came between 1921 and July, 1924, are not included in this bill. There was great pressure to bring it down to that date, but the House conferees thought otherwise. Persons who have been here, coming prior to July 1, 1924, will not be deportable after the coming 4th of July.

Mr. O'CONNELL. Can they get citizenship papers?

Mr. JOHNSON of Washington. No.

Mr. COOPER of Ohio. What proof does the applicant have to make?

Mr. JOHNSON of Washington. It will be by affidavit and inquiry, just as now.

Mr. COOPER of Ohio. If there is no record of his entry, how can he prove it?

Mr. JOHNSON of Washington. He will have to prove his actual presence by affidavit.

Now, a further feature of this report is that many paid their head tax and some did not pay their head tax. Those who receive a certificate of entry will pay $20. Many have already paid the head tax. It was smaller many years ago but is now $8.

Another feature of the bill is as soon as this goes into effect the total fees of all naturalization will be $20. The whole process for all, whether the record can not be shown to be true up to 21 or not—the whole fee is $5. I think that is quite right. In Canada the naturalization fees are $25. In England, $40; in Switzerland more than $25.

Now, the other features of the bill have to do with administration, making up the records of naturalization, which you will find highly valuable.

Mr. Speaker, I now yield 20 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. A prominent American journal recently said of my work in this House and on this committee that I believe that "the way to restrict immigration is to restrict immigration." I accept that as a correct interpretation and a compliment. The only objection which the antirestrictionists have to this bill is that it does not go far enough in the direction in which they want to go. The objection which restrictionists have to this bill is that it is a long move in a direction backward from the restrictionist standpoint, seriously impairing the naturalization laws, making a serious breach in the immigration laws, and preparing the way for further backward movements on both these lines.

The main provisions of this bill have never been before this House. They consist of the Copeland amendment, added by the Senate to the harmless and helpful provisions of the Vincent bill (H. R. 349), correcting some minor weaknesses in naturalization procedure. The Schneider bill (H. R. 13793), reported by the House committee in the absence of the chairman by a divided vote, carried some of the provisions of this measure, but some of the safeguards which the objectionable Schneider bill carried were, of course, eliminated by the Copeland amendment, and some entirely new and bad things were embodied in the Copeland amendment not included in the Schneider bill (H. R. 13793).

The conferees are in this report handing the restrictionists of the House a "package" the like of which neither the House committee nor any conference committee have before called upon them to accept during my service in this House. While handing us this gas bomb the conferees and the other body have taken away the mask which our denatured deportation bill was designed to furnish. The history of our deportation bills will be interesting to restrictionists of this House and the country and will throw light upon the situation which presents such a proposition as this to the House and the country.

During the Sixty-ninth Congress your committee expended great labor on a deportation bill, which it reported to the House and which the House, upon mature consideration, passed by a large majority. That bill went to the Senate and was never passed.

During the first session of this, the Seventieth Congress, your committee reported a somewhat modified edition of the deportation bill, which had already passed this House during the former Congress, but that second edition remained asleep on the calendar. After the purpose to bring forth some such measure as this fully developed, the chairman hurriedly threw together some matter on deportation which the committee hastily considered and which the House hastily passed. That bill contained much that was good, but having received immature consideration was in some of its parts subject to just criticism. The bill was as a rider placed on a Senate bill and went to conference. But it is pretty safe to say that it has been or will be either emasculated or killed. What is left of it is too much out of line with this bill for both to survive. For instance, it provided that an alien who was smuggled into the country could be fined and imprisoned, while this bill proposes to give vast numbers of such people the privileges and responsibilities of American citizenship and allows them to bring in great numbers of nonquota relatives, which they can not now do.

Time will not permit me to discuss all of the bad things contained in this bill, but one of them is found in subdivisions (c), (d), and (e) of section 6, the last of which provides for the repeal of section 10 of the naturalization act of 1906, as amended, and section 2170 of the Revised Statutes. The latter section provides that—

> No alien shall be admitted to become a citizen who has not for a continued term of five years next preceding his admission resided within the United States.

The law now permits an alien seaman employed in the Navy of the United States or on any vessel of United States registry or enrollment to become naturalized after a service of three years, without proof of any residence within the territorial limits of the United States. This law was probably enacted in an effort to Americanize aliens in the Navy and merchant marine of the country, but the privilege went to none but such as were employed on vessels of United States registry. That limitation is removed by this delightful measure, so that harbor boats and yachts have to keep their alien crews only three years before they can have them become American citizens. An alien on shore among the body of the people must stay five years. Under the former law an alien in the service of our Navy or merchant marine had that time shortened to three years.

Now it is proposed that the harbor boats and private yachts of more than 20 tons burden may fill their crews with aliens and have them remain on these vessels, without contact with Americanizing influences, and yet become citizens within three years. There are several hundred rich Americans with yachts whose alien employees would come within this class. It is nice for them to hire cheap alien seamen in various capacities on their yachts, and it is very important that you restrictionists from the interior should hasten to give them that privilege

Then there are considerable numbers of rum runners which are not enrolled or registered as American vessels. It will help their business if you will give their alien seamen citizenship quicker than you do an alien who is living among you.

Besides, there are a great many harbor boats in our larger seaports which are not enrolled or registered as American vessels. Some of them are said to be engaged in the business of smuggling aliens into the United States. Of course, it will help their business for you to give their alien seamen citizenship within three years, though I have no reason to believe that it will be better for the citizenship to have that done. But you will understand that all of the alien seamen who thus get American citizenship within three years will have the privilege of bringing certain relatives into the country as non-quota immigrants. If they have filed declaration of intention they will get citizenship and bring their nonquota relatives sooner. This, of course, is exactly in line with the whole tenor and purpose of the Copeland amendment to this bill. I shall discuss some other features of it in connection with the main body of the bill.

Under the long-established policy pursuant to which our naturalization laws have been written and maintained aliens who smuggle themselves into the country in violation of the immigration laws have been denied the right to become citizens, the privilege of reentering the country upon going out, and the favor accorded to citizens and aliens lawfully in the country of having certain near relatives admitted as immigrants, either by preference within the quota or as nonquota immigrants. The Copeland amendment to H. R. 349, as presented in this conference report, proposes to reverse that policy as to all aliens who came into the country illegally prior to June 3, 1921, and as to all who, entering prior to that date, have illegally remained in the country since then in violation of their obligation to depart upon expiration of the term of their temporary admission.

It proposes that many thousands of aliens who entered the United States prior to June 3, 1921, in contempt of law and those who have unlawfully remained while under obligation to depart shall have their illegal entry or stay validated by certificate of arrival upon making some showing in an ex parte proceeding before subordinates of the Immigration Service in the field that such alien—

(1) Entered the United States prior to June 3, 1921;

(2) Has resided continuously in the United States since such entry;

(3) Is a person of good moral character; and

(4) Is not subject to deportation.

There is no requirement that he shall have entered the country without any intent to violate the law; no restriction that the immigration officers shall find that he is such a person as should now be admitted under the law, or that he could have been admitted had he properly applied for admission as an immigrant. Both of these provisions were consciously and intentionally omitted because they would have barred the hundreds of thousands of guilty aliens and their relatives now in Europe, to whom this bill caters.

The House committee bill, reported by a divided vote, required that it be shown that such person has behaved as a person of good moral character at all times since entry, but that was changed in the Copeland amendment and in the conference report so as to merely show that he is of a good moral character now. Nearly anybody can make that statement in an ex parte affidavit if no questions are to be asked about his past.

The provision that such aliens shall not be subject to deportation has little restrictive effect because deportation proceedings against nearly all such are already barred by the statutes of limitations. The conference report contains no requirement that the alien shall show that he entered the United States legally; that he has rightfully remained within the United States; or that he was admissible under the law at the time of his entry, or that his illegal entry or stay was without intent to violate the law. The policy heretofore maintained in excluding him from citizenship and from other privileges recognizes the sound principle that wrongful intent is presumed from the alien's conscious action.

The chief purpose of the Copeland amendment and this conference report is not to provide a nunc pro tunc showing of lawful entry heretofore made. Its chief purpose is to pardon and reward the illegal entry of all who smuggled themselves into

the United States prior to June 3, 1921, and all who have illegally remained after the expiration of the period of their temporary visits.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. BOX. I can not. I am very sorry.

Another class specifically designed to receive this pardon and reward consists of deserting seamen who entered prior to the date named under obligation to depart upon expiration of their shore leave. There are many thousands of these.

This bill will have a direct and substantial effect (1) in giving the ballot to hundreds of thousands not worthy of it and not equal to its responsibilities, and (2) in heavily increasing the volume of our immigration.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BOX. I can not yield.

To help you appreciate the situation with which you are dealing I call your attention to the fact that under our present law, unimpaired by such serious breaches as this will be, we are receiving at least three times as many aliens as the quota numbers. The present quota is about 164,000 per year, but it does not apply to all classes nor all countries, nor to temporary visitors. While we are telling the country that we have reduced the immigration quotas to 2 per cent, based on the census of 1890, and that the quotas are about 164,000 plus, we are in fact receiving of all classes about 500,000; but these large numbers do not include deserting seamen, aliens who smuggled themselves into the country, and others whom this bill will favor.

As indicating a part of this situation, I call your attention to the testimony of Assistant Secretary of Labor Robe Carl White, given January 12, 1926, as reported in Immigration Committee hearings, Sixty-ninth Congress, first session, page 172:

Mr. SABATH. What is the gentleman going to quote from?

Mr. BOX. I am going to quote from the hearings before the Committee on Immigration, the testimony of Mr. White, Assistant Secretary of Labor. Mr. Golder asked him:

Mr. GOLDER. Did I understand you to say, in your judgment there are about 250,000 aliens now in the United States deportable under the existing laws?

Mr. ROBE CARL WHITE. That is the judgment of the district directors, in all of the districts, which meets with my approval. I believe they are conservative in that.

Mr. LAGUARDIA. When was that?

Mr. BOX. That was in 1926, on the 12th of January.

We have been deporting 11,000 to 12,000 aliens per year, at which rate we are deporting about one-twentieth of those subject to deportation.

In an article in the Congressional Digest of May, 1928, at page 151, Commissioner General Hull said:

We have many aliens who are unlawfully in the United States. Various estimates have been made as to the number, some running as high as 3,000,000. Regardless of the number, the problem presented is enormous, and the danger to our institutions is real. These aliens illegally in the country are divided into several classes—those illegally here because at the time of their entry they were not entitled to enter the United States, which include those entering surreptitiously; those securing entry by means of false and misleading statements; and those who arrived as seamen and deserted their vessels or were discharged at the port of arrival and abandoned their calling; and those who were originally lawfully admitted, but have since become public charges, or have been sentenced for the commission of one or more crimes involving moral turpitude, or have done other things in violation of our hospitality.

Among many other bad things about the conference report it gives the privilege of reentering to the hosts of its beneficiaries though the majority of them have entered illegally; it gives them the privilege of becoming citizens and confers on them the privilege of bringing a host of near relatives as nonquota immigrants. The extent of the injury done, of course, depends in part upon the number to be pardoned and naturalized and the number of new immigrants to be brought in under the legislation. A little less than five years after June 3, 1921, Commissioner General Hull testified as follows:

Mr. HULL. * * * Now, you apply that on through the number of aliens that we know are in the country, and you can make a rough guess and it will run you over 1,300,000. That, probably, is too many, but it may be right. It may be less; we do not know.

The CHAIRMAN. That would apply to all the people who are here and unable to prove legal entry into the United States?

Mr. HULL. And the payment of the head tax and inspection.

Mr. BOX. That is all prior to June 3, 1921?

Mr. HULL. They came in before June 3, 1921. (Hearings January 12, 1926, p. 31; committee hearings, 69th Cong., 1st sess., p. 179.)

He further testified that the department estimated that 250,000 more had at that time entered since June 3, 1921, but they are in a separate class and if I have time I shall show you how they are benefited under this bill and the legislation which they expect to get enacted hereafter, but this bill deals directly with the 1,300,000, more or less, designated in Commissioner Hull's testimony. Nobody knows the exact number to be benefited under this particular measure, but everybody acquainted with the subject knows that the number runs into many hundreds of thousands, and the Commissioner General of Immigration has approximated it at 1,300,000.

The bulk of these have not been examined to ascertain whether or not they have criminal records; whether they are mentally, morally, and physically inferior; whether they have met the requirements of the literacy test; whether they entered as contract laborers, and whether they have met the standards of our immigration laws as set up in the act of 1917. It is known that the bulk of them came in defiance of law. I submit that a proposition to admit them to citizenship now is a ruinous impairment of our standards of immigration and naturalization.

As bearing upon the practices of the country before alien and hyphenated influence became so powerful with politicians and Congress, I quote from annual reports made by the United States Commissioner of Naturalization dealing with the subject of naturalization and citizenship:

In his annual report for the fiscal year 1923–24, at page 11, the Commissioner of Naturalization said:

The following recommendations are strongly urged:

At the present time an alien may declare his intention to become a citizen immediately upon landing in the United States, regardless of lawful entry therein or of his ability to read, speak, or write the English language. No alien who entered the United States unlawfully should be allowed to declare his intention, particularly if he entered since May 1, 1917, the date the immigration act of February 5, 1917, became operative. * * *

On page 12 of the same report the commissioner said:

Since the recent quota law became effective an applicant who is a nonimmigrant alien and not an "immigrant" as defined in section 3 of the act of May 26, 1924, can not have residence in the United States for naturalization purposes, because he can not show admission to the United States as an immigrant alien upon an immigration visa. Such an alien should not be entitled to obtain a certificate of arrival from the manifest upon which he is recorded as entering the United States nor become naturalized. * * *

In his annual report for the fiscal year 1924–25, page 7, the Commissioner of Naturalization said:

It was early revealed in connection with the investigations under this requirement that large numbers of aliens who had entered the country illegally or who were unlawfully remaining in the United States after having entered the country for temporary periods of residence only were attempting to make declarations of intention.

Under the plan adopted by the bureau, applications from aliens arriving after June 30, are compared with the immigration visas in the custody of the Bureau of Naturalization. This requirement, it is believed, laid the foundation, at least at this point in the administration of the naturalization law, for the defeat of the attempts to become citizens by those who entered the United States in defiance of the provisions of the quota and visa restrictions of the immigration law. * * *

On page 8 of the same report, in dealing with the great number of temporary visitors who have remained in the country illegally, the Commissioner of Naturalization said:

This close cooperative action has resulted in the apprehension of many aliens temporarily in the United States who have attempted to make the declaration of intention and thereby acquire seeming rights under which to maintain permanent residence in the United States. * * *

There are reported to be in the country innumerable aliens who have entered the United States since June 3, 1921, in defiance of the immigration laws. Many of the declarations of intention now in existence will be found to be in the hands of such illegally entering aliens at the time the 5-year period of residence for naturalization purposes has expired. * * *

In addition to these, alien seamen under the La Follette law were entitled to leave their ships on arrival at American ports and seek employment in their vocation, under certain restrictions, prior to July 1, 1924, when a visa became a prerequisite to permanent lawful presence in the United States. In some cases the masters of the vessels made no report to the immigration officers, but evidently permitted the seamen to leave in all respects regularly except as to the immigration requirements. In others, seamen left their vessels without any formalities being

observed. In numbers of instances these aliens shipped in pursuit of their calling, some upon foreign-bound vessels of American or foreign registry, others on coastwise vessels, while others remained permanently ashore, taking up land vocations. Some had paid the immigration head tax, others had not. These various classes represent many thousands of aliens whose status in the United States it is difficult, if not absolutely impossible, to determine.

In his annual report for the fiscal year 1925–26, at page 16, the Commissioner of Naturalization said:

* * * Evidence is conclusive of aliens arriving in the United States in disregard of law during the period of the quota law and since the operation of the immigration act of 1924. Many have declared their intention to become citizens of the United States who have no lawful right to make such declaration, because they are in this country in defiance of the immigration laws relating to the quota and immigration visa requirements.

In his annual report for the fiscal year 1926–27, at page 10, the Commissioner of Naturalization said:

The first quota restriction law became operative on June 3, 1921. From reports, official and otherwise, it is common knowledge that there have been many aliens who have entered the United States illegally since that time. Large numbers of them have declared their intention to become citizens of the United States. As a reward for their violation of the law they are now in possession of declarations of intention not possible of attainment by other aliens not admitted to the United States lawfully.

This bill, as amended by the Copeland amendment and as presented in the conference report, ignores the difference between law-abiding immigrants and bootlegged aliens, and rewards disregard of the law. It throws citizenship and its privileges, including the ballot, into the dirt at the feet of aliens who have despised the laws and are most apt to be without capacity to appreciate or use the ballot.

As to how this bill will increase immigration during the next few years, I submit that it will do it—

First through the admission of an increased number of nonquota immigrants. Beginning a few months after the passage of this bill, these hundreds of thousands of smuggled-in aliens being pardoned and rewarded by this bill will begin to become naturalized citizens. That is one of the major rewards being paid them for their contempt of the law. After becoming naturalized citizens, each one of them will be entitled to have admitted as nonquota immigrants the classes mentioned in subdivision (a) of section 4 of the immigration act of 1924, to wit, his wife and unmarried minor children. The number of such nonquota immigrants is very great, and the number of such coming to the hundreds of thousands benefiting by this bill will be large, and——

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BOX. I regret that I can not.

Mr. COCHRAN of Missouri. The gentleman is stating his own views, and we can construe this measure in another way.

Mr. BOX. I did not yield to the gentleman, but the gentleman from Texas is not misconstruing this measure.

Second, they will be entitled to readmission under subdivision (b) of section 4 of the immigration act of 1924 when returning from a temporary visit abroad, from the very date of the beginning of the administration of this act, if passed. Every one of such who goes out can, after paying for the certificate provided for, get a permit to reenter simply because he had theretofore illegally entered. Entering thus illegally, he thereby becomes entitled to reenter; and every one who thus reenters, who could not otherwise do so, will be an addition to our alien population. Generally those favored by this bill will be the most objectionable part of the country's alien people. All of the increase thus provided under subdivisions (a) and (b) of section 4 will be nonquota, or outside the quota, immigrants and, of course, will add to the volume of our immigration to the extent of their numbers, which will be large.

In addition to the numbers that will come outside the quota will be those entitled to a preference within the quota. Under the present law the number of immigrants entitled to a preference within the quota is so large as to congest many consulates. In some countries the waiting list now extends 10 to 20 years ahead. Under the Jenkins Act, itself unobjectionable, all of the relatives of the classes named in that act of aliens lawfully admitted to the country are entitled to a preferred status within the quota. This bill will transfer some hundreds of thousands of smuggled-in aliens into the class of those legally admitted, and thus give their relatives of the classes named the preference status provided for such relatives in the Jenkins Act. This will further congest our consulates, and will be a rank injustice to naturalized citizens and aliens lawfully admitted and their relatives in thus giving to the smuggled-in aliens and their relatives a share in the privilege of having their relatives admitted, which under the present law belongs only to citizens or aliens lawfully admitted to the country. This is unwise and wrong.

Mr. Speaker, this is not an overstatement, and if you gentlemen see proper to take a view different from that I express to you, and that on this lack of information and immature consideration, I ask you to calmly examine this measure hereafter and see whether or not I am warranted in the statements that I make. I ask you at the same time to watch the immigration figures jump up after the passage of this bill, as soon as it has time to get in full operation.

It is the intention of those promoting this legislation, in and out of Congress, that this policy shall go forward. The Copeland amendment, passed by the Senate, provided that this date should be July 1, 1924, where June 3, 1921, now appears; and a majority of the conferees wanted that date fixed, but the chairman of the House committee was able to prevent the adoption of that date. It has been openly and repeatedly declared—I may safely say that it has been definitely determined—that at an early session of Congress this date will be brought forward to July 1, 1924.

Even when that date was yet in the Senate amendment alien and hyphenated influences, some chambers of commerce and others were protesting that the date should be brought down to now; so that while we were pardoning this 1,300,000, more or less, we should also pardon the several hundred thousand who came in thereafter up to the present in defiance of law.

When you pass this measure you will have no sound reason on which to base a refusal to pass future measures like it, so that under such a policy the many thousands who got into the country illegally, avoiding all of our wholesome immigration restrictions, can be received into the body of our citizenship and can forthwith bring their relatives as nonquota immigrants. Gentlemen, you should not pass this measure. It makes a serious breach in our immigration and naturalization laws and adopts a policy which will continue this hurtful course to still worse consequences.

Among other objectionable features of the Copeland amendment and this conference report is the preparation for a great increase in the Naturalization Bureau, with the furnishing of a great many new Federal jobs and the piling up of further bureau expenses. My information and my judgment are that the enactment of this law will soon require that the personnel of the present Naturalization Bureau be soon increased to twice its present number.

For years I and other members of the committee have been coming before this House and before the Committee on Appropriations asking for larger appropriations for the Immigration Service in order to better patrol the borders and to deport those for whose deportation the law provides. Again and again your committee has learned that the present force at the command of the Immigration Service is utterly inadequate. I have just called your attention to the testimony of Assistant Secretary of Labor White there were in 1926 at least 250,000 deportable aliens in the country, while our deportations rarely reached 12,000 in number, which is less than 1 in 20 of those who ought to be deported. Now, this bill proposes that these forces which have been inadequate for the work of protecting the borders against the smuggling in of immigrants and unequal to the work of deporting any considerable portion of our bad aliens, is to be diverted from that work and put to the task of making some sort of a formal field investigation of this 1,300,000, more or less, illegally in the country in order to grant them immunity and give them citizenship. They can not do such work adequately. It is a farce to pretend that they can do it. It is much like providing that the constables or other petty officers in the outlying portions of the county shall adjudicate land suits or try other important civil or criminal cases. To ask that this work be done by the field representatives of the Immigration Service is ridiculous. It means just what the whole bill means—that the law is to be cheapened and impaired and its enforcement, already deplorably bad, made much worse.

The SPEAKER pro tempore (Mrs. KAHN). The time of the gentleman from Texas has expired.

Mr. BOX. I have done the best I could. I wish I could tell you all that is in this bill and the extent to which it contradicts the professions of those who call themselves restrictionists but nevertheless join in this reversal of provisions of our naturalization laws and impairment of important restrictons of our immigraton laws. [Applause.]

Mr. JOHNSON of Washington. Madam Speaker, I hope all will understand that aliens here prior to June 3, 1921, are here and a large number of them for the reasons stated before, the failure to keep a record of entry into the United States. Now,

there was a record kept for quite a long time when applications were being made for nunc pro tunc process. In the years 1923 and 1924, after the passage of the temporary quota act, the record was between 6,000 and 7,000 alien declarants, and at that time the declarations of intention averaged 300,000 a year. To me it is a most interesting thing that in all the days following the great immigration to the United States, when it ran more than 1,000,000 a year, that the declarations of intention did not reach higher numbers, and that actual citizenship papers were issued to so few.

The present naturalization law has been in effect 23 years. In the records there are approximately 5,000,000 declarations of intention. Now, do not think I am saying that means that many are to come up. That is what we have had as to declarations of intention for 23 years, and out of that 5,000,000, 3,500,000 in the 23 years' time made petitions for naturalization and about 3,000,000 certificates of naturalization. Remember, that is in 23 years' time.

For years, as I said, efforts were made in every way possible to find some way to cure the nunc pro tunc, which is illegal, and to provide a way by law. I am not alarmed. I am as satisfied as can be, my friends, that we must have a dead line. You will remember that in the 1924 immigration restriction act the burden of proof is always on the alien, not on the United States, and if he enters surreptitiously he is deportable for all time. It is necessary to find a dead line somewhere, and that is what we are trying to do.

Madam Speaker, I move the previous question on the conference report.

The SPEAKER pro tempore. The gentleman from Washington moves the previous question on the conference report.

Mr. BOX. Madam Speaker, I demand the yeas and nays.

Mr. MAPES. Will the gentleman yield?

Mr. BOX. Yes.

Mr. MAPES. Does the gentleman want the yeas and nays on the previous question?

Mr. BOX. No; not on the previous question. I thank the gentleman for his correction.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The question is now on the adoption of the conference report.

Mr. BOX. On that I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Texas asks for the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-two gentlemen have arisen, not a sufficient number, 58 being the required number.

Mr. BANKHEAD. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BANKHEAD. The gentleman from Texas, as I understood it, demanded the yeas and nays and Madam Speaker counted those rising in favor of having the vote by the yeas and nays.

The SPEAKER pro tempore. Fifty-two.

Mr. BANKHEAD. And how many were present?

The SPEAKER pro tempore. Two hundred and eighty-seven Members were present at the last count. Fifty-eight would have been a sufficient number.

Mr. BANKHEAD. I make the point of order, there is not a quorum present.

Mr. CRISP. Mr. Speaker, I make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. As the Speaker well knows, the Constitution of the United States provides that one-fifth of the Members present have the right to have the yeas and nays. There has not been a roll call or any count of the House, so far as I know, since we convened at 8 o'clock. On a request here for the yeas and nays, 52 rose. The Chair stated that that was not one-fifth of those present, and when the other side was asked to be counted to see if 52 was one-fifth of those present, the Chair did not count, and, therefore, I appeal to the Speaker. Under the Constitution, one-fifth of those present in the House being entitled to the yeas and nays, I asked the Speaker to ascertain if 52 is not one-fifth of those present in the House.

The SPEAKER. The present occupant of the chair announced not very long ago, after having carefully counted, that 287 Members were present. The Chair assumes there are still 287 Members present. So there was not a sufficient number. Now, a point of order is made that a quorum is not present. The Chair will count.

Mr. BANKHEAD. Just a moment, Mr. Speaker.

The SPEAKER. Does the gentleman make the point of order there is no quorum present?

Mr. BANKHEAD. I withdraw that point and ask for the other side on the demand for the yeas and nays.

The SPEAKER. The Chair has before him this precedent:

Such count (meaning such count as the present occupant of the chair made long since) is not subject to verification and a request for a rising vote of those opposed to the demand is not in order.

Now, if the gentleman makes the point of order there is not a quorum present, the Chair will be delighted to count.

Mr. BANKHEAD. No; I withdraw that.

Mr. BOYLAN. Regular order, Mr. Speaker.

Mr. GREEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREEN. As much time has elapsed since the first count was taken and as the other side of the question was not put, is it not in order to request the Chair to again put the question?

The SPEAKER. The Chair, as he said before, if anybody makes a point of order there is no quorum present, will count. Now, does any body make such a point?

Mr. O'CONNOR of New York. Mr. Speaker, to relieve any question here, I make the point of order there is no quorum present.

The SPEAKER (after counting). Three hundred and ten Members present, a quorum, and the conference report is agreed to.

Mr. BOX. Has the question ever been put in any way on the conference report, Mr. Speaker?

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. What is the present parliamentary situation?

The SPEAKER. The parliamentary situation is that the conference report is agreed to so far as the Chair knows.

Mr. BANKHEAD. We ask for a division on that question.

The SPEAKER. A division is in order.

The House divided; and there were—ayes 218, noes 110.

Mr. BOX. Mr. Speaker, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. JOHNSON of Washington and Mr. BOX.

The House again divided; and the tellers reported that there were—ayes 154, noes 89.

So the conference report was agreed to.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ENTRY OF ALIENS INTO THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report on the bill (S. 5094) making it a felony, with penalty, for certain aliens to enter the United States of America under certain conditions in violation of law; and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a) if any alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise expressly provided by law, be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

"(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from

which the expenses of his transportation were defrayed or of the place to which he departed.

"(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall not be entitled to any of the landing privileges allowed by law to seamen.

"(d) So much of section 3 of the immigration act of 1917 (U. S. C., title 8, sec. 136(j)) as reads as follows: 'persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission' is amended to read as follows: 'persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission.'

"(e) So much of section 18 of the immigration act of 1917 (U. S. C., title 8, sec. 154), as reads as follows: 'or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof,' is amended to read as follows: 'or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to reapply for admission to the United States.' The amendment made by this subsection shall take effect on the expiration of 60 days after the enactment of this act, but the provision amended shall remain in force for the collection of any fine incurred before the effective date of such amendment.

"SEC. 2. Any alien who hereafter enters the United States at any time or place other than as designated by immigration officials or eludes examination or inspection by immigration officials, or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or by both such fine and imprisonment.

"SEC. 3. An alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment. For the purposes of this section the imprisonment shall be considered as terminated upon the release of the alien from confinement, whether or not he is subject to rearrest or further confinement in respect of the same offense.

"SEC. 4. Upon the final conviction of any alien of any offense under this act in any court of record it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

"SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEORGE J. SCHNEIDER,
A. J. SABATH,
Managers on the part of House.

HIRAM W. JOHNSON,
WILLIAM H. KING,
DAVID A. REED,
COLE L. BLEASE,
HENRY W. KEYES,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill made it a felony for any alien who has been arrested and deported under the immigration act of 1917 or the immigration act of 1924 to enter the United States in violation of law and provided that he should be deported at the expiration of his sentence. It further provided that the clerk of the court, upon the conviction of the alien, should notify the Secretary of Labor and also notify the marshal having the prisoner in custody who should retain the prisoner for not more than five days to enable the Secretary of Labor to arrest him for deportation. The House amendment strikes out the Senate text and reinserts it with certain perfecting amendments to which the Senate agrees. Under the provisions of the bill as agreed to in conference, if an alien has been arrested and deported he is excluded from admission to the United States and hence becomes deportable under section 19 of the immigration act of 1917.

The House amendment also added nine new grounds for deportation, together with certain provisions depending upon these deportation provisions. Under the bill, as agreed to in conference, all this matter is omitted.

The House amendment also added a section making it a criminal offense for an alien to enter the United States without inspection or at any time or place other than as designated by immigration officials, or to obtain entry by willfully false or willfully misleading representations or willfully concealment of material facts. The Senate agrees to this provision.

The House amendment also added a section having the effect of permitting deportation immediately upon the release of a criminal on parole if he is otherwise deportable. The Senate agrees to this provision.

The House amendment amended the title of the Senate bill, and the House recedes from this amendment.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
A. J. SABATH,
Managers on the part of the House.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I recognize that some people feel that it is easy to criticize. I am of the opinion that most of the times it is easier to approve and praise than to be obliged to point out the shortcomings and defects as I am from time to time obliged to do on the floor of the House.

The bill under consideration, however, proves beyond doubt that honest criticism is helpful and beneficial. We have now before us a bill which I am pleased I can support and vote for, because the conferees, after I had pointed out to them the many harsh, inhumane, and retroactive provisions, agreed to eliminate them, and now we have a bill that will punish real offenders and not merely unfortunates.

I only regret that my provision and amendment which aimed for the deportation of the vicious gun gangs has not been agreed to. However, I recognize that not one in a thousand of that class is an alien; but I was desirous of securing the passage of that provision more for the purpose of closing the mouths of those who continually yell and who continually are trying to unload the crime wave upon the alien, notwithstanding that in their hearts they know that these charges are false and untrue and are being repeated by them deliberately and willfully so as to create prejudice against the immigrant or the alien in the minds of the American people.

And now, Mr. Speaker, I wish to speak on H. R. 349, the so-called naturalization relief bill, which the chairman of the committee and many others are trying to make you and the country really believe that it is a relief bill.

I concede that it will make possible for some aliens who have entered the United States before July 1, 1921, and of whom there was no record made at the ports of entry, to offer evidence to prove that they have actually entered legally and secure the rights and privileges of becoming American citizens, after, however, complying with all the naturalization laws which, however, this act materially not only strengthens but will make rather expensive.

Now what does the bill really do? It provides, in the first place, that a man who can prove that he (1) entered the United States prior to July 3, 1921, (2) has resided in the United States continuously since such entry, (3) is a person of good moral character, and (4) is not subject to deportation, will receive a registration certificate for which he will be obliged to pay $20 and that because the Government has failed to keep records of his entry.

After that, under section 4, which provides that upon payment of $5 he will receive, under section 5 of the bill, a certificate of arrival, which, under section 4, is necessary, and which will be required of all aliens in the future, before being permitted to make or file his declaration of intention, and after receiving this certificate, for which he will pay this $5, and not until then can he file his application for declaration of intention for which, instead of $1 as now, he will be obliged to pay another $5. Two years thereafter, if he proves he resided continuously for over two years in the United States, he will have the privilege to file a petition for citizenship and for which he will be charged $10 instead of $4, as under the present law, and if he is found to be entitled to be naturalized, upon payment of another $5, he will receive a certificate of naturalization.

After he has complied with all these requirements and will be naturalized and has received a certificate of naturalization, section 32 provides that, upon payment of $10, he can obtain a copy of his certificate if same is lost or destroyed.

Provision (b) of section 32 gives him the privilege of obtaining a special certificate of citizenship if he desires same to be used when traveling or going abroad, for which he is to pay an additional $10, and this, in addition to the passport that is required of him and for which a fee of $10 is charged by the State Department, but we are not through as yet with all the certificates. There are other certificates to come.

Section 33, to my mind, is the most objectionable of all. That section provides and goes much further, because it does not apply to aliens or to those who are seeking citizenship; but it also applies to approximately 3,000,000 American citizens, who became citizens by act of Congress, through the naturalization of their parents or those who became citizens by marriage before the Cable Act went into effect. And though it is not mandatory for them to obtain a certificate of their citizenship, I feel that this provision will have a tendency to force these approximately 3,000,000 American citizens to comply with this provision and obtain such certificates.

There is no doubt but that the authorities everywhere will demand and require that all naturalized citizens in the United States, including the 3,000,000 citizens made so by the law of the land, prove their citizenship by producing their certificate of citizenship, under this section, and for which they will be taxed $10, saying nothing of the annoyances that it will subject them to.

So, to make the matter clear to all, I insert section 33 and show how far-reaching it is.

SEC. 33. (a) Any individual over 21 years of age who claims to have derived United States citizenship through the naturalization of a parent, or a husband, may, upon the payment of a fee of $10, make application to the Commissioner of Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship. Upon obtaining a certificate from the Secretary of Labor showing the date, place, and manner of arrival in the United States, upon proof to the satisfaction of the commissioner that the applicant is a citizen and that the alleged citizenship was derived as claimed, and upon taking and subscribing to, before a designated representative of the Bureau of Naturalization within the United States, the oath of allegiance required by the naturalization laws of a petitioner for citizenship such individual shall be furnished a certificate of citizenship by the commissioner, but only if such individual is at the time within the United States. In all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States, the certificate of citizenship issued under this section shall have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction.

In addition to this the bill has several other provisions, which, however, to my mind are not of great importance, unless it be section 36, as well as the provision in section 33 which provides that from now on all applicants and all naturalized citizens will be obliged to furnish two photographs of themselves when making an application for citizenship. One of these photographs is to remain part and parcel of the record in the Bureau of Naturalization, which I greatly fear will become a bureau of registration, and from all indications much more stringent than even existed in Russia under the old Czar régime.

To my mind, if this bill is entitled to be called a relief bill it is because it relieves the alien and even the American citizens of several $5 and $10 bills.

These fees, to my mind, are excessive, as now, though we charge only $1 for declarations of intention and $2 for the application and $2 for naturalization, there has been a profit or surplus in that bureau of over $260,000 last year.

Mr. Speaker, it is to be deplored that a great and rich Nation like ours should be guilty of extracting these excessive fees and placing itself in a position as a profiteering Nation.

Instead of this being a relief bill it is a bill that will make in the future the naturalization not only more expensive but much harder to obtain, and notwithstanding the fact that the people responsible for this legislation criticize the immigrant or the alien that they do not become American citizens; or, in other words, first, they make naturalization nearly impossible, and then they charge that they do not care to be naturalized.

Mr. JOHNSON of Washington. Mr. Speaker, I will take three or four minutes to explain this deportation bill, which is a Senate bill. The Senate bill undertook to make it a violation if the person who had been deported returned, and also if certain persons stopped at the gate and attempted to come in without permission. The House by vote added a large number of items, including seven classes. On a careful examination your conferees became convinced that we had not carefully made the distinction between those who should be deported under such conditions and those who might be under other conditions. For instance, if an alien had been in this country five years and one day, and commits a foul murder, he could not be deported under any provisions of the bill passed in this or the other body.

We had certain provisions requiring a deportation for a misdemeanor, a six months' offense. That would apply to "gun toters." The conferees concluded that such things are out of balance.

Mr. HOLADAY. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HOLADAY. What aliens can be deported under this bill that can not be deported under the present law?

Mr. JOHNSON of Washington. All those that return after they have been once deported. The United States goes to great expense in deporting them, and they can come back with another name, perhaps, or come in as sailors and get into the country. The United States stops many at the gate of entry.

Mr. HOLADAY. Any other classes that could be deported?

Mr. JOHNSON of Washington. I have not the bill before me. We eliminated the seven classes that were in the bill.

Mr. HOLADAY. I am not interested in what you dropped; but I am interested in what you have in this bill.

Mr. JOHNSON of Washington. This is a starter, and it is all we were able to get. I believe that it is important to amend the deportation clauses of the law of '17 rather than to undertake to write a new deportation bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. CRAMTON. It seems by the support of the gentleman from Illinois [Mr. SABATH], and the answers by the gentleman from Washington, that this is a very innocuous deportation bill. Is the House to understand that in the next session we are to get a real deportation bill? The gentleman's committee has been working on this for six or eight years, and I am surprised to hear that they did not have it in proper form; that they were not able to accomplish anything. I think it is time we had a real deportation bill.

Mr. JOHNSON of Washington. If the gentlemen will help us, we will have one.

Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen, the history of deportation legislation during the last two or three years would be interesting to you if you stopped to consider it. During the Sixty-ninth Congress the House passed a substantial deportation bill. It went to the other body but did not pass. It was never acted upon, I think. During the first session of this Congress a milder bill, sort of denatured proposition, was reported in the hope that it might pass. It had too much vigor in it and was too much out of line with the vote here to-night, and could not get consideration in the House. Then as a kind of offset to this measure and, in my judgment, for the purpose of camouflaging the situation and diverting attention from the action on the bill that you have just voted on, a few things were thrown together very immaturely, all of them out of proportion, and brought in here as an offset against this outrageous measure that has just passed. That measure passed. I supported it because it had some good in it. But gentlemen who want deportation will have to understand that the matter must be gone about in earnest by people who want it.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. BOX. I regret I can not yield. This last bill that you have just passed provides that it is a felony to do the very thing for which you grant citizenship in the other bill. For having committed a felony you give him the reward of citizen-

ship and the right to bring in hundreds of thousands, perhaps, of his alien kinsmen in the other bill, and say in this one that such a scoundrel shall be guilty of a felony and go to prison as such. When talking about what you are going to do with a man who shall hereafter enter the country illegally, you say you are going to treat him like the felon that he is; but when he and his hyphenated and alien sympathizers are already in the country, most of them illegally, you say he is a good man, entitled to sympathy, and should be given citizenship and the privilege of bringing in his relatives, all of whom, taken together, will amount to many thousands.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

J. H. B. WILDER

The SPEAKER laid before the House the following message from the Senate.

The Clerk read as follows:

THE SENATE OF THE UNITED STATES.

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 5715) entitled "An act for the relief of J. H. B. Wilder."

The SPEAKER. Is there objection to the request of the Senate?

Mr. RUTHERFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects, and the Clerk will so inform the Senate.

WILLIAM S. WELCH

The SPEAKER also laid before the House the following message from the Senate.

The Clerk read as follows:

THE SENATE OF THE UNITED STATES.

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 2127) entitled "An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., of Joliet, Ill., bankrupt."

The SPEAKER. Without objection, the request of the Senate will be complied with.

There was no objection.

PILGRIMAGE TO EUROPEAN CEMETERIES

Mr. MORIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5332), to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries, now on the Speaker's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill S. 5332, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to arrange for pilgrimages to cemeteries in Europe by mothers and widows of members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, and whose remains are now interred in such cemeteries. Such pilgrimages shall be made at the expense of the United States under the conditions set forth in section 2.

SEC. 2. The conditions under which such pilgrimages may be made are as follows:

(a) Invitations to make the pilgrimages shall be extended in the name of the United States to the mothers and widows for whom the pilgrimages are authorized to be arranged under section 1.

(b) Upon acceptance of the invitation the mother or widow shall be entitled to make one such pilgrimage; but no mother or widow who has previous to the pilgrimage visited cemeteries described in section 1 shall be entitled to make any such pilgrimage, and no mother or widow shall be entitled to make more than one such pilgrimage.

(c) The pilgrimages shall be made at such times during the period from May 1, 1930, to October 31, 1933, as may be designated by the Secretary of War.

(d) For the purpose of the pilgrimages the Secretary of State shall (1) issue special passports, limited to the duration of the pilgrimage, to mothers and widows making the pilgrimages and to such personnel as may be selected to accompany and/or arrange for the pilgrimages, if such mothers, widows, and personnel are citizens of the United States, and (2) issue suitable travel documents, if aliens. No fee for either of such documents or for any application therefor shall be charged. Such alien mothers, widows, and personnel shall be permitted to return and be granted admission to the United States without regard to any law, convention, or treaty relating to the immigration or exclusion of aliens, if the return is made within the period covered by the pilgrimage of the particular group or, in the case of personnel, within such times as the Secretary of War shall by regulation prescribe; except that in any case of unavoidable detention the Secretary of War may extend in such case the time during which return may be made without regard to such laws, conventions, or treaties.

(e) The pilgrimages shall be by the shortest practicable route and for the shortest practicable time, to be designated by the Secretary of War. No mother or widow shall be provided for at Government expense in Europe for a longer period than two weeks from the time of disembarkation in Europe to the time of reembarkation in Europe. In the case of any mother or widow willfully failing to continue the pilgrimage of her particular group, the United States shall not incur or be subject to any expense with regard to her pilgrimage after such failure.

(f) Vessels owned or operated by the United States Government or any agency thereof shall be used for transportation at sea wherever practicable.

(g) Suitable transportation, accommodations, meals, and other necessities pertaining thereto, as prescribed by the Secretary of War, shall be furnished each mother or widow included in any pilgrimage for the entire distance at sea and on land and while sojourning in Europe and while en route in the United States from home to port and from port to home. Cabin-class accommodations shall be furnished for all transportation at sea. No mother or widow shall be entitled, by reason of any payment made by or for her, to be furnished by the Government with transportation, accommodations, meals, and other necessities pertaining thereto different in kind from those prescribed by the Secretary of War for the pilgrimage of the particular group.

(h) All pilgrimages shall be made in accordance with such regulations as the Secretary of War may from time to time prescribe as to the time, route, itineraries, composition of groups, accommodations, transportation, program, arrangements, management, and other matters pertaining to such pilgrimages.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this act. The Secretary of War is directed to make an investigation for the purpose of determining (1) the total numbers of mothers and widows entitled to make the pilgrimages, (2) the number of such mothers and widows who desire to make the pilgrimages and the number who desire to make the pilgrimages during the calendar year 1930, and (3) the probable cost of the pilgrimages to be made. The Secretary of War shall report to the Congress not later than December 15, 1929, the results of such investigation.

SEC. 4. As used in this act—

(a) The term "mother" means mother, stepmother, mother through adoption, or any woman who stood in loco parentis to the deceased member of the military or naval forces for the year prior to the commencement of his service in such forces.

(b) The term "widow" means a widow who has not remarried since the death of the member of the military or naval forces.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

JOSEPH LEE

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4244, for the relief of Joseph Lee, with a Senate amendment thereto and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 4244, with a Senate amendment thereto and concur in the Senate amendment. The clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I call up the conference report upon the bill H. R. 16878, an omnibus pension bill, and move its adoption.

The SPEAKER. The gentleman from Minnesota calls up a conference report upon the bill H. R. 16878, an omnibus pension bill, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain

soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language proposed in the Senate engrossed amendment insert the following: Page 4, paragraph 3:

"The name of Mary C. Von Ezdorf, widow of Rudolph H. Von Ezdorf, late assistant surgeon, United States Public Health Service, and pay her a pension at the rate of $50 per month."

And the Senate agree to the same.

HAROLD KNUTSON,
J. M. ROBSION,
WM. C. HAMMER,
Managers on the part of the House.
ARTHUR R. ROBINSON,
PETER NORBECK,
DANIEL F. STECK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on H. R. 16878 show by way of explanation that 90 items were included in said bill, 61 from the House and 29 from the Senate.

The committee of conference carefully examined the merits of each individual case over which any difference of opinion existed, and mutually agreed to restore all bills of meritorious character.

HAROLD KNUTSON,
JOHN M. ROBSION,
WM. C. HAMMER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

TREATY BETWEEN UNITED STATES AND LOYAL SHAWNEE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians, proclaimed October 14, 1868, on the Speaker's table.

The SPEAKER. The gentleman from Montana asks unanimous consent for the present consideration of the bill (S. 5127) which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I understand it is agreeable to the gentleman interested in the bill to insert an amendment fixing the attorney's fee at 5 per cent instead of 10 per cent. With that understanding I do not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $109,746.25, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the Indians of the Loyal Shawnee Tribe, their heirs, or legal representatives, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress made in pursuance of the twelfth article of the treaty between the United States and the Loyal Shawnee Indians, proclaimed October 14, 1868 (15 Stat. L. 513); which claims are similar to but not included with those of the Shawnee Indians for whom an appropriation was made by act of December 22, 1927 (Public, No. 2, 70th Cong., 1st sess.): *Provided*, That out of said sum there shall be paid to the duly authorized attorney for said Indians, as evidenced by contracts executed by said Indian claimants or their then living heirs, during the years 1903, 1904, and 1905, 10 per cent of the above amount in full satisfaction of such contract or contracts: *And provided further*, That before payment of the amount hereby authorized to be appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States.

A committee of five male adult members of the Loyal Shawnee Tribe, to be selected under direction of the Commissioner of Indian Affairs, with its headquarters at Vinita, Okla., shall execute a release on behalf of all beneficiaries having no legal representatives.

With committee amendments as follows:

Page 2, line 6, after the word "*Provided,*" strike out all of lines 7 to 17, inclusive, and the word "State," at the beginning of line 18, and insert in lieu thereof the following:

"That there shall be paid to the duly authorized attorneys of said respective Loyal Shawnee Indians, their duly proven and established heirs, or their attorneys in fact, 10 per cent of the amount due on the respective claims of said Indians against the Government, when said Indians' right to receive payment is established: *And provided further*, That before payment of the amount due said Loyal Shawnee Indian or his heirs or assigns or to their duly authorized attorneys, receipt shall be executed by or on behalf of said Indian claimants, or their legal representatives, acknowledging payment of their claim against the United States, which receipt shall be approved by the Commissioner of Indian Affairs."

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the committee amendment: Page 2, line 20, strike out "ten" and insert "five."

The SPEAKER. The gentleman from Michigan offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Page 2, line 20, strike out the figure "10" and insert in lieu thereof the figure "5."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LAW CLERKS TO UNITED STATES CIRCUIT JUDGES

Mr. GRAHAM. Mr. Speaker, I move that the bill H. R. 9054 be taken up and considered by the House under suspension of the rules.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 9054. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 9054) to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States circuit judges

Be it enacted, etc., That the Judicial Code be, and it is hereby, amended by the addition of the following section:

"SEC. 118a. Each United States circuit judge is hereby authorized, with the approval of the Attorney General, to appoint a law clerk, whose salary shall be at a rate not in excess of $3,000 per annum; and the appropriation of such amount as is or may be necessary to pay the salaries and travel expenses of such law clerks is hereby authorized."

The SPEAKER. Is a second demanded? If not, the question is on agreeing to the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

BUILDING FOR THE NATIONAL MEMORIAL ASSOCIATION (INC.) IN THE CITY OF WASHINGTON

Mr. TAYLOR of Tennessee. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 132, a similar House bill being on the Union Calendar.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 132) to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc), in the city of Washington, as a tribute to the negro's contribution to the achievements of America

Resolved, etc., That a commission is hereby created, composed of 15 members, of whom the Director of Public Buildings and Public Parks of the National Capital, the Supervising Architect of the Treasury, and the Architect of the Capitol shall be ex officio members, the 12 additional members to be appointed by the President, to be known as National Memorial Commission, to procure and determine upon a location, plans, and designs for a memorial building suitable for meetings of patriotic organizations, public ceremonial events, the exhibition of art and inventions, and placing statues and tablets, for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the Negro's contribution to the achievements of America.

SEC. 2. That the construction of the memorial herein and hereby authorized shall be upon such site as shall be determined by the commission herein created and approved by the Commission of Fine Arts, and said construction shall be entered upon as speedily as practicable after the plan and design therefor is determined and approved by the Commission of Fine Arts, and shall be prosecuted to completion, under the direction of said commission and the supervision of the Director of Public Buildings and Public Parks of the National Capital, under a contract or contracts as may be authorized to be entered into by said commission in a total sum not less than $500,000, which sum shall be provided by voluntary contributions, under auspices of the National Memorial Association (Inc.), in accordance with plans to be authorized by said commission.

SEC. 3. That in the discharge of its duties herein said commission is hereby authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, and avail itself of the services or advice of the Commission of Fine Arts, the Office of Public Buildings and Public Parks of the National Capital, the Supervising Architect of the Treasury, and the Architect of the Capitol.

SEC. 4. That vacancies occurring in the membership of the commission shall be filled by appointment by the President of the United States.

SEC. 5. That to defray the necessary expenses of the commission herein created, and the cost of procuring plans and designs, site, and other incidentals necessary to the construction for a memorial building as herein provided, there is hereby authorized to be appropriated, out of any funds available in the United States Treasury, a sum not exceeding $50,000, to be available when the sum of $500,000 shall have been collected and paid into the hands of the National Memorial Association (Inc.), for purposes in this act provided.

SEC. 6. That said commission shall from time to time submit to Congress a detailed statement as to the progress of the work.

The SPEAKER. Is a second demanded?

Mr. BANKHEAD. I demand a second.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. BANKHEAD. I object.

The SPEAKER. Objection is heard. The gentleman from Tennessee [Mr. TAYLOR] and the gentleman from Alabama [Mr. BANKHEAD] will please take their places as tellers.

The House divided; and the tellers reported—ayes 104, noes 62.

Mr. BANKHEAD. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and forty-five Members are present, a quorum. The gentleman from Tennessee [Mr. TAYLOR] has 20 minutes, and the gentleman from Alabama [Mr. BANKHEAD] has 20 minutes.

Mr. TILSON. Mr. Speaker, if the gentleman from Tennessee yields the floor at this time, this will be the unfinished business when we convene to-morrow, and the gentleman from Tennessee will have the same status as he has now?

The SPEAKER. Yes.

Mr. TAYLOR of Tennessee. Mr. Speaker, from the information I have just received of the death of a colleague, I yield the floor.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 9285) entitled "An act to provide for the settlement of claims against the United States on account of property damages, personal injury, or death," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCMASTER, Mr. WATERMAN, and Mr. BAYARD to be the conferees on the part of the Senate.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;* to the Committee on Claims.

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger; to the Committee on Claims.

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women, at Alderson, W. Va.; to the Committee on the Judiciary.

S. 5715. An act for the relief of J. H. B. Wilder; to the Committee on Claims.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 13593. An act to legalize a bridge across the Fox River at East Dundee, Ill.; and

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

DEATH OF REPRESENTATIVE ROYAL H. WELLER, OF NEW YORK

Mr. O'CONNOR of New York. Mr. Speaker, I regret to announce the death of a distinguished Member of this body from the city of New York, the Hon. ROYAL H. WELLER. I send to the Speaker's desk a resolution and ask that the House adjourn out of memory of our colleague, Mr. WELLER.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 346

Resolved, That the House has heard with profound sorrow of the death of the Hon. ROYAL H. WELLER, a Representative from the State of New York.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Accordingly (at 10 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Saturday, March 2, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

872. A letter from the Secretary of the Navy, transmitting a draft of a bill modifying the terms of section 8 (relief of contractors) of an act approved March 4, 1925, and entitled "An act providing for sundry matters affecting the naval service, and for other purposes," the act directing the Secretary of the Navy to examine claims; to the Committee on Naval Affairs.

873. A letter from the governor of the Federal Reserve Board, transmitting its annual report to Congress covering operations during the year of 1928 (H. Doc. No. 383); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

874. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Woodbridge Creek, N. J., for a 10-foot channel; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.; without amendment (Rept. No. 2791). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 17293. A bill to authorize an appropriation for construction at Fort McKinley, Portland, Me.; without amendment (Rept. No. 2792). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Commerce (Rept. No. 2796). Ordered printed.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Veterans' Bureau (Rept. No. 2797). Ordered printed.

Mr. STALKER: Committee on the District of Columbia. H. R. 15731. A bill to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925; without amendment (Rept. No. 2805). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mrs. KAHN: Committee on Military Affairs. H. R. 11105. A bill to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army; without amendment (Rept. No. 2793). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 17177. A bill for the relief of Charles N. Neal; with an amendment (Rept. No. 2794). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 4354. A bill for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;* without amendment (Rept. No. 2795). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 13353. A bill to authorize the President to reinstate Guy H. B. Smith, formerly captain, Fourth United States Infantry, in the Army; with amendment (Rept. No. 2800). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger; without amendment (Rept. No. 2804). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 5715. An act for the relief of J. H. B. Wilder; without amendment (Rept. No. 2806). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. LETTS: Committee on Indian Affairs. H. R. 10242. A bill for the relief of Lorenzo A. Bailey; adverse (Rept. No. 2798). Laid on the table.

Mr. LETTS: Committee on Indian Affairs. H. R. 10741. A bill to provide for a final settlement of the claims of J. F. McMurray and J. F. McMurray as assignee of Mansfield, McMurray & Cornish against the Choctaw and Chickasaw Nations or Tribes of Indians for legal services rendered and expenses incurred; adverse (Rept. No. 2799). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 17311) to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN: A bill (H. R. 17312) to authorize the Secretary of Agriculture to make surveys of representative farm areas each year in each State for the purpose of obtaining and publishing information upon the economic condition of agriculture throughout the United States, and for other purposes; to the Committee on Agriculture.

By Mr. CRAIL: A bill (H. R. 17313) authorizing those qualified for admission to the National Home for Disabled Volunteer Soldiers to receive medical care and attention at hospitals in connection with said homes without becoming a member of such home or a patient in such hospital; to the Committee on Military Affairs.

Also, a bill (H. R. 17314) to amend paragraph 6 of section 202 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 17315) to authorize an additional appropriation for Fort McArthur, Calif.; to the Committee on Military Affairs.

Also, a bill (H. R. 17316) to provide Fort McArthur, Calif., with 11 additional railroad heavy artillery guns; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 17317) to amend section 8 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," approved March 4, 1925; to the Committee on Naval Affairs.

By Mr. KELLY: Joint resolution (H. J. Res. 433) to permit the Citizens' Association of Chevy Chase, D. C., to erect a memorial in memory of Francis G. Newlands; to the Committee on the Library.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Montana, memorializing Congress for the enactment of such legislation as may be necessary to protect the livestock industry; to the Committee on Ways and Means.

Memorial of the State Legislature of the State of Montana, memorializing Congress for such legislation as may be necessary to protect the beet-sugar industry; to the Committee on Ways and Means.

Memorial of the Legislature of the State of Wisconsin, relating to the Great Lakes-St. Lawrence waterway; to the Committee on Interstate and Foreign Commerce.

Memorial of the Legislature of the State of Wisconsin, relating to the national origins clause of the Federal immigration act of 1924; to the Committee on Immigration and Naturalization.

Memorial of the State Legislature of the State of Montana, memorializing Congress to enact such legislation as will permit the owner of land in the upper Milk River irrigation districts to enter into contracts permitting payment for the St. Marys diversion charges to be made in 40 years, and to allow deduction of nonproductive land; to the Committee on Irrigation and Reclamation.

By Mr. SELVIG: Memorial of the State Legislature of the State of Minnesota, urging Congress of the United States to establish a 9-foot channel on the upper Mississippi River; to the Committee on Rivers and Harbors.

By Mr. EVANS of Montana: Memorial of the State Legislature of the State of Montana, requesting Congress of the United States for the enactment as may be necessary to protect the beet-sugar industry; to the Committee on Ways and Means.

By Mr. WINTER: Memorial of the State Legislature of the State of Wyoming, requesting Congress of the United States to increase the tariff on turkey and sugar industries of Wyoming and other States interested in such industries; to the Committee on Ways and Means.

By Mr. KVALE: Memorial of the State Legislature of the State of Minnesota, urging Congress of the United States to establish a 9-foot channel on the upper Mississippi River; to the Committee on Rivers and Harbors.

By Mr. EVANS of Montana: Memorial of the State legislature and the people of the State of Montana, expressing the desire for Congress to take into further consideration the resolution heretofore introduced in both bodies of Congress relating to an amendment to the Constitution respecting the time at which the President and Vice President and Members of Congress shall assume their official duties; to the Committee on the Judiciary.

By Mr. LEAVITT: Memorial of the State Legislature of the State of Montana, requesting Congress of the United States to enact such legislation that may be necessary to protect the livestock industry; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Montana, requesting Congress of the United States to enact such legislation that may be necessary to protect the beet-sugar industry; to the Committee on Ways and Means.

By Mr. EVANS of Montana: Memorial of the State Legislature of the State of Montana, urging Congress to enact such legislation as will permit the owners of land in the upper Milk River irrigation districts to enter into contracts permitting payments for the St. Marys diversion charges to be made in 40 years and to allow deduction on nonproductive land; to the Committee on Irrigation and Reclamation.

Also, memorial of the State Legislature of the State of Montana, requesting of Congress the enactment of such legislation as may be necessary to protect the livestock industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROY G. FITZGERALD: A bill (H. R. 17318) for the relief of Luther W. Guerin; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 17319) granting an increase of pension to Henrietta M. Lewis; to the Committee on Invalid Pensions.

By Mr. SCHNEIDER: A bill (H. R. 17320) granting a pension to Samantha Vose; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 17321) granting a pension to John Gillis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13568. By Mr. BACON: Petition of the Merchants' Association of New York, in opposition to any restriction or limitation to the free movement of products between the United States and its Philippine possessions; to the Committee on Ways and Means.

13569. By Mr. COLTON: Petition of six citizens of Gunnison, Utah, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13570. By Mr. CRAIL: Petition of Los Angeles County Council of the United Veterans of the Republic, favoring the cruiser bill; to the Committee on Naval Affairs.

13571. By Mr. LANKFORD: Petition of 60 members of the Women's Christian Temperance Union of Peru, Ohio, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13572. Also, petition of the pastor and 100 members of the Church of the Master, Peru, Ohio, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13573. Also, petition of 84 members of the Main Street Methodist Episcopal Church, Kokomo, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13574. By Mr. HOWARD of Nebraska: Petition signed by Hon. Harry N. Wallace, Hartington, Nebr., and 102 other citizens of Cedar County, pleading for the passage of House bill 14676, granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

13575. By Mr. HUDSON: Petition of citizens of Flint, Mich., urging that no change be made in the present tariff on hides and leather; to the Committee on Ways and Means.

13576. Also, petition of citizens of the sixth district of Michigan, protesting against the passage of House bill 78, known as the compulsory Sunday observance law; to the Committee on the District of Columbia.

13577. By Mr. O'CONNELL: Petition of the International Association of Machinists, Washington, D. C., favoring the passage of Senate bill 3116, the 44-hour week bill; to the Committee on the Civil Service.

13578. Also, petition of the Amalgamated Paper Co., of Brooklyn, N. Y., favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13579. Also, petition of the Bristol-Myers Co., New York, favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13580. Also, petition of the Toy Manufacturers of the United States of America, favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13581. Also, petition of the Corset and Brassiere Association of New York, favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13582. By Mr. PRATT: Memoralizing a colleague from New York, Hon. Thaddeus C. Sweet; to the Committee on the Library.

13583. By Mr. WIGGLESWORTH: Petition of Catholic Daughters of America, relating to the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

SENATE

SATURDAY, *March 2, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Shortridge
Barkley	Fess	McKellar	Simmons
Bayard	Fletcher	McMaster	Smith
Bingham	Frazier	McNary	Smoot
Black	George	Mayfield	Steck
Blaine	Gerry	Metcalf	Steiwer
Blease	Glass	Moses	Stephens
Borah	Glenn	Neely	Swanson
Bratton	Goff	Norbeck	Thomas, Idaho
Brookhart	Gould	Norris	Thomas, Okla.
Broussard	Greene	Nye	Trammell
Bruce	Hale	Oddie	Tydings
Burton	Harris	Overman	Tyson
Capper	Harrison	Pine	Vandenberg
Caraway	Hastings	Pittman	Wagner
Copeland	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ark.	Warren
Dale	Johnson	Robinson, Ind.	Waterman
Deneen	Jones	Sackett	Watson
Dill	Kendrick	Schall	Wheeler
Edge	Keyes	Sheppard	

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Colorado [Mr. PHIPPS], and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Legislature of the State of Montana, which was referred to the Committee on Post Offices and Post Roads:

House Joint Resolution 1

A concurrent resolution memorializing Congress to pass and the President to approve at this session House Resolution 14665, by COLTON, as amended

Whereas there is now pending before the Seventieth Congress, second session, House Resolution 14665, by COLTON, as amended, entitled "A bill to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes"; and

Whereas the purpose of said House Resolution 14665 as amended, is to authorize the appropriation, out of any money in the Treasury not otherwise appropriated, for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations:

The sum of $3,500,000 for the fiscal year ending June 30, 1929;

The sum of $3,500,000 for the fiscal year ending June 30, 1930;

The sum of $3,500,000 for the fiscal year ending June 30, 1931; and

Whereas the State of Montana has 1,183 miles on 56 routes on their forest highways of which 178 miles are improved, 146 graded, and 858 miles unimproved, the estimated cost of completing the total forest highway system in Montana to a standard adequate for traffic and to compare with State and Federal aid style of construction is $13,418,892, while our present annual appropriation in Montana for forest highway construction is but $350,000; and

Whereas the State highway commission has sufficient revenue to complete the graveling of the uncompleted Federal-aid roads in the State in eight years, but this measure does not contemplate taking in the forestry mileage on that system so at the present rate of appropriations it will take about 30 years to finish the total forestry mileage; and

Whereas a large percentage of this forest highway is in mountainous sections where the construction cost will be from $15,000 to $20,000 per mile and the connections between Montana and Idaho will be particularly costly and take many years to finish; and

Whereas the speedy completion of the forest roads in the Northwestern States is really of national importance and the road situation in western Montana presents exceptional difficulties, the cost of completing the forestry mileage in six counties alone being $7,180,000; and

Whereas the total acreage of the national forests in Montana is 15,919,690 or about 17 per cent of the total area of the State and this territory contains about half of the road-building difficulties in Montana and it is in the northwestern area of Montana that interstate travel is blocked until the Belton-Glacier Road is completed: Now, therefore, be it

Resolved, That the Legislature of the State of Montana, the governor concurring, hereby recommends the prompt passage of House Resolution 14665, by COLTON, as amended, at this session of Congress, in order that the construction of roads as therein provided may be undertaken at once, and their completion expedited.

Approved by J. E. Erickson, governor, February 13, 1929.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

Senate Joint Memorial 7

A resolution memorializing the Congress of the United States requesting the passage of necessary legislation providing for an increase of the tariff on flaxseed and flaxseed products

To the honorable Senate and House of Representatives in the Congress of the United States:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, respectfully request: That—

Whereas flax is one of the important crops of our Northwestern States and is grown quite generally in Montana and to the extent of its planting tends to replace a similar acreage of wheat of which a greater acreage is now planted than is to the best interests of the producers; and

Whereas this country does not now produce a surplus of flaxseed, an increased tariff on this commodity should immediately result in a larger acreage being planted and an improvement in price to the producer together with a measure of relief to the wheat-growing situation: Now, therefore, be it

Resolved, That it is the sense of this Twenty-first Legislative Assembly of the State of Montana that the Congress of the United States place a duty on flaxseed of 1½ cents per pound in lieu of the present rate of 40 cents per bushel of 56 pounds and also a proportionate duty upon flaxseed products; and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state for Montana to the Senate and House of Representatives of the United States, to each of the Senators and Representatives of the State of Montana in Congress, also to the Tariff Commission and the Ways and Means Committee of the National Congress with the request that they and each of them exert every effort within their power to bring about the enactment of the tariff legislation herein expressed.

Approved by J. E. Erickson, governor, February 22, 1929.

Mr. BROOKHART presented a memorial of the national executive committee of the Private Soldiers' and Sailors' Legion, which was ordered to lie on the table and to be printed in the RECORD, as follows:

PRIVATE SOLDIERS' AND SAILORS' LEGION
OF THE UNITED STATES OF AMERICA,
Washington, D. C., February 26, 1929.

A memorial to the honorable the United States Senate:

The national executive committee of the Private Soldiers' and Sailors' Legion at its annual meeting, held at national headquarters, Washington, D. C., February 22, 1929, adopted the following memorial and directed that it be placed before the Congress with a request that it be given earnest consideration:

In May, 1924, Congress enacted the adjusted compensation act for ex-service men who made up the armed forces of the United States during the World War. This action was a specific acknowledgment that the Government was under financial obligation to these veterans for services loyally and faithfully rendered.

However, in admitting this debt, Congress directed that its payment be deferred for a period of 20 years, with an additional proviso that after two years the holder of an adjusted-compensation certificate might secure a loan representing a fractional part of the face value of the certificate at the time the loan was made.

Records of the United States Veterans' Bureau disclose that under the terms of the adjusted compensation act nearly 3,500,000 certificates have been issued, with a face value of $3,453,142,107.

The Veterans' Bureau has made loans aggregating approximately $100,000,000 to certified holders. It is estimated that probably an equal sum has been loaned on certificates by banks.

The fact that so many certificate holders have been compelled to hypothecate their certificates for small advances indicates so many ex-service men would not, in effect, sacrifice the full benefit of the grant to meet a temporary emergency.

It is probable that in a great majority of instances loans made against certificates will not be repaid, for the good and sufficient reason that the borrowers are not able to liquidate their indebtedness to the Veterans' Bureau and to banks. To the extent that default is made will the intent of Congress be defeated, since a substantial portion of the bonus will be dissipated in interest charges, that will continue until the expiration date of the certificates and be deducted therefrom before payment is made to certificate holders.

The face value of certificates outstanding represents a solemn obligation entered into in good faith by the Government, and it must eventually be paid in full.

It is the deliberate conviction of the Private Soldiers' and Sailors' Legion that the Government, as a duty it owes the national defenders, should at the earliest available date call in these certificates for payment, and we go on record as urging upon Congress the enactment of the necessary legislation to that end.

We take this stand because of the heavy sacrifices that must inevitably confront tens of thousands of ex-soldiers who have borrowed against their certificates and are unable to liquidate their loans. We are also mindful of the necessities of hundreds of thousands of these veterans who need assistance now and not 15 years hence.

Certainly the Government is better able to carry this acknowledged indebtedness than are the ex-service men, the majority of whom have no financial reserves and whose needs are immediate and imperative.

In the settlement of the indebtedness of European governments our Government has been exceedingly generous, deducting from obligations made to us in good faith hundreds of millions of dollars.

Billions of dollars have been advanced to other governments since the armistice, being justified by the desire of our people that other peoples shall be economically restored and enabled to recover from losses sustained during the war.

From the Treasury of our Government have flown out other hundreds of millions of dollars to great corporations, which made enormous profits during the war, the refunds being in large part excess profits made during a period when the ex-service men were serving the Government for $30 a month.

The adjusted compensation was intended to partially compensate these former soldiers for sacrifice they cheerfully made, when noncombatants were receiving enormously high profits and wages for their contributions to the national defense.

Is there any justice in compelling ex-service men to be patient debtors, while others who have less claim on the Government have been, and are being, treated with unwonted generosity?

We think not. On the contrary, we say in all sincerity that the claims of the former soldiers are entitled to prior consideration.

Therefore we earnestly urge that Congress immediately enact legislation directing the Veterans' Bureau to liquidate and cancel all adjusted compensation certificates as rapidly as the Treasury can make the necessary financial arrangements. To this end, we suggest that Treasury certificates, or adjusted compensation bonds in the amount needed, to cancel the entire obligation be authorized by Congress, to be redeemable when and as it is deemed desirable by the Treasury Department.

In offering this memorial to Congress, this organization is speaking in behalf of its entire membership, and also in behalf of millions of former service men who never have been satisfied with the deferred-payment plan, and accepted it reluctantly and protestingly.

Respectfully submitted.

NATIONAL EXECUTIVE COMMITTEE, PRIVATE SOLDIERS' AND SAILORS' LEGION,
MARVIN GATES SPERRY, *National President*,
[SEAL.] G. J. BRESKELL, *National Secretary*.

Mr. KENDRICK presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Irrigation and Reclamation.

TWENTIETH LEGISLATURE, STATE OF WYOMING,
IN THE SENATE.

Enrolled Joint Memorial 3

An act memorializing the Congress of the United States to make restitution to the State of Wyoming of the moneys heretofore and hereafter to be paid into the reclamation fund by reason of the development of the mineral resources of this State

Be it enacted by the Legislature of the State of Wyoming:

Whereas there has been placed in the reclamation fund under the supervision and direction of the Interior Department of the United States of America in the last 15 years approximately $28,000,000 aris-

ing from Federal oil royalties upon petroleum and minerals produced in the State of Wyoming; and

Whereas during the entire lifetime of this State there has been expended in the State on development, construction, and operation for reclamation projects in this State approximately $17,000,000; and

Whereas there is now a great and pressing need for the construction of additional reclamation projects in this State; and

Whereas said reclamation fund has been built up very largely through the depletion of the natural resources of this State, and the said natural resources are being continually and rapidly depleted without any possibility of their replacement or renewal; and

Whereas the amount of money accruing annually to the United States reclamation fund from Wyoming oil royalties is rapidly decreasing year by year to such an extent that the amount of money allocated to the reclamation fund from oil royalties during the year of 1928 was only $1,543,372.49, a fraction of the amount allocated during preceding years; and

Whereas by recently approved plans the Congress of the United States has made possible the construction of an immense irrigation project upon and adjacent to the Colorado River, and has thereby delayed the probability of construction of other new reclamation projects; and

Whereas this State has no funds or means of obtaining funds for the construction of her own irrigation projects unless the Government of the United States can be prevailed upon to return to the State of Wyoming for the construction of irrigation projects within the State its just and equitable share of the moneys heretofore and now being paid to the Federal Government by reason of the development and depletion of the natural resources of the State; and

Whereas the assessed valuation of the State of Wyoming in the 15-year period from 1912 to 1927 increased from $182,028,280 to $461,685,564, or over a quarter of a billion dollars, and said increase in assessed valuation was in a large measure due to the development of industries engaged in mining, producing, and depleting the natural resources of the State and increasing the said reclamation fund herein mentioned; and

Whereas it is the sense of the legislature that the State of Wyoming is rightfully entitled to have returned to it, and spent within its borders on development of reclamation projects, a sum of money equivalent to the amount heretofore paid into said reclamation fund from the development and depletion of our natural resources, and that in equity and justice this State is entitled to the return of such amount of money and the return of all future amounts of money accruing from such sources: Now, therefore, be it

Resolved by the senate of the twentieth State legislature (the house of representatives concurring), That the Congress of the United States of America be, and the same is hereby, memorialized as follows, to wit:

By appropriate legislation to return to this State, for the purpose of construction, operation, and maintenance of certain reclamation projects heretofore approved by the engineers of the Reclamation Service, or others that may be hereafter approved, a sum of money equivalent to the difference between the amount heretofore paid into the said reclamation fund by reason of the development of the petroleum industry in this State, and such amount of money as has heretofore been spent on reclamation projects in this State; and that Congress shall agree, by appropriate legislation, to return to this State, for use and expenditure by the proper officials of the State government, all money hereafter accruing to said reclamation fund by reason of such mineral development in and depletion of the natural resources of this State; and be it further

Resolved, That certified copies of this memorial be addressed and sent to Senator FRANCIS E. WARREN, Senator JOHN B. KENDRICK, and Hon. CHARLES E. WINTER, Representative in Congress from the State of Wyoming.

MARVIN L. BISHOP, Jr.,
Speaker of the House.
FRANK O. HORTON,
President of the Senate.

Approved at 10.45 a. m., February 25, 1929.

FRANK C. EMERSON, *Governor.*

Mr. BLAINE presented a joint resolution of the Legislature of the State of Wisconsin, favoring the early completion of the Great Lakes-St. Lawrence waterway project and the prompt negotiation and ratification of a treaty with Canada on the subject, which was referred to the Committee on Foreign Relations.

(See joint resolution printed in full when presented by the Vice President on the 1st instant, page 4815 of the RECORD.)

Mr. BLAINE also presented a joint resolution of the Legislature of the State of Wisconsin, favoring the prompt enactment of legislation either repealing the national-origins clause of the immigration act of 1924 or indefinitely postponing the time of its taking effect, which was referred to the Committee on Immigration.

(See joint resolution printed in full when presented by the Vice President on the 1st instant, page 4816 of the RECORD.)

Mr. BINGHAM presented a petition of members of the Swedish Congregational Church of Bridgeport, Conn., praying for the passage of the so-called Nye resolution to postpone the operation of the national origins provision of the existing immigration law and also for the ultimate repeal of that provision, which was referred to the Committee on Immigration.

SINCLAIR ROYALTY OIL CONTRACT, SALT CREEK OIL FIELD, WYOMING

Mr. NYE, from the Committee on Public Lands and Surveys, submitted a report (No. 1662, pt. 2), pursuant to Senate Resolution 202, relative to the Sinclair royalty oil contract, Salt Creek oil field, Wyoming.

CODIFICATION OF THE NAVIGATION LAWS

Mr. JONES. Mr. President, I have in my hand, in the form of a bill, a codification of the shipping and navigation laws, which has been prepared by John S. Woodruff, one of the most faithful and industrious men on the Shipping Board. He had this ready some little time ago, but was working on the revision of the laws. He worked day and night on this codification, and I think it had much to do with his untimely death. I desire to have the bill printed, so that it may be available for the public generally during the summer.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES introduced a bill (S. 5902) to codify the shipping and navigation laws of the United States, and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

BILL INTRODUCED—MONUMENT TO DANIEL BOONE

Mr. BARKLEY introduced a bill (S. 5903) to provide for the erection of a monument to Daniel Boone and his company of pioneers at Fort Boonesboro, Ky., which was read twice by its title and referred to the Committee on the Library.

REPORT ON INDIAN FUNDS (S. DOC. NO. 263)

Mr. FRAZIER. I ask unanimous consent to have printed with an illustration as a Senate document the report of the amount of the funds of Indians, the investment thereof, the rate of interest thereon as of June 30, 1928, together with comments pertinent to the uses made of such funds, which was laid before the Senate on yesterday in a communication from the Comptroller General of the United States.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 5332) to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4244) for the relief of Joseph Lee.

The message further announced that the House had passed the bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9054) to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States circuit judges, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes.

The message further announced that the House had returned to the Senate, in compliance with its request, the bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt.

The message also announced that the House declined to return to the Senate, in compliance with its request, the bill (S. 5715) for the relief of J. F. B. Wilder.

The message further communicated to the Senate the intelligence of the death of Hon. ROYAL H. WELLER, late a Representative from the State of New York, and transmitted the resolutions of the House thereon.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 399) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements, and it was signed by the Vice President.

ENTRY OF CERTAIN ALIENS TO THE UNITED STATES

Mr. WAGNER obtained the floor.

Mr. JOHNSON. Mr. President, will the Senator yield to me for a privileged matter that I may call up a conference report concerning which there will be no debate, I assume; and if there is, I will not press it?

Mr. WAGNER. I am willing to yield for that purpose.

Mr. JOHNSON. On yesterday I presented the conference report upon what is called the Blease bill, which was introduced in relation to the immigration law. It is the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law. The House has accepted it, and it is now before us. The bill is one presented and approved by the department. I ask that the Senate agree to the conference report.

Mr. HEFLIN. Mr. President, I hope the Senator can do that a little later in the day. I would like to look into it.

Mr. JOHNSON. Very well. May I suggest to the Senator that he will find the conference report in the RECORD of yesterday's proceedings at page 4891. It was presented and printed in order that if any Senator wished to read it he might do so. I shall call it up later in the day.

PRESERVATION OF ORDER IN THE SENATE

Mr. WAGNER. Mr. President——

Mr. COPELAND. Mr. President, will my colleague yield for a moment?

Mr. WAGNER. Certainly.

Mr. COPELAND. I was required for eight hours yesterday to observe the rules of the Senate, and one of those rules provides that order shall be maintained. I am going to insist all day to-day and until the close of this Congress that order shall be maintained. I ask the Presiding Officer to be good enough to have Senators take their seats and keep quiet in order that we may hear the proceedings of the business of the Senate.

The VICE PRESIDENT. The Senate will be in order.

CENTENARY OF BIRTH OF CARL SCHURZ

Mr. WAGNER. Mr. President, thousands were born on March 2, 1829. On the one hundredth anniversary of that day the United States Senate pauses in its deliberations to pay homage to only one of that great multitude—the unforgettable Carl Schurz. Why do we pay this tribute? Why these commemorative exercises? What wonders did this man work that the oldest and the youngest of the great Republics—the United States and Germany—both unite in a common expression to honor his memory?

As I recall the successive episodes of that great career—the war against monarchy, the battle against slavery, the crusade against imperialism, the unremitting fight for civil-service reform, for honest elections, for integrity in public office, for good morals in politics—I cease to wonder that we celebrate this day. Now in retrospect the full size of that great figure looms up out of the past. Another and more subtle question occurs to me: What springs of genius did this extraordinary man tap? What reserves of moral energy did he draw upon that he should have so readily and so rapidly won his way to leadership and made himself the object of the admiration and affection of the American people?

We measure men not only by the heights they reach, but by the handicaps they overcome in the climb. Carl Schurz's greatness signalized by his elevation to the Cabinet, the highest post of honor permitted him under the Constitution, is augmented by the consideration that he started life in a peasant family under an absolute monarchist Government, 3,000 miles from the stage whereon he was destined to play a leading rôle.

It would be a presumption to narrate in this Chamber the story of Carl Schurz's life. It is too well known. The short time that has elapsed since his death has already transmuted that story into legend and given it the dignity of tradition, but it is altogether proper that we should study the meaning and significance of that tradition.

To Carl Schurz America was never a geographic term. He never thought of America as a choice segment of the earth's surface. To him it represented a concept, an ideal land where freedom reigned and opportunity was the heritage of all.

It was on a damp, foggy day in the autumn of 1852 that, sitting on a bench in Hyde Park, Carl Schurz decided to go to America. He had rebelled against the absolutism and the national disunion of his fatherland, and had lost. He had lived the hollow life of the refugee and had wearied of it.

Let me read to you his own words how he came to that decision:

> I felt an irresistible impulse not only to find for myself a well-regulated activity, but also to do something really and truly valuable for the general good. But where, and how? The fatherland was closed to me. England was to me a foreign country, and would always remain so. Where, then? To America, I said to myself. The ideals of which I have dreamed and for which I have fought I shall find there, if not fully realized, but hopefully struggling for full realization. In that struggle I shall perhaps be able to take some part. It is a new world, a free world, a world of great ideas and aims. In that world there is perhaps for me a new home. Where there is liberty there is my fatherland. I formed my resolution on the spot. I would remain only a short time longer in England to make some necessary preparations, and then—off to America!

When he arrived Schurz was in a certain sense a foreigner. In a higher sense he had been a resident of his ideal America ever since his youthful heart had rebelled against the oppression of monarchical government. For his ideal America he had fought in Germany and he wrought for her in France, and thought of her in England, and when he came to the United States he continued to live in that land of his aspirations, the land of freedom and opportunity. When he led his regiment in battle to secure freedom for the black man or reorganized a governmental bureau in order to provide opportunity for the red man; when he counseled sympathy for the war-torn South; when in this very Chamber he insisted that the popular voice expressed in an election must be protected from dishonesty and fraud; when he deserted his party because its presidential candidate was not above suspicion; when he devoted his heart and soul to each of these causes, he was still obeying that same impulse which had sent the young zealot to America in search of fertile lands in which to sow his democratic ideas.

His heart was that of a rebel, his mind that of a constructive statesman. He rebelled against slavery. He rebelled against the spoils system and the party strait-jacket. But he rebelled only when a principle was at stake. Many a man has never deserted his party! Schurz never betrayed his principles!

Schurz, the most distinguished member of the German forty-eighters, brought with him a great quality of which he made a gift to the American people, his practical idealism. He summed up his political philosophy in his own unexcelled phrase:

> My country right or wrong. If right, to be kept right; if wrong, to be set right.

During the dark and trying days when wise men differed how best to bring regeneration to the South, it was well for the United States to have a man high in its counsels who always shifted the ground of debate from partisanship to policy, from expediency to everlasting principle. I make the prediction that history will credit his inspiration with the development of progressive liberalism in this country.

Another aspect in Carl Schurz's record is meaningful not so much for what he did but for what he was permitted to do. No one can underestimate the part which the tolerance and generosity of the American people played in his eventful life. He came from a foreign land a grown man, ignorant of our language and unfamiliar with our institutions. When he knocked we bade him enter and made him welcome. He offered his services and we accepted them, and thereby added another inspiring illustration of America's cardinal institution, that all who wish may join her colors without regard to race or creed or origin. I intend no invidious distinction when I say that it could not have happened under any other flag but ours.

General Schurz, Editor Schurz, Senator, Secretary, to whatever title he bore he brought added distinction. His life was a dramatic poem, his death the swan song of an epoch. We do well to honor him here in this very Chamber, still redolent of his memory, still resonant with his voice.

CARL SCHURZ—LOVER OF LIBERTY

Mr. BLAINE. Mr. President, of all the gifted men who have come to our shores in the past 100 years none has contributed in such marked degree to the building and upholding of our political ideals as has Carl Schurz—lover of liberty. To no other title has he greater claim, for love of liberty was the motive that guided all his actions. Let Schurz speak for himself:

> Oh, my friends, you can not imagine what electric thrill the word "liberty" sends through the heart of a man whose head is borne down by the leaden weight of oppression. You perhaps have never measured the incalculable value of the treasures you possess. Do not, I implore you, do not jeopardize them in a wanton race of ambition and greediness. Do not, like a spendthrift, squander your noble inheritance, vainly

imagining that it is inexhaustible. Liberty is valued most when lost, but then it is too late, and I tell you your institutions do not stand as firmly as the pillars of heaven. You are wielding yet the formidable mace of self-government. Lift it high and throw it down with a crushing blow upon the head of the serpent.

The world first heard of him, a boy of 20, bearing arms in the fight against oppression in 1848 and a little later it thrilled to the story of his daring rescue of his friend Kinkel from the military prison at Spandau. From his exile in England his thoughts turned to America. He revolted at the idea of becoming a professional refugee—Schurz was no parlor liberal—he demanded action—and as his hopes of an immediate revolution in Germany waned, his desire to find a field for his efforts grew. He decided that if he could not become a citizen of a free Germany, he could become a citizen of free America.

At the age of 23, with his young wife of 18, he reached this country September 17, 1852. He wrote his friend Kinkel:

As long as there is no upheaval of affairs in Europe it is my firm resolve to regard this country not as a transient or accidental abode but as the field for my usefulness. * * * I find that the question of liberty is in its essence the same everywhere, however different its form. * * * My interest in the political contests of this country is so strong, so spontaneous, that I am profoundly stirred. More self-control is required for me to keep aloof than to participate in them.

The question of free or slave territory was then entering its last bitter stage, and Schurz firmly believed that not until slavery was abolished in this country would the United States be a world influence in the liberal cause. So with the zest of youth he threw himself into the struggle.

Relatives had preceded him to Wisconsin and it is probably their accounts of its lakes and wooded hills and fertile fields that influenced him to settle at Watertown, Wis., although he made a tour of the country before coming to a decision.

His letters show how intimately he entered into the life of the little town. He was president of an insurance company and had a real-estate business. He became a member of the city council and was appointed commissioner of public improvement, a position which he thought the most important of the municipal offices. The governor appointed him a notary public and he established a German newspaper now edited by one of his disciples, Otto R. Krueger, of Watertown. Mrs. Schurz opened the first kindergarten in the United States and Schurz was made a regent of the State university which a half century later created the Carl Schurz memorial professorship in his honor. The State has further acknowledged its indebtedness by the compilation of a volume of intimate letters, and a biography, written by Dr. Joseph Schafer, superintendent of the State Historical Society of Wisconsin, is in the process of publication. In these volumes may be found much new material that throws a flood of light on Schurz's course as a champion of liberty.

In view of his contacts it is no surprise to find him, in 1856, an active force and a powerful factor among the Germans who had settled in great numbers in the eastern part of the State. His German birth combined with his superior education and qualities of leadership soon made him a great influence in the State and gave him a voice in its affairs. Nor was his influence confined to those of German birth, for he wrote to his friend Kinkel:

A German who, as they declare, speaks English better than they do and also has the advantage over their native politicians of possessing a passable knowledge of European conditions naturally attracts their attention.

Schurz was fully conscious of the possibilities attendant upon his settling in such a community for he confided to his friend:

The German element is powerful in that State and they are striving for political recognition. They only lack leaders who are not bound by the restraints of money getting. There is the place where I can find a sure, gradually expanding field for my work without truckling to the nativistic [Know-Nothing] elements, and there I hope in time to gain influence that may also become useful to our cause. [By "cause" he meant the revolutionary movement in Germany.]

When Schurz made his entry into Wisconsin politics, the Know-Nothing movement was determined to deprive the foreign-born population of any political power, a policy which, naturally, forced the German element to support the Democratic Party. But on the question of free soil the northern and southern Democrats and Know-Nothings split. Schurz believed that the new Republican Party, which opposed the extension of slavery and which was being formed out of fragments of the other parties, could win over to its side many of the free-soil Democrats and it was on that theory and in support of that principle that he gave his whole-hearted support to the election of Frémont. In every community where a group of Germans could be brought together he spoke to them in their own language, and it is largely due to his conversion of thousands of Democrats that the Republican candidate, Frémont, carried the State by a majority of 15,000. In recognition of his efforts he was nominated for the office of lieutenant governor the following year—an honor which he missed by 107 votes. He was further chagrined when he was defeated for the nomination for the governorship in 1859. So were some of the Germans, and they threatened to bolt on the grounds that the Know-Nothings were the cause of his rejection. But in the face of these rebuffs, Schurz was able to see that principle was a bigger thing than personal recognition and urged his friends to stand by the ticket with the result that the Republican candidates, including his opponent, were elected.

The German element was justified in its desire to see Schurz receive the nomination as a reward for his efforts, for, in addition to his earlier efforts in 1858, he had succeeded in winning an election for the first time for the Republican Party in the city of Milwaukee. His campaign was made on an issue against corruption and he thought the election was a triumph of "moral independence over moral servitude, or manhood over servile partisanship." In a speech celebrating the victory he announced the principle that "it is the duty of the citizen to discipline parties by making his support contingent upon their moral rectitude."

In 1860 he was nominated for delegate at large from Wisconsin to the National Republican Convention held in Chicago May 15. As characteristic of him, a week later he wrote Abraham Lincoln:

As a man of honor and faithful to the wishes of my constituents, I stood by Governor Seward for the nomination. If I am able I shall do the work of a hundred men for Abraham Lincoln's election. * * * I shall carry into this struggle all the zeal and ardor and enthusiasm of which my nature is capable.

Since the Republican Party, due to his efforts, had pledged itself in its platform to maintain the rights of foreigners, Schurz had every confidence that the Germans who had been firmly attached to the Democratic party could be won by thousands to the Republican banner. His speeches, prior to this time, had made him known throughout the country as a champion of liberty, and after the convention he began a continuous speaking campaign in New York, Pennsylvania, Ohio, Illinois, and Indiana. His printed speeches were distributed all over the country by hundreds of thousands and he gained for himself the distinction of being called "that tremendous Dutchman."

He had successively brought the city of Milwaukee, the State of Wisconsin, and then the States of the Northwest into the Republican Party; perhaps no one man had contributed more to its growth. Because of that fact he felt under no bond to that party when it deviated from the path of what he thought was right and just. In this connection President Cleveland said of him on a former occasion:

In recognition of the affirmation that ours is a government by party, he did not disparage political organization, or hold himself aloof from party affiliation. He assumed party relationship as an arrangement for united effort in the accomplishment of purposes which his judgment approved; but he never conceded to party allegiance the infallible guidance of political thought, nor the unquestioned dictatorship of political conduct. He believed there was a higher law for both, and the din of party could not deafen his ears to the still small voice of conscience. Thus it happened that when party commands were most imperious and when punishment for party disobedience was most loudly threatened, he defiantly proclaimed under the sanction of conscience, untrammelled political thought and unfettered political action; and thus in the propaganda of political individualism he became a leader, and taught by precept and example the meaning and intent of independent voting.

* * * But no intelligently patriotic citizen can be blind to the fact * * * that the political independence declared and illustrated by Carl Schurz has become a defense and safeguard of the people against the evils that result from the unchallenged growth of irresponsive party management.

Political independence was his virtue. He never regarded a political party as an end. His independence is best expressed in his own words when he said:

As a member of a party I do not cease to be a citizen. Under all circumstances the duties which I owe as a citizen to my country are superior to the duties which I can possibly owe to any party. When I go as a delegate to a party convention, I consult with others as to what may be best for party action. When as a voter I go to the polls, I consult my own conscience about what is best for the country's welfare. And if I conscientiously find that what the party demands is not for the good of the country, then it is not only my right but my duty as a citizen to vote against it.

In this Chamber, while a Member of the Senate, he denounced the imperialistic doctrine of President Grant as "a most absurd, most audacious, and most un-Republican doctrine."

He entreated the Senate and adjured the American people "by the love which they bear to their country, by the inheritance of peace and good government which they desire to leave to their children, and by the hopes of liberty-loving mankind which are centered upon this Republic" to keep our hands off the Republics to the south of us.

I have briefly sketched the life, the influence, and the philosophy of this immigrant boy.

If we were to take a lesson from the life and work of Carl Schurz, we would hear less of the modern Know-Nothing and his empty and sham pretenses.

If this century were to draw from the abundance of Carl Schurz's liberalism, a certain nativistic degeneracy would not seek to deprive America of the infusion of blood from his great race and from other great races of Europe.

Carl Schurz left his indelible impress on the social and political thought of my State. He was our heritage. Wisconsin has been attached to his political philosophy for almost three-quarters of a century. This fact accounts for the early leadership of my State in progressive and liberal thought.

But Schurz had his copatriots, tens of thousands of them of his own blood and other tens of thousands of the blood of other nationalities.

He was a crusader for liberty, a scholar, a patriot, and a philosopher.

He believed the watchword of true patriotism to be, "Our country, when right to be kept right; when wrong to be put right."

PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana. I present a conference report on House bill 16878, an omnibus pension bill. It is a complete agreement between the two bodies. I ask unanimous consent for its immediate consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language proposed in the Senate engrossed amendment insert the following:

Page 4, paragraph 3:

"The name of Mary C. Von Ezdorf, widow of Rudolph H. Von Ezdorf, late assistant surgeon, United States Public Health Service, and pay her a pension at the rate of $50 per month."

And the Senate agree to the same.

ARTHUR R. ROBINSON,
PETER NORBECK,
DANIEL F. STECK,
Managers on the part of the Senate.
HAROLD KNUTSON,
J. M. ROBSION,
WILLIAM C. HAMMER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

TREATY WITH LOYAL SHAWNEE INDIANS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868, which was on page 2, line 10, to strike out all after "provided," down to and including the word "States," in line 21, and to insert:

That there shall be paid to the duly authorized attorneys of said respective Loyal Shawnee Indians, their duly proven and established heirs, or their attorneys in fact, 5 per cent of the amount due on the respective claims of said Indians against the Government, when said Indians' right to receive payment is established: *And provided further,* That before payment of the amount due said Loyal Shawnee Indian or his heirs or assigns or to their duly authorized attorneys, receipt shall be executed by or on behalf of said Indian claimants, or their legal representative, acknowledging payment of their claim against the United States, which receipt shall be approved by the Commissioner of Indian Affairs.

Mr. THOMAS of Oklahoma. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I have here certain conference reports which I desire to present. I first send to the table a conference report, being a complete agreement, on the first deficiency appropriation bill, and move the adoption of the report.

Mr. ODDIE. Mr. President, I should like to ask the Senator from Wyoming a question.

Mr. WARREN. I should like first to have the report read, so that Senators may know what it is.

Mr. McKELLAR. Mr. President, I will have something to say about the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"House Office Building: Toward carrying out the provisions of the act entitled 'An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives,' approved January 10, 1929, including not to exceed $900,000 for acquisition of a site, expenses of removal of buildings and other structures located upon the site acquired, printing and binding, and miscellaneous expenses, $2,100,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That no part of the foregoing appropriation shall be used to pay any refund of an income or profits tax pursuant to a claim allowed after the enactment of this act in excess of $20,000 (other than payments in cases in which a suit in court or a proceeding before the Board of Tax Appeals has been or shall be instituted or payments in cases determined upon precedents established in decisions of courts or the Board of Tax Appeals) unless a hearing has been held before a committee or official of the Bureau of Internal Revenue; and the decision of the Commissioner of Internal Revenue in any such refund allowance in excess of $20,000 shall be a public record"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"BUREAU OF PROHIBITION

"For an additional amount for enforcement of the national prohibition act, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, fiscal years 1929 and 1930, $1,719,654, of which not exceeding $50,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing and other necessary expenses in connection therewith."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For

the purposes of a thorough inquiry into the problem of the enforcement of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, together with the enforcement of other laws, $250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall report the result of such investigation to the Congress together with his recommendations with respect thereto. Said sum to be available for the fiscal years of 1929 and 1930 for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act"; and the Senate agree to the same.

F. E. WARREN,
CHARLES CURTIS,
HENRY W. KEYES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

ELIZABETH QUINERLY CUMMINGS

Mr. McKELLAR obtained the floor.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. OVERMAN. When the calendar was called last night I could not be here on account of illness, and two bills in which I am interested were objected to by the Senator from Utah [Mr. KING]. He has withdrawn his objection, and I ask unanimous consent that they may be taken up. They will lead to no discussion at all.

Mr. WARREN. Mr. President, what has become of the conference report that was temporarily laid aside?

Mr. OVERMAN. The consideration of these bills will take but a moment.

Mr. WARREN. Let us take them up in regular order.

Mr. OVERMAN. They could have been passed by this time.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the request of the Senator from North Carolina?

There being no objection, the bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH DORTCH

Mr. OVERMAN. I now ask for the consideration of House bill 16090.

The bill (H. R. 16090) for the relief of Hugh Dortch was considered as in Committee of the Whole by unanimous consent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REAPPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that the bill for the reapportionment of Representatives in the Congress will not be acted upon before the adjournment of the present session of the Congress, but will be before the Senate in the next Congress, I request that correspondence which I have had, containing memoranda on the mathematical aspects of the different methods of reapportionment, submitted by the National Academy of Sciences and Edward B. Huntington, professor of mathematics, Harvard University, be inserted in the CONGRESSIONAL RECORD.

Mr. VANDENBERG. Mr. President, in the same connection I ask that my correspondence with Professor Huntington may accompany that submitted by my friend the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CAMBRIDGE, MASS., *February 28, 1929.*

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

MY DEAR SENATOR VANDENBERG: May I inquire whether you are correctly reported on page 4244 of the CONGRESSIONAL RECORD for Monday, February 25, 1929, where you are quoted as saying that "the advisory committee to the Director of the Census recommends that the system of major fractions be employed"?

The published report of the advisory committee recommends the method of equal proportions.

The published report of the advisory committee was first printed in the Journal of the American Statistical Association for December, 1921, and was reprinted in the CONGRESSIONAL RECORD for April 7, 1926, and in the hearings before the House Committee on the Census for 1927, and in the hearings before the House Committee on the Census for 1928.

This unanimous report was signed by Profs. C. W. Doten, E. F. Gay, W. C. Mitchell, E. R. A. Seligman, A. A. Young, and the late Mr. W. S. Rossiter, and concludes in favor of the method of equal proportions.

On February 21, 1928, Professor Willcox suggested to the House Committee on the Census (hearings, p. 89) that the matter be again considered by the advisory committee, but as far as I know no action was taken by the committee.

If the advisory committee has taken any action which repudiates their published report, should not this fact be made a matter of public record?

Very sincerely yours,

EDWARD V. HUNTINGTON,
Professor of Mechanics, Harvard University.

MARCH 2, 1929.

Prof. EDWARD V. HUNTINGTON,
48 Highland Street, Cambridge, Mass.

MY DEAR PROFESSOR: This will reply to your letter of February 28. I am correctly quoted in the CONGRESSIONAL RECORD for Monday, February 25, 1929. My authority for the statement I made is the following paragraph from a letter dated February 4, 1929, and addressed to me by Professor Willcox: "May I add as confirming your position that last May when the advisory committee to the Director of the Census was in session at the time of the House debate on apportionment, I took the matter up with them and all agreed that in a bill for ministerial apportionment like that now before the Senate, the method of major fractions should be prescribed. Of course, they took no vote, so this statement can not be confirmed in the committee report."

I know that you are in basic disagreement with Professor Willcox as to apportionment methods. But I assume you will consent that I am entitled to rely upon his statements of abstract fact. You will notice in the same debate from which you quote that I subsequently interrupted Senator BLACK and asked him if he would permit me to quote my authority, but he declined. It was my intention at that particular point to do the particular thing which you now suggest, namely, to make this fact a matter of public record.

I am glad that you have read these debates. You will see what has happened. Reapportionment again has been defeated in the Senate. * * * The handiest "excuse" was the academic quarrel over a mathematical method for handling remainders. Thus the tail again has wagged the dog. Based on the 1920 census, the difference between "major fractions" and "equal proportions" involves just 3 seats out of 435. Thus we confront the contemporary spectacle that the mathematical destiny of 3 seats is permitted to overshadow and outrage the constitutional destiny of 432 seats.

I think this situation has been pathetically unfortunate, and I deeply regret that so much artificial emphasis should have been put upon a comparatively minor consideration. * * *

The basic problem is not mathematical at all, but rather it is a problem in correct constitutional interpretations. I take the position that the Constitution intends that equal representation in the Senate shall balance authority as between large States and small States; and by the same token, that authority in the House of Representatives shall be apportioned to population without considering whether this population resides in a large State or in a small State. In other words, I contend as a constitutional axiom that a given individual or group of individuals should have as nearly as may be the same weight in choosing Representatives for the House whether they happen to live in the large States or in the small States. Doctor Willcox declares that the method of major fractions is the only method in the long run that secures this end. (House Hearings, February 21, 1928, p. 67.) Supporting this view is the testimony of such men as Prof. Frederic A. Ogg, of the department of political science of the University of Wisconsin; Prof. Thomas H. Reed, of the department of political science of the University of Michigan; Prof. Charles K. Burdick, dean of the Cornell University Law School; Prof. J. S. Hall, dean of the University of Chicago Law School; Prof. Max Farrand, former professor of American history at Yale, and now director of research in the Huntington Library at Pasadena, Calif.

When I originally approached this problem of reapportionment I did so with an open mind. My ultimate conclusions were reached with an eye to results rather than mere futility of argument. The House of Representatives decided for itself to recommend major fractions. There is constitutional warrant for major fractions. Therefore I stood for major fractions and so did the Senate Committee on Commerce. Then came the unfortunate detour. Quarreling over mathematics the Senate once more permitted the basic constitutional mandate to be given another anesthetic.

The contest will be renewed in the approaching extra session. The reapportionment bill will be reintroduced into the Senate on the first

day of the extra session. I am suggesting to the members of the Committee on Commerce to study the problem of fractions in the interim before Congress again meets. I have no pride of opinion regarding this comparatively minor phase of the problem. In fact, I will frankly say to you that I consider it so utterly secondary to the main objective that I am perfectly willing to treat it from the standpoint of expediency and to take whichever method will best win a Senate and House majority. But I do hope that when next a reapportionment measure is reported and a mathematical process thus accepted that there will cease to be external debate over this phase of the problem which encourages continued internal division * * *.

I beg your indulgence for the length of this communication. But it indicates how highly I value your good opinions and how much I appreciate your interest in this problem.

With warm personal regards and best wishes, I am,

Cordially and faithfully,

A. H. VANDENBERG.

CAMBRIDGE, MASS., *January 31, 1929.*

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: I thank you heartily for your letter of January 26. I am very glad that you have communicated with the National Academy of Sciences in regard to the mathematics of the reapportionment bill.

I inclose a copy of what I think is the simplest explanation of the method of equal proportions which has yet been given.

Very sincerely yours,

EDWARD V. HUNTINGTON,

Professor of Mechanics, Harvard University.

[Inclosure]

MEMORANDUM ON THE METHOD OF EQUAL PROPORTIONS

The Constitution requires that the number of Representatives assigned to each State shall be proportional to the population of that State; and the exact amount of representation to which each State would be entitled in a theoretically perfect apportionment can be calculated at once by the simple rules of arithmetic. But the result of this calculation will not ordinarily be a whole number. Since it is not feasible to give a State, say, 3.14 Representatives, a mathematical problem is presented as to the true meaning of proportionality under these conditions. The history of this problem divides itself into two sharply contrasted periods.

In the earlier period, up to 1921, no adequate mathematical information was available, and Congress was obliged to experiment with various cut-and-try processes of computation, none of which had any scientific foundation.

In the modern period, beginning with 1921, a series of papers (the latest of which appeared in the transactions of the American Mathematical Society for January, 1928) has provided for the first time a satisfactory insight into the real nature of the problem. These papers have not only clarified the statement of the problem, but have provided the first simple and accurate test of a good apportionment; the resulting method is known as the method of equal proportions, which it is the purpose of this memorandum to explain.

In any practical case some disparities among the States are unavoidable. The problem is to make these disparities as small as possible. Now the most natural way to measure the disparity between two States is to consider the population per Representative (that is, the size of the congressional district) in each State, and compare the two. Thus:

If the congressional district in one State is, say, 10 per cent larger than the congressional district in another State, then the "disparity" between the two States is said to be 10 per cent.

Examples 1 and 2 will make the process clear.

The method of equal proportions distributes the seats among the several States in such a way that any transfer of a seat from any State to any other State will be found to increase, rather than decrease, the disparity between the two States. In other words, an apportionment made according to the method of equal proportions is one which can not be "improved" by any shift in the assignment.

Example 3 is a simple numerical illustration of the application of this test.

This method was promptly approved by the Advisory Committee of the Census, which held extensive hearings on the subject in 1921, at the request of Senator Sutherland, and published an elaborate report, which was unanimous. The method has since been indorsed by a general consensus of scientific opinion, and the technical details of the computation are well understood by the Bureau of the Census.

The contrast between the modern method of equal proportions and all the older methods is striking. In the older methods, the discussion was all about the technical details of the computation and little or no attention was paid to the fairness of the final result. The modern theory does away altogether with the endless disputes about "divisors" and "remainders" and "fractions" and proceeds at once to the direct comparison between the States. It is the only method which puts every State as nearly as possible on a parity with every other State as the Constitution requires.

EXAMPLE 1.—*How to measure the "disparity" between two States*

[The populations are given in round numbers to make the arithmetic easy; but State A may be thought of as Nebraska and State B as Oregon]

State	Population	Representatives	Congressional district
A	1,500,000	5	300,000
B	960,000	4	240,000
Dividing the greater by the less		$\frac{300,000}{240,000}$	=1.25
Disparity		25 per cent.	

This means simply that the congressional district in one State exceeds the congressional district in the other State by 25 per cent.

EXAMPLE 2.—*How to measure the "disparity" between two States*

[In this example the populations are the same as in Example 1, but the assignment of Representatives has been changed from 5 and 4 to 6 and 3]

State	Population	Representatives	Congressional district
A	1,500,000	6	250,000
B	960,000	3	320,000
Dividing the greater by the less		$\frac{320,000}{250,000}$	=1.28.
Disparity		28 per cent.	

In this case the congressional district in one State exceeds the congressional district in the other State by 28 per cent.

EXAMPLE 3.—*Which assignment is the better?*

[This example is a comparison of the assignments proposed in examples 1 and 2]

State	Population	First proposal	Second proposal
A	1,500,000	5	6
B	960,000	4	3
Disparity		*Per cent* 25	*Per cent* 28

Here the first proposal is obviously the more equitable.

EXAMPLE 4.—*An actual case under the 1920 census*

State	Population, 1920	Method		
		Harmonic mean	Equal proportions	Major fractions
New York	10,380,589	41	42	43
Rhode Island	604,397	3	2	2
Vermont	352,428	2	2	1
Disparity—		*Per cent*	*Per cent*	*Per cent*
Between New York and Rhode Island		26	22	----------
Between New York and Vermont		----------	40	46

CRITICISM OF THE METHOD OF MAJOR FRACTIONS

The method of major fractions used in 1911 was the last of the cut-and-try methods employed by Congress in the period before the modern theory became available. This is the method which the opponents of the method of equal proportions desire to retain.

The official description of the method of major fractions in the report of the House Committee on the Census (accompanying H. R. 11725) confines itself to the technical details of the computation and gives no clue whatever to the fairness or unfairness of the result.

Thus the arbitrary series of numbers, 1½, 2½, 3½, etc., by which the population of each State is divided has no discernible connection with the constitutional requirement of proportionality. Again, the so-called "full quota," which is included in the process, bears no relation to the true "ratio of population to Representatives" and is not in any sense the "standard size" of a congressional district.

The character of the actual result obtained by this process can be made clear, however, by a further consideration of the fundamental idea of the disparity between two States.

The disparity between two States as defined above is a relative difference, expressible at pleasure either in terms of the "congressional district" or in terms of the "individual share" (that is, the number of Representatives per inhabitant).

The opponents of the method of equal proportion contend, however, that the absolute difference should be used instead of the relative difference. There are two objections to this plan.

First, if the absolute difference is used, it becomes a difficult and complicated question to decide whether this difference shall be expressed in terms of the congressional district or in terms of the individual share. Although one of these ratios is merely the inverse of the other, yet, as the modern theory has shown, they lead to two distinct methods of apportionment, one called the method of the harmonic mean (HM) and the other the method of major fractions (MF). There is no mathematical reason for preferring one of these methods to the other.

Second, the absolute difference is not an appropriate quantity to use as a numerical measure of departure from proportionality, since it depends on the absolute size, instead of the relative size, of the two States compared; its use in this problem would be contrary to established scientific principles.

Neither of these objections applies to the method of equal proportions.

Finally, the modern theory has shown that whenever a transfer of a seat from one State to another is proposed, method MF tends to favor the larger and method HM the smaller of the two States, while the method of equal proportions occupies a neutral position between these conflicting methods and has no bias in favor of either the larger or the smaller States. It should be noted in this connection that any State, large or small (omitting the few very small States and the one largest of all), may suffer a loss of either method MF or method HM is adopted; moreover, there are possible distributions of population for which the effect of a wrong choice of method would extend to over half the States in the Union.

COMPARISON OF VARIOUS METHODS OF MEASURING THE DISPARITY BETWEEN TWO STATES (AN ACTUAL CASE UNDER THE 1920 CENSUS)

Referring to the actual case shown in example 4 above, the assignment of seats according to the method of equal proportions is 42 to New York, 2 to Rhode Island, and 2 to Vermont. Method HM would transfer one seat from New York to Rhode Island, while method MF would transfer one seat from Vermont to New York. The effect of each of these transfer is shown in the following tables:

EXAMPLE 5.—*Disparity between New York and Rhode Island*

State	Population, 1920	Method HM	Method EP	Remarks
New York	10,380,589	41	42	
Rhode Island	604,397	3	2	
Relative difference of congressional districts.		26 per cent.	22 per cent.	A correct measure of disparity.
Relative difference of individual shares.		26 per cent.	22 per cent.	Do.
Absolute difference of congressional districts.		51,719	55,041	An unscientific measure.
Absolute difference of individual shares.		.000,001,014	.000,000,737	Do.

This example shows that according to 3 out of 4 of the proposed ways of measuring departure from proportionality method HM is worse than method EP. To defend method HM it would be necessary to hold that the "absolute difference between the congressional districts," which is known to be an unscientific measure of disparity, is the only one to be used.

EXAMPLE 6.—*Disparity between New York and Vermont*

State	Population, 1920	Method EP	Method MF	Remarks
New York	10,380,589	42	43	
Vermont	352,428	2	1	
Relative difference of congressional districts.		40 per cent.	46 per cent.	A correct measure of disparity.
Relative difference of individual shares.		40 per cent.	46 per cent.	Do.
Absolute difference of congressional districts.		70,943	111,019	An unscientific measure.
Absolute difference of individual shares.		0.000001629	0.000001305	Do.

This example shows that according to three out of four of the proposed ways of measuring departure from proportionality, method MF is worse than method EP. To defend the method MF, it would be necessary to hold that the "absolute difference between the individual shares," which is known to be an unscientific measure of disparity, is the only one to be used.

As to the technical details of the computation, all these methods are on the same level of complexity; but as to the actual results obtained, the method of equal proportions is by far the simplest.

E. V. HUNTINGTON.

HARVARD UNIVERSITY, *February 2, 1929.*

[Copy of a letter to the Republican leader of the House of Representatives concerning reapportionment]

CAMBRIDGE, MASS., *February 8, 1929.*

Hon. JOHN Q. TILSON,
House of Representatives, Washington, D. C.

DEAR SIR: I have read with great interest your article in the New York Times for Sunday, February 3, and heartily approve your desire to reapportion the House, at its present size, under the provisions of the Constitution.

If, however, the theory of representation which you set forth so very clearly in paragraph 3 is sound, then the provisions of the pending bill (H. R. 11725) are not only mathematically but also constitutionally wrong. The method of major fractions, prescribed in the bill, stands in flat contradiction to the theory which you state.

Without going into any questions of constitutional interpretation, I wish to call your attention to two undisputed facts of a purely mathematical nature.

1. The method of major fractions does not insure that a majority of the House will represent a majority of the people.

As a matter of fact the theory that "a majority of the House ought to represent a majority of the people, regardless of State lines," is mathematically self-contradictory, and can not be met by any method of apportionment.

2. The method of major fractions does not insure, even approximately, that each Member of the House shall speak for an equal number of people.

The requirement that each Member of the House shall represent as nearly as possible an equal number of people has always and rightly been regarded as a fair and reasonable test of a good apportionment; but on any known basis of measurement (relative or absolute) the method of equal proportions will meet this requirement more nearly than the method of major fractions.

Quite aside from any questions of constitutional interpretation, it is an established mathematical fact that the method of major fractions makes no attempt whatever to equalize the congressional districts among the several States.

3. The unanimous report of the advisory committee of the census (1921) concludes as follows: "The method of equal proportions, consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the method of major fractions."

Would it not seem strange if this well-considered opinion were totally ignored by Congress at the very moment when it is engaged in selecting a definite mathematical formula to be embodied in permanent legislation?

Very sincerely yours,

EDWARD V. HUNTINGTON,
Department of Mathematics, Harvard University,
Past Vice President of the American Mathematical Society.

NATIONAL ACADEMY OF SCIENCES,
Washington, D. C., February 7, 1929.

Senator DAVID I. WALSH,
United States Senate, Washington.

DEAR SENATOR WALSH: In reply to your letter of January 26, 1929, I take pleasure, by direction of the president of the academy, in transmitting a statement recently prepared by a committee of the National Academy of Sciences regarding the purely mathematical aspects of the different methods of reapportionment.

Very respectfully,

DAVID WHITE, *Home Secretary.*

REPORT TO THE PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES

The committee appointed by you, in response to the request of the Speaker of the House of Representatives for information regarding the mathematical aspects of the problem of reapportionment, submits the following report:

The Constitution provides that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." * * * "But each State shall have at least one Representative."

If fractional voting were permitted in the House of Representatives the exact number of Representatives with whole votes, and the size of the fractional vote for an additional Representative, to which each State would be entitled in a theoretically perfect apportionment could be readily calculated. It would only be necessary to work out the following proportion: The number of votes for any particular State is to the total number of votes for all States as the population of the particular State is to the total population of all States.

If, however, this simple proportionality were calculated it would result in nearly all cases that the number of Representatives for each particular State would consist of a whole number and a fraction, as, for example, 7.3. Fractional voting is not permitted. Therefore it is

necessary to reach a solution of the apportionment problem in whole numbers. This fact alters the mathematical nature of the problem fundamentally. Even when the exact number of votes, including fractions, belonging theoretically to each State is precisely known, this knowledge is not of itself sufficient to determine the proper number of Representatives to be apportioned to that State. The proper apportionment of integral numbers of Representatives to a particular State may differ by several units from the number obtained by simple proportion. This is true regardless of which of the several known methods of apportionment described below is adopted.

The problem of apportionment which has been thus described is a problem in applied mathematics. It should be understood that frequently a problem in applied mathematics may have no unique solution, for the reason that the data initially given do not completely characterize the solution mathematically. In such cases a solution must be chosen for other than mathematical reasons among those which are mathematically possible.

There are five methods of apportionment now known which are unambiguous (that is, lead to a workable solution), and should be considered at this time.

These five methods are—
Method of smallest divisors.
Method of the harmonic mean.
Method of equal proportions.
Method of major fractions.
Method of greatest divisors.

In the present state of knowledge your committee regards these as the only methods of apportionment avoiding the so-called Alabama paradox which require consideration at this time. Their effectiveness is based upon a mathematical test which will be described below. Another method of approach to the apportionment problem may be based upon the adjustment by some method of curve fitting (as, for example, the methods of least squares) of representation to the population of the country as a whole, but in the opinion of your committee the methods of this type so far proposed, which do not lead to solutions among the five listed above, fail.

After full consideration of these various methods your committee is of the opinion that, on mathematical grounds, the method of equal proportions is the method to be preferred. Each of the other four methods listed is, however, consistent with itself and unambiguous.

The essential mathematical characteristics of the five methods are as follows:

Let the population of a State A and the number of Representatives assigned to it according to a selected method of apportionment be a, and let B and b represent the corresponding numbers for a second State. Under an ideal apportionment the population A/a, B/b of the congressional districts in the two States should be equal, as well as the numbers a/A, b/B of Representatives per person in each State. In practice it is impossible to bring this desirable result about for all pairs of States.

In the opinion of this committee the best test of a desirable apportionment so far proposed is the following:

"An apportionment of Representatives to the various States, when the total number of Representatives is fixed, is mathematically satisfactory if for every pair of States the discrepancy between the numbers A/a and B/b can not be decreased by assigning one more Representative to the State A and one fewer to the State B or vice versa, or if the two numbers a/A and b/B have the same property.

"For the purposes of discussion let A/a be larger than B/b so that the State A is underrepresented as compared with B. If the 'discrepancy' between A/a and B/b is defined to be the percentage discrepancy, that is, the difference A/a—B/b divided by the smaller B/b of the two numbers A/a, B/b and if the discrepancy between b/B and a/A is measured in the same way, the test above leads to an apportionment which satisfies the test when applied to either the pair A/a, B/b, or the pair a/A, b/B. The method so determined has been called the 'method of equal proportions.'"

If the test is applied only to the pair a/A, b/B, and if the discrepancy between these numbers is interpreted to be the absolute difference b/B—a/A, another method of apportionment called the "method of major fractions" is uniquely determined. If, on the other hand, the test is applied only to the absolute difference of the pair A/a, B/b, a third method, called the "method of the harmonic mean," is similarly defined.

It has been shown that there are two further methods of apportionment determined by the test set down above when applied to the differences b—aB/A, bA/B—a. These are called, respectively, the "method of smallest divisors," and the "method of greatest divisors."

The methods thus briefly characterized mathematically are the five methods in the list above. Each method in the list favors the larger States as compared with the methods which precede it. This means in the case of the second and fourth methods, for example, that if for two unequal States A, B, the fourth method assigns more Representatives to A and fewer to B than the second method, then the State A is the larger of A and B.

The method of the harmonic mean and the method of major fractions are symmetrically situated on the list. Mathematically there is no reason for choosing between them. A similar symmetry exists for the methods of smallest and greatest divisors for which the defining discrepancies seem, however, more artificial than those for any one of the other three methods.

The method of equal proportions is preferred by the committee because it satisfies the test proposed above when applied either to sizes of congressional districts or to numbers of Representatives per person, and because it occupies mathematically a neutral position with respect to emphasis on larger and smaller States.

G. A. BLISS.
E. W. BROWN.
L. P. EISENHART.
RAYMOND PEARL, *Chairman.*

FEBRUARY 4, 1929.

CAMBRIDGE, MASS., *February 11, 1929.*

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: In your letter of January 26 you indicated that you were requesting the National Academy of Sciences for information in regard to the mathematical facts about methods of apportionment, in accordance with the suggestions which I made in Science for December 14, 1928.

As I am keenly interested in the scientific aspects of this problem, I should esteem it a great personal favor if you would be kind enough to ask your secretary to send me a copy of your correspondence with the academy on this subject.

With great respect, I am, very sincerely yours,

EDWARD V. HUNTINGTON,
Professor of Mechanics, Harvard University.

If you happen to see an article by Professor Willcox in the current issue of Science, you may be interested in a reply thereto, which I inclose herewith.

In regard to the danger involved in reopening the question of method, I have just been informed by a responsible leader of the House of Representatives that if the Senate should substitute the method of equal proportions for the method of major fractions, he is quite sure that there would be no difficulty whatever in agreeing to this amendment in the House.

REPLY TO PROFESSOR WILLCOX

In his article in Science for February 8, 1929, pages 163–165, Prof. W. F. Willcox simply repeats erroneous mathematical statements the falsity of which had already been called to his attention. (See Science, December 14, 1928.)

Professor Willcox contends that the choice between "equal proportions" and "major fractions" is a political and not a mathematical problem. His arguments, however, are mathematical, and involve gross misstatements of the mathematical facts.

For example, the statement on page 164 that a certain series of quotients "would sum up to 435" is false. Again, on page 165, the statement that the "method of minimum range" is the same as the "method of the harmonic mean" is false. And again, his whole description of the method of equal proportions is grotesque.

It appears to be only by evasive and misleading arguments like these that the method of major fractions can be defended.

It is small wonder that he thinks it "undesirable" to request "a report on the mathematical facts" from any competent body of scholars.

EDWARD V. HUNTINGTON,
Harvard University.

HARVARD UNIVERSITY,
DEPARTMENT OF GOVERNMENT,
Cambridge, Mass., February 26, 1929.

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: I am informed that the bill for the reapportionment of Members of the House is pending before the Senate for action and that a controversy has arisen as to the proper method of computing the quota of Representatives to be assigned to each State. Some time ago that subject was carefully studied by a number of eminent mathematicians, including the leading members of the department of mathematics at Harvard University, and they came to the conclusion that the so-called method of equal proportions is the method of apportionment which best satisfies the requirements of the Constitution. Since that is the fact, it seems a pity that any other rule of apportionment should be written into the law, particularly the rule recommended by Professor Willcox of Cornell. If the Senate wishes to put political expediency first, the largest States would be better served by the so-called rule of rejected fractions which was employed from 1790 to 1840, since under that rule the larger States would get the most Representa-

tives. Professor Willcox's method neither has the advantage of giving the largest States the greatest possible number of Representatives nor of satisfying a mathematical test, consistent with the constitutional requirement that Members be apportioned among the States according to their respective numbers.

Very truly yours,

A. N. HOLCOMBE, *Chairman.*

ORDER FOR EXECUTIVE SESSION

Mr. HARRISON. Mr. President, I desire to ask the Senator from Kansas [Mr. CURTIS] if it is not possible at a certain time early in the day for us to go into executive session merely for the consideration of unobjected nominations?

Mr. CURTIS. It was my intention, as soon as the conference reports on the two appropriation bills were acted upon, to ask unanimous consent that the Senate proceed to the consideration of executive business, to consider unobjected nominations on the Executive Calendar, and I submit that request now.

Mr. HARRISON. Could we not now fix a time when we may go into executive session merely for the consideration of unobjected nominations? It would not take long, and then those would be out of the way.

Mr. CURTIS. I think we had better make the agreement as I have suggested it.

The PRESIDING OFFICER. Is there objection?

Mr. NYE. Mr. President, I should like to make an inquiry of the Senator from Kansas. The Committee on Public Lands and Surveys has reported a resolution providing that the committee may continue to operate under Senate Resolution 202, and I want to get action on that.

Mr. CURTIS. There will be plenty of time to take that up to-day. There are only two conference reports pending and one to come over, and there will be plenty of time.

Mr. NYE. I have no objection to the agreement proposed.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Kansas? The Chair hears none, and it is so ordered.

RETIREMENT OF EMERGENCY OFFICERS

Mr. BINGHAM. Mr. President, there has been on the calendar for some time a bill to amend the so-called Tyson-Fitzgerald Act for the relief of emergency officers and their retirement. I have just received a letter from General Hines, Chief of the Veterans' Bureau, which will be of interest to emergency officers of the World War seeking retirement. I ask that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 1, 1929.

Hon. HIRAM BINGHAM,

United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: Reference is made to the bureau's administration of the emergency officers' retirement act and to the pending amendment to that act, which you recently introduced.

In connection with your proposed amendment, it is believed that information regarding the present status of the administration of the act will be of value to you, and it is thought you should have such information in your possession.

There have been received to date 8,498 applications, and of this number the Emergency Officers' Retirement Board has recommended retirement with pay in 2,756; retirement without pay in 427, and has determined that 2,759 of those who have applied are not entitled to retirement benefits. A review by reason of the Attorney General's opinions of January 18, 1929, is now in process of the 2,759 cases in which unfavorable decisions had previously been rendered, and it is anticipated that favorable decisions will issue in a large number of these cases.

It will be noted from the above figures that the Retirement Board has acted on 5,942 claims, leaving a balance of approximately 2,500 claims awaiting action, and it is believed that with the exception of those cases in which it will be necessary to obtain additional evidence, such as report from the War Department, medical examination, etc., that action upon the remaining claims will be completed by or about April 15, 1929.

Very truly yours,

FRANK T. HINES, *Director.*

WILLIAM S. WELCH

Mr. KING. Mr. President, I wish to withdraw the motion previously made by me to reconsider the votes whereby the bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt, was ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On March 1, 1929:

S. 1338. An act for the relief of James E. Jenkins;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion*, who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park, in the States of Montana and Wyoming, and for other purposes;

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps";

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4517. An act authorizing the appropriation of tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes;

S. 4604. An act for the relief of James L. McCulloch;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co. at Denver, Colo.;

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

S. 5766. An act for the relief of Andrew T. Bailey;

S. 5776. An act for the relief of Wynona A. Dixon;

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell; and

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38) and from the State of New Mexico to the State of Texas and from the State of Texas to the State of New Mexico as per decree of the Supreme Court of the United States in the case of New Mexico against Texas (vol. 276, p. 557, U. S. Sup. C. Repts.), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter.

On March 2, 1929:

S. 2901. An act to amend the national prohibition act, as amended and supplemented; and

S. J. Res. 117. Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua.

FIRST DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

Mr. McKELLAR. Mr. President, in the first deficiency appropriation bill on page 16 there is this provision:

Refunding taxes illegally collected: For an additional amount for refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1929 and prior years,

$75,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts, and alphabetically arranged, of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

When the Senate had this bill under consideration, it added this further proviso:

Provided, That no part of the funds herein appropriated for tax refunds, where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer in the department conducting same, which hearings shall be open to the public, and the decision shall be a public document.

It will be recalled that this amendment went to conference with the so-called prohibition amendment, and the House for a long time refused to concur because of these two provisions in the bill.

Recently another arrangement has been made, and the House agreed to concur, and in lieu of that last proviso the conference committee has reported the following:

Provided, That no part of the foregoing appropriation shall be used to pay any refund of an income or profits tax pursuant to a claim allowed after the enactment of this act in excess of $20,000 (other than payments in cases in which a suit in court or a proceeding before the Board of Tax Appeals has been or shall be instituted or payments in cases determined upon precedents established in decisions of courts or the Board of Tax Appeals) unless a hearing has been held before a committee or official of the Bureau of Internal Revenue; and the decision of the Commissioner of Internal Revenue in any such refund allowance in excess of $20,000 shall be a public record.

Mr. President, I want to say that the provision which was in the original deficiency bill, put there by the Senate, was inserted virtually by the unanimous vote of the Senate. As I recollect, there were no votes cast against it.

I think the Senate is overwhelmingly in favor of a provision of that kind in this bill. I do not intend to criticize the Senate conferees at all; I think our Senate conferees tried to get the best kind of a provision that they could; but instead of getting a good provision, the conferees have emasculated the provision which the Senate adopted. This provision is virtually utterly worthless, and I now intend to show why it is utterly worthless.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. HEFLIN. I suggest to the Senator that it looks as if the Senate conferees abandoned the Senate position in favor of the House position.

Mr. McKELLAR. I am not going to criticize the members of the conference on the part of the Senate.

Mr. GLASS. The Senator has no right to do so.

Mr. McKELLAR. I am not going to do it, but I am going to say this——

Mr. HEFLIN. In effect, I take it, that that is what happened.

Mr. McKELLAR. If the Senator will bear with me just a moment, I will explain what happened.

During the eight years when Andrew W. Mellon has been Secretary of the Treasury, over three and a half billion dollars have been paid out by him under a secret refund system. Mr. Mellon says he has nothing to do with paying the refunds, the Commissioner of Internal Revenue, Mr. Blair, says he has nothing personally to do with it, the Assistant Secretary, Mr. Bond, having charge of it, says he has nothing to do with it. Well, who does it? They say that some clerk pays out these enormous sums. Think of it, Senators; $3,500,000,000 paid out in eight years, and this body has no knowledge of the details and the body at the other end of the Capitol has no such knowledge. When they ask about it, they are told it is none of the Congress's business. What is Congress's business, according to their view of it? It is to furnish the money, and that is all.

What are these refunds for? Nobody knows. Who gets them? They publish the names of those who get them; and, by the way, it took us years to get a provision of that kind through, just to get the names. It took years of work on the part of the Senate of the United States to obtain even the names of those to whom these great refunds were paid.

Mr. President, we have appropriated for the ensuing year $130,000,000 for tax refunds. This is the most important matter that has come before the Congress or any Congress for many years. Why, we talked about the oil scandal when some $400,000,000 worth of oil was stolen from the Government, fraudulently taken from the Government, and yet here is the Secretary of the Treasury secretly paying out in tax refunds every year more than the $400,000,000 which was involved in the oil scandal.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Wyoming?

Mr. McKELLAR. I yield.

Mr. WARREN. Judging from the statements of the Senator he is charging the Secretary of the Treasury and the Commissioner of Internal Revenue with being guilty of wrong practices in paying out millions of dollars of money in secrecy. Is that what the Senator charges?

Mr. McKELLAR. No; that is not my statement.

Mr. WARREN. What does his wild flight mean, then? Have they paid out that money secretly?

Mr. McKELLAR. I charge that the Secretary of the Treasury in a secret system is paying back to taxpayers secretly, according to his own testimony, not knowing himself——

Mr. WARREN. Paying back that which does not belong to the taxpayers? Is that what the Senator charges?

Mr. McKELLAR. That which in many cases does not belong to them.

I say, if those funds belong to those taxpayers they would not be afraid to come out in the open and ask for them; and the Secretary of the Treasury, if it were done fairly and honestly and justly, would not be afraid to come out in the open and say that it was being properly done.

Mr. WARREN. It seems the Secretary of the Treasury is saying one thing and the Senator from Tennessee is saying another thing. I suppose we can take our choice as to which one we would believe, and whether the Secretary of the Treasury has corruptly paid out money or whether he has not!

Mr. McKELLAR. If the Senator will take his own time to defend the Secretary of the Treasury, it will be much more pleasing to me.

Mr. WARREN. The Senator had better restrain his temper.

Mr. McKELLAR. Three billion five hundred million dollars of the people's money has been paid out; and do you know what is said? It is said, for instance, that the United States Steel Corporation, which was paid back secretly for the year 1917 the enormous sum of $57,000,000, received it back because of a mistake. Who is there that is so simple-minded as to believe that the United States Steel Corporation in 1917 made a mistake of $57,000,000 in its own tax return? I do not think anyone believes it.

Mr. SMOOT. Mr. President——

Mr. McKELLAR. I yield to the Senator from Utah.

Mr. SMOOT. The United States Steel Corporation did not make the mistake. It was a jeopardy assessment that was placed there by the department itself.

Mr. McKELLAR. It was a jeopardy assessment?

Mr. SMOOT. It was.

Mr. McKELLAR. How does the Senator get his information? Where does he get it?

Mr. SMOOT. The Senator from Tennessee knows it as well as the Senator from Utah.

Mr. McKELLAR. Oh, no. There is no proof of it. They declined to give any facts about it.

Mr. SMOOT. It was a jeopardy assessment placed upon them, as jeopardy assessments were placed upon thousands of taxpayers, when they did not know whether the proper amount was $57,000,000 or $100,000,000 or $500,000 or $500 or $50. The jeopardy assessments were placed there knowing in most cases that they were more than the taxpayer would eventually have to pay.

Mr. McKELLAR. The Senator from Utah does not know a thing in the world about what he is saying. That is absolutely not true.

Mr. SMOOT. I say it is true.

Mr. McKELLAR. I do not mean to say the statement of the Senator is untrue, but I mean to say that his statement of facts is wholly incorrect.

Mr. SMOOT. I say it is correct.

Mr. McKELLAR. The truth of the business is that on their assessment of the United States Steel Corporation, $27,000,000 was paid back for the year 1917 on the return which the Steel Corporation itself made. Thirty-three million dollars more was paid back in the way of depletions, whatever they are. That is nearly $60,000,000 in all that was paid back to the Steel Corporation secretly for the one year. It is said that if there was a mistake the Steel Corporation ought to get the advantage of it, and that is true. But if it was a mistake, why should not the Congress have the facts? The facts have not been given to the Congress. They conceal the facts from the Congress. They decline to let the Congress have the information. When an

amendment is offered to a bill to provide for information, what happens to it? Mr. Mellon writes a letter to his friends in the House and to his friends in the Senate and they get busy and emasculate the provision. We can get no hearings to develop what occurs in his department.

Let me refer again to the Steel Corporation. For 1917 the enormous sum, as I said, of $27,000,000, $16,000,000 in principal and $11,000,000 in interest, is allowed them in the way of a refund. In 1917 the Steel Corporation sold the most of its wares to the Government of the United States. It put its taxes into its price in making those sales. The people had to pay them and yet notwithstanding that the Steel Corporation received the amount of those taxes through its sales of steel to the Government of the United States, now 10 years after those sales it receives back those taxes with interest.

Mr. President, let us take the tobacco case. We got some information about the tobacco case and the Steel Corporation case by accident. We got the facts in those cases because a Member of the House happened to say something about them he ought not to have said, but we got some of the facts about those two cases anyway. One of the big tobacco companies—they call it the "X" Tobacco Co., whatever that means—received $5,000,000 refund—and why? Simply because the Commissioner of Internal Revenue in his judgment thought they had paid too much. It was purely a matter of discretion lodged in him by the Congress, and he made that decision and allowed a $5,000,000 refund. Who knows whether it was right or not? Will they give us information about it? No; but they come and ask us to pay it.

What other claimants against the Government come and ask for money to be paid out secretly in that way? No other claimant presents claims in that way. They come openly and give their reasons. They speak openly and their claims are submitted openly and are passed upon openly. But here these great corporations that want enormous tax refunds come secretly and go to a clerk in the department and get their claims through in these enormous sums. The moment they pay their taxes, that moment they make a claim for refund. The tax-refund business is getting to be one of the greatest businesses in the country. They have a horde of tax attorneys now engaged in that business.

Mr. President, this is the second amendment that has been emasculated in conference. It will be approved by the Senate when it is offered, but when it gets into conference it is emasculated. It is fixed so it can do no good. It is fixed so the Congress can not find out anything about the facts. It is fixed so that it is immaterial. It is absolutely made nugatory in conference every time, and we are presented with the question of agreeing to nugatory provisions about it or the deficiency bill will not pass.

Mr. President, I yield again for the private conversations which are going on in the Chamber.

Mr. BRATTON. Mr. President, I think the Senator is entitled to a hearing, and I appeal for order in the Chamber.

The PRESIDING OFFICER. The point of order is well taken. The Senate is not in order. Let there be order.

Mr. McKELLAR. I understand that President-elect Hoover is going to reappoint Mr. Mellon as Secretary of the Treasury. Some say Mr. Hoover will send his name in here next Monday for confirmation. Others say he will not take that risk, that he is going simply to hold him over, that he does not have to reappoint him. He does not want to assume the discredit of reappointing him. Some say he will be appointed for a while until Hoover can ease out from under him. I do not know what course Hoover is going to take. I am not in his confidence. But I want to say if Mr. Hoover sends Mr. Mellon's name in here as the nominee for the office of Secretary of the Treasury, there is one vote that is going to be cast against him. I am going to vote against him because I do not believe that he is qualified under the law to be Secretary of the Treasury.

In the first place, I believe Mr. Mellon is an inefficient Secretary of the Treasury. I think he has shown that he is an inefficient Secretary of the Treasury. Any Secretary under whose administration $3,500,000,000 of mistakes occur in eight years ought to be discharged for incompetency and inefficiency. No other Secretary of the Treasury has ever made such mistakes. No other Secretary of the Treasury has ever paid back one-tenth, nay, even one-fiftieth part, probably not one-hundredth part of the revenues he has collected. It is inexcusable. Why, instead of taxes being collected openly and fairly, as the law provides, we find that the Secretary of the Treasury is imposing these taxes and collecting them with one hand and putting them in the pockets of the Government, and then paying them back with the other hand.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. Has it occurred to the Senator that most of those refunds were of taxes collected during the war years of 1917 and 1918?

Mr. McKELLAR. I think that is the fact, but we have no knowledge of it. The Senate has no knowledge of it. I am glad the Senator mentioned it. When those taxes were imposed in 1917 against the Steel Co. and the Tobacco Co., the only two companies as to whose taxes we have any facts before us, those two companies paid the taxes imposed. They got prices for their wares based upon those taxes which they then paid, and now 10 years afterwards, when they have collected from the people sufficient profits to cover the taxes that were then imposed, they come back here serenely and calmly and secretly making claims for refunds, and one of them we find is to get a refund of $58,000,000 for one year of taxes paid 10 years ago.

Who paid it out? "Mr. Mellon, did you pay it out?" "No; I have nothing to do with those things." "Mr. Commissioner of Internal Revenue, did you pay it out?" "Oh, no; I do not have time to do it." "Mr. Assistant Secretary Bond, you have this matter in charge; did you pay it out?" "Oh, no; I never bother about such trifling matters."

The sum of $3,500,000,000 of the people's money is refunded, and not a man in the department has ever said that he had anything to do with refunding those claims. It is done secretly; we do not know how it is done; we do not know what the reasons are; we do not know what the claims are; we know nothing about it; and yet we are called upon twice a year to appropriate the money. We have been appropriating about $300,000,000 a year for several years. This year one amount was $130,000,000, and here is $75,000,000 more, aggregating $205,000,000. Of course, we shall have another deficiency. The expenditure for this purpose will probably again amount to $300,000,000.

"How many more claims are there, Mr. Secretary?" "I do not know." "How many more are there, Mr. Commissioner?" "I do not know." "What are these claims about, Mr. Secretary and Mr. Commissioner?" "We do not know, and you are not permitted to find out; we refer you to the law."

I have a letter from these gentlemen stating that they are prohibited by law from telling a Representative or a Senator what these claims are for, for what the claims money is going to be used.

I am opposed to any such secrecy in conducting Government business; I am opposed to any such secret system of Government. I have been fighting it for the last six years. I succeeded in having two provisions inserted in the law. The one inserted two years ago was made nugatory. It was found that there was a big sentiment in the country in favor of it, and something had to be done; so here is the nugatory provision which was inserted. Senators, listen to this—

> *Provided*, That a report shall be made to Congress by internal-revenue districts, and alphabetically arranged, of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

Such reports are filed in the Ways and Means Committee room. The newspapers get some of the more important refunds, but the others are left there. We do not know why they were paid; we do not know whether or not they were justly paid; no man in the world knows whether they are paid fairly and justly or not. It is this system of secrecy to which I am opposed. The provision which I have read took the place of one which provided for publicity in such matters, which was stricken out in conference, just as the provision was stricken out of the pending bill.

What was the result? When the conferees struck it out they inserted a nugatory provision, just such as they have put in here. When the bill came up before the Senate for consideration we inserted this provision in it unanimously; there was not a dissenting voice. Why? Because we all knew it was right. We knew that this system of secrecy was wrong, and we inserted this provision:

> *Provided*, That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer in the department conducting same, which hearings shall be open to the public, and the decision shall be a public document.

If there is nothing to cover up, how would that provision hurt? If there is nothing to conceal, why should not that course be pursued? The amendment left everything to the department; the allowance of tax refunds was not taken out of the department. The only thing that was required was that these hearings should be open, just as other hearings are. Senators, how can objection be made to that? How can we longer provide

for a secret system under which three and one-half billion dollars have been paid in eight years—to whom, God knows; nobody knows. There is no Senator here who knows that a single one of these claims is right. There is but one way to ascertain, and that is to have an open hearing, where the claimants may come with their counsel and, if they have just claims, where the Government may accord a fair and open hearing and pass upon the claims in the light of day. Under the system practiced in the department they pay out in secret enormous sums of the people's money. It is not fair; it is not right; it is an iniquitous system, a system of government for which no nation ought to stand; and surely this Nation ought not to stand for it.

Mr. HEFLIN. Mr. President, will the Senator from Tennessee permit me to interrupt him right there?

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. HEFLIN. In response to a resolution that I introduced, and which was adopted by the Senate, the Secretary of the Treasury has furnished a list of those to whom he refunded taxes for 1927, but no such list has been furnished for 1928. The Senate has not a list of those upon whom these gifts have been bestowed for 1928.

Mr. McKELLAR. Mr. President, the Congress appropriates this $250,000,000 of the people's money without being able to state a single fact about the expenditure or being able to ascertain a single fact which would justify it. The Treasury Department is hermetically sealed from the public. Even Comptroller General McCarl has no jurisdiction over the Treasury Department. He has jurisdiction over every other department of the Government. He has jurisdiction over the expenditures of the Executive himself; but, oh, no, he has no jurisdiction over "Uncle Andy"; "Uncle Andy" controls his own department; he keeps it hermetically sealed, so far as the public is concerned, and so far as any other official of the Government is concerned. That is why I have been fighting to bring these transactions out into the open. I have nothing personal against Mr. Mellon, but I do not believe that he is a faithful public servant, for, in my opinion, no public servant is faithful whose deeds are in the dark and whose system is a system of secrecy. That is the truth, and we all know it. How are we going to defend it? When you go home, Senators, and your constituents ask you why is Mr. Mellon spending $205,000,000 this year in tax refunds, you can not tell them; you have no information about it, and Mr. Mellon boldly tells you that the law protects him. He can pay out all the money he can get for tax-refund purposes. He comes up here at the first part of each session and at the last part of each session and demands a lump sum. He tells you to give it, but furnishes no information as to what he is going to do with it.

In those circumstances the conference committee has reported a farcical amendment, one that does not provide that the people or their representatives shall know what is being done in the case of tax refunds. I am going to vote against the conference report.

Mr. President, I said that Mr. Mellon ought not to be reappointed Secretary of the Treasury and he ought not to be so reappointed. He ought never to have held the office. He is disqualified under the law from holding the office. Now, I will tell you why. I have to go back a year or two, but it is easy to find. I call attention to the Revised Statutes. Section 3168 of the Revised Statutes provides:

Any internal-revenue officer—

And Mr. Mellon is an internal-revenue officer—

who is or shall be interested, directly or indirectly—

How could language be more inclusive?—

in the manufacture of tobacco, snuff, or cigars, or in the production rectification, or redistillation of distilled spirits, shall be dismissed from office.

Now I want to read from a colloquy that took place between the distinguished Senator from Pennsylvania [Mr. REED] and myself several years ago in which he admitted that Mr. Mellon actually owned the Overholt Distillery. I want to read from the colloquy on page 5244 of the RECORD of March 30, 1924:

Mr. McKELLAR. Did Secretary Mellon sell his stock in all the business corporations?

Mr. REED of Pennsylvania. If the Senator had waited until the sentence was finished, his question would have been answered. Mr. Mellon was also a stockholder in a number of business enterprises, foremost among them being the Aluminum Co. of America, the Gulf Oil Corporation, and the Standard Steel Car Co. In each of those he was and is a minority stockholder—

Remember the statute says "directly or indirectly"—

and on the advice of the five lawyers whom I have named Mr. Mellon did not sell his minority interest in the stock of those corporations.

I digress here long enough to say that the Secretary of the Treasury is prohibited by law from being engaged in certain businesses, and these great corporations come under the ban of the law. It was held by the committee that because he was a minority stockholder he was not interested directly or indirectly in those businesses. I quote further from the colloquy as found in the CONGRESSIONAL RECORD.

He still owns it; and in our opinion then, and in our opinion now, his right to do so is unquestionable.

Furthermore, he is not at present actively concerned in trade or commerce of any description whatever. As I said, he is not a director and not an officer of any corporation engaged in trade or commerce of any kind——

Mr. McKELLAR. Mr. President——

Mr. REED of Pennsylvania. And he does not give his time or his attention to the active conduct of any incorporated business. I yield to the Senator from Tennessee.

Mr. McKELLAR. I just want to ask the Senator if Mr. Mellon is still a stockholder in what is known as the Atlantic, Gulf & West Indies Co.?

Mr. REED of Pennsylvania. I am coming to that.

Mr. McKELLAR. And is he also interested in the company known as the Overholt Distilling Co.?

And here is what the Senator from Pennsylvania [Mr. REED] said:

I am just as much interested as is the Senator from Tennessee in getting the truth of these things, and I promise him I shall not omit either of those subjects in what I have to say.

I will omit a few lines and read what he had to say about the Overholt Distillery Co. Remember this is the Senator from Pennsylvania [Mr. REED] talking.

Mr. REED of Pennsylvania. Why does the Senator omit what I said about the Atlantic, Gulf & West Indies?

Mr. McKELLAR. I will put that in if the Senator desires, but it is not material to this particular discussion. I will, however, read it. The Senator from Pennsylvania continued:

I want to correct an error in the first opinion of Faust & Wilson, which was read at the desk, and that is the statement that when Mr. Stewart resigned as Secretary of the Treasury in President Grant's Cabinet Senator Sherman was appointed in his stead. I think that Messrs. Faust & Wilson were in error on the name and that it was Mr. Boutwell who was appointed to succeed Mr. Stewart in Mr. Grant's Cabinet. It is not important, but I thought for the purpose of accuracy it was well to make the correction.

That is why I omitted it, because, as the Senator himself said, it was immaterial.

Mr. FESS. Senator John Sherman was appointed in President Hayes's Cabinet.

Mr. REED of Pennsylvania. Yes. In Senate Resolution No. 200, now before us, occurs the statement that "it appears that the said A. W. Mellon is interested in the Overholt Distilling Co." The resolution does not say where it appears. I want to state what the facts are.

For many years past—probably more than 100 years—there has been a partnership known as A. Overholt & Co., which was in the business of distilling whisky in western Pennsylvania. For a great many years—I do not know how many, but I think over 40 years—Mr. A. W. Mellon was one of the partners in that partnership. On the 15th day of December, 1916, three years and one month before the prohibition amendment went into effect——

Mr. TYSON. Mr. President, may we have order?

The VICE PRESIDENT rapped for order.

Mr. McKELLAR. I thought there were some Senators, at least, who had more interest in liquor than they appear to have, because I am talking about liquor now.

Mr. REED of Pennsylvania. I hope Senators will listen to what the Senator from Tennessee is saying, because he is quoting words of great wisdom.

Mr. McKELLAR. I am quoting the words of the Senator from Pennsylvania, and I am going to comment on them in a moment and see how wise they are.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I do.

Mr. BRUCE. I merely wanted to say that it seems to be a case of wisdom crying out in the streets and not being heard.

Mr. McKELLAR (reading):

For a great many years—I do not know how many, but I think over 40 years—Mr. A. W. Mellon was one of the partners in that partner-

ship. On the 15th day of December, 1916, three years and one month before the prohibition amendment went into effect, that partnership absolutely ceased from the manufacture of whisky and from doing any of its manufacturing business. The statute which is mentioned in Senate Resolution No. 200 is section 3168 of the Revised Statutes and forbids any internal revenue officer from being interested in the manufacture, production, rectification, or redistillation of distilled spirits. The fact is that if the Secretary of the Treasury is a revenue officer within the meaning of that section—and I am willing to grant that he is for the purpose of the argument—Mr. Andrew W. Mellon has not at any time since December 15, 1916, engaged in the manufacture or production or rectification or redistillation of distilled spirits.

Listen to this! I am still reading from the statement of the Senator from Pennsylvania [Mr. REED]:

Before Mr. Mellon took office, after this corporation had been passive for more than four years, four years after it ceased from its manufacturing operations and before he took the oath of office—

Listen to this—

he transferred his whole interest in that enterprise to the Union Trust Co. of Pittsburgh as trustee to close up the business absolutely. He himself has retained no control or discretion or authority whatsoever in that matter.

Now, listen to this:

He will, when the business is finally liquidated, be entitled to his proportion of the net proceeds and no more.

In other words, here is an active trust created by Mr. Mellon, for what purpose? For the purpose of getting around the law and taking office as Secretary of the Treasury. He still owns it. He owns every dollar in the Overholt Distillery Co. in the hands of that trustee that he ever owned as an individual. The statute says "directly or indirectly." That is indirectly owning it. Can anybody doubt it? He is prohibited from being Secretary of the Treasury; he is disqualified under the law; and, as I remember, one of the distinguished predecessors of the present able and splendid Senator from Pennsylvania, Hon. Boies Penrose, gave out an interview in which he said that Mr. Mellon could not accept the office because he was in the distilling business, and therefore he was not eligible to the office. And yet he calmly conveys to the Union Trust Co., I am informed—a corporation owned by himself, or largely by himself—the legal title to this property, and retains the beneficial interest in it!

As lawyers know, that is an active trust. As lawyers know, Mr. Mellon is just as much the owner of that whisky business in the hands of the trustee as he was before. It is a subterfuge. He is not entitled to be Secretary of the Treasury under that statute, passed more than 100 years ago.

If I remember aright, the statute which disqualifies a man from holding the office of Secretary of the Treasury because of being engaged directly or indirectly in the liquor business was passed in 1807. It has been on the statute books all the time. It is on the statute books to-day. For eight years the present Secretary of the Treasury has been holding this office in violation of this law; and that is another reason why I say that if Mr. Hoover sends in the nomination of Mr. Mellon here next Monday, I intend to vote against the confirmation of Mr. Mellon. I do not believe he should be Secretary of the Treasury any longer. I hope Mr. Hoover will not appoint him. I say that a man who has shown himself so inefficient that he makes mistakes to the amount of $3,500,000,000 in collecting taxes from the people in that length of time is too inefficient to be Secretary of the Treasury; and yet some of the newspapers speak of Mr. Mellon as "the greatest Secretary of the Treasury since Alexander Hamilton."

Why, it is inconceivable that he should be reappointed to this office with his record, with his lack of eligibility for the office, with his business interests ramifying everywhere. A committee reported here a few years ago that Mr. Mellon was a stockholder in 62 great corporations. Who knows how many of those corporations have been receiving tax refunds? I know of but one, and that is, less than two months after Mr. Mellon became Secretary of the Treasury the Treasury Department paid to the Gulf Refining Co. $337,000, as I recollect the amount. I see in these reports that the Aluminum Co. of America has been constantly getting refunds of taxes—secret refunds of taxes. I do not know about the other 60 of them. Nobody else knows. Nobody knows what corporations Mr. Mellon is interested in. Everybody knows that he has been, and is now, the beneficial owner of a liquor business; and yet in the last campaign we frequently heard the statement that dry Democrats ought to vote for Mr. Hoover because he was going to give a better enforcement of the liquor law; and here is the present Secretary of the Treasury, and the man Mr. Hoover is supposed to favor for reappointment, probably more extensively engaged in the liquor business than any other man in this country, directly or indirectly.

Mr. President, this amendment that is offered by the conference committee is a subterfuge. I want to read it. Listen to this. Think of this as legislation. What does it mean? Who knows what it means? I should like to have some member of the conference committee explain what it means. What will it do? Will it tell us anything about what is going to be done with this $205,000,000 that we are going to spend secretly for tax refunds this year? I doubt it.

Listen to this:

Provided, That no part of the foregoing appropriation shall be used to pay any refunds of an income or profits tax pursuant to a claim allowed after the enactment of this act in excess of $20,000—

Who knows what that means? Every claim may be allowed before this act is actually signed by the President. It may not refer to a dollar; it may not have anything to do with a dollar of this appropriation—not a dollar. We do not know whether it will or not—

(other than payments in cases in which a suit in court or a proceeding before the Board of Tax Appeals has been or shall be instituted, or payments—

Listen to this, Senators—

or payments in cases determined upon precedents established in decisions of courts or the Board of Tax Appeals)—

I doubt if there is a claim that does not come under that head. There have been decisions on almost every conceivable tax question; and if the Secretary of the Treasury were to say, "This would come under the head of decisions or precedents established by decisions of the courts," nobody could say him nay.

Mr. BLACK. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I yield.

Mr. BLACK. Does the amendment state who is to determine whether or not the refund is in conformity with the precedents?

Mr. McKELLAR. Why, no. I will tell the Senator who determines it. Andrew W. Mellon determines it, or some clerk in his department. Of course, he does not know anything about it himself. He swears that he does not know anything about it himself. The Commissioner of Internal Revenue swore that he did not know anything about it himself. The Assistant Secretary of the Treasury in charge of these matters swore that he did not look after these claims himself. Who does? We do not know. One of them said the committee sometimes did it, and sometimes it was done by an individual. "Who were the committee?" "We will not tell you." Congressmen or Senators have no right to any such information.

Are we going to continue to pay out hundreds of millions—nay, billions—of dollars under circumstances of that kind?

Listen to this:

Unless a hearing has been held before a committee or official of the Bureau of Internal Revenue—

Of course, they can not get a secret refund unless it is held before some official or committee. Not a hearing before a commission, not a public hearing, but a secret hearing is provided for here—

and the decision of the Commissioner of Internal Revenue in any such refund allowance in excess of $20,000 shall be a public record.

Suppose he just says, "American Tobacco Co., $10,000,000." That is the decision. We had that before. We have not changed the law a particle. We get that at the end of every year.

Mr. President, as I have pointed out heretofore, the Senate put on a real provision, I think two years ago, or perhaps it was one year ago. We were to have some revision of this matter. Instead of that, they put on a provision sending the names and the amounts to the Joint Committee on Internal Revenue Taxation. If I remember correctly, that committee has met once since the law was passed, or perhaps twice; and even then it declared itself that it had no authority to revise or to pay any attention to these tax matters. It is absolutely nugatory; and when the Senate came along and put on a measure that did bring about a public hearing on these claims the conference committee knocks that out, and puts in another nugatory provision that never will be of any value.

Mr. President, I just want to say that I have convictions on this matter. I do not believe in secrecy in government.

I do not believe in secret systems of government. I do not believe the Secretary of the Treasury has the right to pay out

the people's money secretly, without letting it be known how it is paid out.

Senators, I do not believe that the Congress of the United States has the lawful authority to direct the payment of the people's money in any such fashion as this. I think it is our duty to bring about an open system of tax refunds.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. HEFLIN. There is so much confusion here, and some Senators have come in who were not here when the Senator started, that I wish he would explain the difference between the bill as it is now pending before the Senate and as it passed the Senate before.

Mr. McKELLAR. I will say to the Senator that the provision as put in by the unanimous vote of the Senate was as follows.

Mr. HEFLIN. I hope Senators will listen to this, Mr. President, because this matter may be debated all day unless some arrangement is made.

Mr. McKELLAR. The provision which the Senate sent over to the House was as follows:

Provided, That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer in the department conducting same, which hearings shall be open to the public, and the decision shall be a public document.

How could any honest official of the Government object to that?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. TYDINGS. I was wondering if the Senator would frame his amendment so that the amount of money would remain the same, but that whenever the Treasury Department did make a refund of taxes; they would be required to send up to the Senate information, first, as to the amount of money——

Mr. McKELLAR. And the reason for the refund.

Mr. TYDINGS. And the reasons therefor.

Mr. McKELLAR. I will say to the Senator from Maryland that I have been fighting here for six long years to try to get that very system inaugurated, and the moment it is presented the Secretary of the Treasury writes a letter stating that he does not believe in publicity of tax returns. What that has to do with this question I can not imagine. He goes over that ground, and immediately the leaders in this Chamber and in the other Chamber take up the cudgels for him, and fight for him, and they render such a provision nugatory. Why? Because he wants to continue the present secret system. Every payment made may have been honest. If it is honest, what reason can there be for not having the light of day turned on it? It is the people's money we are appropriating, not the Secretary's. Why should not the people know why he is paying out this money?

The Senator is absolutely right. We ought to have a statement from the Secretary of the Treasury giving the facts, and the reasons for his decision, before any money is paid out in this way.

Mr. TYDINGS. I would like to ask the Senator another question. As I understand it, the amendment now requires that amounts of money in excess of a certain figure shall not be refunded until the Senate acts upon the cases.

Mr. McKELLAR. Oh, no; it merely provides for an open hearing, where the amount is greater than $10,000. That is all it provides. The reason for that was that the Secretary of the Treasury, in a letter, said that there were an infinite number of small claims—he got very greatly concerned with the small claims all of a sudden—and that the small claims would take a great deal of time if there had to be an open hearing upon each one, so this provision as to $10,000 was put in, and the committee has substituted $20,000 for the $10,000.

Mr. TYDINGS. I did not make myself plain. Suppose the refunds were made exactly as they are now, with the proviso that Congress should be advised of the amounts refunded, and the circumstances under which the refunds were made——

Mr. McKELLAR. That would be perfectly splendid. I have been trying for six years to get that done, but we are blocked every time we undertake to have it done.

Mr. TYDINGS. I was just wondering, if the amendment were framed along that line, whether or not it might not be acceptable to the people who are now in opposition.

Mr. McKELLAR. We have had that up time and time again. Of course, I would accept it, and be delighted to have it, but no one who stands behind Secretary Mellon in this Chamber would agree to it. Mr. Mellon would never agree to it.

Mr. TYDINGS. It seems to me that, conceding the Secretary should have the authority to deal with these cases that he has now, he should furnish the Congress with a statement of the amounts of money refunded and the reasons therefor; in other words, whenever a claim for refund is settled, there is a reason set down in the hearing, and if we had a copy of it, then if we felt it was not proper to make the refund, we could inquire into it.

Mr. McKELLAR. The Senator is exactly right; but that is the very thing the Secretary of the Treasury has fought ever since he has been in office.

Mr. TYDINGS. I wanted to say that I do think it is going a little far to hold up all the money until we have had a chance to look into it.

Mr. McKELLAR. Going a little far? If the Senator pleases, it is an outrageous position for any public officer to take. It is not in keeping with fair and honest dealing among men. If any of these gentlemen have an honest claim against the Government, they ought to have the opportunity to go and present that claim, and let the facts be known, and let the proper officials settle the claim, of course; no one denies that. But we are asked to pay out these sums, to appropriate money for them in advance. For instance, when this bill came in they asked $22,000,000 for this year, but they did not think it would hold out. They had a great many claims. We asked, "How many have you?" "I do not know." "What are they?" "We can not tell you."

Can not tell? They are coming here and asking us to vote money for unexplained claims, and they refuse to give any facts about them, not a fact. We have not a fact in this RECORD upon which any man can vote to spend this $75,000,000 of the people's money. I do not see how any Senator could ever defend his vote in favor of this blanket authority to the Secretary of the Treasury to pay out, to whom he sees fit, these enormous sums of money.

Mr. President, I have read the provision for a public hearing. This is what we got:

That no part of the foregoing appropriations shall be used to pay any refund of income or profits tax pursuant to a claim allowed by the enactment of this act in excess of $20,000.

By the way, they probably will come in with the statement that all these claims have already been allowed.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McKELLAR. Just wait one moment. We must not interfere with noise in the Chamber. We will wait until Senators get through conversing.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease conversation and be in order.

Mr. HEFLIN. I was going to suggest to the Senator that if this provision is adopted, then all those who get refunds under $20,000 will make no accounting to the Senate, and Congress will never be permitted to see the list. We will be asked to vote for millions to pay the claims below that amount without having any testimony on which to act.

Mr. McKELLAR. We will see the list of names and the amounts. If one is diligent enough to go through the musty records in the Ways and Means Committee room, he will see them, but not otherwise.

Mr. HEFLIN. He would not see any testimony giving the reasons for the refunds.

Mr. McKELLAR. None whatever. They deny that any Senator has the right to see any testimony. They deny that any Senator has the right to make any inquiry about it, and the Senator will find in the hearings on this very bill that I asked the Assistant Secretary of the Treasury for the details in a certain case, and he said, "I am sorry, Senator; we are prohibited from giving you those facts."

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. TYDINGS. The Senator knows that in some cases assessments are made erroneously.

Mr. McKELLAR. Of course.

Mr. TYDINGS. In many cases people are required to pay substantially large sums and want to get back what they paid erroneously.

Mr. McKELLAR. Yes.

Mr. TYDINGS. Under the Senator's amendment—and I am for the Senator's amendment, I will say——

Mr. McKELLAR. I thank the Senator.

Mr. TYDINGS. It may be that some one has been taxed illegally, and a refund has been awarded to him. Would his claim be held up until the Senate could act upon it and he thereby be deprived of his money because of a whim of the Senate?

Mr. McKELLAR. No. If the Senator will let me read the amendment, he will see that that can not be. It provides:

Provided, That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out

except upon hearings before any committee or officer in the department conducting same, which hearings shall be open to the public, and the decision shall be a public document.

Mr. TYDINGS. Would Congress then have to appropriate the money afterwards?

Mr. McKELLAR. No; it appropriates the money in this bill under that particular proviso.

Mr. TYDINGS. There would not be any delay, then?

Mr. McKELLAR. None whatever. The only thing that the taxpayer would have to do would be to submit his facts openly and above board and secure the redress that he was honestly entitled to, and not permit the present system of secrecy in the department, where clerks allow what they will and the Congress appropriates without the slightest knowledge of what the claim is.

I will go further. Then they except all judgments of courts, and that is right; they ought to be excepted. They except all judgments of the Board of Tax Appeals, and that is right; they ought to be excepted. Then they except this class, "cases determined upon precedents established in decisions of courts or the Board of Tax Appeals." Most of them are established upon precedent. That emasculates this amendment entirely, and if that provision did not do so the next one would, which provides:

The decision of the Commissioner of Internal Revenue in any such refund allowance in excess of $20,000 shall be a public record.

Mr. President, I just want to say this: I imagine that this conference report is going to be agreed to. So many Senators have appropriations carried in the bill involving their States that they may vote for it. It ought not to be voted for. No Senator, because he has an appropriation in the bill, should vote to put this iniquitous measure on the statute books. But, assuming that the report is agreed to and the bill becomes a law, I give notice here and now that I am going to demand a decision in every single case that comes under this bill. The decisions must be in writing. We must know what the bureau is doing, because I think it is my duty as a Senator to see to it that the people's money is honestly expended and that it is not shoveled out in the secret way in which it is now being shoveled out in the Treasury Department.

Suppose some of you Senators were engaged in business, and you go back home and your secretary says to you, "Well, I need $50,000 to run your business another year." "What are you going to do with it?" "That is none of your business. I am going to do with it what I please. I am going to pay it out secretly if I desire. I am not going to let you interfere in any way with it."

How long would you keep that secretary? You would not keep him any longer than it would take you to say, "You are discharged." Yet that is what we are doing with Secretary Mellon. He comes here twice a year and demands these enormous appropriations—$130,000,000 in the general bill in December, $75,000,000 in the deficiency bill which we are now considering. "What do you want to do with it, Mr. Secretary?" "That is none of your business. You furnish me the money." "What cases have you, Mr. Secretary?" "That is none of your business. You furnish me the money."

That is the attitude of the Secretary. The Senate very timidly said the other day, after a long debate, "We are going to make you tell us somthing about it," and what did he do? He wrote his orders to the House, and said, "I will not stand for it. I do not want you to know anything about the conduct of my office. I do not want you to know any facts upon which to base these appropriations. Your duty is to furnish me the money and let me pay it out to whom I please."

I wonder how many Democratic Senators and how many Republican Senators are going to vote for that kind of an unfaithful service. Somebody asked whether I was criticizing the Secretary of the Treasury. I am criticizing the Secretary of the Treasury, not personally, but I am criticizing him officially. I think he is inefficient. I think this secret system which he has adopted is indefensible. I think he ought not to be Secretary of the Treasury, and he never will be Secretary of the Treasury again with my vote. I hope if Mr. Hoover sends his name in for reappointment that the Senate will rise in its might and reject the nomination. It ought to be rejected. We ought not to have a public servant put into office who acts as this public servant does, who comes here and takes part in legislation, who writes letters saying, "You must not look into my affairs." Even the Comptroller General has been excluded by law from interfering with or supervising the affairs of the Treasury Department. Upon what meat hath this Cæsar fed that he has become greater than his administration, greater than the Senate, greater than the House, greater than the Government that he is supposed to serve? I say it would be a monstrous thing if the Senate votes to uphold this report with this provision in it.

I have said all I desire to say. I am going to ask for a yea-and-nay vote when the question on agreeing to the conference report comes up. I do not think we ought to go on record as approving the report with this provision in it. The other provisions are fairly satisfactory, and I think we should all agree to them, but I shall never vote for this provision.

Mr. HEFLIN obtained the floor.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shortridge
Barkley	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Glenn	Neely	Stephens
Bratton	Goff	Norbeck	Swanson
Brookhart	Gould	Norris	Thomas, Idaho
Broussard	Greene	Nye	Thomas, Okla.
Bruce	Hale	Oddie	Trammell
Burton	Harris	Overman	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hastings	Pittman	Vandenberg
Copeland	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Schall	Wheeler
Edwards	King	Sheppard	

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Eighty-eight Senators having answered to their names, a quorum is present.

Mr. HEFLIN. Mr. President, the matter presented by the Senator from Tennessee [Mr. McKELLAR] is very important. I want to repeat what I said here once before. There is not a commissioner's court in the United States that would approve a bill refunding $5 to any taxpayer unless the testimony taken in open court justified it. But the Senate is called upon to vote not for millions but for hundreds of millions of dollars in tax refunds to people unknown to the Senate and in the absence of any testimony whatever to justify such action.

In 1927 I introduced in the Senate a resolution calling upon the Secretary of the Treasury to furnish a list of those to whom he had refunded taxes. I could not obtain unanimous consent to have that resolution considered until I had agreed to provide that the amounts to be reported should be $25,000 and above. My resolution then passed. I now hold in my hand a list of those to whom taxes were refunded in 1927.

In the State of Pennsylvania there are about 100 refunds listed, and they range from $25,000 to $899,000. This favored list in Mr. Mellon's own State is given to us, but we have not a scintilla of evidence as to why he granted a single one of the refunds; and there is not a scintilla of evidence here with reference to the other States in the Union upon which the Senate can act and has acted heretofore. We are now called upon to appropriate money not only to meet the refunds he has granted recently but to supply him with a fund of millions of dollars to be used to refund in cases that have never yet been passed upon.

Senators, this is not a businesslike way to transact public affairs. We ought to know, and the time is coming when we will know in this body, just why any refund and every refund is made. Why should not we know that? I think it is a piece of impertinence and an insult to the intelligence of Senators to lay down before them a list of refunds with the amount just stated in bulk to be parceled out by the Secretary of the Treasury and that we should be denied any testimony whatsoever justifying the appropriation for that purpose.

I am going to challenge the Senate and any Member of the Senate to give me a dozen names of those to whom these millions of dollars are going to be refunded. There is not a Senator who can tell me one person who is going to receive this money out of the refund that is being provided for here to-day. There is not a Senator present who can give me a reason for voting for the refund that he is about to vote for here to-day. Senators, that is an astounding situation. If you were to do that in almost any county in the United States, a commissioner's court could not be found that was stupid enough to grant refunds to taxpayers without furnishing the reasons and spreading those reasons in a public record. They could not be reelected to the county commissioners' court if they did it. But here are Senators representing sovereign States of the Union called upon not to vote refunds of a few hundred dollars or a few thousand dollars but millions and hundreds of millions.

Mr. President, this thing has reached the point not only where it is an outrageous performance but where it has become a national scandal. If I were Secretary of the Treasury, I would not ask that a single one of these refunds be made without submitting to the Congress every item and a reason in every case why I had ordered the refunds made.

Mr. President, I saw some small measures held up here the other night. One case I recall in particular was that of a man who had been so severely injured while employed in the Government mail service that he had not moved hand or foot for 10 years. The whole Senate was halted for a moment; the bill was about to go over, when the Senator from Missouri [Mr. HAWES] and myself came to the rescue of that poor, unfortunate fellow and caused his bill to be passed. He was asking for only $117 a month to keep him alive. Here, however, we are in the open Senate, in the closing hours of this session, voting, without rhyme or reason, millions and millions of dollars to be turned over to the Secretary of the Treasury to be given by him as refunds to people whom we know nothing about and where there is no testimony showing us the justification for such action. How can any Senator face his constituents if asked about such a situation? When they read the RECORD—and doubtless they will—and say, "Why, you voted for this amount; what were the facts that justified you?" you can not tell them. Here is what you will say; you can say nothing else: "Well, Mr. Mellon had somebody up there to audit the accounts, and some clerk who went over the files penciled a memorandum, made the calculation, and told another clerk that there was a mistake in the assessment; then they finally O. K'd what his finding was; somebody else passed on that; and that is how this claimant got his refund." O Mr. President, I repeat that there is not a county commissioner's court in the Union that would pass a claim upon such procedure as that. I have told the Senate before, and I am going now to repeat, that clerks in the department who have gone into the tax files of rich men have been tampered with. One of them, who made the refund calculation in the case of Doheny which enabled him to get back thousands and thousands of dollars, was taken out of the department by Doheny, and he employed him in his private business at a salary of $7,500 a year.

I repeat, this thing is becoming a national scandal. Where is the testimony—I challenge every Senator here to show it—that justified a Senator in voting for a single item in this refund list? It is not here. Now, we are called upon not only to turn this money over to Mr. Mellon to give to his friends who have already had their claims passed on by some file clerk, but we are asked to give him money in advance to refund to others. How do we know there will be any more refunds? Is there never going to be any end to this?

Are we going to keep on from session to session providing money in advance, encouraging and enticing these clerks and others to go in and hunt up other excuses for refunds? There is not a business organization anywhere on the face of the earth that would employ such tactics.

O Mr. President, I recall the story of the poem of The Moneyless Man:

> Go into the halls of fame,
> And find if you can,
> A welcome awaiting the moneyless man.

It can not be found, but the mighty rich have no trouble in securing their refunds. They can send up here a budget calling for $70,000,000 or $100,000,000, and Senators vote for it. We in this body put a provision in the bill by which we can protect the public, whereby we can protect the Government, whose guardians we are. We are sent here to preserve it in its integrity. We in this body adopt a provision that in no case above $10,000 shall a refund be made except testimony is taken and recorded, the judgment put upon the record, and that it may become a public document, not only where we may see it but where any patriotic citizen who is interested in his country may see it. That amendment goes to the House of Representatives, and evidently Mr. Mellon has brought pressure to bear on somebody over there and they have upset our plan; they have changed it.

I think it would be a good idea for the Senate just to deadlock this proposition and let this refund feature of the bill go over to the extra session of Congress. I think each House ought to treat the other with proper consideration. I have a kindly feeling for the other body; I served in it for 16 years.

Mr. President, I have a measure which has gone to the House of Representatives providing additional copies of the CONGRESSIONAL RECORD for the Members of the House and Senate. The people of this Nation are writing to their Senators to put them on the CONGRESSIONAL RECORD list so that they may receive the RECORD, and Senators are writing back to them that their quota is exhausted and they can not put them on his list. Think of that!

A Senator now gets only 88 copies of the CONGRESSIONAL RECORD for his State and the House Members receive 60 copies. My bill, which has passed this body, provides that a Senator may receive 150 copies of the CONGRESSIONAL RECORD and that the House Members may each have 100 copies. That would enable the libraries and the schools over the country to obtain copies of the RECORD of the proceedings here each day in order that the people of this Nation may be informed as to what is going on regarding the public business here at the Capitol. But the House Committee on Printing will not report that measure out. I say very frankly the law is such that we can not get the additional copies of the CONGRESSIONAL RECORD—and we need them—unless the House will vote to pass that measure. If the House were placed in a similar situation, and desired for its Members additional copies of the CONGRESSIONAL RECORD, I would vote for such a measure, whether the Senate needed these extra copies or not, if the House could not get them in any other way. But action is delayed on that bill because some Member does not want to report it out of the Committee on Printing.

I secured the passage by the Senate of three very important measures affecting the cotton situation, one of them providing for obtaining additional cotton statistics, but those bills are still in the House. They have not been passed. It is true the Committee on the Census, at the request of Congressman RANKIN, of Mississippi, reported one of those measures favorably and placed it on the calendar, but it has been objected to twice and apparently is not going to be passed. Measures introduced in this body in which Senators and the people they represent are interested and which have passed the Senate are not being put through the House. Then, why should we hurry in the closing hours to bow to every beck and call of certain stubborn leaders of the House on questions such as are involved in this bill regarding refunds? I think if we would show some independence and demand that the measures which affect the rights of the American people be given attention, we would get somewhere with them.

Mr. President, I have written a letter to Members of the House delegation from my State as to the cotton bills. I should like to have a copy of that letter printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

(This letter was sent to each Member of the House from Alabama.)

WASHINGTON, D. C., *February 12, 1929.*

MY DEAR CONGRESSMAN: I wish to call to your attention three very important measures that I introduced and had passed through the Senate. All three of them are on the subject of cotton, and have for their purpose the prevention of certain practices that work great injury to the cotton producers of the South.

As you know, two of the measures referred to passed the Senate more than eight months ago, and the other one passed the Senate at this session.

You will recall that in September, 1927, for the first time in its history, the Agricultural Department arrogated to itself the right to predict what the price of cotton would be in the then near future; and that on the 15th of September of that year the Bureau of Economics in that department did issue a statement in which it predicted that the price of cotton would go down. The making of that prediction by the officials of the Agricultural Department broke the price of cotton $7 a bale on the first day and started a downward trend in prices that continued until prices fell from 24 cents to 16 cents a pound, which was a loss of $40 a bale to our cotton farmers, making the total loss on the cotton crop of that year $400,000,000.

As a member of the Senate Committee on Agriculture, which investigated that strange and disastrous performance, I questioned some of the most outstanding men in the cotton trade as to what effect the lower cotton price prediction made by the Agricultural Department had on the price of cotton in the fall of 1927, and without a single exception they all said that cotton prices were steadily advancing at the time; and the crop was small and the demand was great, and that if the Agricultural Department had not made that prediction the cotton crop of 1927 would have sold for at least 24 or 25 cents a pound, which would have meant $400,000,000 more in the pockets of our farmers.

I was convinced that a great wrong had been done the cotton producer by a department of our Government, created for his benefit and protection, and that somebody in the Agricultural Department had been reached and influenced—and I think corruptly—to make that cotton-price prediction in order to break the price of cotton and demoralize the cotton trade of the United States. It did both. Desiring to prevent the recurrence of such a calamity and crime, I introduced a bill in the Senate which made it a crime punishable by fine and imprisonment for any

Government official in the Agricultural Department, or any other department, to make or publish any prediction regarding the price of cotton. The Senate Committee on Agriculture, of which I am a member, approved my bill and reported it favorably to the Senate. I then secured its passage through that body.

This measure of so much importance to our cotton producers has now been in the House for several months awaiting action by that body, and as the last session of the present Congress will end on March 4 I am very anxious, and it is exceedingly important, to have this bill passed by the House and enacted into law before that time. It must be passed at this session if our cotton farmers are to have the benefit of its protection during the coming cotton-selling season. I, therefore, appeal to you to do everything you can to have this measure passed by the House at an early date so that the President can approve it before the 4th of March.

Another important cotton measure that I introduced in the Senate, and which I had passed by that body several months ago, was one to require the Government to collect and publish in a separate item the statistics of cotton known as "snaps" and "bollies." This cotton is of an inferior grade. It is not fully developed and it is gathered while in the unopened green boll. The bolls are pulled from the stalks and then dried through a heating process and the undeveloped or immature cotton is threshed out by a machine made for that purpose. This kind of cotton is produced in Oklahoma and Texas and amounts to five or six hundred thousand bales a year. Sometimes more. It is now reported bale for bale with cotton fully developed and gathered in the natural way from the open boll on the stalk.

This quality of cotton does not possess the qualities of fully developed cotton and the law does not allow it to be tendered on contracts and it ought not to be counted in with the supply of real tenderable and fully developed spinable cotton. It ought to be separated and reported in an item to itself and not mixed in and counted in with the real cotton supply. Then the Government's report would read "so many bales of cotton and so many bales of 'snaps' and 'bollies.'"

The counting in of these "snaps" and "bollies" with real cotton is misleading to the public as to the real cotton supply, and it is injurious to the cotton farmer because this immature, inferior stuff is used in the statistics of the cotton supply to make the supply appear larger than it is. And reported in that way it helps to depress the price. Let the statistics speak the truth and tell in one item how many bales of cotton there are and in another item how many bales of "snaps" and "bollies" there are.

As the matter now stands the Government would report, we will say, a crop of 13,500,000 bales. My bill would compel the Government report to show 13,000,000 bales of cotton and 500,000 bales of "snaps" and "bollies." It is a crime against the cotton farmer to have this stuff counted in with the cotton supply, and my bill, when it passes the House, will prevent such a thing from being done in the future.

My other cotton bill, the one that passed the Senate last week, provides that "linters"—the little fuzzy fiber on the cottonseed—shall be reported in an item to itself so that the number of bales of "linters" will not be counted in as a part of the cotton supply.

As a result of my efforts and the efforts of Senator HARRIS, of Georgia, the Government now reports the number of bales of "linters" produced each year in an item separate from the amount of cotton produced, but, unfortunately, it stops there. What I am now trying to do, and what my bill provides shall be done, is to prevent the counting in with the amount of cotton on hand or in the "carry-over" of cotton in the United States the bulk of the "linters" supply without designating it as "linters."

We are now producing more than 1,000,000 bales of "linters" a year and the counting of the "linters" supply in with the cotton supply is deceptive and misleading to the public and hurtful to the producer, because, when counted in as cotton, it makes the supply of cotton appear to be a million more bales than it is, and the impression is made on the mind of the cotton trade that the cotton supply is large and that depresses the price of cotton and injures the cotton farmer. Now, under the provisions of my bill, the Government report will show "so many bales of cotton," and in a separate item, "so many bales of 'linters.'"

The Government reports now giving the amount of cotton on hand from time to time do not say "so many bales of cotton, so many bales of 'snaps' and 'bollies,' and so many bales of 'linters.'" The reports refer to it all as "so many bales of cotton."

As you can readily see, my bill would take out of the cotton report as it now appears a million and a half bales of "snaps" and "bollies" and "linters" that now appear in the report of the cotton supply. That would help cotton prices greatly. I have seen the price go down by the Government's report showing an increase in the cotton supply of 200,000 bales.

I believe that the passage of this bill would be worth millions of dollars to our cotton producers every year. Here is a copy of my bill:

"Be it enacted, etc., That hereafter, in collecting and publishing statistics of cotton on hand in warehouses and other storage establishments, and of cotton known as the 'carry-over' in the United States, the Director of the Census is hereby directed to ascertain and publish as a separate item in the report of cotton statistics the number of bales of linters as distinguished from the number of bales of cotton."

Please do what you can to rush the passage of this bill and the other two cotton bills that I have mentioned. All three of them are in the House awaiting your favorable action.

With best wishes, I am yours, sincerely,

J. THOS. HEFLIN.

Mr. HEFLIN. Mr. President, this is what occurred in the House when my bill was up for consideration February 25, 1929:

ADDITIONAL COTTON STATISTICS

The next business on the Consent Calendar was the bill (S. 4206) authorizing the Director of the Census to collect and publish certain additional cotton statistics.

The Clerk read the title of the bill.

Mr. President, the bill here referred to is the one that I had passed by the Senate.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, at the present time we have a permanent law that requires the Secretary of Agriculture to collect statistics of the grades and staple of cotton, the amount tenderable and untenderable. The agricultural appropriation bill carries an appropriation of $420,000 to gather these statistics for the next fiscal year. I feel that this bill just read from the calendar will only duplicate what already is being done and I shall feel compelled to object. I can see no justification for the additional expenditure.

Mr. RANKIN. Will the gentleman reserve his objection?

Mr. BLACK of Texas. I will be glad to reserve it.

Mr. RANKIN. If the gentleman from Texas had been with us last year when we went into a thorough investigation of the manipulation of the cotton market, he would not object to this bill. The law to which he refers does not cover this point at all. This bill is in the interest of the cotton growers of the South. It is necessary, and the legislation to which he refers does not take care of the situation.

Mr. CRAMTON. I am convinced by the statement of the gentleman from Texas.

Mr. BLACK of Texas. Mr. Speaker, I have the highest respect for the judgment and opinion of the gentleman from Mississippi. He is a very able and useful Member of Congress, but I have investigated this matter thoroughly; I know the kind of reports that the Department of Agriculture issues each month. They issue it on the staple, the grades, and the amount that is tenderable and the untenderable, and Congress has appropriated $420,000 for that purpose. I feel as if we ought not to duplicate in the Department of Commerce what the Department of Agriculture is already doing under a mandatory law.

Mr. RANKIN. Mr. Speaker, if we were doing that, if we were protecting these people, it would be a different thing. In order to show the gentleman from Texas [Mr. BLACK] where he is absolutely wrong and where it is impossible to protect the cotton growers and the cotton trade under the present system, last year this very trouble arose because of the fact that these representatives of the Department of Agriculture had put their stamp of approval on cotton that was untenderable and permitted it to be offered on the exchange and drove the price of cotton down, to the economic injury of the cotton farmers.

These untenderable snaps and bollies—and you gentlemen from the spinning districts ought to be interested in this—are piling up into the carry-over, and it is heralded to the world every year that this amount of cotton is on hand, without the information being given that it is snaps and bollies. As a result, only a year or two ago, with this report coming out, the mills of the country took it for granted that that was tenderable cotton; and when finally the facts were known you people from New England paid the penalty of having to purchase your cotton after it had drifted into the hands of these speculators and manipulators, whom we are trying to curb by this legislation.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to extend in my remarks a portion of a table issued by the Department of Agriculture that does show the amount of cotton that is tenderable and the amount that is untenderable. I do that to show what is being done. I think this table will clearly show that the Department of Agriculture is now doing everything that is necessary to give complete information as to the grades, staple lengths, and other information of cotton ginned.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by publishing a table issued by the Department of Agriculture. Is there objection?

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, at this point I insert a portion of a table issued by the Department of Agriculture February 15, 1929.

Staple lengths of upland cotton

Staple in inches	Bales	Per cent
Total	13,866,431	99.82
⅞ and under	1,927,047	13.87
15/16	5,832,860	41.99
1	3,179,316	22.89
1 and 1/32	1,568,674	11.29
1 1/16 and 1 1/32	733,498	5.28
1 1/8 and 1 3/32	439,589	3.16
1 3/16 and 1 1/4	157,637	1.14
1¼ and over	27,810	.20
Total upland cotton	13,866,431	99.82
Total tenderable	11,549,363	83.14
Tenderable ⅞ inch to 1 3/32 inches, inclusive	10,211,373	73.51
Tenderable over 1 3/32 inches	1,337,990	9.63
Total untenderable	2,317,068	16.68

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER. This bill requires three objectors.

Mr. HUDSON. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks to show that the very people to whom the gentleman from Texas refers passed and stamped——

Mr. BLACK of Texas. Mr. Speaker, I object to the gentleman going into a general debate about my motives. I do not question his in the least. I feel it my duty to object.

Mr. RANKIN. I am not questioning the gentleman's motives, but since he is going to extend his remarks and put into the RECORD representation from the Department of Agriculture, I want to show that the very representatives to whom he refers passed as tenderable cotton cotton that was untenderable, and helped to wreck the cotton market last year.

I also ask to have printed in the RECORD at this point another letter which I wrote to a member of the Alabama delegation, and copies were sent to other members of the Alabama delegation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WASHINGTON, D. C., *February 22, 1929.*

Hon. WILLIAM B. BANKHEAD,
House of Representatives.

DEAR WILL: Your letter has been received and noted.

From answers that I have received from some of the members of our Alabama delegation in the House, it is clear that some of the members of the House Committee on Agriculture do not understand the purpose of my bills regarding "linters," "snaps," and "bollies." I am seeking to eliminate all three of them from the count of cotton produced annually and "on hand" at different periods at warehouses and other storage establishments and in the "carry over" of actual cotton at the end of the season.

My point is that "linters" is not cotton and should not be counted at any time as a part of the cotton supply. "Bollies" is not cotton because of its undeveloped and immature fiber. It is not entitled to be classed as cotton, and therefore should not be counted in at the end of the year as a part of the cotton supply. It is unfair and unjust to the cotton producer to have it so counted. "Seconds" and "shorts" come out of wheat, but they are not counted as "flour." "Snaps," it is true, is a kind of cotton. Some of it is developed, but it is not gathered in the usual way by plucking it from the open boll in the field, clean and free from other substance, but the cotton in the boll, burr, and all the trash lugged in with every boll is pulled from the stalk. And I contend that on account of its low grade and inferior quality it ought not to come in and be counted bale for bale with cotton fully developed and picked with human fingers from the open boll, as our farmers gather all their cotton in Alabama and other Southern States, with the exception of Texas and Oklahoma, where they produce every year more than a half million bales of "snaps" and "bollies."

The flour mill man does not count "seconds" and "shorts" and "bran" as a part of his flour supply. He reports so many sacks of "flour," so many sacks of "seconds," so many sacks of "shorts," and so many sacks of "bran." And my bills would require the Government reports to show so many bales of "actual cotton," so many bales of "linters," so many bales of "bollies" and so many bales of "snaps." In that way I believe we would eliminate every year at least one and a half million bales from the amount of cotton now claimed in the annual production, and from time to time in the amount of cotton "on hand" and in the amount of the "carry over" of cotton at the end of the season.

As I said before, I was the first one to bring about a separation of the number of bales of "linters" produced each year from the item in the Government reports of the number of bales of cotton produced. That is now being done. That report now shows when the crop is gathered and ginned the number of bales of cotton produced and the number of bales of "linters," but there is no report and no attention is now called to the number of bales of "bollies" and the number of bales of "snaps." That low grade, undeveloped, and inferior stuff is counted in as a part of the cotton supply, and I claim that it is fraudulently used to make the size of the crop look large, and counted and used during the year to make it appear that there is a large supply of cotton "on hand." And the same thing is done with regard to the report of cotton in the "carry over," all of which is injurious to the cotton producer.

While it is true that the number of bales of "linters" is now reported at the end of the season separate from the number of bales of cotton produced, it is a fact nevertheless that from then on "linters" is lost in the shuffle as a separate item, and you don't hear of "linters" any more. My bill on "linters" passed by the Senate and now in the House, would prevent unscrupulous Government employees from counting "linters" in as a part of the cotton supply to help depress the price. It would compel them to account for the whereabouts of "linters" during the year, and when the "carry over" is announced it would require them to report it in a separate item as the flour man reports "bran" in an item separate and apart from "flour."

There are scores of cotton speculators who are always working to beat down the price of cotton, who would pay a large sum of money to unscrupulous Government employees to have a million bales added to the cotton supply. You will doubtless recall that a few years ago Hyde and Holmes, two crooked Government employees in the Agricultural Department, added 250,000 bales to the Government report, for which they were paid $40,000 each. That thieving act of theirs broke the price of cotton about $7 a bale and enabled the bear speculators to make hundreds of thousands of dollars. And that money was taken out of the pockets of the cotton producers.

The fact that certain Government employees in the Agricultural Department, and also in the Census Bureau, are, as I understand it, opposing this proposed cotton legislation is a very strong reason why it should be enacted into law. If they are not now making an improper and wrongful use of "linters," "snaps," and "bollies" in reporting on the "cotton supply," they would have no objection to a law requiring them to call by its proper name and separate all that stuff from the amount of "actual cotton" produced, "on hand," and in the "carry-over." As the matter now stands, the opportunity is there for crooks to make millions by adding to the cotton supply and making it appear large. That kind of thing is worth millions to the bear speculators, for it always breaks the price.

I have given you these additional points in the hope that they may be helpful to you and the other members of our delegation should you find it necessary to demand of the Rules Committee, of which you are a member, a special rule for the consideration and passage of these cotton bills at this session of Congress.

Hoping that you may be able to get favorable action, and with best wishes, I am

Yours sincerely,

J. THOS. HEFLIN,
Alabama Delegation.

Mr. HEFLIN. Mr. President, I want to say before I take my seat that no Senator here will vote more quickly than I to provide appropriations to make refunds to taxpayers who have been unjustly treated, who have paid money into the Treasury which they ought not to have paid. I have thought all along that ought to be done, and I now think it ought to be done; but, Senators, the taxpayers of this Nation have not made the mistake of paying over $3,000,000,000 more than they should. The more than $3,000,000,000 which have been refunded in rebates, credits, and refunds should not have been so refunded. I do not believe that Mr. Mellon can submit to this body or the House the testimony justifying him in making such enormous refunds.

Mr. President, I can understand how it is possible to make mistakes in the case of large tax returns, and in collecting the vast sums of money which the Government collects; but, Senators, such mistakes as have been charged up against the Government in the records of the Treasury Department have not been made. The taxpayer himself is on the alert; he is not going to pay any more than he is compelled to pay; he is very careful to have his business gone over; he is very careful to hedge and protect his interest at every turn; and when the Government finally collects from him he has done everything in his power to protect his pocketbook, as he has a right to do. It is the duty of the Government to see to it that he does not pay a cent more than that which is due the Government. So, the Government being on the alert to get exactly what is due it and no more, and the taxpayer being on the alert to pay exactly what is due the Government and no more, I submit to this intelligent Senate that mistakes involving over $3,000,000,000 in paying taxes to the Government have not been made. The truth is—and we can not get away from it—that refunds have been made to favorites. I am convinced of that, and I have a

right to suspect that there is something wrong when the testimony is not submitted here to show me that the Treasury Department was justified in making such refunds.

Mr. President, it is an outrageously scandalous performance, and I think that a great many Senators are going to be confronted with this question next year; I hope they will be; and that the people at home will ask them, "Why did you vote to give these millions to those people in refunds, without any testimony to justify it? Why, you did not know yourself why you were doing it; you did not have the testimony in a single case, did you?" The Senator so questioned will say, "No; I did not." He will then be asked, "Can you tell me now why you voted for it?" "No; I can not." "Well," the questioner will say, "we will send somebody up there who will at least be smart enough to think he knows what is going on in the conduct of the Government's affairs."

Mr. President, the portion of the conference report affecting this matter ought not to be accepted; we ought to send it back and ask for a further conference with the House, and hold the provision in the bill as the Senate adopted it in the first place, because it is right. Nobody can deny that. If it is right, it ought to remain in the bill. If it is wrong, let us be shown wherein it is wrong. That has not been done, and it can not be done.

Mr. President, there are enough Senators here, if they want to, either to tie up this bill or to send it back for further conference. I know it is exceedingly hard to arouse any enthusiasm when you are preaching a crusade against entrenched privilege in this Nation. I know it is hard to enthuse some Senators, to get them to stand up and fight in the open against this high-handed business of handing out refunds as favors and Christmas gifts and birthday presents to the mighty rich of this Nation; but, Mr. President, that has been the trouble with every nation that ever existed. Those in authority reached the point where they looked to the wealthy class, to the mighty rich, for political favors and support, and they forgot the rights and the interests of the masses of the people.

They forgot the government and their duty to preserve it and they pandered to that other sentiment, until one day the nation fell. That is the story of every government that has perished in the long night of time. Let this Government wake up, and let us say to the mighty rich: "We have no prejudice against you. We want you to accumulate a fortune if you can do it honestly. It is the duty of every man to acquire a fair share of this world's goods and to provide well for those dependent upon him; but you must not reach the time where your god is gold and where you think more of your material possessions than you do of right and justice and the welfare of the Government and the people of this Nation."

They may reach that point, but we, at least, ought to stand firm and fear not. We must have standards to go by; and we who are in charge of the Government ought at least to stand here and fight to the last ditch for what we know is right and just and fair.

I submit before I sit down that no Senator here can assail the position I have taken. You have not any testimony to justify you in voting a dollar of refunds in this bill. You do not know of a single person who is going to receive a refund. You do not know of testimony anywhere that will justify a single refund; and, think of that! How shocking it is that the Senate is about to be called upon to vote again upon a question upon which it has absolutely no testimony whatever to justify its action!

GROWTH OF AMERICAN IMPERIALISM

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an article prepared by People's Lobby, John Dewey, president, Washington, D. C., entitled "Growth of American Imperialism."

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

Imperialism and World Politics, by Dr. Parker T. Moon, of Columbia University, published by the Macmillan Co., presents the outstanding facts about the growth of imperialism and the relation to world politics. His description of the growth of American imperialism since the Spanish-American War is of particular importance.

He quotes C. S. Olcott's Life of William McKinley as to how he reached his decision about the Philippines:

"I walked the floor of the White House night after night until midnight; and I am not ashamed to tell you, gentlemen, that I went down on my knees and prayed Almighty God for light and guidance more than one night. And one night late it came to me this way—I don't know how it was, but it came:

"(1) That we could not give them back to Spain—that would be cowardly and dishonorable (national honor theme);

"(2) That we could not turn them over to France or Germany—our commercial rivals in the Orient—that would be bad business and discreditable (economic nationalism);

"(3) That we could not leave them to themselves—they were unfit for self-government—and they would soon have anarchy and misrule worse than Spain's war (racial superiority);

"(4) That there was nothing left for us to do but to take them all, and to educate the Filipinos, and uplift and civilize and christianize them as our fellow men, for whom Christ also died. (Altruism, the 'white man's burden,' and missionary zeal. The Filipinos, by the way, were already Christians, Roman Catholics, with the exception of a small number of Mohammedan tribesmen.)

"And then I went to bed, and went to sleep, and slept soundly."

THE MONROE DOCTRINE AND IMPERIALISM

"In the smaller countries of Latin America," writes an American publicist, "controlled by our soldiers, our bankers, and our oil kings, we are developing our Irelands, our Egypts, and our Indias." The Latin-American policy of the United States—"dollar diplomacy, with its combination of bonds and battleships"—is essentially imperialist, so he believes, and "means the destruction of our Nation just as surely as it meant the destruction of Egypt and Rome and Spain and Germany and all the other nations who came to measure their greatness by their material possessions rather than by their passion for justice and by the number of their friendly neighbors." (Dr. Samuel Guy Inman.)

Certainly there can be no question that in the nineteenth century most of South America, all Central America, Mexico, and the Caribbean Islands were in conditions which would ordinarily constitute an invitation to imperialism. In Asia and Africa and the Pacific, countries having rich undeveloped natural resources in combination with weak governments, have almost universally been subject to imperialism; one recalls Egypt, Tunis, Turkey, Morocco, Persia, Indo-China, China, Korea, not to mention more backward areas. The Latin-American States, like these, had undeveloped resources calling for European capital and for European concession hunters, and as a general rule Latin-American governments were weak, frequently subject to revolution, lacking powerful armies or navies to repel European aggression.

PORTO RICO

The smaller island of Porto Rico was annexed outright at the close of the Spanish War. This was pure imperialism. After a transitional period of administration by the military authority, a civil government was established under the Foraker Act, passed by the United States Congress. Though a house of delegates, elected by the people, was established, the controlling power was vested in a governor general and an executive council of officials appointed by the President of the United States with the advice and consent of the United States Senate. This system was liberalized by the Jones Act of 1917, which granted American citizenship to the inhabitants of Porto Rico, and created an elective senate, but still government was far from autonomous, and Porto Ricans complained of their condition. On the other hand, there could be no question that as regards sanitation, education, and economic production (sugar, tobacco, coffee, fruit, etc.), American rule was highly beneficial. The death rate was reduced from 26 to 18.7 per thousand. Some 2,500 schools were established. Nor could there be any doubt that the increased commerce of Porto Rico was almost wholly with the United States. Porto Rican exports increased from $10,000,000 in 1900 to eighty-eight and one-fourth millions in 1924; Porto Rican imports, from ten millions to eighty-nine and one-half millions. The share of the United States in the island's exports rose from 34 per cent in 1900 to 91 per cent in 1924, while the percentage of the island's imports supplied by the United States grew from 70 per cent in 1900 to 90 per cent in 1924. This was partly due to the tariff arrangement, whereby exports from the United States are admitted to Porto Rico—and vice versa—free of duty, whereas foreign goods are subject to the duties prescribed in the United States tariff. Trade figures show that the island means many millions of dollars' worth of business to the American iron and steel industry, the cotton manufacturers, and soap makers, as well as to American importers of sugar and tobacco. If occasionally there were complaints that laborers in Porto Rico were underpaid and overworked, or that the American administration was solicitous chiefly for American interests, these were but jarring minor notes in the major cadence of prosperity.

CANAL CONSTRUCTION AND DOLLAR DIPLOMACY IN CENTRAL AMERICA

After the Spanish-American War the pressure of the United States was felt in Central America. Central America consisted of five small republics (Guatemala, Salvador, Honduras, Nicaragua, and Costa Rico), besides a very small British colony of British Honduras, and the Isthmus of Panama, then part of the adjoining South American Republic of Colombia. In parts of Central America American fruit interests had acquired considerable economic importance; there were also British railway interests, and German-owned plantations. Not economics, however, but strategy was the dominating factor in the situation. For decades various plans had been discussed for the construction of a ship canal through Nicaragua or through the Isthmus of

Panama to afford commerce a short cut from the Atlantic to the Pacific. There was a question, however, whether such a canal ought to be American or neutral and international. Back in the year 1850 the Clayton-Bulwer treaty between the United States and England had provided that any such canal must be unfortified, neutral, under international guarantee. Such restrictions were repugnant to the exhuberant national spirit which prevailed immediately after the Spanish-American War, and from England—then preoccupied with the Boer War—permission was obtained by the Hay-Pauncefote treaty of 1901 to construct a canal under American control, to be policed by the United States, on condition that such a canal should be open to the merchant vessels and warships of all nations, in war and in peace, without discrimination or inequality of tolls.

It would have been relatively easy to obtain from Nicaragua the right to dig a canal across Nicaraguan territory, and this route was favored by a commission of investigation, but President Roosevelt and the Senate for various technical reasons preferred the route across Panama. Roosevelt obtained from Congress authority to use this route if he could make the arrangements within a reasonable time and at reasonable expense.

The advantage gained by the United States in undertaking the construction of the canal single handed, instead of allowing it to be an international enterprise was not commercial. By the terms of the Hay-Pauncefote treaty, foreign ships enjoy the same rights and pay the same tolls as American vessels; and when Congress in 1912 attempted to exempt American coastwise shipping from all tolls, Britain protested, with the result that the tolls exemption law was repealed in June, 1914, at President Wilson's insistent and high-minded demand. The advantage, let it be repeated, was not commercial, but strategic. The United States could and did fortify the canal, so that in case of war it could be defended against attack, and so that it constituted virtually another naval base on the Caribbean Sea. This naval acquisition, however, inspired American naval experts with an earnest desire for additional naval outposts in the Caribbean to protect the canal. The canal built to protect the United States now had to be protected by further acquisitions, notably Fonseca Bay, the Corn Islands, the Danish West Indies, Haiti, and Santo Domingo. But of these, more will have to be said.

The digging of the canal meant that Central America must become very definitely an American "sphere of interest," as European imperialists would say. Certainly no other great power could be allowed to gain a foothold near the canal—at any rate, no foothold nearer than the existing British possessions (British Honduras, Jamaica, etc.). Increasingly the United States overshadowed the Central American Republics. Panama, though "independent," was a protégé if not a protectorate of the United States; from the beginning her existence had depended on American protection; the Canal Zone, occupied by American military and naval forces, was in the middle of the Republic. Europeans would call Panama a "veiled protectorate."

Immediately north of Panama lies Costa Rica, better governed than its neighbors, probably because it has a larger percentage of cultured white inhabitants and a smaller number of illiterate half-castes and negroes. In Costa Rica the mines, banks, commerce, and railways were controlled largely by foreigners, and the United Fruit Co.'s banana plantations were of great importance. Oil interests, however, were more decisive. In 1915 and 1916 Americans obtained extensive oil exploration rights. When in 1917 a revolutionary government headed by Federico Tinoco seized power and seemed disposed to grant oil concessions to the Cowdray (British) interests, President Wilson refused recognition; and even though Costa Rica joined in the war against Germany, still recognition was withheld, and Costa Rica was excluded from the peace conference. The attitude of the United States encouraged a successful rebellion against Tinoco in 1919. One needs hardly add the new Government, headed by President Acosta, and less prejudiced in favor of British oil interests, was soon recognized. Presently it was reported that the British concessions were canceled. Costa Rica is "independent," but her Government must respect the new Monroe doctrine, the doctrine that the United States has a veto on concessions.

Nicaragua, next to the north, came more definitely under American domination. President Jose Santos Zelaya unwisely opposed American interests. When in 1909 a rebel movement "friendly to American interests" was set on foot with American backing, Zelaya committed the supreme act of imprudence by executing two Americans for attempting to dynamite a troopship. Thereupon Secretary Knox severed diplomatic relations with Zelaya's government, and Zelaya was soon ousted. Now Knox's plans could be carried out. Thomas C. Dawson, who had previously been concerned in establishing the American receivership for the Dominican Republic, and who had served as American minister to Panama, was sent to Nicaragua to arrange "the reestablishment of a constitutional government," a settlement of American claims, and a loan from American bankers.

In consultation—on board an American warship—with the leaders who had overthrown Zelaya, Dawson made what has been called the Dawson pact (1910), including provision for a loan guaranteed by customs receipts, and for the election of Gen. Juan Estrada as President. But Estrada soon found the task of governing an indignant people too much for him; and Adolfo Diaz, formerly a bookkeeper in American employ, was given the presidency in 1911 and maintained in office, against the wishes of the population, by the presence of a small force of American marines at Managua and the occasional appearance of American warships off the coast. With him, Knox was able to make a convention June 6, 1911, for a loan of $15,000,000 to Nicaragua, guaranteed by Nicaraguan customs receipts. Though the United States Senate refused to ratify this treaty, other loan contracts were put through from time to time, an American was appointed to control the collection of Nicaraguan customs revenues, and the Nicaraguan railways were pledged to American bankers. Years later, William Jennings Bryan revived the dollar diplomacy of Knox and negotiated the Bryan-Chamorro treaty of 1915, whereby, in return for $3,000,000, to be expended under American direction, Nicaragua submitted to American financial control, granted the United States exclusive rights to build an interoceanic canal (this to forestall possible competition with Panama), and gave the United States a 99-year lease of the Corn Islands and the right to have a naval base on the Gulf of Fonseca. Nicaragua thus became another ward of the United States.

Nicaragua's customs revenues were collected under American supervision. A commission of one Nicaraguan and two Americans was appointed to supervise Nicaragua's expenditures. American bankers, notably Brown Bros. and J. W. Seligman, virtually controlled the country's finances, banking, and railways. And American marines prevented, or aided in suppressing, insurrections against this agreeable state of affairs.

When Nicaragua's neighbors protested that the naval provisions of this treaty infringed their boundary rights, and when the Central American Court of Justice, which the United States had helped to establish in 1907, decided that this protest was just, the United States ignored the decision, and thereby delivered a mortal blow to the court.

Criticism of American policy in Nicaragua was probably responsible for the decision of the United States Government to withdraw its marines in August, 1925, as a proof that the United States was not endeavoring to dominate the little Republic. Moreover, a new electoral law, drafted by American experts, was adopted by Nicaragua, and the American experts were invited to supervise the elections. Naval domination thus gave place to expert advice; but it requires little imagination to predict that should any Nicaraguan Government attempt to cancel American financial and naval privileges, the marines would again do their duty at Managua.

Honduras, a land of cattle ranches owned by Hondurans, mines owned by American and British corporations, and banana plantations owned by Americans, has a relatively large Indian, Negro, and half-breed population, and a small white upper class. Such ingredients produce political instability, revolutions, dictatorships, and filibustering. Civil war between rival political factions afforded the occasion for the landing of American marines in 1924, and American intervention succeeded in restoring order.

Salvador, the smallest of the Central American Republics, but densely populated, prosperous, and fertile, remained independent until 1922, its commerce being conducted laregly by English, Dutch, and German exporters, its coffee crop increasing, its Government fairly stable. In 1922 Salvador made a loan contract with Minor C. Keith, head of the United Fruit Co., for the issue of bonds amounting to a maximum of $21,500,000. Part of the issue consisted of 6 per cent bonds to cancel an old English loan; another part consisted of 8 per cent bonds sold to New York bankers at 88 per cent of their face value and redeemable at 105 per cent of their face value; and a third part 7 per cent bonds. The significant feature of the contract was the provision that 70 per cent of the Republic's customs revenues were pledged to pay interest and sinking-fund charges on this loan. The 70 per cent was to be paid directly to a bank named by Mr. Keith. In case of default this bank was to transmit through the United States Department of State the names of two persons, one of whom would be selected by Salvador, to act as collector general of the entire customs revenue. Disputes regarding the contract were to be referred through the Washington State Department to the Chief Justice of the Supreme Court of the United States. The inference drawn by the bankers was:

"It is simply not thinkable that after a Federal judge has decided any question or dispute between the bondholders and the Salvador Government that the United States Government should not take the necessary steps to sustain such a decision. There is a precedent in a dispute between Costa Rica and Panama, in which a warship was sent to carry out the verdict of the arbitrators."

Salvador, in short, becomes a financial dependency of American bankers acting with the cooperation of the United States Government.

In Guatemala, the most northerly of the six Republics, the United Fruit Co. grows bananas, and there are considerable American railway interests. Over Guatemala the United States did not establish control, however, perhaps because the country was farthest removed from the canal, perhaps because the administration was friendly to foreign capital and to the United States. Guatemala, for instance, offered the United States the use of its waters, ports, and railways in the war against Germany in 1917–18.

In general, it may be said that since the Panama Revolution American bankers have been rapidly acquiring control of Central American railways and other enterprises, and, in cooperation with the Department of State, have been extending control over the finances of Central American governments. This is "dollar diplomacy." It has been supported by marines, warships, and what we might call naval diplomacy. It has made Central America a sphere of interest of the United States, in which European intervention would be resented, in which concessions to European capitalists may not be made without danger of offending the watchful eye of the Department of State, in which American naval and economic interests hold undisputed supremacy.

The iron hand is usually covered with a velvet glove, as may best be illustrated by the Central American conference of 1923. The Washington State Department considered it desirable to have the armies of the Central American Republics reduced and a court of arbitration established to prevent petty wars in Central America. The court which had been established in 1908, it will be recalled, had expired in 1918, after the Fonseca Gulf case. A new court would have to be created. Moreover, there was a strong movement in Central America toward Federal union, and Washington was apparently desirous of having a hand in any such federation. Accordingly, in 1922 the Presidents of Nicaragua, Honduras, and Salvador were invited to talk matters over on board the U. S. cruiser *Tacoma*, and there a preliminary understanding was reached, with the result that the United States next invited delegates of the five Republics (not including Panama) to confer in Washington with Secretary Hughes as their host. That the affairs of Central America should be settled in distant Washington, instead of at home, seemed not to occur to Mr. Hughes. Under his tactful guidance the conference agreed on an arbitration court; armies were limited, a free-trade convention was signed, and various other unifying measures were adopted. The United States presided over Central American affairs and presided with a hand which could be gentle, though firm.

Haiti continued independent until 1915. In the summer of that year the American public, or as much of it as reads the foreign news dispatches, was shocked to learn that President Villbrun Guillaume Sam, of Haiti, had caused 200 political prisoners to be butchered in cold blood, and that he himself had taken refuge in the French consulate, only to be dragged out and beheaded by an irate mob. That American marines should thereupon have been landed to restore order seemed natural enough. Subsequently, however, it appeared that more than a year before this bloody drama the United States had unsuccessfully demanded the signature of a treaty giving the United States charge of the customs collection and debt service, as in Santo Domingo, and that the United States Navy Department had dispatched the *Washington* to Haiti in January, 1915. It also appeared that a strong reason for this forehanded action was to prevent Germany from obtaining a naval base in Haiti. It was the French, however, rather than the Germans, who landed marines in June, 1915, to be followed by United States marines in July. All this seems to have occurred before the massacre of July 26 and the beheading of July 27, 1915.

After the events of July 26–27, more American marines were landed, and Rear Admiral Caperton took charge of the customhouses and administration against the protest of the Haitian Congress. The treaty which had been rejected by Haiti before the occupation could now be put through with ease and dispatch. A president who would accept the desired treaty was elected in August, 1915, and the treaty was signed on September 16. The United States, so this interesting document stipulated, would aid Haiti in developing her agricultural, mineral, and commercial resources; the United States would also name a general receiver and financial adviser to hold Haiti's purse strings and see that the bankers owning Haitian bonds got their due; Haiti would make no new loans or changes in her tariff without obtaining consent from the White House; nor would Haiti lease or cede territory to any foreign power; and, finally, not only would the United States organize an armed constabulary to establish order in Haiti, but also American forces would intervene whenever necessary in the future to preserve individual liberty, life, and property. This meant a protectorate, if there ever was one.

As there was inevitably some popular opposition in Haiti to this signing away of the Republic's independence, it was not thought expedient to permit elections until 1922. American marines still remained in the island, and the elections went off well enough, resulting in the election of a President who promised to cooperate loyally with the United States. And still the marines remained. While the occupation continued, American business interests were actively carrying out the treaty pledge to aid in developing Haitian resources. New York banking interests purchased control of the Banque Nationale de la Republique d'Haiti. American capitalists bought up land, sugar mills, railways, lighting plants, and other property.

Moreover, the American naval authorities were active in promoting sanitation and road building. The natives might not enjoy being compelled to work on the roads under the supervision of American engineers, but Americans felt that the end justified the means. Let the Haitians protest as they would, American newspapers such as the New York Times were joyfully certain that "the Americans are in Haiti to raise its people from a state of ignorance and savagery for which their rules were responsible. * * *." An official American report insisted that the occupation was characterized by "freedom from all suggestion of selfish aims." The United States, in short, was assuming a small share of "the white man's burden."

PAN AMERICANISM

In the rest of South America the interest of the United States has been less vigorous. To be sure, the Monroe doctrine applied originally and still applies to the entire southern continent, as well as to Central and North America, and the United States would undoubtedly resent European or Asiatic encroachment on the independence or integrity of any of the Latin-American Republics; but the United States has evinced no concern over the settlement of large numbers of Germans in Brazil, Italians in Argentina, and of some Japanese and Chinese in several countries; nor has the United States attempted to exercise south of the Equator the veto on concessions or the same strict censorship of revolutions or the police power which have been asserted in the Caribbean region. Moreover, there has been a growing tendency in the United States to regard at least the progressive "A, B, C powers" (Argentina, Brazil, and Chile) as associates rather than protégés; it has even been proposed that these if not other South American nations should become partners with the United States in maintaining a modified Monroe doctrine, a mutual guaranty of independence. President Wilson, notably, in his address at the Second Pan American Scientific Congress in 1916, proposed that the States of America unite "in guaranteeing to each other absolute political independence and territorial integrity."

The old Monroe doctrine was blending in with the new Pan Americanism. The Pan American policy proposed by Secretary Blaine in the 1880's contemplated not only friendly relations and Pan American conferences, but also a Pan American customs union and a Pan American railway, and common weights, measures, and coinage. His plan was never realized in its entirety, but at least a periodic conference of diplomatic representatives—the Pan American Conference—was instituted, and later a "Union of American States," maintaining a bureau at Washington. Pan Americanism developed mainly as an interchange of diplomatic amenities, of reciprocal assurances of good will rather than as the sort of economic federation Blaine had conceived. The idea prevailed that the United States and the Latin-American Republics should be a group of States cemented together by periodic conferences, by friendship, by a mutual regard for the peace of the Western Hemisphere. In this connection it may be noted that the United States increasingly assumed the rôle of arbitrator in disputes between Latin-American neighbors—between Costa Rica and Panama, between Chile and Peru, etc. What would happen if two South American nations should refer a dispute to the World Court and one of them refuse to accept the decision and resort to force, thereby incurring the penalties prescribed under the covenant, is an interesting and not altogether academic question, for such an incident would perhaps involve European intervention, contrary to twentieth-century versions of the Monroe doctrine.

Another significant phase of American policy is the principle that in Latin America orderly constitutional government must be maintained, as against revolutions and dictatorships. This was a basic principle in Wilson's Mexican policy. It was expressed by Wilson in his speech of January 6, 1916, when he advocated an agreement "That no state of either continent will permit revolutionary expeditions against another state to be fitted out on its territory, and that they will prohibit the exportation of the munitions of war for the purpose of supplying revolutionists against neighboring governments." It was reiterated by Mr. Hughes as Secretary of State. It would mean a ban on revolutions. It means that the United States insists on the practice of its own principle of constitutional government, whether the other American states are qualified for it or not. Yet, oddly enough, it has been disregarded by the United States in Haiti and Santo Domingo, where American marines have on occasion exercised a purely military dictatorship; Wilson aided the Constitutionalist revolution in Mexico; and no consistent attempt has been made to censor revolutions in South America. In a word, the principle is not to be taken too literally.

As regards economic matters, the affiliations of South America prior to the Great War were chiefly with Europe, particularly with England, for British capital built the South American railways, and British, German, and French shippers handled most of South America's foreign trade. It has been estimated that before the Great War about one-fifth of British overseas investments were in Latin America, and that the British holdings in South America amounted to about $3,000,000,000. But the war enabled the United States to obtain a larger share of South American commerce, and New York rivaled London as financial capital of South America.

The National City Bank and others established many branches in Hispanic America. North American investors bought South American bonds and sought South American concessions. Consider, for example, the case of Peru, to whose Government an American syndicate in 1925 loaned $7,500,000 at 7½ per cent interest. The New Jersey Standard Oil, operating through the International Petroleum Co. (Ltd.), gained control over 80 per cent of the oil production of the country. In 1925 the capital invested in Peru by the Standard Oil, the Cerro de Pasco

Copper Corporation, the American Smelting & Refining Co., the Vanadium Corporation of America, and other American concerns amounted to about $100,000,000—a fairly considerable and rapidly increasing sum, although it was only one-third of the total foreign capital invested in Peru. It was estimated that the new South American loans and investments floated in the New York money market during the year 1926 would amount to no less than $400,000,000.

Toward the colossus of the north, some South American nations had long felt suspicion bordering on hositility. They resented the assumption by the United States of the rôle of protector and spokesman for the New World; they were irritated by the condescension with which North Americans so frequently dealt with South American affairs; above all, they were provoked by the "imperialism" of the United States in Mexico, Central America, and the Caribbean. One eminent Latin-American publicist wrote: "To save themselves from Yankee imperialism the American democracies would almost accept a German alliance or the aid of Japanese arms; everywhere the Americans of the north are feared." This is no doubt exaggerated; it represented the attitude of extremists; yet in its way it indicates the reaction of Latin American nationalism against North American imperialism.

Hoping to overcome hostile opinion in South America Wilson proposed the new version of the Monroe doctrine which has already been mentioned, and (on October 27, 1913) solemnly declared "that the United States will never again seek one additional foot of territory by conquest"; and Secretary Hughes repeatedly proclaimed that the United States had no imperialist aspirations, and indefatigable publicists have urged the substitution of a mutual guaranty for the Monroe doctrine, and much propaganda has been directed toward the conquest of South American friendship. The substitution of Pan American intervention for United States intervention, and of international financial receiverships for United States financial protectorates, in the region between the Equator and the United States, would perhaps keep order there more effectively, and conciliate South America, and therefore aid American trade with South America. But such a substitution will be possible only when public opinion in the United States divests itself of the spirit of domination, discards the "big stick" along with "dollar diplomacy" and learns to treat Latin-American nations as associates rather than protégés. The great obstacle is not material interests but a psychological factor, national pride—and national pride is the mother of imperialism.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 4566) authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

INVESTIGATION OF POWER COMPANIES

Mr. NORRIS. Mr. President, a few days ago, on February 26, I made some remarks in the Senate in regard to some developments that were taking place before the Federal Trade Commission in their investigation of the Power Trust. In the course of my remarks, in reading a letter that had been offered in evidence before the Federal Trade Commission, reference was made to the Montgomery Advertiser, published at Montgomery, Ala.

This morning I am in receipt of a letter from the editor of that paper in which he denies some of the assertions made in the letter and other extracts of evidence from which I read; and I think it but fair and just to the editor and the paper itself that I read into the RECORD his denial. It is written on the letterhead of the Montgomery Advertiser, Montgomery, Ala. The date is February 28, 1929:

Senator GEORGE W. NORRIS,
Washington, D. C.

DEAR SIR: There is not a line in the testimony of Leon C. Bradley to sustain your recent charge on the floor of the Senate that "editorials" written by Bradley appeared frequently in the Montgomery Advertiser, at the time when Bradley was editing a bulletin for certain utilities. I am amazed that a gentleman of your responsible position would comment so undiscriminatingly on the testimony of Bradley.

Neither Bradley nor any other outside man ever wrote an editorial for the Advertiser concerning utilities. There is not a line of testimony in Bradley's statement which even indicates that editorial propaganda was ever printed by the Advertiser. We have a feature called "The Passing Throng" in which interviews, personal sketches, and sometimes miscellaneous information are printed. At one time The Passing Throng appeared on the editorial page, but not as editorial matter; it had no relation to editorials then, and has none now, when it is being printed elsewhere in the paper. From time to time The Passing Throng did quote stuff from Bradley's "bulletin," but always with credit to that publication, as reference to our files shows.

Recently we reprinted a considerable number of these innocuous pieces of miscellany—none of which, I believe, referred to questions of public policy. There was no mystery about these articles; no reader was deceived as to their source. They consisted of miscellaneous, sometimes rather interesting stuff of the kind which has always appeared in newspapers. Only an idiot reading these articles could condemn them as dangerous propaganda.

Apparently you have been misled by dispatches written to the Thompson papers by one Hubert Baughn.

Then follow, Mr. President, several sentences in reference to Mr. Baughn, I am not going to read those, because they are rather slanderous, and attack Mr. Baughn rather severely. I do not know Mr. Baughn; I have never met him; but I am not going to be the means of giving publicity to an attack upon him by this editor.

Mr. HEFLIN. Mr. President, will the Senator permit me to say that I know Mr. Baughn, of Alabama. He is a very high-class gentleman, a man of very high character, and one of the best newspaper men in the service.

Mr. NORRIS. I thank the Senator for his interruption. That only strengthens my judgment that I ought not to read the attack made upon Mr. Baughn by the editor of this paper. He can make the attack if he wants to in his paper. I have no interest in such an attack. I am reading everything else in the letter to me except the language that seems to me to be rather slanderous against Mr. Baughn.

I will read the rest of the letter:

But what I particularly wish to impress upon you is that the Advertiser has never printed in its editorial columns even this harmless and innocuous stuff which Bradley told the Trade Commission about; nor did Bradley say that our editorials had ever been at his service. He referred specifically to an interview column; and you have my own assurance that his articles were printed with proper credit to their source.

Will you do the Advertiser the justice to read this letter into the RECORD?

Thanking you, I am, sincerely,

GROVER C. HALL,
Editor the Montgomery Advertiser.

Of course, I am glad, Mr. President, to give as much publicity to the editor's comment as was given to the articles referred to by him. These items and this evidence, as referred to by me, appear in the CONGRESSIONAL RECORD of February 26, 1929. They speak for themselves. I desire, however, to read the letter of Mr. Leon C. Bradley, who was the representative, I think it is conceded, of the power interests, and who was the author of the so-called propaganda articles which it was alleged appeared in the Montgomery Advertiser.

I read his letter the other day; and it is the statements in his letter to which I presume the editor of the Advertiser has reference and which he denounces as being untrue.

This letter is on file with the Federal Trade Commission, having been offered in evidence when Mr. Leon C. Bradley was subpœnaed and testified before the commission. The letter is a short one; and as a justification for what I said and what I had printed in the RECORD, I want to read that letter now, so that it may appear in the RECORD at the same place where the denial appears on the part of the editor of the Montgomery Advertiser.

This letter was written to Thomas W. Martin, president of the Alabama Power Co. of Birmingham, Ala., and reads as follows:

DEAR SIR: You will be interested in these two editorials from the Birmingham News of Saturday and Sunday.

Those were two editorials which he included in the letter, and which I have not seen, and which have not appeared in the RECORD.

Mr. Bradley goes on in this letter:

The only difference between these editorials and hundreds of others which have appeared in the Alabama newspapers since I have been conducting this bureau is that I had the name of the bureau mentioned in these so there could be no misunderstanding as to who had put them in.

I have always suggested to the newspapers wherever possible to avoid mentioning my name or the name of the bureau, as anyone who understands publicity and politics knows it is more effective if the article appears to the reader to emanate from the newspaper itself rather than from some utility source.

It might interest you to know that there have been more than 75 separate articles on the editorial page of the Montgomery Advertiser during the past 12 months regarding public utilities, which were taken verbatim from our news bulletin. The number in the weekly papers runs into hundreds.

I am constantly furnishing information and propaganda advantageous to the utilities, not only to newspapers and members of the public service commission but to other organizations as well. I also serve as a clearing house for Alabama utilities information for the National Electric Light Association and similar organizations.

Very truly yours,

LEON C. BRADLEY, *Director.*

This is the letter of the director to Mr. Martin, president of the Alabama Power Co.

Mr. President, I leave this dispute between Mr. Bradley and the editor of the Advertiser. If 75 of his articles appeared verbatim during the last five months in the Advertiser, the files of the Advertiser and the files of the director of the bureau of this Power Trust certainly will show what the facts are.

REPORT OF THE FEDERAL FARM LOAN BOARD

The PRESIDING OFFICER (Mr. MCNARY in the chair) laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the Twelfth Annual Report of the Federal Farm Loan Board for the Year Ended December 31, 1928, which was ordered to lie on the table.

REPORTS OF MEMBERS OF GRAIN-FUTURES EXCHANGES (S. DOC. NO. 264)

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to Senate Resolution 40 of February 1, 1928, part 1 of a report concerning the effect upon producers of grain of the suspension of the requirement for the making of reports by members of grain-futures exchanges.

Mr. MAYFIELD. I ask unanimous consent that the report be printed, with illustrations, as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

Mr. HARRIS. Mr. President, I have on all occasions supported the measure introduced by the Senator from Tennessee [Mr. MCKELLAR] in regard to the publication of income-tax returns. In fact, I think the RECORD will show that I introduced the first resolution providing for publication nine years ago, when I first came to the Senate.

Citizens of moderate means with only a small cottage and those so poor that they possess only a few household goods and wearing apparel of small value must make their tax returns to the tax officials and they are made public. If there is a mortgage on their property it is placed on the court records and is also made public. Why should men of great wealth be allowed to have their income-tax returns kept secret? Our Government should be just to rich and poor alike. The Secretary of the Treasury, one of the wealthiest men in the world, has always opposed publicity of income-tax returns. Our forefathers in framing the Constitution tried to prevent a man of great wealth from being made Secretary of the Treasury. My colleague in the Senate, the late Senator Thomas E. Watson, called this law to the attention of the Senate when Mr. Mellon was first appointed and showed plainly that Mr. Mellon was not eligible under the law to serve as Secretary of the Treasury, but he has served under Presidents Harding, Coolidge, and it is generally understood that he will serve under Mr. Hoover. I agree with my late colleague [Senator Watson] that under the law he is not eligible to hold this position and our people should respect this law as well as all others. We should not violate the law for the rich or poor.

In this deficiency appropriation bill conference report now before the Senate are a great many large, important items necessary to support the Government amounting to more than a hundred million dollars. The one relating to prohibition, the Senate amendment of which I am the author, carrying $24,000,000, was in conference between the Senate and House conferees for some time, and as agreed upon it allowed $3,000,000 for prohibition, lacking $22,000, besides the $250,000 for the investigation of prohibition enforcement as proposed by the Senator from Virginia.

This is not all that I and other Senators who supported the Senate amendment would like, but it is the best we could get the House to agree to. The deficiency bill contains so many important items for carrying on the affairs of the Government that we can not afford to defeat the bill just because the House would not allow us the full $24,000,000. I am glad that every member of the Georgia delegation in the House, as well as most of the Democrats in the House, supported my amendment for a larger appropriation to enforce prohibition.

The $3,000,000 we did get the House to agree to will go a long way toward helping the situation. A special session of Congress is to be called in about 30 days, and after the survey is made by commission appointed by President Hoover to investigate the enforcement of this law, if the President wants any additional funds, Congress will be in session, and we will grant whatever amount he asks.

I feel absolutely sure that the new President will ask us for additional funds. I believe that when Congress meets in December we will have a request from the President for at least $24,000,000 additional. It will require even more than this to properly enforce this law.

As I said, I shall accept this comparatively small amount because it is the very best we can get from the House, and I do not want to endanger the passage of this deficiency bill, containing so many other items, just because we could not get everything we wished in regard to the prohibition matter. However, I give notice that this fight to secure more money to enforce this law has just begun. The lack of enforcement of this law is causing a lack of respect not only for this law but all laws, and should be a matter of great concern to all good citizens even though they do not believe in the law.

Mr. President, while Secretary Mellon wrote letters to the committee opposing my amendment and, in my judgment, has not given this law a fair trial, I have great faith in the efforts that will be made by our President elect, Mr. Hoover. With his great ability as an organizer and his interest in the enforcement of this law, I believe, for the first time, it will be given a fair trial and that it will prove a success.

Mr. SIMMONS. Mr. President, I do not wish to be considered as cricitizing the views expressed by the Senator from Tennessee [Mr. MCKELLAR] or the Senator from Alabama [Mr. HEFLIN]. I voted for the amendment of the Senator from Tennessee with regard to these refunds, and I would like to vote for it again. I am in entire sympathy with the desire of the Senator from Tennessee that Congress should have the fullest information with reference to these refunds, but I do not wish to have it appear that the Senate of the United States, consisting of Democrats as well as Republicans, has for the last six or eight years sat here and simply handed out to the Treasury Department whatever it asked for the payment of refunds, without any information or knowledge whatsoever, or any attempt to secure any information or knowledge whatsoever, as to the justice of those refunds or as to what was done with the money that has been so liberally voted.

For all of those years I have been a member of the Finance Committee, part of the time I was chairman of that committee, the balance of the time I have been the ranking Democrat upon that committee, and probably that committee more than any other committee of this body is charged with looking after not only the assessment and collection but the abatement and refunds of the taxes of the Federal Government.

To say that we have not made any effort to secure information, that we have not been in possession of any information, that we have voted blindly these appropriations, is, I think, to put the Senate of the United States and the Congress, the Democrats in both bodies as well as Republicans, in a false position.

Several years ago—I do not now recall how many—the Senate created a committee of which the senior Senator from Michigan [Mr. COUZENS] was the chairman. Upon that committee were two great Democrats, the late lamented Senator Jones, of New Mexico, being one. An abler, a more honorable, a more conscientious man has not sat in this Chamber since I have been a Member of the Senate for 28 years. Upon that committee also was the present junior Senator from Utah [Mr. KING], one of the most diligent men and thoroughgoing students and investigators in this body to-day, or at any time since I have been here.

That committee was invested with broad, sweeping powers to investigate this very question of refunds by the Treasury, to find out to whom they had been made, and the circumstances and conditions under which they had been made, and to report the result of their investigation to the Senate.

They were given authority to employ all necessary assistants, and to my knowledge they employed many able experts and lawyers to cooperate with them in that work. Those agents of

the Senate were given authority to make the closest and most thoroughgoing investigation into every case about which there was any suspicion or question. They were engaged in that work for many, many months. Then the result was reported to the Finance Committee, was discussed in the Finance Committee, and finally reported to the Senate and given to the country.

I wish the Senator from Michigan [Mr. COUZENS] were in the Chamber.

Mr. NORRIS. Mr. President, the Senator will be here, and expects to speak on this matter. He was called out a few moments ago.

Mr. BRUCE. Mr. President, may I interrupt the Senator to ask him a question?

Mr. SIMMONS. I am simply trying to relate some facts, not in a spirit of controversy at all——

Mr. BRUCE. I know that.

Mr. SIMMONS. But in justification of myself and the other members of the Finance Committee and the Congress.

Mr. BRUCE. I know the Senator has such a generous spirit that he would like to gratify my curiosity. He spoke of some individual as being a man of as lofty character as any with whom he has been associated in this body, and I did not catch the name.

Mr. SIMMONS. I spoke of the late Senator Jones, of New Mexico, who was a member of that committee.

Mr. WALSH of Massachusetts. Up to the time of his death.

Mr. SIMMONS. Until the time of his death he was a member of that committee. After that committee had made its investigation and its report the Senate and the House, in cooperation, established what is known as the Joint Committee on Internal Revenue, composed of five select members from the Committee on Finance of the Senate and five select members from the Committee on Ways and Means of the House of Representatives.

Senator Jones, of New Mexico, and myself were the Democrats upon that committee representing the Senate. The present chairman of the Finance Committee, the senior Senator from Utah [Mr. SMOOT], and two of his associates were the Republicans on the committee. That committee was invested with broad, sweeping powers to carry on work of the same character as had been carried on by the Couzens committee. The Couzens committee had investigated as to the past.

That committee was empowered to investigate all matters in the Department of the Treasury relating to internal-revenue taxation, especially the matter of refunds of taxes. Its powers were so broad and so specific that they could not be called into question. This committee was given authority to make any examination which it thought necessary in order to discharge the duties imposed upon it; and no hand in the Treasury could gainsay or stay such investigation.

That committee was authoribed to employ not only clerical but expert help; and it did employ and has continued in its service up to this good hour a very competent personnel. The duty of that personnel has been to carry out the instructions of the committee, and those instructions have required them to keep in close touch with all the Treasury decisions with reference to refunds and to report them back to the committee.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. WALSH of Massachusetts. Will that commission continue to exist from Congress to Congress?

Mr. SIMMONS. It is a continuing committee.

Mr. WALSH of Massachusetts. So that there is no time fixed for terminating it?

Mr. SIMMONS. No limit fixed at all. It is alive to-day. It is functioning to-day. It made a very voluminous report to the last Congress. It has rooms in the House Office Building. Its personnel is at the bidding of any Member of the Senate who wants to ascertain anything with reference to its activities, or as to any internal-revenue matter in the Treasury Department. I think it has been very efficient, and I think it has discharged its duties very well.

So, Mr. President, the Senate has not been sitting idly by making no effort to ascertain and voting in the dark with reference to these matters.

I hold no brief for the Treasury Department. I am making no defense of it. I am not intending to antagonize the Senator from Tennessee [Mr. MCKELLAR] or the Senator from Alabama [Mr. HEFLIN]. I merely wish to have it understood that we have had these agencies engaged in this work. Whether they have done it thoroughly and completely I do not undertake to say, but so far as I have had an opportunity to know the members of the staff of the Joint Committee on Internal Revenue, they have done their duty and have with fidelity performed the service with which we have charged them.

Mr. SMOOT. Mr. President, the Senator asked me who was appointed in the place of former Senator Jones of New Mexico who died. The Senator from Rhode Island [Mr. GERRY] was appointed in his place.

Mr. SIMMONS. We have not had a meeting since then that I have attended.

Mr. SMOOT. The Senator was ill.

Mr. SIMMONS. Part of the time I have not been able to attend the meetings.

Mr. SMOOT. Of course, it was on account of the Senator's illness and we all know that. The Senator has been a faithful member of that commission. I hold in my hand the annual report of the commission for the year 1927.

Mr. SIMMONS. Mr. President, I wish to yield the floor. I merely wanted to exonerate myself and I wanted to exonerate those on this side of the Chamber and I wanted to exonerate the Senate itself from the charge that we have not at least tried to find out something about these matters.

Mr. MCKELLAR. I asked the Senator the other day for the report, and I understand it has been made now. I asked the Senator if a report had been made by the respresentatives of his commission, but according to the evidence the only two cases that have ever been brought to the official attention of the commission of which he speaks were the tobacco case and the Steel Corporation case. In both of those cases the chairman of the commission, Mr. HAWLEY, stated, as I recall the reports, that they had no power to say that the claim ought to be paid or ought not to be paid.

Mr. SIMMONS. But the facts were there in the report.

Mr. MCKELLAR. Oh, no; the facts were not put in. Statements of alleged facts from interested people were put in, but the facts never went before the commission.

Mr. HEFLIN. There was no record of the facts.

Mr. MCKELLAR. There was no record of the facts themselves unless it be in the report to which the Senator from Utah has referred.

Mr. WALSH of Massachusetts. Mr. President, may I suggest that the chairman of the commission at some time during the session explain how many employees are working for the commission, just what work they are doing from day to day, how much they are investigating into these refunds, and so on, in order that we may have a little more general information without reading the voluminous report to which the Senator from Utah has called attention.

Mr. SMOOT. I can say briefly in answer to the Senator from Massachusetts that all of the cases involving over and above a certain amount were referred to the joint commission, and the employees of that commission have made investigation of those cases.

Mr. WALSH of Massachusetts. How many employees has the commission?

Mr. SMOOT. There are five, with Mr. Parker at the head.

Mr. WALSH of Massachusetts. I hope the Senator from Utah will later make a more complete explanation.

CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. WHEELER. Mr. President, I have felt that I could not see this session of Congress closed without saying something with reference to the investigation which has been carried on by the Interstate Commerce Committee and subcommittees thereof with reference to the situation that has existed in the coal fields of Pennsylvania. This is particularly true in view of what has recently taken place there. Particularly I wanted to call the attention of the Senate to the situation in view of the fact that I see it has been announced in the newspaper that the present Secretary, Mr. Mellon, is going to be the Secretary of the Treasury under the new administration.

As the Senate will recall, the senior Senator from California [Mr. JOHNSON] introduced into this body Senate Resolution 105, providing for an investigation of conditions in the coal fields of West Virginia, Pennsylvania, and Ohio. This resolution instructed and authorized the Senate Committee on Interstate Commerce, or a subcommittee thereof, to make a thorough investigation into the conditions existing in the coal fields of the States just named. It was my privilege to serve as a member of the subcommittee and personally visit those coal fields and get first-hand knowledge of the social and economic conditions under which the miners were living, and likewise to learn what the reasons were, if any, why the consumers of the country were compelled to pay such high prices for coal. I shall not at this time review the situation in detail, but simply call the attention of the Senate to some of the outstanding facts brought out in the investigation which I trust will give proper reproach to the present coal situation in Pennsylvania.

In 1924 a joint conference of miners and operators of the central competitive field was held in Jacksonville, Fla., at which time a wage-scale agreement was reached which was to continue the then existing wage scale for three more years, expiring on March 31, 1927.

The Jacksonville agreement was signed by Mr. John A. Donaldson, the vice president of the Pittsburgh Coal Co., and Mr. J. M. Armstrong, the general manager of the Pittsburgh Coal Co.; yet almost before the ink was dry upon the contract this same company, which is the largest commercial producer of bituminous coal in the world, with a capacity of over 20,000,000 tons a year, and controlled by the Mellon interests, proceeded to repudiate this agreement and refused to be governed by it. This Mellon company was the first to repudiate this agreement. Notwithstanding the fact that President Coolidge had named Secretary Hoover, of the Department of Commerce, and Secretary Davis, of the Department of Labor, to intervene in behalf of the Government of the United States in an effort to reach this agreement, Secretary of the Treasury Mr. Andrew Mellon has not, as far as I am informed, ever attempted to interfere with the repudiation of this contract by the Pittsburgh Coal Co., which he controls.

Let me say to the Members of the Senate that the Pittsburgh Coal Co. and the Secretary of the Treasury, Andrew Mellon, are synonymous. Mr. Mellon is the Pittsburgh Coal Co. and the Pittsburgh Coal Co. is Mr. Mellon.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. WHEELER. I yield to the Senator from Nebraska.

Mr. NORRIS. I am wondering if the Senator was correct in that statement. I can see how the Pittsburgh Coal Co. is Mr. Mellon, but I can not agree with the Senator when he says Mr. Mellon is the Pittsburgh Coal Co. Mr. Mellon is a great deal more than the Pittsburgh Coal Co. He is several other companies.

Mr. WHEELER. That is true. Mr. Mellon is not only the Pittsburgh Coal Co. but the Aluminum Trust of America, and he is likewise several other companies, including the Gulf Oil Co., as well as many other large industrial concerns of that kind.

Mr. President, a short time ago the Senate of the United States was shocked, and very properly so, when it read in the newspapers that seven men had been shot down in the city of Chicago by gunmen. The Senate of the United States has on several occasions been shocked when one man has been murdered or his property has been destroyed in foreign fields. This body has been shocked, if you please, when some Chinese killed an American in China. The Senate of the United States has recently appropriated millions upon millions of dollars for the purpose of protecting life and property in foreign fields. We have just passed a bill giving to the Navy Department the money to begin the construction of 15 new cruisers, with the idea of protecting the property of American citizens and their lives in foreign fields. And yet, Mr. President, no one seems to be shocked, and the newspapers of the country do not seem to be shocked when brutal murders are carried on in the coal fields of Pennsylvania by the interests dominated, owned, and controlled by the Secretary of the Treasury, Mr. Mellon.

A shocking incident occurred there the other day. I wish to read about it from one of the local papers in Pittsburgh—the Pittsburgh Press. It is headed:

Governor probes miner's death. Wounded man beaten with poker, charge. Victim, helpless on floor, flailed by lieutenant, witness declares. Bar bent upon body. Others accused of jumping upon battered form in barracks at Imperial.

The article reads:

Governor Fisher to-day demanded a complete report of the brutal killing of John Bereskie, Tyre farmer-miner.

The governor's demand was directed at the Pittsburgh Coal Co., by whom three coal and iron policemen, accused by county detectives of having beaten Bereskie to death, were employed.

Governor Fisher's power in the case extends only to the revocation of the police commissions of the three men involved.

His demand for a report of the killing was made with the view of immediately revoking the officers' commissions if the facts warrant that action.

WILL NOT COMMENT

Until the report is received the governor will make no comment on the case, but when interviewed at Harrisburg to-day by The Press correspondent he was plainly quite concerned and angry about it.

Alleged to be implicated in the killing of Bereskie, W. J. Lyster, coal and iron police lieutenant, to-day was faced by his accuser.

Chief of County Detectives George W. Murren summoned John Higgins, a friend of the man beaten to death, to detective headquarters to repeat his story of the killing before Lyster.

According to Higgins, Lyster took an active part in the beating which resulted in Bereskie's death. Since his arrest Lyster has maintained complete silence.

REFUSES TO TALK

Lyster refused to talk when questioned yesterday by the sleuths after Higgins told the detectives the lieutenant beat Bereskie with a poker in the police barracks at Imperial.

Mrs. Anna Blussick, mother-in-law of Bereskie, her son Pete, and Patsy Caruso, a neighbor, gave their version of the killing to the authorities to-day.

Higgins and Bereskie were taken to the Imperial barracks from the home of Bereskie's mother-in-law, Mrs. Anna Blussick, at Santiago, by Watts and Slapikis, after, according to the officers, Bereskie attempted to stab Watts.

TELLS OF BEATING

After arriving at the barracks, according to the story Higgins told detectives, Watts called Lieutenant Lyster into the room. Higgins's story continues:

"He (Lieutenant Lyster) walked into the room, heard Watts's report, and began stripping off his clothes. He took off his clothes to his undershirt and said: 'I feel like a good workout!'

"The lieutenant walked to a coal box where he picked up a poker. He almost ran to John (the victim), who lay moaning on the floor. The poker swished through the air and struck John, who shrieked. The poker lifted and fell again and again until it was bent at the end.

"The lieutenant walked away a few feet and kicked the poker out straight again. While this was going on, Watts ran and jumped on John's chest, leaping there a couple of times. The poker was brought into play again after a little rest. It swished again and again and was straightened out for the second time.

CONFESSION DEMANDED

"They started jumping on John again. They kept it up, every once in a while, telling him to admit that he stabbed Watts. John couldn't even sign anything the way they were treating him. But they kept on kicking him, and jumping on his chest, stomach, and legs."

After beating Bereskie, according to Higgins, the officers turned them both over to Constable Ross Schaffer, of Glenfield, who had arrived at the barracks while Bereskie was being beaten. Schaffer said he saw the beating taking place and then he went into another room of the barracks and fell asleep, according to county detectives.

Higgins told detectives that Schaffer took Bereskie to the Sewickley Valley Hospital, where Bereskie died a short time later, and lodged him (Higgins) in the Leetsdale jail. Justice Margaret Morgan, of Sewickley, out of whose office Constable Schaffer operates, eld Higgins under $1,000 bond on a liquor charge at a hearing last night.

The entire affair was started, Higgins said, when Watts and Slapikis, both of whom were described as "half drunk," entered the Blussick home and engaged in an argument with Mrs. Blussick's son, Eddie. Higgins ordered the policemen and Eddie Blussick from the house.

Mr. President, I ask that the remainder of this article be inserted in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

HELD FOR QUESTIONING

After the three had gone out, Mrs. Blussick shouted to Bereskie to save her son. Bereskie had been sitting in another room, reading. Carrying a miner's lamp, Bereskie started toward the officers and the Blussick boy. Suddenly, Higgins said, Watts shouted he had been stabbed and, pointing to Bereskie, said, "He did it," and started beating Bereskie with the butt end of a revolver.

Higgins also was lodged in the county jail. He will be questioned further to-day by District Attorney Samuel Gardner and Chief County Detective George W. Murren. Schaffer was released on his own recognizance.

Watts and Slapikis were lodged in the county jail by Deputy Coroner Harry Ewing, who made murder charges against them pending an inquest. Watts and Slapikis claimed that Watts defended himself when Bereskie attacked them with a knife when they were raiding the Blussick home.

WIRE GOVERNOR

Prominent Pittsburghers connected with the Pittsburgh branch of the American Civil Liberties Union telegraphed Governor Fisher to-day and insisted that he express himself.

The telegram was signed by Frederick Woltman, secretary of the Pittsburgh branch.

Woltman described the charges made by county detectives against the three coal policemen under arrest.

"The Pittsburgh branch of the American Civil Liberties Union insists that you express yourself on the coal and iron police system and take steps to eliminate it in order to assuage outraged public opinion," the wire said.

SERIES OF OUTRAGES

"This episode is the culmination of a long series of outrages endured by peaceful citizens of the State of Pennsylvania.

"It represents the activities of an un-American police system on which the State confers its authority without at the same time exacting its responsibility. We have already urged upon you an investigation of this system with a view of its elimination.

"These coal and iron policemen were commissioned by your office, even though they individually are responsible to the Pittsburgh Coal Co. Our committee holds your office responsible for the administration of this system or the elimination of its abuses."

Mr. WHEELER. Mr. President, the lieutenant who did the killing in this instance was not employed by the State of Pennsylvania; he was employed by the Pittsburgh Coal Co., a Mellon concern. His record shows, according to the evidence which I have, that he had previously been convicted of a crime, and likewise it shows that he had been carrying on in this same brutal manner for months in the Pittsburgh region.

I want to call attention in this connection likewise to some facts that were brought out during the hearings that were carried on as to conditions in the coal fields. I quote from the testimony of Mr. Philip Murray, international vice president of the United Mine Workers of America:

The Pittsburgh Coal Co. abrogated its contract with the United Mine Workers of America on August 10, 1925. Following the abrogation of this wage agreement with our organization, a statement was issued by Mr. W. G. Warden, chairman of the board of directors of the Pittsburgh Coal Co., in which he attempted to justify before the bar of public opinion the repudiation of his trade agreement with the United Mine Workers of America. In the course of this attempt he sought to impress the public mind with the idea that the economic situation, through which the coal industry was then passing, necessitated this arbitrary action on the part of his coal company, contending that the corporation could not produce coal at the Jacksonville wage rate and market it in competition with coal mined where lower wage scales prevailed, in States south of the Ohio River.

Despite this assertion on the part of Mr. Warden, the independent commercial producers of the Pittsburgh district continued to respect the terms of their contracts with the United Mine Workers of America until its legal expiration, March 31, 1927.

As I said a moment ago, the Pittsburgh Coal Co. is a Mellon concern; it is controlled by the Mellon interests. Mr. Mellon was a director and the guiding influence in that concern until he became Secretary of the Treasury. He then resigned, and his brother immediately took his place as the controlling head of that organization. The testimony continues:

Upon the expiration of our wage agreement, on March 31, 1927, the independent commercial producers of coal advocated a wage reduction, contending that it would be necessary to have their wages readjusted to a point that would enable them to compete with the coal then being mined by the Pittsburgh Coal Co.

They stated that they were not particularly alarmed about the competition coming from the States south of the Ohio River, but that their competitive situation was one that was the more serious within the district itself than regards the competition coming from States south of the Ohio River.

Following the strike the coal companies went into the field and employed their own policemen, and one of the policemen committed the crime which I have just narrated, which was one of the most brutal murders that has ever been committed in the history of this country.

In addition to the 4,000 commissions which were issued by Governor Fisher during the course of the strike to the coal companies to be used by the coal and iron policemen in the State of Pennsylvania—

This man Lyster, who so recently committed this crime, was one of these coal and iron police not under the jurisdiction of the State of Pennsylvania, but answerable only to the Pittsburgh Coal Co.

I want to call attention of the Senate to the evidence that was produced before the committee with reference to some of the things which went on in addition to this brutal murder. I quote further from Mr. Murray:

I speak with special reference to a strike breaker imported from the State of Georgia by the Pittsburgh Coal Co. On the third day after he arrived in camp he broke into a farmhouse, the farmer being absent, and ravished the wife of the farmer, killed her, and is now serving a 15-year sentence in the Western Penitentiary.

Also, with particular reference to a 15-year-old girl, who was abducted by a coal and iron policeman in the employ of the Pittsburgh Coal Co. at Arnold, and kept forcibly in the barracks of the coal and iron police at Arnold for five days without her family knowing where she was.

The members of the committee went out there and heard testimony not only of the mother of this girl, but likewise of reputable citizens of the community. While she was away she was brutally assaulted, the matter finally being brought to the attention of the Fayette County court, and a rather heavy sentence was imposed upon the coal and iron policeman.

Then our attention was called to an incident that occurred—

where 300 shots from high-powered rifles were poured into the barracks of striking miners at Bruceton, many of them penetrating the walls and others going through the windows of the public school in that community, housing some 300 miners' children who were in attendance on the school at the time of the shooting.

Then there was the record of the case—

of a 10-year-old girl who was taken from her home by a man named Stewart, at house 122, at Coverdale, Allegheny County, Pa., the property now of the Pittsburgh Terminal Coal Corporation; and that this young girl, a child, in fact, was assaulted by the strike breaker who had been imported from West Virginia. The child afterwards being brought to the home of Doctor Scott, where she underwent an examination and the doctor submitted a report showing that she had been raped.

A coal and iron policeman by the name of Sergeant Manney arrested Stewart and informed the company's office in charge of Vice President George Osler, of the Pittsburgh Terminal Coal Co., and also passed the information over to the captain of the coal and iron police, Mr. Freeman, that they had in custody a man named Stewart, a strike breaker, who had assaulted a young girl 10 years of age at house 122, Coverdale, and asking for advice as to what they ought to do. The said officer advised Sergeant Manney that under no circumstances should the public get to know that their strike breakers were committing crimes of this kind. They suggested, however, that he be arrested as a suspicious character.

Accordingly, the man was brought to the office of Squire Edmondston, at Mount Lebanon, Allegheny County, and charged with being a suspicious person. There he was fined $1 and costs and allowed to go.

Mr. President, these are just a very few of the numerous hideous crimes that have been committed by the coal and iron police in the Pittsburgh coal district, many of them by coal and iron police working for the Mellon interests, and, notwithstanding the protests from the pulpit by ministers in those communities, notwithstanding the fact that the leading citizens in those communities protested, the coal and iron police still were kept on duty by Mr. Mellon and his company, until there resulted, as I said a moment ago, the heinous crime, the account of which I read from the Pittsburgh newspaper.

It may be said that Mr. Mellon is not responsible for the coal and iron police system in Pennsylvania which has led to these frightful crimes, but let me call attention to the fact that at the present time the Legislature of the State of Pennsylvania has under consideration a bill to do away with the coal and iron police. I do not think that there is anybody on the other side of the aisle who will question that Mr. Mellon dominates the Legislature and the Republican Party of the State of Pennsylvania, and all Mr. Mellon would have to do would be to say to the legislature, "We want to do away with this system"——

Mr. MOSES. Mr. President——

Mr. WHEELER. I will yield in just a few moments. All he would have to do would be to say, "We want to do away with this system and to turn the police power of the State over to the State authorities, where it belongs," and it would be done. But, on the contrary, the Mellon interests, which dominate the State of Pennsylvania and the Republican Party in that State, are insisting and have been insisting that they should have control of the police force in these matters.

The president of the Pittsburgh Coal Co. issued a statement a short time ago in which he said he would not have any particular objection to abolishing the coal and iron police provided the police authorities of the State of Pennsylvania would take care of the liquor traffic. In other words, Mr. Mellon, who is the Secretary of the Treasury of the United States and under whose jurisdiction is the Prohibition Bureau for enforcing the prohibition law, apparently is unable to enforce the liquor laws in his own State of Pennsylvania and in his own coal camps without the aid of these coal and iron police, whose salaries are paid by the companies and who are answerable only to the Mellon company, or else he has not made any attempt to do so. I now yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I do not want to take the Senator off the floor. I wanted to ask if he would yield to an interlude the purpose of which I am sure has his sympathy, and with the understanding that he may resume the floor at its conclusion.

Mr. WHEELER. I am going to yield the floor in just a moment.

Mr. MOSES. Very well.

Mr. WHEELER. The reason why I wanted to call these matters to the attention of the Senate was because of the fact that I feel the country ought to know something of what has been going on in the coal fields in Pennsylvania. They ought to know the kind of man whom they are going to have for the next four years as the Secretary of the Treasury of the United States. All during the investigations which have been conducted by the Interstate Commerce Committee never once has the Pittsburgh Coal Co., or Mr. Mellon, or any of his interests ever offered one single constructive idea to the committee to help it in its deliberations, but, on the other hand, his interests have constantly come before the committee denouncing everyone else, but never offering, I repeat, one constructive idea. I should like to direct the attention of the Senate and the country to many other aspects of this investigation, but feel that as the time is short I do not want to interfere in the closing hours of the session of important legislation which is pressing for consideration. I hope the legislature will act to do away with this system. The people of Pennsylvania should be interested; the people of the Nation are interested, as it affects us all. It is a violation of the fundamental principles upon which this Government is instituted.

Mr. REED of Pennsylvania subsequently said: Mr. President, I understand that during the last two or three hours a number of references have been made to conditions in the mining regions of Pennsylvania.

I understand also that discussion has been had at great length about the functioning of the present provisions of law with regard to the Joint Committee on Internal Revenue Taxation, and the submission of details as to the refund of taxes to that committee.

I understand also that rather extensive attacks have been made upon the present Secretary of the Treasury with regard to those refunds.

All of these matters, Mr. President, are matters upon which I would like to address the Senate, but, so that the RECORD may not be misunderstood when read in the future, I would like to say that at the present time we are engaged in a last effort to reconcile the differences between the House and Senate conferees on the Army promotion bill, and I regard that effort as more important than any attempted eloquence on my part on these various subjects that have been under debate here.

I am making this statement now so that it may not seem that by silence I have acquiesced in the remarks which have been made.

CALLING OF THE ROLL

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Sheppard
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Glenn	Neely	Stephens
Bratton	Goff	Norbeck	Swanson
Brookhart	Gould	Norris	Thomas, Idaho
Broussard	Greene	Nye	Thomas, Okla.
Bruce	Hale	Oddie	Trammell
Burton	Harris	Overman	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hastings	Pittman	Vandenberg
Copeland	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Schall	Wheeler

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is still very ill and unable to be here. I ask to have this announcement stand for the day.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

RECESS

Mr. WATSON (at 2 o'clock and 37 minutes p. m.). I move that the Senate take a recess for a period not exceeding 30 minutes.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to, and a recess was taken.

PRESENTATION OF SILVER TRAY TO THE VICE PRESIDENT

Mr. ROBINSON of Arkansas. Mr. President, the Senate has paused during a very busy session to pay respect to its Presiding Officer, who is about to retire.

The functions of a presiding officer in any legislative assembly are in some respects quasi-judicial. This is substantially true of the duties of the President of the Senate of the United States. He is frequently called upon to construe the rules of this body in cases where sharp conflicts arise respecting their true application.

Every Senator knows the difficulty in harmonizing Senate precedents, many of them having been made by majority vote of the Senate in legislative emergencies and in times of excitement.

Mr. President, during the four years that you have served as Vice President, no instance is recalled in which your decision has been reversed on appeal by vote of the Senate. In this respect the record is without parallel. Remembering that on numerous occasions during these four years this Chamber has been the scene of fierce debates, participated in by skilled parliamentarians, it is surprising that you, being without judicial experience, have avoided successful challenge for error in decision.

It must be pleasing to you in this hour to be assured by one charged with some degree of responsibility by the Senators opposed to the political organization with which you have affiliated that only unlimited confidence in your impartiality has made such a triumph, such a record, possible.

No mere intelligence, however great, if influenced by partisan or personal favoritism, could produce such conclusive evidence of the respect and good will of the Democrats and Republicans with whom you have worked during the last four years.

Fairness and promptness have marked your conduct. Firmness and justice have characterized your decisions. This declaration is believed to express the conviction of every Senator.

To the tribute respecting the high standard of your official conduct, another should be added—a tribute which can not fail to inspire in your own breast sentiments of pride and gratification. You enjoy the friendship, the affectionate esteem, of all with whom you have been associated here—Members, officials, and employees of the Senate.

Clarity of thought, generosity of disposition, and decisiveness are indeed a fortunate combination of traits which have endeared you to us all.

Success in the realm of business had already crowned your efforts before you were elected Vice President of the United States. Following the World War, in which you served with distinction and courage, the Dawes Commission, of which you were permanent chairman, performed a service of distinct and permanent value to the world, and particularly to the nations of Europe.

As a present proof and a future reminder of the sentiments so imperfectly expressed in these remarks, the Members of the Senate, every one of them, have cheerfully contributed to a gift which is both useful and beautiful.

We present to you a silver tray, selected with especial thought of Mrs. Dawes, whose charm and modesty have won the love of everyone in official life in Washington, as well as of thousands in other spheres. [Applause.]

Mr. MOSES. Mr. President, the period of parting which is inseparable from public life comes here to us again, and with it brings a feeling of sadness which we do not attempt to disguise.

There is, to be sure, some sense of satisfaction as we reflect upon the friendships engendered by association here, upon the tasks in which we have been permitted to share, and upon the accomplishments which we have produced for the good of our country. These reflections of satisfaction, sir, will rest in our minds as we think of you, as we shall often in the days when you have gone from us in this Chamber.

We are not willing that the matter should rest in memory alone. We wish you to have from us a symbol of the affection and esteem with which we regard you and shall continue to regard you. We ask you, therefore, to take with you this gift, the glad offering of all the Members of the Senate. Let it be to you a reminder of those associations which the thought of the years, we trust, may make more tender and strong, and with it we ask you to take our warmest and constant wishes for length of years, infinity of happiness, and renewed opportunities for public service such as you have always rendered, and in which the fine and endearing qualities which have so cemented our friendships here shall be a signal element in all the years which remain to you. [Applause.]

The Chief Clerk (Mr. John C. Crockett) read the response of the Vice President, as follows:

Senators, I had intended to reply personally, but I find that I can not trust myself to do it.

My dear friends, you have done a very generous and kindly act. You have done me a great honor. I thank you from the bottom of my heart.

The Senate was called to order by the Vice President at 2 o'clock and 50 minutes p. m.

Mr. FESS. Mr. President, I move that the proceedings during the period of the recess be made a part of our record.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 264. An act for the relief of Margaret I. Varnum;

S. 4237. An act for the relief of Antoine Laporte, alias Frank Lear;

S. 5512. An act to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia;

S. 5730. An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458);

S. 5843. An act to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes; and

S. 5860. An act to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17122. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash.; and

H. J. Res. 434. Joint resolution to appoint Homer W. Hall a member of the subcommittee of the Committee on the Judiciary established under House Joint Resolution 431 to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the Eastern District of New York.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5332. An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to those cemeteries;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co., by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5758. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio;

H. R. 349. An act to supplement the naturalization laws, and for other purposes;

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 5995. An act for the relief of John F. O'Neil;

H. R. 6698. An act for the relief of William C. Schmitt;

H. R. 6705. An act for the relief of Clotilda Freund;

H. R. 7174. An act granting compensation to William T. Ring;

H. R. 8401. An act for the relief of Jackson Mattson;

H. R. 8691. An act for the relief of Helen Gray;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy;

H. R. 10321. An act for the relief of B. P. Stricklin;

H. R. 10431. An act to amend section 101 of the Judicial Code, as amended;

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 13440. An act for the relief of Howard P. Milligan;

H. R. 13734. An act for the relief of James McGourty;

H. R. 13801. An act for the relief of John Bowie;

H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service.

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 14583. An act for the relief of A. Brizard (Inc.);

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia";

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes;

H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project;

H. R. 16342. An act for the relief of Clyde H. Tavenner;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16839. An act to provide for investigation of sites suitable for the establishment of a naval airship base;

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 17007. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.;

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes;

H. R. 17060. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at Fargo, N. Dak.;

H. R. 17101. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; and

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on Senate amendment numbered 39, as amended, to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, as amended, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the matter inserted, insert the following: "or by condemnation under the provisions of the act of August 1, 1888 (U. S. C., p. 1302, sec. 257), whenever, in the opinion of the Secretary of the Interior, acquisition by condemnation proceedings is necessary or advantageous to the Government, such condemnation proceedings not to be resorted to for acquisition of lands in Acadia, Glacier, Grand Canyon, Great Smoky, Hot Springs, Platt, or Yellowstone National Parks not leased to others but occupied by the owner and used exclusively for residence or religious purposes by such owner"; and the Senate agree to the same.

REED SMOOT,
CHARLES CURTIS,
HENRY W. KEYES,
WM. J. HARRIS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. SMOOT. Mr. President, the report is generally approved in the Senate, and I ask for its immediate consideration. If the matter leads to any discussion at all I assure the Senator from Wyoming [Mr. WARREN] that I will ask that it be laid aside.

Mr. WALSH of Montana. Mr. President, I wish the Secretary would read the substitute offered for amendment No. 39.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

In lieu of the matter stricken out and the matter inserted, insert the following: "or by condemnation under the provisions of the act of August 1, 1888 (U. S. C., p. 1302, sec. 257), whenever, in the opinion of the Secretary of the Interior, acquisition by condemnation proceedings is necessary or advantageous to the Government, such condemnation proceedings not to be resorted to for acquisition of lands in Acadia, Glacier, Grand Canyon, Great Smoky, Hot Springs, Platt, or Yellowstone National Parks not leased to others but occupied by the owner and used exclusively for residence or religious purposes by such owner."

Mr. WALSH of Montana. Mr. President, while the solution arrived at by the committee of conference is by no means entirely agreeable to me, I feel constrained to withdraw any further opposition, and to consent, so far as I myself am concerned, to the adoption of the report as requested by the chairman of the conference committee on the part of the Senate.

Mr. COPELAND. Mr. President, will the big trees be taken care of by this compromise? I wish to make certain that those who are interested in that matter will be entirely satisfied.

Mr. SMOOT. That is the case.

Mr. WALSH of Montana. The report gives the Secretary full power and authority to condemn any land within any of the parks, except those used exclusively for residence or religious purposes.

Mr. COPELAND. And on none of the lands to be exempted, as indicated, are the trees to which I have referred located?

Mr. WALSH of Montana. They are not. Moreover, Mr. President, certain reservations only are specified in the amendment, not including the Yosemite.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is on agreeing to the conference report.

The report was agreed to.

FRENCH POLITICS IN THE WAR FOR AMERICAN INDEPENDENCE

Mr. REED of Missouri. Mr. President, I ask unanimous consent to have inserted in the RECORD an account by General von Below in which he deals with the relations of the French Government to the American Revolution, and analyzes the connection of General Lafayette with the Revolutionary War. I regard this as a very interesting and fine analysis, and a splendid compilation of historical data.

There being no objection, the matter was ordered to be printed in the RECORD as follows:

FRENCH POLITICS IN THE WAR FOR AMERICAN INDEPENDENCE AND THE LEGEND OF LAFAYETTE

By Gen. Baron Hans von Below

In Geneva, where the League of Nations now confers as to how to establish "permanent peace" in the world, and at the same time is insisting upon the complete fulfillment of the treaties dictated by force resulting from the great World War, some of the delegates of different nations have already found the problems very difficult to solve, and some of them have even resigned from the league to avoid further complications.

The league has tried persistently to induce the United States to take part in their problems, but the latter, so far, has resisted these pressing invitations. What vital interest has America in the solution of century-old problems which still divide, and always will divide, European nations? The further America keeps herself from European politics the more advantageous for her mercantile and economic prosperity!

Flattering inducements are not wanting to tempt her to forsake her chosen way.

Blood shed together in a united cause on the battle fields of France, and further back the support of France in the Revolutionary War, are brought forward as cogent and compelling claims, which go so far as to demand the cancellation of debts contracted from America even before her entry into the war. France did not cease during and after the war to send generals and statesmen to the United States in order to influence the American masses in favor of her politics.

Speeches and articles of various orators and newspapers really create the impression that France and Lafayette had been the redeemers of America, and that France, unselfishly and solely to rescue America, had entered the Revolutionary War.

One can have full sympathy with another country, but one should not color the facts of the world's history. Politics should be of the head rather than from the heart. The great leaders of the American Revolution persistently followed this principle. They dedicated themselves to the welfare and freedom of their country. They utilized every material and intellectual means and took advantage of all political groups and affiliations, no matter how conflicting. It would be equivalent to belittling those great and clever men if one would accept the hard-fought-for liberty of America as a present of another nation.

History is a great teacher, and, therefore, it seems proper to investigate whether foreign political propaganda has not already begun to warp and prejudice the judgment of the American people. With the discovery of the new world and the new waterways great conquests and world colonizations began. The most powerful and intellectual nations, according to their strength and the need of emigration for their surplus populations, divided the parts of the world inhabited by uncivilized races. This century-old process has not yet ceased and will lead to further international complications following the usual course of history. When a colony has succeeded in establishing for itself, after hard struggles, a certain independence and prosperity, it is not inclined to resign the fruit of its labors to others. Such a newly created land has the natural desire for self-government. Therefore the whole of America, with the exception of small colonies, made themselves independent. Only Canada depends still partially on the motherland. The wish for self-government has had a large share in the establishment of the British Dominions. By means of the humiliating peace of Paris in 1763, France lost Canada and all her territories west of the Mississippi, and was restricted to a few small islands in the Caribbean. England had driven her old hereditary enemy from the shores of America. The effects of this peace are still perceptible to this day. After France was forced by England to abandon colonization in America, she felt compelled to seek other fields in Africa and in Asia.

As France, a century later, made her advance in the Sudan diplomatic entanglements, including those of Fashoda, nearly led to war. These difficulties were adjusted by secret treaties which gave England free hands in Egypt, and France in Morocco and Tunis. The two colonial rivals will find further entanglements in spite of the League of Nations, for altruistic phrases in politics serve only as means of

propaganda for the masses and will not do away with complications of vital interests for nations. Everywhere in politics the "sacred egoism" peers through.

It is a historical fact that General Washington had his first experiences of war in the combat against France and her savage allies, the Indians, "spreading terror and desolation, when both invaded the western borders of Virginia." (Bancroft's Life of Washington, p. 23.) Franklin published a pamphlet, wherein he proved how dangerous it would have been had France been able to keep Canada with the unrestricted possession of the fur trade, and been able to provide her savage subjects with firearms. After the war of seven years concluded in 1763, the exchequer of England was exhausted, and she considered new taxations of her colonies as the best means of improving her finances. With this began her pressure upon the American Colonies. This pressure is too well known to need explanation. At first the Colonies had no intention of separating themselves from England; only as the pressure became always stronger and violated the self-respect of the Colonies, the latter determined on open resistance. It was a process which had to come, but which was hastened by the mistaken politics of England. There were men in England who foresaw the danger of such treatment of the Colonies, among them the elderly William Pitt especially. In his speech, which caused the withdrawal of the stamp act, he cried out prophetically, "Will you throw yourself in civil war now, while the whole house of Bourbon has united against you?"

France wished to upset the peace treaty of 1763. The reconquest of her former possessions in North America from her base in the West Indies, also the desire to weaken her hereditary foe, England, was the aim of France. With joy France saw how the conflict between England and her colonies grew. As long as this conflict did not promise an ultimate success of the colonies, the weakened forces of France did not allow her to take an active part. France could only aid the Colonies surreptitiously and endeavor to form, through secret negotiations, an alliance with Spain, which, through the loss of Gibraltar, would make her the natural ally against England.

This secret attitude of France can be dated from March, 1776, when Comte de Vergennes, Minister of Foreign Affairs of Louis the Sixteenth, received an optimistic report of the progress of the American Revolution. He influenced his King and also Spain for the secret support of the revolution and, in fact, Louis the Sixteenth authorized Beaumarchais to make the first loan of 1,000,000 livres to America; Spain followed and further credits were arranged. The banking house Hortaley & Co. in 12 months sent eight shiploads with all possible material of war, in part from the royal arsenals, to America. The royalist France did not dream of assisting a thoroughly republican movement as was that in America; such tendencies were against the, at that time, absolutism of France, and the precise policy pursued by the French Government toward the United States from 1776 on was shaped, not by philosphers but by professional diplomats. * * *

The principal foundation of England's might lay in her trade and maritime power. Were the American colonies lost, England would be bereft of the principal sources of her greatness, while, at the same time, the power of her adversary, the house Bourbon with its ambitions to enlarge its American colonies, would be increased. France's prestige had suffered through the aforesaid treaty of 1763; at the same time she had lost an amount of her influence in European politics. To reconquer her former power it was to her interest to weaken the position of England. After the French revolution, Napoleon resumed this policy and ended in St. Helena, a British island.

France foresaw that England's victory in the revolution would probably cost her the remainder of her western possessions, and would exclude her from further colonization in America. On the contrary, should the United States win, England's power would be considerably weakened. These considerations influenced the political decision of France, as she avowedly came to the side of America in the great contest against her historical foe, only when the first great victory of the United States at Saratoga, October, 1777, seemed to increase the prospect of a successful issue of the American arms.

The patriots of that time judge the French politics dispassionately. When Franklin in 1770 became aware that the French began to formulate a plan whereby France and Spain should foster discontent among England and her colonies, he wrote with reference to the French minister's Choiseul policy, "that the intriguing nation would like very well to blow up the goals between Britain and her colonies, but I hope we shall give them no opportunity."

The 1st of March, 1776, John Adams, speaking in Congress, cried out:

"Is it in the interest of France to stand neutral, to join Britain, or to join with the colonies?

"Is it not in her interest to dismember the British Empire?

"Will her dominions be safe if Britain and America remain connected?

"Can she preserve her possessions in the West Indies?

"In case a reconciliation took place between Britain and America would not all her islands be taken from her in six months?"

There exists a document by Comte de Vergennes, dated on the 13th of January, 1778, at a time when the United States had already fought for three years and had been successful by the surrender of Bourgoyne at Saratoga. In it he announces that now, while England tried to come to an understanding with the United States, there were two courses for the French politics—either to renounce any further support for America or enter the war at her side against England. In the first case he believed if America would come to an understanding with England it would probably mean the continual enmity of America against France. Such a union between the United States and England would probably deprive France of her West Indies and would destroy her entire commerce with those colonies.

For this reason Vergennes draws the conclusion that the glory, the dignity, and the great interest of France in the West Indies demanded that France should come out openly on America's side, so "that their independence should be her work."

Vergennes continues: "The advantages which will result are innumerable; we shall humiliate our natural enemy, a perfidious enemy, who never knows how to respect treaties or the rights of nations; we shall divert to our profit one of the principle sources of her opulence; we shall extend our commerce, our fisheries; we shall insure the possession of our islands; and, finally, we shall reestablish our reputation and shall resume amongst the powers of Europe the place which belongs to us * * * that whatever assistance we give the Americans, it will be equivalent to a declaration of war against Great Britain, and, second, that when war is inevitable, it is better to be beforehand with one's enemy than to be anticipated by him."

Thus France was to espouse the American cause and used for that purpose all her power, even if Spain should refuse to join her. In Beaumarchais Oeuvres complètes (Paris, 1835) exists a document which shows how England's threats against France influenced the stand of Vergennes. This French document says:

"What must the King (Louis XVI) have said to the last words of the idol and oracle of the British nation, Lord Chatham, who dragged himself to Parliament, there to expire exclaiming, "Peace with America and war with the House of Bourbon."

The King, well informed of the plan of the court of London and of the preparations which were the consequence of it, perceived that no more time was to be lost if he would prevent the design of his enemies. So Louis XVI and his minister, Vergennes, saw that France should lose no more time in bringing to naught the plans England had directed against her. All these considerations led to the alliance of France with the United States and to war between England and France.

These are historical facts, which are decidedly in contradiction with the allegation that the France of that time had entered the Revolutionary War only out of unselfish and idealistic motives to assist America in her struggle for freedom. Propaganda pamphlets, such as were widely distributed in America in 1917 to this effect, are comprehensible on account of the situation of that time, but are not in accord with historical facts.

The further politics of France, after the change of her constitution from monarchy to republic, was by no means friendly to America and almost led to war. When France, in 1798, challenged the United States by aggressive actions the Congress selected Washington again as commander in chief in the event of war with France. In spite of his 66 years Washington decided, after negotiations, to accept the post offered in case of necessity. He expressed himself to Colonel Hamilton: "I can not make up my mind yet for the expectation of open war; or, in other words, for a formidable invasion by France. I can not believe—although I think her capable of anything—that she will attempt to do more than she has done."

In June, 1798, he wrote to the President accepting the command in case of war. In this letter he writes about the French: * * * "for I can not bring it to believe, regardless as the French are of treaties and of the laws of nations, and capable as I conceive them to be of any species of despotism and injustice, that they will attempt to invade this country." In a further letter to President Adams, Washington expresses himself: "The conduct of the director toward our country; their insidious hostility to this Government, their various practices to withdraw the affection of the people from it, the evident tendency of their arts and those of their agents to countenance and invigorate opposition, their disregard of solemn treaties and the laws of nations, their war upon our defenseless commerce, their treatment of our ministers of peace, and their demands amounting to tribute, could not fail to excite in me sentiments corresponding with those my country has so generally expressed in their affectionate address to you." (Bancroft, Washington, p. 198–200.)

One sees the American statesman of that time judged the French politics very differently from those modern orators and politicians, who tried to subvert the facts of history to suit their propaganda service. People should learn and not forget how the great statesmen and patriots of the Revolutionary time judged the real events. The cooperation of the French army and navy forces in the Revolutionary

War shows how even this participation was influenced by political considerations.

In fact the mutual operations of the United States and France often threatened to be shipwrecked. Only thanks to the tact and the wisdom of Washington, equally great as statesman and as general, the many frictions were overcome. He knew only one aim, and that was the accomplishment of the independence of his country, and this aim he followed in spite of many disappointments.

The first French fleet to support the mutual cause, consisting of 12 ships of the line and 5 frigates, with 834 cannon and a transport of 4,000 men, arrived on the 15th of April, 1778, on the Capes of Deleware under command of Comte d'Estaing. On board of his flagship traveled the French minister Gerard.

Washington had sent emissaries on board the flagship to communicate to d'Estaing plans for their mutual operations.

The English admiral, Lord Howe, who had transported Clinton's army to New York, anchored with his fleet south of Hook, across the narrow strip. He could oppose d'Estaing only with 9 ships, mounting 534 cannons. D'Estaing cast anchor opposite him and could not decide to attack the English Fleet. Greene (p. 150) says of this maneuver: "Mahan intimates that with Nelson or Farragut in d'Estaing's place, the result might have been very different. It is probable that if d'Estaing had smashed the British Fleet in New York and united his 4,000 soldiers with those of Washington on the north side of the Harlem River, Clinton's army would have been caught like rats in a trap and not a man would have escaped."

D'Estaing agreed now with Washington's emissaries a common action against Newport. Washington detached at once new formations of troops there, but they could only arrive 10 days after d'Estaing. The latter sailed on the 8th of August, 1778, in the Narraganset Bay to land his troops to unite with those of Washington.

When Lord Howe sailed after him with the English Fleet, d'Estaing decided to accept battle, but contrary to the protest of the American general, Sullivan, he did not land his 4,000 men but took them with him. A storm terminated the action of the opposing parties. The English returned to New York and d'Estaing to Newport.

The two land divisions were commanded by Lafayette and Greene. Both had urged d'Estaing to land his troops, but he refused and sailed with his ships and troops to Boston to repair his fleet. This attitude of the French admiral created bad blood. Washington, with his usual tact and calm reflection, tried, in the interest of the great cause, to smooth the irritated spirits. General Sullivan had issued an order to his troops expressing hope that America would be "able to procure with her own arms that which her allies refused to assist her in obtaining." (Greene, p. 152.) The consequence of this attitude of d'Estaing was that 5,000 men of Sullivan's militia left the service and went home, after hope for the expedition had failed. Sullivan's remaining troops retired on Washington's order.

D'Estaing, after having repaired his ships, sailed together with his 4,000 men to Martinique, West Indies.

Lord Howe sent at the same time 5,000 men to Santa Lucia. This meant renewing the old struggle between France and England for the West Indies.

Green asserts in his book that the French minister Gerard has probably influenced d'Estaing in his decisions. The French forces could have helped to finish the war for America, but it seemed that a quick termination of the war, without a French reconquest of Canada was not in the interest of French politics.

In October, 1778, Lafayette himself proposed the reconquering of Canada, and it seems that Congress favored the plan. The sober and clear judgment of Washington convinced its advocates that it was impossible. Therefore the plan was abandoned. In his far-sighted letter, dated November 14, 1778, Washington wrote:

"It is a maxim, founded on the universal experience of mankind, that no nation is to be trusted further than it is bound by its interests." Greene (p. 155) characterizes these words with "as true and as significant to-day as the day they were written."

The war continued. Washington turned to Gerard, to his successor and to d'Estaing himself, in order to persuade the latter to an operation against New York. All efforts were in vain. D'Estaing pursued his own war in the West Indies and the South. Finally, in October, 1779, he besieged Savannah, then held by the British, and after his attack was repulsed and he himself wounded, he sailed with his whole fleet and all his troops back to France.

Lafayette had returned to France in January, 1779. His presence in France signified a diplomatic mission of Washington. Together with Franklin he influenced the politics of Louis XVI in such a manner that France sent off another expedition, with the express orders to submit themselves to Washington. The French fleet was under the command of Rochambeau and consisted of seven vessels with a transport of 6,000 men, fully six regiments. This fleet landed at Newport on the 10th of June, 1780. The newly arrived Lafayette was sent to Rochambeau by Washington with written instructions for a mutual operation against New York.

An English fleet appeared before Newport and blockaded the French. A transport of 6,000 men under Clinton followed the English fleet to attack Newport.

Rochambeau thought himself menaced and begged Washington for aid to protect his 6,000 men. At once some thousand militiamen were sent to him from Rhode Island. These French troops of Rochambeau not only did not help the Americans in 1780 but, on the contrary, had to be protected by them.

Washington marched with his army to Kings Bridge. This clever maneuver forced Clinton to return with his troops to New York.

Only after Clinton had withdrawn from Newport the American militia could be sent home.

The far-sighted plan of Washington was based on the mastery of the seas, to cut off the English from their connections.

Though a big French fleet lay in the West Indies, Washington succeeded only in 1781 to put through his plan.

Rochambeau remained 11 months inactive at Newport.

During this time the United States ran risk of becoming exhausted, as they lacked everything. Mutinies broke out. Discontent manifested itself at the inactivity of the French ally.

In smoothing over these frictions Washington's talents were clearly shown.

At the request of Washington the Congress sent Washington's aide-de-camp, Colonel Laurens, to France to persuade Comte de Vergennes to make a loan of 6,000,000 francs in cash and two and one-half millions in war materials. This financial assistance was more valuable than that rendered by the French troops during the war. These debts were fully paid to France later by the struggling young Republic, without even a suggestion for a reduction or a thought of cancellation.

On the 22d of ———, 1781, Washington was informed that the French West Indies fleet under Comte de Grasse should unite with Rochambeau for a cooperation under Washington's orders.

This was the result of Franklin's and Lauren's diplomatic efforts at Paris. During the three years of alliance the help of France had chiefly consisted in moral and financial aid.

Washington arranged now at once with Rochambeau to march against New York.

Washington joined Rochambeau at White Plains. Previous to the appearance of the de Grasse's fleet before New York Washington could not undertake the attack against Clinton. As Washington learned that de Grasse had sailed with 29 vessels and more than 3,000 men for the Chesapeake Bay, he took the ingenious decision to abandon the operation against New York and to launch a blow against Cornwallis.

Finally the great moment had arrived for which Washington had waited so long.

As quickly as his decision was taken as quickly it was carried out. Comte de Grasse, contrary to the procedure of d'Estaing, landed his troops before attacking the English fleet to dispute the possession of the Chesapeake Bay. With the masterful operations of Washington against Cornwallis the military events of the war were terminated. After the surrender of Cornwallis Washington tried to persuade de Grasse to an operation against New York and the South. It was in vain. De Grasse insisted on returning to the West Indies. Washington remained at Williamsburg. Lafayette returned to France.

With this ended the participation of the allied French troops with the Americans.

The victory of Yorktown was the merit of Washington.

In 1905 the United States Senate published a list of the French combatants in the Revolutionary War. According to its declaration, the greatest number of French troops which had landed consisted of 8,400 men. The losses of these troops were at Savannah under d'Estaing, 637; and 186 under Rochambeau at Yorktown; 100 of the latter French losses were the result of the vigorous sortie Cornwallis made from Yorktown on the 16th of October, three days before his negotiations for surrender began.

This historical record of the activities of the French troops and naval forces in the Revolutionary War is no disparagement of their valor or of their leaders, but clearly indicates how the politics of the French Government directed and influenced the military operations and to what extent the French participation was undertaken in the national political interest of that country, rather than an unselfish interest in the struggle for independence by the new American Republic.

PROMINENT FOREIGNERS IN THE REVOLUTIONARY WAR AND THE LEGEND OF LAFAYETTE

With the outbreak of the Revolutionary War a great number of adventurers of various nations offered their services to the United States. Some experiences had with these volunteers were not happy ones. The Congress soon refused to enlist them, as the American officers felt bitterness, when they were outranked by foreigners, who did not even speak their language.

To understand the participation of foreigners in that war, one must represent to oneself the spirit of the time.

The European armies were armies of mercenaries. Soldiery was a business. It offered money and gave opportunity to see other lands.

The European armies of that time served more for dynastic interests of reigning houses than for national ones.

Who paid most, had the best armies. An exception was perhaps the army of Frederick the Great during the war of seven years.

Frenchmen served in Germany, Germans in France, Englishmen in Russia, Italians in Sweden, and so forth.

The officers recruited themselves nearly exclusively from the nobility of the countries. The noblemen fought for honor, glory, and money. War was their typical business; as it finished in one country, they went to another where there was another outbreak of hostilities, and so it happened often that they fought against their own country. So we find one of the later heroes of the Revolutionary War, General Baron De Kalb, serving first in the French Army, though he was a Bavarian, born in 1721 at Huettendorf in Bavaria.

The most prominent foreigners in the service of America were Marquis de Lafayette, Baron De Kalb, Baron von Steuben, Kosciusko, and Comte de Pulaski.

All these were engaged through the medium of France. France had always cultivated most militarism, and her politics, as we have seen, favored the struggle against England.

Of those five, the two most experienced and skilled officers were, without doubt, Steuben and Kalb. Both had taken part in the war of seven years, the former in the army of Frederick the Great and the latter in the French Army against Prussia and England.

Kosciusko, a Pole, was an experienced officer. Comte de Pulaski had left his country on account of revolutionary tendencies and had served in Turkey before coming over to join the American Army.

De Kalb and Pulaski died as heroes on the battle fields; Pulaski fell at the head of his troops in the assault of Savannah, the 9th of October, 1779, and De Kalb fell gloriously in the battle of Camden on the 16th of October, 1780.

Kosciusko distinguished himself in the war as an engineer officer and left America when the war was over with the rank of a brigade general.

Steuben, the most experienced of them all, joined the American Army on the 19th of February, 1778, at Valley Forge and was made inspector general of the Army. Even the enemies recognized the great merits of Steuben. He drilled the Army and took care of its recruiting. He is the author of the first drill book of the American Army. He distinguished himself in the war and served in it without interruption. After the war he remained in the Army and became an American citizen. He died in the State of New York, on the 26th day of November, 1794.

The youngest of these five foreigners was Marquis de Lafayette, who joined the army on the 6th of November, 1777, at the age of 19 years, naturally without military experience. Certainly his good will and the sacrifices he made, deserve the admiration and the gratefulness of the American people. But the historian has not to deal only with good will and, therefore, it is interesting to see by what deeds he contributed in fact to the success of the American Revolution. The masses of the American people honor still to-day the memory of Lafayette, as that of a great general, who helped by his sword to decide the war. This was not the case. Events and, first of all, Washington made him in spite of his youth and his lack of experience a political figure for the sake of the French alliance and the French support.

In this respect his attitude has to be appreciated.

The historian Kapp says in his book, published in 1858: "It is strange that the American people have accustomed themselves, in the course of time, to think Lafayette a great general, and even to put him as an equal at the side of Washington. His later life and, first of all, his visit to the United States in 1824 stimulated the interest for him. The grateful people have wrapped his effigy in a nimbus, and see in him one of the greatest heroes of the modern time."

Lafayette was a typical representative of the French nobleman of his time. Brought up in the atmosphere of French court life, he was vain and hungry for glory. He was captivated by the teachings of the philosophers of the school of the eighteenth century and was full of hatred against England, the hereditary enemy of France.

It was in 1777, at a dinner of Comte de Broglie at Metz, where the 19-year-old youth listened to the tales of the Duke of Gloucester, brother of King George III, of England, who described the struggle and the progress of the American arms against his country.

Under the influence of what he had heard, he returned to Paris and sought for an engagement for American service through the medium of Deane, the American agent. Deane and Franklin were already in negotiations with Comte de Vergennes to engage Baron De Kalb and 12 other French officers, so they engaged also the Marquis de Lafayette, having recognized well of what importance it was to engage a man so affiliated with the French court and society. They promised Baron De Kalb and Lafayette the ranks as major generals in the American Army. This high rank was promised by Deane to Lafayette on account of Lafayette's "zeal, his illustrious family, which would never permit him to join a cause without so high a commission, and on account of his connections."

The father-in-law of Lafayette and his whole family were opposed to the adventure and influenced the Government to issue an order to forbid his departure. The resistance was meant more seriously by his family than by the Government. Lafayette, as owner of a large fortune, bought the ship *Victoire* and started, with De Kalb and the other officers on board, from the Spanish port Las Pasages, near St. Sebastian. They landed near Charleston, S. C., where Lafayette sold the *Victoire* and her cargo.

Provided with means they all continued their travel on horseback and in carriages to Philadelphia.

Lafayette had sailed when substantial assistance from France was still extremely doubtful. This, together with the willing sacrifice of his fortune, show the great enthusiasm of the youth for the cause he had taken up.

It is to this noble enthusiasm that Lafayette owes his historical significance and his honorable place in history.

All he has done as general in the American Army as well as later on in the French Revolution is without importance.

Not yet 20 years old, without experience, not mastering the English language, and certainly not knowing the psychology of the American people, it was impossible that he could take a leading rôle as general. But he was considered the proper person to secure later French help and alliance.

Franklin, Washington, and the Congress recognized the significance of his employment, and so his rôle became at once more political than military. The Congress refused first the engagement of De Kalb, Lafayette, and their companions on account of the aforementioned unhappy experiences they had made with foreign officers, especially as Deane had promised them all higher ranks and to Lafayette even the rank as general. But finally Lafayette and De Kalb were engaged and promised the ranks as generals. The unusual commission as a brigade general for the young Lafayette was given by the Congress on "account of his zeal, his illustrious family, and connections." But the 12 French officers had to return to France. It speaks well for Lafayette's generosity that he paid part of the expenses for their return.

There is no doubt that Lafayette was endowed with a noble heart and character, though "the pure metal of self-devotion was somewhat alloyed with a love of fame and popular applause." (Lafayette, by Bayard Tuckerman.)

This latter was the result of his education and was strengthened by the high commission he received at the age of only 19 years. Lafayette joined the Army in July, 1777. January, 1779, he left the Army again to return to France to visit his family. He rejoined the Army in May, 1780. After the surrender of Cornwallis at Yorktown he left the service, and was back in France in January, 1782; so he served in the American Army all together three years.

Lafayette served on the staff of Washington, who appreciated his noble qualities of character and at the same time recognized the political importance of his mission. It was quite natural that this young Frenchman, whose post brought him so near to Washington and who was honored by the latter's friendship, became a fervent admirer of the great general. Washington placed Lafayette at the head of troops wherever he thought that the operation promised success. He suggested to Congress in December, 1777, the assignment of Lafayette to the command of a division, just as the latter attained the age of 20. In proposing Lafayette for such a place in spite of his youth and lack of experience Washington displayed great political foresight and worked together with Franklin, who, at Paris, prepared the alliance with France. After having joined Washington's staff Lafayette took part in the Battle of Brandywine, where he was wounded.

The first time Lafayette had an opportunity to lead troops independently was on the 19th of May, 1778, at Valley Forge. Washington had watched the expected evacuation of Philadelphia and had thrown Lafayette's division out as advance guard between the Schuylkill and Delaware Rivers. In selecting Lafayette, Washington intended to pay a compliment to France, but "within 48 hours Washington was in mortal dread lest the outcome might be anything but pleasing to France. Washington saw that the young marquis was in full retreat." (Greene, p. 140.) Clinton came quite near capturing Lafayette at Barren Hill. Thanks to Steuben's drill, the Army was in 15 minutes under arms, and Clinton did not attack, but retired to Germantown.

During the following operations up to the departure for France in January, 1779, Lafayette had no independent command of troops. He served either on the staff of Washington, was sent with missions, or served under generals like Lee and Sullivan. Under the latter he commanded two brigades when the French fleet of d'Estaing had sailed into Narraganset Bay. Lafayette tried to persuade d'Estaing to land his troops, but failed. Colonel Laurens wrote a letter to his father, the president of the Congress, putting the blame for the failure of the enterprise of d'Estaing on the differences of the national pride of the French and the ambition of Lafayette. "Marquis de Lafayette aspired to the command of the French troops in conjunction with the flower of Sullivan's army" and that "his private views withdrew his attention from the general interests." (Bayard Tuckerman, p. 92.)

It has been mentioned how in October, 1778, Lafayette proposed the reconquest of Canada. When this plan was refused as impossible and fantastic, Lafayette wrote in his letter to Washington with the permanent undertone that his "reputation and his glory was affected." So he put the latter higher than the cause. This was very different from the other foreign officers. One sees how Lafayette was far too young to judge the cause highly enough and to separate it from personal interests. In his letter of the winter of 1778–79, he expressed his desire to return to France to see his family again. This return to France was used masterfully by Washington and Franklin to keep up the enthusiasm of France for the cause of war.

In Paris the young marquis was the hero of the hour. At the court, in society, in cafés, and in theaters his deeds were lauded. Thus the marquis fanned the enthusiasm for the American struggle. His success flattered the national vanity.

The ground was already well prepared by Franklin and the result was the expedition of Rochambeau's fleet. Lafayette stayed over a year in France and then decided to return to America. He rejoined Washington on the 10th of May, 1781, at Morristown.

In the spring of this year Washington sent Lafayette to Virginia under command of General Greene. Washington expressed the motive of the mission: "As the success of the intended operation depends for the greater part on the cooperation of the French land and sea forces, political motives make the Marquis of Lafayette appear the adequate personage for a command."

Greene, therefore, nominated Lafayette as commander in chief in Virginia, though Steuben had already had the command and was highly appreciated by General Greene. To the latter and General von Steuben the Army owed its reorganization. The experienced Steuben put himself without resistance under the command of Lafayette in the interest of the great cause.

The Virginia campaign consisted of more or less guerrilla actions. Lafayette withdrew his troops when Cornwallis advanced. He accepted a fight at Jamestown on the 16th of July and was defeated. The following great operation against Cornwallis was directed by Washington. During the short siege of Yorktown Lafayette was at the head of a division, but had no opportunity for independent action or distinction.

General von Steuben was in command of the trenches of the siege when Cornwallis sent his first parliamentaires to open negotiations for the surrender. Lafayette appeared to replace him, but Von Steuben refused to leave his post in that moment as contrary to the usage of war. Lafayette was anxious to gain the glory of the surrender and brought the quarrel before Washington. The latter decided that Von Steuben was to remain at his place until the English flag had been brought down.

This was the last action of Lafayette in America. He returned to France, where he arrived January 17, 1782. He was then the most popular man in France. The French in their joy and exaggeration called him "Conqueror of Cornwallis" and the "Savior of America," together with Washington.

Bayard-Tuckerman writes of him (p. 151) that the popularity he enjoyed was a distinct misfortune to him, for it was inevitable that so much flattery gave him a false idea of his abilities.

Lafayette's further life shows the truth of it. Had he really been what he and his people believed him to be, he would have played the leading part in the coming Revolution of France, but there he failed. Lafayette had a childlike ignorance of human nature. He indulged in the mistaken judgment of Rousseau's and Voltaire's philosophy and confounded mob with nation. He apparently was too young and inexperienced to understand and exploit the great lessons of the American Revolution, and though he tried to imitate his admired teacher, Washington, he never really penetrated the latter's spirit. He was unable to understand the psychology of others, a quality which had distinguished Washington. The French Revolution saw Lafayette permanently in vacillation.

Partly he represented the cause of the people, and partly of the King. He had no clear conception of a constitution, and was inclined to allow any constitution.

After the French Revolution had begun his popularity called him to the post of the commander of the national guards. Without doubt, as such he showed valor, but he was unable to organize, and incapable of a really great task. Had he had the corresponding abilities, with his popularity, he could have carried away the masses, and made himself the leader of the nation.

After having resigned and retaken his place, and resigned again at the end of 1791, he was nominated commander of an army, with which he marched from Metz over Givet to Maubeuge. The Jacobin terrorists sent him commissioners who reached him at Sedan to announce the change of government. Lafayette ordered their arrest, as he saw that the Jacobins had seized the power unlawfully; but he was unable to continue his action against them. When the latter at Paris declared him a traitor, Lafayette failed in resolution. He abandoned his army, deserted, and went over to the enemy, who made him prisoner. He was kept prisoner for five years, at the fortresses Wesel, Hamburg, and Olmütz. By Napoleon's desire he was released in 1797, and then he lived in Holstein, at Hamburg, and at Utrecht. In 1799 he returned to France.

Napoleon liked to converse with Lafayette, as the latter had known Washington and Frederick the Great, and had seen so much of the world, but he had no post for him. Napoleon thought little of Lafayette. He spoke of him with little respect at St. Helena, and called him "un niais en politique" (a political simpleton). Had Lafayette had the ability required by a general, no doubt Napoleon would have made use of him. So the time of France's greatest glory saw him without employment. His son entered Napoleon's army, was twice wounded, and resigned as lieutenant.

In 1815, after Waterloo, Lafayette advanced the abdication of Napoleon. His action of that time is open to criticism, as Lafayette was not free from the responsibility for allowing the power to fall into the hands of Fouché, and for the humiliation of France.

Lafayette's further action is without importance. During the French Revolution of 1830 he was urged to accept again the position of commander of the national guards, and his last act was to take part in the overthrow of Charles X and the placing of Louis Philippe on the throne.

Of the many authors who have occupied themselves with Lafayette, the most objective one seems the historian Bayard-Tuckerman. He states in his preface: "Lafayette has suffered perhaps as much from the exaggerated praises from his admirers as from the bitter attacks from his enemies."

A noble character, not free from vanity, a man not above the average, whom Providence had guided through an agitated life—such was Lafayette. His visits in America in 1784 as guest of Washington, and 1824–25, when he traveled nearly for a whole year through the country, where he was fêted with the greatest hospitality, have augmented and exaggerated his glory.

In spite of all, the youth who once came to America to fight bravely for her cause will always inspire the young American with patriotic enthusiasm.

The historian, who has to judge not alone the good will but the deeds and facts, sees in Lafayette not the hero of the Revolutionary War but one of the heroes, and knows that many of them have achieved greater deeds owing to their riper experiences and greater abilities.

MILITARY MAN POWER OF DIFFERENT COUNTRIES

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the size of the standing armies of the nations of the world and also showing the number of police, gendarmerie, frontier guards, treasury guards, territorial armies, and so on, which are really active troops and which are a part of the standing armies, as well as the trained reserve and untrained reserve in those countries.

I think that those who will look at these figures will find that in addition to the regular or standing army of those countries they have, in effect, another standing army ready for active service on a moment's notice. One country referred to in the table has 140,000 men in frontier guards, treasury guards, gendarmerie, and so on, so that when those are added to the size of the standing army we get the real figure of military man power of those countries.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Military man power of different countries

	Present strength	Trained reserves	Total man power
1. Austria:			
Regular army	19,659		19,659
Police	6,925		6,925
Gendarmerie	6,120		6,120
Trained reserves		300,000	300,000
Untrained reserves			200,000
Total	32,704	300,000	532,704
2. Belgium:			
Regular army	65,742	635,683	701,425
Territorial army		54,000	54,000
Gendarmerie	6,048		6,048
Untrained reserves			314,417
Total	71,790	689,683	1,075,890
3. Bulgaria:			
Regular army	20,000		20,000
Frontier guards	3,000		3,000
Gendarmerie	10,000		10,000
Trained reserves		425,000	425,000
Untrained reserves			242,000
Total	33,000	425,000	700,000
4. Czechoslovakia:			
Regular army	120,000		120,000
Gendarmerie	15,000		15,000
State police	5,700		5,700
First reserve (20 to 40 years old)		1,147,000	1,147,000
Second reserve (40 to 50 years old)		342,000	342,000
Untrained reserves			250,000

Military man power of different countries—Continued

	Present strength	Trained reserves	Total man power
4. Czechoslovakia—Continued.			
Sokols (semimilitary)			125,000
Last reserves (17 to 60 years old)			100,000
Total	140,700	1,489,000	2,104,700
5. Finland:			
Regular army	29,700		29,700
Civil guard		100,000	100,000
Trained reserves		170,000	170,000
Untrained reserves			250,300
Total	29,700	270,000	550,000
6. France:			
Regular army (French)	488,002		488,002
Colonials	191,365		191,365
Foreigners	18,818		18,818
Gendarmes and gardes republican	29,228		29,228
Trained reserves		4,610,000	4,610,000
Untrained reserves (colonials)			700,000
Total	727,413	4,610,000	6,037,413
7. Germany:			
Regular army	100,000		100,000
Trained reserves (war veterans)		1,000,000	1,000,000
Untrained reserves			7,600,000
Total	100,000	1,000,000	8,700,000
8. British Empire:			
Australia—			
Permanent force	1,697		1,697
Citizens forces		37,192	37,192
Reserve officers and unattached list		12,454	12,454
Trained reserves		100,000	100,000
Untrained reserves			448,657
Total	1,697	149,646	600,000
Canada—			
Permanent force	3,499		3,499
Militia		49,075	49,075
Cadet corps		115,667	115,667
Rifle associations		28,451	28,451
Militia reserves		30,000	30,000
Reserve of officers		12,213	12,213
Untrained reserves			611,095
Total	3,499	235,406	850,000
Great Britain—			
Regular army	150,221		150,221
Colonial troops	2,426		2,426
Regular army reserve		96,000	96,000
Supplementary reserve		23,151	23,151
Militia (islands)		2,762	2,762
Territorial army		186,093	186,093
Officers training corps		1,245	1,245
British troops in India	61,543		61,543
Trained and untrained reserve			5,612,899
Total	214,190	309,251	6,136,340
India—			
British army in India	[1] 61,543		
Indian army	161,000		161,000
Territorial force		12,522	12,522
University training corps		3,748	3,748
Auxiliary force		33,181	33,181
Indian state forces		27,030	27,030
Trained reserves		29,924	29,924
Untrained reserves			2,671,022
Total	161,000	106,405	2,938,427
Irish Free State—			
Regular Army	13,564		13,564
Trained reserves		4,500	4,500
Untrained reserves			342,290
Total	13,564	4,500	360,354
New Zealand—			
Permanent force	515		515
Territorial force		22,039	22,039
Senior cadets		28,769	28,769
Defense rifle clubs		4,748	4,748
Untrained reserves			76,531
Total	515	55,556	132,602
Union of South Africa—			
Permanent force	1,450		1,450
Coast defense garrison force	8,000		8,000
Active citizens force		15,000	15,000
Defense rifle associations		150,000	150,000
Cadets		50,000	50,000
Untrained reserves			490,550
Total	9,450	215,000	715,000

[1] Accounted for under Great Britain.

Military man power of different countries—Continued

	Present strength	Trained reserves	Total man power
9. Greece:			
Regular army	55,000		55,000
Trained reserves		266,489	266,489
Untrained reserves			278,511
Total	55,000	266,489	600,000
10. Hungary:			
Regular army	35,000		35,000
Gendarmerie and police	12,000		12,000
Untrained reserves			723,000
Total	47,000		770,000
11. Italy:			
Active army	240,288		240,288
Carabinieri	62,243		62,243
Finance guards	28,664		28,664
Colonial army	49,253		49,253
Fascist militia		310,000	310,000
Trained reserves		2,680,454	2,680,454
Untrained reserves			2,000,000
Total	380,448	2,990,454	5,370,902
12. Yugoslavia:			
Active army	117,000		117,000
Frontier guards	5,000		5,000
Gendarmerie	20,000		20,000
First reserves (21 to 40 years)		1,200,000	1,200,000
Second reserves (40 to 50 years)		500,000	500,000
Third reserves (18 to 20 and 50 to 55)		350,000	350,000
Total	142,000	2,050,000	2,192,000
13. Norway:			
Regular army	30,000		30,000
First line reserves		150,000	150,000
Landvarn		75,000	75,000
Landstorm		90,000	90,000
Untrained reserves			60,000
Total	30,000	315,000	405,000
14. Poland:			
Regular army	242,372		242,372
Trained reserves		500,000	500,000
Untrained reserves			2,000,000
Total	242,372	500,000	2,742,372
15. Portugal:			
Regular army	26,200		26,200
Organized reserves		430,000	430,000
Untrained reserves			500,000
Total	26,200	430,000	956,200
16. Rumania:			
Regular army	208,500		208,500
Frontier guards	26,000		26,000
Gendarmerie	32,000		32,000
Trained reserves		750,000	750,000
Untrained reserves			583,500
Total	266,500	750,000	1,600,000
17. Russia:			
Regular army	494,000		494,000
Political police	150,000		150,000
Trained reserve		4,625,000	4,625,000
Untrained reserve			6,886,000
Total	644,000	4,625,000	12,155,000
18. Spain:			
Regular army	218,647		218,647
Colonial army	13,087		13,087
Gendarmerie	41,053		41,053
Trained reserves		1,328,260	1,328,260
Untrained reserves			760,000
Total	272,787	1,328,260	2,361,047
19. Turkey:			
Regular army	90,000		90,000
Gendarmes	35,000		35,000
Trained reserves		200,000	200,000
Untrained reserves			340,000
Total	125,000	200,000	665,000
20. China:			
Northern forces	[2] 400,000		400,000
Southern forces	[2] 550,000		550,000
Other forces	[2] 500,000		500,000
Total			1,450,000
21. Japan:			
Regular army	210,000		210,000
Trained reserves		2,038,000	2,038,000
Untrained reserves			5,092,000
Total	210,000	2,038,000	7,340,000

[2] This represents forces now in the field.

THE MISSISSIPPI VALLEY AND ITS DRAINAGE

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Carroll Livingston Riker on Control and Utilization of the Mississippi and the Drainage of Its Valley.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONTROL AND UTILIZATION OF THE MISSISSIPPI AND THE DRAINAGE OF ITS VALLEY

By Carroll Livingston Riker

FOREWORD

Nothing herein should be construed as an attack upon any legislation which provides means for holding floods under subjection as much as possible, until the completion of a proper project to that end.

WASHINGTON, *March 1, 1929.*

To the Congress:

The Riker spillway project for the control and utilization of the Mississippi River is a comprehensive, practicable undertaking which embodies no new or untried mechanical factors.

It has indisputable capacity to safely carry more than twice a 1927 flood from Cairo to the Gulf; and there are no disputable calculations involved, no new surveys required, which would prevent its immediate adoption by any competent unprejudiced board of engineers.

If it can be proven that this project contains one impracticable or inoperative mechanical factor, I will apologize and withdraw.

CARROLL LIVINGSTON RIKER,
Designing Mechanical Engineer.

PURPOSE OF THIS PAMPHLET

Is to prove by indisputable evidence:

That the adopted Jadwin project for flood control is impracticable and a vicious mechanical monstrosity which, if carried out, will have enormous initial cost, entail perpetual expense, will bring catastrophe unprecedented, and be a national engineering disgrace.

That the Riker spillway project for control and utilization of the waters of the Mississippi is practicable and will more than five times repay its cost in less than five years, with immense future benefits beyond present calculation.

That the Congress should cause a board embodying at least 11 competent, unprejudiced civilian engineers to examine and report upon the adopted Jadwin project, the Riker spillway project, and such other projects as it might determine, for control and utilization of these waters.

To this end support is asked for an amendment to the present law for flood control which will call for the appointment of a board to be composed of 11 competent, unprejudiced, civilian engineers of large experience to determine upon the proper project to be adopted for the control and utilization of the waters of the Mississippi River and the drainage of its alluvial valley and to supervise its construction, as will be presented by Senator FRAZIER to the Seventy-first Congress.

A MEMORIAL

The Jadwin adopted project, with compulsory alterations and modifications, will cost more than a billion dollars to complete, $10,000,000 annually to maintain, will inundate and practically destroy about $1,300,000,000 worth of property in the valley and jeopardize about $2,560,000,000 more, be the cause of other terrible catastrophes besides preventing an enhancement in value of property to the valley amounting to about $10,000,000,000 if a proper project be adopted in its stead; and eventually provide a monument of mud a thousand miles long to perpetuate the memory of the greatest mechanical monstrosity ever authorized by the Government of a Nation.

CONDEMNATION OF THE JADWIN PLAN BY THE COMMITTEE ON FLOOD CONTROL OF THE HOUSE

The following are verbatim quotations from the report submitted by the Hon. FRANK R. REID, of Illinois, chairman, from the Committee on Flood Control of Congress (to accompany H. R. 8219), March 29, 1928 (p. 16).

"ENGINEERING FALLACIES OF THE JADWIN PLAN

"(1) That it is lacking in engineering details and has not a sufficient factor of safety; (2) that it uses new and untried methods in the diversion of the flood waters; (3) that the 'fuse-plug' levees will not work and disaster will result; and (4) generally that it is not dependable and is not feasible from an engineering standpoint. The committee did not believe it probable that so many eminent engineers could all be wrong and therefore refused to accept the Jadwin plan as the project for the flood-control work.

"Instead of the Jadwin plan, if adopted by Congress, providing protection from the floods of the lower Mississippi Valley, it might result in a reoccurrence of a disaster like that of 1927."

Notwithstanding the above report from the only committee in Congress devoted exclusively to flood control, its advice was not accepted by the Seventieth Congress and a bill was rushed through the Senate practically without debate and on May 15, 1928, was approved by the President.

Had Congress adopted a resolution imploring the Almighty to send us a repetition of the recent Mississippi disaster it would have caused amazement; yet the Seventieth Congress appropriated hundreds of millions of dollars to support the Jadwin project, which will produce such repetition just as sure as the sun is to rise, unless the Almighty shall intervene.

WHAT IS TO BE DONE ABOUT IT?

It is the purpose of this pamphlet and the desire of many Senators and Representatives that the incoming Seventy-first Congress will amend the present law under which the Jadwin project for flood control was adopted, and that in its stead a project to be determined by a board composed in part of at least nine distinguished, unprejudiced civilian engineers shall be substituted.

FIRST CHAPTER OF REVELATIONS

While the Old Lady of the River (the Mississippi River Commission), Mother of "Levees Only," stood spellbound viewing her disaster of 1927, there unconstitutionally arose from beneath her skirts one Jadwin (also guilty), by fate Chief of Engineers, clad only in her tattered old shoes, supported by Army engineers whose opposition would mean resignation, and who as a self-constituted oracle, presented his death bed conversion from "levees only," "fuse plugs" as his panacea, to which the old lady demurred.

Ordered to a back seat and disrobed of her rights in order to cover his mechanical nakedness, both he and his fuse plugs received the most scorching rebuke ever administered by the Committee on Flood Control of the House to one holding his office. Finding the old lady had reached the forum before him, he claimed she had sneaked in through the back door, and while under interrogation by the chairman of the committee, he skedaddled.

The Frazier Senate Resolution 4477, Seventieth Congress, proposed to amend the present law for flood control under which the Jadwin project was hastily adopted, practically without any debate in the Senate, by the appointment of a board, incorporating at least nine unprejudiced civilian engineers of large experience, which would determine upon the plan to be finally adopted.

A DECLARATION OF WAR UPON THE ARMY ENGINEERS—BY THE COMMITTEE ON FLOOD CONTROL OF THE HOUSE

"The evidence presented to the committee consisting of official Government reports and documents, reports by State and local officials and testimony by witnesses proved the following conclusions:

"First. That the flood-control works heretofore constructed were neither adequate nor the right kind.

"Second. That they were not the right kind was the fault of the 'levees only,' policy of the Mississippi River Commission" (p. 4).

"Of all the engineers whose testimony is in the record, not one of them, aside from the Army engineers, was willing to approve the Jadwin plan in its entirety, and many of them pointed out fatal defects, as may be seen in their testimony" (p. 52).

"Fundamental doubts as to the technical soundness and efficacy of the plan submitted by General Jadwin was testified to by many engineers recognized by members of the committee, so it was necessary in the bill to create an organization competent to work out a dependable plan. The engineers best qualified by training and experience, as well as by personal experience fighting floods on the Mississippi River, objected to many of the engineering features of the Jadwin plan" (p. 16).

"The members of the committee were amazed to hear General Jadwin claim that he had exclusive authority to prepare plans for the flood control of the Mississippi River. * * * There is no law upon the statute book which authorizes the Chief of Engineers to call upon the Mississippi River Commission to submit to him its flood-control plans. Instead of the law as enacted by Congress being carried out, the Chief of Engineers took it upon himself to prepare a flood-control plan expending a large sum of money never appropriated by Congress in doing so, called upon the Mississippi River Commission to submit its plan to him, and received, suppressed it, and transmitted his own plan to Congress through the Secretary of War and the President. In fact, it was not until General Jadwin was called upon by the Committee on Flood Control of the House to transmit the Mississippi River Commission's report to it that the report saw the light of day, and when before the committee the general charged that the committee had received the commission's plan through the back door" (p. 47).

(The above are verbatim extracts from the report submitted by Hon. FRANK R. REID of Illinois, chairman of the Committee on Flood Control of the House, to accompany H. R. 8219, March 28, 1928, 70th Cong., 1st sess., Rept. No. 1072.)

CROSSING OF THE SWORDS

The author's sarcastic treatment of the general is due, in part, to his effort, when testifying before the Commerce Committee of the

Senate, to make those gentlemen believe that the Riker Mississippi spillway should be treated as a river and not simply an outlet for flood water which it is, and when offered an opportunity to correct this misrepresentation, the correction was not made, nor in the revised statement of his testimony, in the published hearings of that committee, on page 652, part 3, February 11, 1928, which follows:

"General JADWIN. Mr. Chairman, Mr. Riker's project has been studied by him very carefully and it is very alluring in many ways, but we could not bring ourselves to recommend it, largely on quantitative grounds, and on the ground that the way that we believe the river wants to work, it does not incline to work very much in straight lines.

"Mr. RIKER. Mr. Chairman, may I reply to just one statement that General Jadwin makes that there is difficulty in the river maintaining a straight line? He assumes that this is a river. There must be no such association. * * * And if the Chief of Engineers reiterates his statement that the natural inclination of water in motion is to take other than a straight line, then he places himself in a position that I know he dare not put upon the record."

Such misrepresentations are not a prerogative of his office. The author has crossed swords with four of his predecessors in office and compelled them to execute the quick military movement "right about face" in a friendly way, and the author offsets his age by his experience in this effort to compel Maj. Gen. Edgar Jadwin, Chief of Engineers, United States Army, to perform the same movement or to resign

THE RIKER MISSISSIPPI SPILLWAY

Is an outlet for the flood waters of the Mississippi River—a strip of land about 3 miles wide, provided with a levee on each side having minimum heights of about 40 feet and extending through the lowest part of the valley in an almost straight line about 530 miles long from Cairo, Ill., to the Gulf of Mexico.

It would safely conduct to the Gulf twice the water that has ever passed through the Mississippi River, or through its alluvial valley.

It would effectively control the maximum heights of waters flowing down the river below Cairo and the maximum and minimum below Memphis.

This would practically prevent bank erosion, caving banks, and bar formation, thereby effecting better navigation from the Gulf to Cairo, and would permit the river to be bridged at frequent intervals.

While a flood twice that of 1927 was passing down the spillway there would be but little backwater in the Mississippi's tributaries, which would greatly increase their drainage ability and there would be no backwater in the valley.

It would so control the maximum flow in the Mississippi River that it could be dammed, thereby enabling it to be canalized, and its waters to be utilized for deep-water navigation and for power; it would also eliminate all backwater in confluent rivers and afford perfect drainage to the valley when twice a 1927 flood was passing through the spillway to the Gulf.

The tops of the spillway levees would afford two broad, practically straight and level roadbeds for highways and railroads from Cairo to the Gulf.

The light silt carried by the waters of the Mississippi River would be largely deposited where required within the spillway, or where desired nearby, while the heavy silt would be deposited in the most advantageous location for spoil banks near the river.

If the river be canalized, the heavy silt would be transported through what is termed the terraqueous conduit, consisting of a reinforced concrete tube about 12 feet in diameter, extending through the center of the spillway, practically from Cairo to the Gulf, by which this silt would be delivered to fill swamps, lagoons, and lowlands situated near the Gulf.

The cost of the Riker Mississippi spillway (including the right of way) completely equipped and ready for use within six years, would be $785,000,000

CANALIZATION AND POWER DEVELOPMENT OF THE MISSISSIPPI

When the Riker Mississippi spillway is completed it would be very advantageous for the Federal Government to canalize the Mississippi River and utilize it for navigation and power.

The canalization of the river would enable it to be maintained easily navigable for the largest vessels from the Gulf to Cairo and to utilize at least 10,000,000 of its latent horsepower, now pouring wastefully into the Gulf.

Canalization of the Mississippi River would reduce the average high-water level therein below the dams to about 15 to 25 feet above zero, or 35 to 45 feet below the tops of its present levees, when twice a 1927 flood was passing through the spillway.

Such canalization would thus enable its confluent rivers to drain millions of acres which their backwaters now overflow, and double or treble their capacity to drain their legitimate territory, largely because of their increased velocity, which, when properly directed, would straighten them and greatly deepen their channels.

TERRAQUEOUS CONDUIT

The terraqueous conduit is a reinforced concrete tube about 12 feet in diameter, extending through the center of the spillway for practically its entire length, with cross conduits at each dam.

When the river is canalized the heavy silt which it would deposit in lures at the river's bottom would be pumped and propelled by plants operated by electric power which would be provided by the power plants in the river to locations where desired for filling in, etc.

Ten billion dollars profit in five years

Cost	$1,500,000,000
Interest, 4 per cent	300,000,000
Operation	75,000,000
Total	1,875,000,000
Gross profit	11,877,508,800
Cost, interest, etc	1,875,000,000
Net profit	10,002,508,800

The Riker spillway project

Cost	1,500,000,000
Interest, 4 per cent	3,000,000,000
Operation	750,000,000
Total	5,250,000,000
Gross profit	35,142,137,600
Cost, interest, etc	5,250,000,000
Net profit	30,892,137,600

Profit in 50 years, $30,000,000,000.

Eleven billion dollars loss in five years

Cost	1,000,000,000
Interest, 4 per cent	200,000,000
Operation	250,000,000
Total	1,450,000,000
Lost profit	10,002,508,800
Cost, interest, etc	1,450,000,000
Net loss	11,452,508,800

The Jadwin adopted project

Cost	1,000,000,000
Interest, 4 per cent	2,000,000,000
Operation	2,500,000,000
Total	5,500,000,000
Lost profit	30,892,137,600
Cost, interest, etc	5,250,000,000
Net loss	35,142,137,600

Loss in 50 years, $35,000,000,000.

DETAILED PROFITS OF THE RIKER SPILLWAY PROJECT

PROFIT FROM THE PROTECTED DELTA

The following estimates of the increased value of well-protected land in the Delta valley of the Mississippi is based upon General Jadwin's estimate of $224 per acre as the present value of well-protected parts of that valley, and upon the assumption that perfect protection, thorough drainage of it and the neighboring lands, increased healthfulness because of the reduction in malaria and mosquitoes, the finest railroad transportation in the world, and port facilities on the Gulf, together with unlimited, low-priced electricity for power and other purposes, and the canalization of the river for ocean steamers to Cairo, will double the present value of that land. Nineteen million sixty-five thousand and six hundred acres at $224 per acre: Increased value: Estimated profits in five years, $4,270,694,400; estimated profits in 50 years, $4,270,694,400; interest, 45 years at 4 per cent (not compounded), $7,188,000,000.

PROFIT FROM THE UNPROTECTED DELTA

Basing this area also upon the statements of General Jadwin as 7,065,600 acres, and assuming its present value to be not more than $24 per acre, the enhanced value of this virgin land when drained and thoroughly protected, as it would be by the spillway, at $424 per acre, the appreciated value of the present protected Delta would be in five years, $2,995,814,400; estimated profits in 50 years, $2,995,814,400; interest, 45 years at 4 per cent (not compounded), $5,991,628,800.

PROFIT FROM THE ADJOINING TERRITORY

It is believed that the value of property in New Orleans, Baton Rouge, Natchez, Memphis, Cairo, and other cities and towns, together with near-by real estate on the east side of the river not subject to overflow, would double in value, as would also cities and lands in the valleys of the Red, Oquita, Arkansas, White, and St. Francis Rivers, due to the removal of Mississippi River backwater at their mouths, and estimating this area as equal to that of the entire alluvial valley, or 19,000,000 acres at $224 per acre, increased value would be, in five

years, $4,256,000,000; estimated profits in 50 years, $4,256,000,000; interest, 45 years at 4 per cent (not compounded), $7,650,000,000.

PROFIT FROM POWER DEVELOPMENT OF THE MISSISSIPPI RIVER

The power which would be developed at the dams in the Mississippi River, based on its minimum flow, when a reservoir had been constructed above Bismarck on the Missouri River, is estimated to be not less than 10,000,000 horsepower, practically all of which would quickly be merchantable at $5 per horsepower annually. In five years the gross receipts would be $250,000,000; estimated profits in 50 years, $2,500,000,000.

When full reservoir control of the tributary streams to the Mississippi had been effected, the estimated minimum horsepower would be more than 15,000,000.

PROFIT FROM THE CANALIZATION OF THE MISSISSIPPI

It is expected that no lockage charge from Cairo to the Gulf would be exacted, and therefore no direct revenue can be estimated, but what would seem to be an equitable toll for such benefits would be 30 cents per ton, based upon 50,000 tons daily, would be $5,000,000 annually. Estimated profits for 5 years, $25,000,000; estimated profits for 50 years, $250,000,000.

PROFIT FROM THE RAILROADS

The estimated revenue from the 1,070 miles of railroad roadbed which the tops of the spillway levees would afford is estimated at $5,000,000 per year, or for the first 5 years, $25,000,000; estimated profits in 50 years, $250,000,000.

PROFIT FROM THE HIGHWAYS

The estimated value of the levee tops for highways for freight and pleasure vehicles (approximately 10,000 per day at 50 cents toll) would be, the first 5 years, $5,000,000; estimated profits in 50 years, $90,000,000.

PROFIT FROM THE TERRAQUEOUS CONDUIT

The value of the land formed by the silt, transported by the terraqueous conduit and deposited in lagoons and lowlands of the valley, more than 30,000 acres yearly at $400 per acre (based upon Jadwin's estimates), would be, for 5 years, $60,000,000; estimated profits in 50 years, $600,000,000.

PROFIT FROM THE CLIMATIC IMPROVEMENT

No estimate in dollars can at present be made of the climatic benefits which will follow the drainage of the Mississippi Valley, that saturated area being the trigger which causes the clouds to prematurely explode over it. As to the moneyed benefits to the Nation from such a climatic change in whole, or even in part, the author saith not, because to the many not familiar with the simple, irrefutable evidence which supports it, it will seem as but a dream, as did the small claims for electricity to him in his youth more than three score years ago, since developed beyond any dream.

Profits in 50 years:	
Gross profit	$36,142,137,600
Cost, interest, etc	5,250,000,000
Net profit	30,892,137,600
Profits in 5 years:	
Gross profit	11,877,508,800
Cost, interest, etc	1,875,000,000
Net profit	10,002,508,800

All could be completed within nine years.

Large as these figures are, the increment due to improved climatic conditions and perfect security against flood are but partially included.

Pare these figures as you will. They still remain unprecedented.

Verbatim quotation from General Jadwin's project, submitted December 1, 1927, used as basis for above calculations.

FEATURES OF THE MISSISSIPPI VALLEY WHICH MAKE BOTH ITS DRAINAGE AND ITS FLOOD PROTECTION BY RIVER LEVEES AN IMPOSSIBILITY

The physical features of the Mississippi Valley below Cairo make control of the river by levees and the drainage of the valley an impossibility when undertaken in opposition to nature, as is the project of General Jadwin, recently authorized by Congress.

The alluvial valley of the Mississippi River extends almost straight and flat, as a gently declining flood plain, averaging more than 50 miles wide, with a fall of about 300 feet, in its length of 530 miles, from the junction of the Ohio River with the Mississippi at Cairo, to the Gulf of Mexico.

In its course between these points the Mississippi River meanders over 1,070 miles, or more than twice the length of its flood plain (the Mississippi Valley), and instead of passing through the lowest parts of the valley much of it now travels along the top of a ridge which sediment from its overflows has created.

Before man undertook to confine its waters by levees, its floods gently overflowed its banks and found their way by this flood plain to the Gulf of Mexico. To prevent this overflow and carry its flood waters by the river to the Gulf, levees have been constructed to confine them to the river. Recently the waters, so confined, have risen to an average of about 25 feet above the lowest part of the adjacent valley, and in many instances to much greater heights.

When the waters of the Mississippi are at such an elevation it is evident that they greatly handicap the drainage of the valley and of the river's tributaries.

The waters of the valley, thus confined, are termed "backwaters," which during ordinary floods now cover more than 6,000,000 acres and would still continue to do so, should General Jadwin's project work to his most sanguine expectations. If it should not, then more than 18,000,000 acres are subject to overflow at any time, accompanied by the probabilities of a disaster unprecedented.

The Jadwin levees, which are to be but 12 feet wide on top and but 1 foot above the highest predicted flood waters of this mighty river, present to everyone a great evident danger; but this evident danger is less than that from caving banks, and the least evident danger, that from the sand boil, is the greatest of them all, largely because it attacks the levee from beneath.

The sand boil is produced by flood waters in the river which are at an elevation above the land just outside the levee being forced through the porous strata beneath it, which eventually make a tunnel, causing the levee to suddenly collapse. The danger from the sand boil increases much faster than the increase in the elevation of the water in the river and the danger from these sand boils is greatly increased by the duration of the flood waters.

THE ABSURD JADWIN PROJECT WHICH CONGRESS HAS ADOPTED

The Jadwin project, which Congress has adopted, places its entire dependency for flood control along the Mississippi River, from Cairo to the Gulf, upon "levees only."

The Jadwin project would protect these levees from overflow by employing General Jadwin's so-called fuse plugs, which are weak levees to be situated at a number of places, and which he calculates the river will break through just before the adjacent levees are overflowed.

The uncontrolled and unknown quantity of the water passing through these river-controlled openings,, or crevasses in the river's levees, which General Jadwin would so create, General Jadwin precipitates into the valley, through which General Jadwin would provide flood ways for their passage to the Gulf.

At Bonnet Carre, which is 30 miles above New Orleans, General Jadwin provides his only gated, or man-controlled opening, for the release of flood waters.

General Jadwin provides about 20 miles of such fuse-plug openings, properly termed pop safety valves, for once they are opened either by man or by the river, man can not close nor control them until the river gives man its permission, a pagan-like, unnecessary, and foolish surrender of flood control to the river.

In the printed report of the Mississippi River Flood Control Board to the President, preceding the signature of General Jadwin, there appears on pages 12, 6, 7, and 4, respectively, the following statements:

"No plan is considered adequate which does not protect against the greatest flood predicted as possible."

"From Birds Point to New Madrid, Mo., the floodway provided by the adopted project will hold the maximum flood predicted as possible to 59 on the Cairo gauge and 1 foot below the proposed levee height. This will give a reasonable degree of safety to Cairo with its 15,000 inhabitants."

"From New Madrid, Mo., to the mouth of the Arkansas River, the adopted plan provides for raising levees to a grade line 1 foot above the superflood except opposite the backwater stage of the St. Francis and the White."

"A 1-foot free-board for such superflood which corresponds to a discharge of from 2,400,000 second-feet at Cairo."

None but an oracle could truthfully predict what is possible in the rainfall and other factors involved in this problem; "but fools step in where angels fear to tread."

The maximum, or greatest predicted possible flood which General Jadwin calls superflood, he states to be 2,400,000 second-feet at Cairo and this General Jadwin claims his levees, whose tops are to be but 1 foot above such a flood, will safely convey to the mouth of the Arkansas River without a break; while the report of Hon. FRANK R. REID, chairman from the Committee on Flood Control Seventieth Congress, first session, House of Representatives, report No. 1072, on page 347, quoting the Mississippi River Commission, shows that such estimate is 600,000 second-feet less than that which the Mississippi River Commission states as possible, but does not seem probable.

"As a basis for a new project, it was determined to set up a probable future maximum flow at Cairo. The discharge at Cairo in 1927 was approximately 1,800,000 second-feet. In determining how much larger flood should be provided for consideration was given to the fact that if to the maximum discharge of the Mississippi at St. Louis there was added the maximum discharges of the Wabash at Mount Carmel, the Ohio at Evansville, and the Tennessee at Florence, the total would aggregate over 3,000,000 second-feet.

"All of these combinations may be classified as possibilities, but it does not seem probable that rainfall sufficient to produce such coincident floods will ever occur."

It should be noted that the discharge of the river at Cairo in 1927 of approximately 1,800,000 second-feet, is more than 200,000 second-feet less than that which passed Cairo in 1912 and 1913.

It does not require an engineer to know that the word "possible," when used in this connection, is absurd, misleading, and calculated to deceive.

To show that General Jadwin fully understands the difference between the word "probability" and the word "possibility," as used in this description of the adopted project, paragraph 9, page 4, of his original pronunciamento is quoted below:

"Should Divine Providence ever send a flood of the maximum predicted by meteorological and flood experts as a remote probability but not beyond the bound of ultimate possibility," etc.

By the Jadwin project, the river's levees, about 1,000 miles long, are to be but 12 feet wide on top and to have a freeboard or height of about 1 foot above the level of the flood waters during the superflood which he states they will safely confline, or which are to be relieved by his pop-safety valves before the 1 foot of such soaked levee crown has given way.

Under such circumstances, it is quite evident that a windstorm blowing over a long reach in the river would engender a wave more than sufficient to overtop a levee with twice that freeboard.

It will also be evident that by such means, if the Jadwin fuse plugs should be in a protected place along the river banks, that the river may reject the location of the Jadwin fuse plug for a crevasse, and determine upon a location of its own—perhaps emptying its waters upon some town instead of into a flood way prepared by Mr. Jadwin.

After one of these Jadwin fuse plugs have been opened, Jadwin surrenders to the river all power to restrain the quantity or duration of its flow through it, until the flood in the river has subsided.

The river, in the interim, may choose such an opening in its side, for its future course through the valley, as it has some hundreds of times in the past.

The effect of the river's flood upon the size and character of these fuse-plug openings is governed by so many undeterminable factors that its exact effect is impossible to foretell; but what the effect of flood waters would be, even upon the more substantial parts of the levees, is concisely told by Colonel Potter, president of the Mississippi River Commission, on page 64 of report No. 1072, referred to:

"Colonel POTTER. If you start a flood over the top of any levee, it is going to tear that levee all to pieces."

It is into the hands of this man, General Jadwin, that the Congress of the United States has now intrusted much property and the lives of many citizens in the valley, and specifically those of Cairo. The expenditure of three hundred millions, as stated by General Jadwin, is more likely to be a billion five hundred million before the river is effectively held by revetment.

This engineering undertaking by its ignominious failure will place an ineffable stigma upon the engineering ability of the Army engineers, and if the Corps of Army Engineers have any regard for their prestige, of which they seem so jealous, it is time that their voices were raised in a chorus against the stultifying engineering assumptions of this General Jadwin who has happened to succeed to a high place in their ranks.

General Jadwin, from his high perch as Chief of Engineers, with an Army-constituted halo about him, as an oracle, on December 1, 1928, issued his original manifesto, announcing the birth of the "Jadwin plan," an abortive engineering monstrosity of 50 years' gestation, which Congress, for the honor of its country, should order to be smothered and buried as soon as possible very darkly at dead of night, with only the light of that halo to guide them.

If the Jadwin plan was the result of one deranged brain, it would be called pitiable; but as the Army engineers' conclusion, after 50 years' continuous failure under the hallucination of their goddess, "levees only," the only word which properly defines the Jadwin plan is "monstrosity."

The woeful want of knowledge concerning the basic, underlying, and fundamental laws of physics and their applications, misstatements, and misrepresentations of facts which General Jadwin, Chief of Engineers, United States Army, has exhibited, are stultifying. His revised statements at the hearings before the Committee on Commerce, United States Senate, on the 11th day of February, 1928, replying to the inquiry of the United States Senate concerning it, to be found in the appendix, will make that evident to anyone.

On September 29, 1914 (14 years ago), when the House had under consideration a river and harbor bill, and at which time H. R. 18169, embodying the Riker spillway project, practically as of now, was before Congress, the following statements by the author are to be found in the CONGRESSIONAL RECORD. And how true his predictions then made were is proven by the flood of 1927.

"The plans of the United States Army engineers for control of the Mississippi River are the greatest engineering blunders which have ever been perpetrated upon a nation. These plans show that they do not understand the underlying first principles which naturally govern the flow of a river. If an advisory board of consulting engineers be appointed, who are not graduates of West Point, to investigate these plans and they use as data only that which is printed and officially indorsed by those Army engineers, they will certainly confirm the above statements after less than 24 hours of actual consideration.

"Thirty-four annual reports of the Mississippi River Commission concurred in by the various Chiefs of Engineers, United States Army, then acting, are mute witnesses against them that can never be effaced.

"They are now preparing a trap for the unconscious, confiding settlers in the valley of that river, which will terminate in a terrible catastrophe as certain as the sun is to rise, unless the present program be radically modified."

The succeeding 15 years, climaxed by the recent devastating flood of 1927, show that they were the greatest engineering blunders which had ever been perpetrated upon a nation, and time will verify the author's present statements and prove that the Jadwin plan is a monstrosity.

This pamphlet shows that the Jadwin plan embodies but a continuation of the antiquated, embalmed fallacies and lack of good judgment and foresight upon the part of the Army engineers who support it, which has caused one disaster after another in the valley for more than 50 years; and that the Jadwin plan, if carried out, will be the greatest national engineering abortion ever perpetrated upon a nation.

General Jadwin admits that he is unable to determine what his plan will cost, or the cost of maintenance; but other authorities estimate his plan may cost eventually more than $1,500,000,000 and more than $50,000,000 yearly for thorough upkeep. He further states that, should his plan work to the best possible advantage, there will be more than 6,000,000 acres of land in danger of overflow at all times from the fuse plugs of his levees, or from backwater, while should his plans not work to the perfection he expects (but others do not) there would be the greatest catastrophe this country has ever known.

Its great initial cost, that of continuous maintenance, inefficiency, and the property damages which General Jadwin shows and admits are sure to occur, even should his plan meet his most sanguine expectations, make its adoption without a full and competent inquiry as to whether there is a better plan, preposterous.

Under authority from Congress, General Jadwin, the Mississippi River Commission, and an engineer appointed by the President, have agreed upon a plan for control of this river hereinafter called the adopted Jadwin project. The plan they have adopted again depends only upon levees for protection, as has been the slogan of the Army engineers for the past 50 years. For many years they have continuously ridiculed suggestions for the use of controlled spillways by which an excess of water behind the levees, especially the height of the cap of a flood wave could be relieved, and the gates then closed. And in the place of such emergency relief, which could be under man's absolute control, they have substituted what General Jadwin calls "fuse plugs," which are stretches of levees made so tender and at such an elevation that they will let go or can be blown up at just the proper time and thereby relieve the situation, but without any power to close these openings until the flood is over, and the destruction which their uncontrolled volume and duration has inflicted upon the valley into which they empty has occurred.

That the Army engineers are incompetent to formulate a plan for control of the Mississippi compatible with the advances of mechanical engineering, is the consensus of practically every engineer who has given thought to this matter, and even Washington newspapers (who feel they must tread gingerly on Army toes) express that opinion. The following is reprinted from the Washington Post, April 1, 1928:

"The success or failure of flood control hinges upon the commission that is to be created. If this commission is composed of the best engineering ability in the United States, unhampered by preconceived notions and with ample power to adopt and execute any plan it may adopt, it will succeed in controlling the Mississippi. But if it is composed principally of Army engineers, who are more or less bound to follow old and discredited methods, or if it is fettered by a plan foisted upon it by Congress, it will fail, no matter how much money may be appropriated.

"Congress will merely retard and confuse this task if it adopts any plan in advance. It should create a strong commission, with extraordinary and ample powers, and charge it with the sole duty of controlling the floods of the Mississippi River. The question as to the method of control would be left entirely to the commission."

The Manufacturers Record, Baltimore, Md., April 19, 1928, states:

"In view of the sad failure of the Engineer Corps in the past to recognize that levees alone could not solve the problem—which they now freely admit—neither the country at large nor Congress can have full confidence in any plan which the Engineer Corps submits."

Quotation from Manufacturers Record, continued:

"The President has found himself in a most peculiar situation, which has developed in this fashion: Last December General Jadwin submitted to Congress his plan for control of the Mississippi floods which he estimated, would cost $296,400,000 for construction plus the costs of the rights of way. The States to be 'protected' by the

plan were to pay for the rights of way plus 20 per cent of the $296,400,000, leaving a cost of $237,120,000 for the Federal Government's share. Since General Jadwin is the President's official advisor in such matters and since the cost figures he presented were so much lower than had been expected, the President indorsed the plan.

"But when civilian engineers came to examine the plan they found untried experiments, they found proposals considered unsound by able engineers experienced in river work, and expert testimony accumulated to overwhelming proportions in condemnation of the engineering features of the plan. Then the estimates of the cost of the rights of way, which General Jadwin had concealed by scattering them through the plan in fragments at wide intervals, were correlated, and it was found—and General Jadwin has admitted—that the rights of way necessary to his plan would cost over $1,000,000,000.

"Congress had upon its hands a plan which contained engineering features feared and distrusted by the States it proposed to protect; and Congress rightly concluded that it could not force the plan upon these States unless it would put upon the Federal Government full liability for damages resulting from a failure, in any future flood, of the Jadwin plan. Also, it found that the plan demanded of three Mississippi Valley States a contribution of approximately $1,250,000,000 while requiring of the Federal Government an expenditure of a little over $237,000,000. Since the contribution demanded of the States to be protected was manifestly absurd and impossible, it put all of the cost—approximately $1,500,000,000—upon the Federal Government.

"Further, all of this vast expenditure was proposed to be made in permitting the undiminished Mississippi floods to overflow half the lower valley by confining them between higher levees; while the thousands of miles of valleys of the Ohio, Missouri, Arkansas, and other tributaries, which would pay by far the larger part of the cost, would remain subject, as they now are, to devastation by the floods which, when combined, overflow the Mississippi Valley. So far as these rich valleys are concerned, they would remain to be protected after the outlay of $1,500,000,000 had been completed in the lower valley.

"This is the untenable position into which General Jadwin has gotten himself and his corps. No wonder Congress has repudiated him."

THE RIKER SPILLWAY PROJECT FOR CONTROL AND UTILIZATION OF THE WATERS OF THE MISSISSIPPI RIVER AND THE DRAINAGE OF ITS VALLEY, BASED UPON THE ABILITY OF THE RIKER MISSISSIPPI SPILLWAY TO CARRY SAFELY TO THE GULF TWICE THE FLOOD WATER THAT HAS EVER PASSED THROUGH THE MISSISSIPPI VALLEY

The spillway would consist of a strip of land about 3 miles wide, from which the buildings, trees (except their stumps), and other large obstructions had been removed, extending in an almost straight line about 530 miles long from near the junction of the Ohio with the Mississippi River at Cairo to the Gulf of Mexico, except from near the junction of the Red River with the Mississippi, whence to the Gulf it would be about 4 miles wide.

This spillway would pass through the lowest undrained swamps and almost entirely through the least valuable parts of the St. Francis, the Yazoo, Tensas, and Atchafalaya Basins of the Mississippi Valley, crossing the Mississippi River about 20 miles below Memphis and recrossing it about 20 miles above Vicksburg.

This spillway strip would be located in the center of a strip of land 5 miles wide, all of which would be purchased by the Federal Government from the States which it traversed at the upset price of $25 per acre, the States making their own settlements with the landowners. This land would become Federal property forever and remain free from all State taxation.

The narrow strip on each side of the spillway situated between it and the other property in the valley is hereinafter called the intervening territory.

This spillway strip, 3 miles wide, would be provided with a levee on each side having a minimum height of about 40 feet, a width at its base of about 300 feet, and at its top of about 130 feet, while the levees on each side of the 4-mile strip would be larger. These levee tops would afford a continuous, practically straight, and level roadbed for railroads and vehicular traffic from Cairo to the Gulf.

The earth from which these great levees would be built is procured from a ditch about 250 feet wide and 50 feet deep just outside the spillway, which parallels the levee at a distance of not less than 250 feet therefrom.

As the spillway would pass through the lowest parts of the valley, millions of acres on the outside of these ditches would drain their waters into them, and they being straight, and kept so by a new and inexpensive means, would have a capacity for carrying all the water which empties into them, as all the large rivers in the valley would empty directly into the Mississippi.

By these means millions of acres in the Mississippi Valley, which are now malaria-breeding swamps, would be drained into these ditches, as also many lagoons and other subaqueous lands, when they were filled in, as hereinafter described.

Great floating dredges should be employed to construct these levees, each cutting, such a ditch for its own flotation while placing the excavated materials into the levees.

These dredges would each have a discharge pipe about 9 feet in diameter, supported upon a series of railroad cars, traveling forward with the dredge upon a temporary series of short, parallel railroad tracks, and each dredge would have a dredging capacity of valley soil of not less than 250,000 cubic yards every 24 hours, and most of it would be so solid that as discharged it could be walked upon and remain standing in the levee.

Each of such dredges would have a greater capacity than that of any 100 dredges in existence for the delivery of such dredged material from the bottom of the ditch to the top of such levee over the intervening distance.

The inner side of each levee would be protected from erosion by a close and heavy growth of willows. The bottom of the spillway would be leveled by cleaning and plowing the high places and by then inducing the erosion therefrom and the matter suspended in the flood waters to be deposited in the low places when passing over them.

There would be about 10 reinforced concrete dams crossing the spillway, each would be provided with a continuous series of gates extending the full width of the spillway, and superimposed upon each dam would be a roadbed forming a bridge for railroad and vehicular travel across the spillway. There would be additional bridge crossings over the spillway, where required for travel, and roads across it at the spillway level, at convenient intervals for vehicular travel where there was no flood. The latter crossings would be of reinforced concrete and so constructed as not only to be uninjured by the floods but to function as eveners of the depth of flood waters passing through the spillway and to influence the deposit, where required, of matter passing over them.

The waters which during floods now pass through these basins of the Mississippi Valley as a shallow inundation, at times from 50 to 75 miles wide, would then be confined to this spillway strip about 3 miles wide, between its levees, except from where the spillway crossed the Red River, the spillway strip from that point to the Gulf of Mexico being about 4 miles wide between its levees; therefore the intervening territory would be less.

There would be many places where the height and other dimensions of these levees would be increased in such proportion, or with a proportionately greater base, as where they pass through a lake or lagoon, and in the Atchafalaya Valley about west of Baton Rouge, where there would be a stretch of levee exceeding a minimum height of 50 feet.

A reinforced concrete tube about 12 feet in diameter would extend through the center of both the 3-mile and the 4-mile spillways, for their entire length. Through it water, silt, sand, and gravel would be pumped from great, deep lures at several points in the bottom of the Mississippi River and elsewhere. This tube is hereinafter called the terraqueous conduit.

Material so pumped would be deposited in advance of the construction of the terraqueous conduit to a height of about 10 feet below the level of the levee tops, having a width on top of about 30 feet and a slope depending upon the character of the material pumped. Upon this levee so constructed, the terraqueous conduit would be embedded to a depth of about 10 feet.

By this means, the spillway would practically be divided into halves, thus permitting the examination of, or work upon either half, while the other was carrying an ordinary flood. By such division of the spillway, one half might be kept dry for years, while the other half was performing the functions of both.

Branches from this terraqueous conduit would extend as part of the concrete structure of the dams to each side of the spillway, through which the flow could be from or into the central spillway or across the same.

Boosters or propeller pumps would be employed at requisite places in the terraqueous conduit to maintain or accelerate the flow therethrough; and lures would also be provided in the spillway, for the removal of superfluous, heavy, or suspended matter deposited therein, which would be removed through the terraqueous conduit.

As soon as the Riker Mississippi spillway is completed, work upon the Mississippi River looking to its complete canalization should begin; first, by the construction of the master dams across the river; one just below the spillway's mouth near Cairo, one just below where the river is crossed by the spillway near Memphis, one below the recrossing near Vicksburg, and also one below where the river is connected with the spillway near Red River Landing or Morgan's Bend.

These master dams should be provided with gated control of the waters passing them down the river, also with locks for navigation, and with plants for the generation of electric power.

Several batteries of steam vacuum pumps, each battery having a common suction pipe about 8 feet in diameter, would connect with the bottom of the lures at least 100 feet deep, just above each master dam in the Mississippi River and at such other points as just below where the Arkansas River would empty into it, or at places in the spillway where there might be great accumulations of silt, and the discharge from these pumps would be into the terraqueous conduit.

Each dam in the spillway would effectively determine the height (or depth), and thereby the velocity of the water in the spillway between it and the preceding dam, whether the flow of the water in the spillway be a slight excess rejected by the master dams in the river or a flood twice that of 1927.

The lip or entrance to this spillway mouth would be practically level and about 6 miles long, thoroughly protected by reinforced concrete. When a flood as of 1927 was passing over it the water would be about 10 feet deep at the lower end, gradually increasing in depth to the upper end, and if it were swallowing a flood double that size it would be about 15 feet deep at the lower end, increasing in depth toward the upper end.

The gates in the first dam across the spillway below Cairo would control the height of the water passing over this lip. By increasing the depth of water at this dam and closing its gates the water at the lip of the spillway could be raised to the double flood level—15 feet deep—and very little pass down the spillways; while by lowering the height of the water at that dam by opening its gates such a velocity could be secured that a 1927 flood could be made to pass over the lip at a depth of 10 feet.

Similar concrete lips and dams would be placed across the spillway below where it crossed the Mississippi River, and where it crosses the Red River, also below where it connects with the Mississippi below Red River Landing.

There have been many estimates made, but a close determination of the area and the velocity of the Mississippi River during great floods never has and never can be made under past or present conditions. This is largely due to its quickly changing area and to the many centrifugal current actions engendered, especially by varying bank contours and sudden bar formations and eliminations, which cause its current to change very quickly at so many places in both its width and its depth, and vice versa. For these reasons all estimates of the river's flow which have been made are not closely dependable.

However, a rough comparison between the capacity of the spillway and that of the river can be made by estimating the river's area below Cairo as averaging when in flood one-half mile wide and 60 feet deep to within 1 foot of the top of the levees, and that of the spillway 3 miles wide.

The spillway, with a 10-foot depth of water passing through it, would have the same sectional area and the same capacity as the river at the same velocity; with 20 feet of water passing through the spillway it would have twice the sectional area and capacity at the same velocity, and with water 30 feet deep passing through the spillway at the same velocity as the river it would have three times that capacity. When the velocity of the water so passing through the spillway had twice the velocity of the river it would have six times its capacity, or more than twice the flood which General Jadwin predicts as possible.

One of the passes at the river's mouth should be provided with a center channel of restricted width, and all other passes or exits for the waters of the river should be closed.

By properly shaping and maintaining this pass as a jetty, it would quickly deepen the channel far out into the Gulf of Mexico, and the entrance to the pass would then be navigable for the largest vessels, and permit their passing at full speed.

Most of the light and all of the heavy silt and gravel would be removed from the river by the spillway, and by the lures situated in the Mississippi River near Cairo, Memphis, Vicksburg, and the Red River Crossing of the spillway and such other points in the river or the spillway as should be necessary. This material would be conveyed by the terraqueous conduit to places where required, so that there would be practically no filling in of the river or of the Gulf by its silt.

The amount of silt that is now carried by the Mississippi and delivered into the Gulf of Mexico yearly has been estimated by a number of supposedly competent authorities as averaging sufficient to cover 1,000 square miles 1 foot deep.

The canalization of the Mississippi River would limit the greatest possible flood height in the river to an average of more than 25 feet below the tops of its present levees for about 1,000 miles of its length. There would then be recovered from overflow along the river a very large area of most valuable land.

This area between the river's surface, when it shall be canalized, and the backsetting levees on the west, together with the area between such water level and the highlands on the east, constitutes an area estimated at about 4,000,000 acres, which is hereinafter called "riverside." This riverside would then become the most valuable land in the entire Mississippi Valley, as its increased value per acre would be at least $400. Such increased valuation of $1,600,000,000 would be greater than the cost of the spillway and the estimated cost of the canalization of the river and the terraqueous conduit, together with the purchase of the 1,750,000 acres of land required for the spillway strip estimated as not worth $24 per acre, or about $42,000,000.

The spillway levees are designed to have such height that when a Jadwin's greatest predicted flood was passing through the spillway, its waters would only rise to between 20 and 25 feet below its top, which is 130 feet wide, while those of the Jadwin project, according to his statements, would rise to about 1 foot above the top of his greatest predicted flood, and his levee is but 12 feet wide on top.

The soil of the Mississippi Valley where levees are to be built is generally of an alluvial nature, having little tenacity or power of adhesion, especially when wet, but has great capillary capacity, so that the Jadwin levee becomes easily saturated and so ready to erode or dissolve and float away that the least invitation of water in rapid movement against it to elope is accepted, to be quickly followed by a separation in some quiet spot.

The great weight in the levees of the spillway is such that it compresses this alluvial soil, both in the levee itself and the soil of the valley upon which the levee is built. Such pressure, together with the close willow growth which it is proposed to cultivate upon the inside of each levee, will effect a solidity and tenacity of the levee against erosion by the waters of the spillway passing through it, even at great velocity, that will prevent any such elopement of the soil with the water as is a feature of the Jadwin plan.

Some of the additional advantages which the Riker spillway project would produce are the benefits to be derived by the United States in case of war, which include the navigation of the river for the largest battleships or any other vessel now afloat to Cairo; the increased facilities for freight and passenger traffic from Cairo (almost the center of the United States) to the Gulf and vice versa, and incidentally the construction of vessels for ocean navigation at almost any point along the thousand miles of the river's length; the unequaled length of water surface and smooth landing fields for the landing of airplanes in time of peace or war, extending for 500 miles, if desired, free and clear from any obstructions.

The Hon. FRANK R. REID, in one of his communications to Congress upon flood control, makes the following statement:

"The need of the Mississippi as a carrier of United States and foreign commerce, the havoc wrought to interstate commerce, and the interference with the United States mail when uncontrolled; the increase to the National Treasury when industry is not stopped, the safety of life and property, and the promotion of the general welfare, * * * to these might be added one thing that would be worth all the cost—national defense. No foreign foe can ever conquer us as long as navigation is kept open on the Mississippi."

It would prevent interruption of United States mail in case of floods, which the Jadwin plan would cause.

The thorough drainage which the Riker spillway project would effect in the valleys and surrounding country, according to many authorities (including Army engineers), would undoubtedly lessen the rainfall in the valley, and the moisture then retained in the clouds passing over that valley would travel toward the foothills of the Rocky Mountains, because once having escaped the chilling, condensing tendency of the moisture-laden valley they would move westward under the ascending influence of the heated areas to the west; they would then rise and their moisture be condensed as rain by the cooler, upper strata of the atmosphere over those heated thirsty sands, instead of over a valley saturated by the cold flood waters of the Mississippi from the north, from its backwaters, and its own continuous rains.

The construction of the proposed Missouri River reservoir above Bismarck, N. Dak., capable of retaining a 30-day flood of the river, would so regulate its flow that instead of its flood waters, as now, bringing down millions upon millions of tons of alluvium or silt, according to the Army engineers, to be eventually deposited in the Gulf, there will be a great decrease. Any that there might be from the Missouri, the upper Mississippi, or the Ohio, would be removed from the great lures at the spillway mouth near Cairo, and transported by pumping and electrically driven boosting to such points between there and the Gulf of Mexico as might be required for filling in of old river beds and lagoons, and specifically for raising the surface of those lands in the Atchafalaya Valley which are now undrainable because of their slight elevation above the Gulf, or are under certain conditions overflowed by the Gulf.

It is proposed to construct a great ocean terminal with warehouses for the reception of ocean freights in transit, where solid trainloads of grain or other gross freight could be unloaded in a very short time and thereby remove the present expense incident to terminals which delay such unloading. Starting with untrammeled surroundings as would be possible here, the safest, most easily approached, and the most economical freight terminal in the world could be constructed at a nominal cost.

That the author is competent to express an opinion on that subject, and how it should be done, is borne out by his past experience, and shown by the following letter from the late General Goethals, the constructor of the Panama Canal, and who at the date of his writing of the letter below, was the consulting engineer for the Port of New York Authority.

GEORGE W. GOETHALS & CO. (INC.),
New York, March 30, 1921.

Mr. CARROLL L. RIKER,
East Falls Church, Va.

DEAR MR. RIKER: The plans for an international terminal transportation and shipbuilding undertaking, outlined in your recent letter to Senator WESLEY JONES, a copy of which I have read, appeals so favorably to me, that I should be willing to afford them my personal support and the engineering support of my corporation.

Sincerely yours,

GEO. W. GOETHALS.

TIME AS A FACTOR—TIME PROVES ADVICE REJECTED BY ARMY ENGINEERS FOR 13 YEARS WOULD HAVE AVERTED 1927 DISASTER

The Riker Mississippi spillway and ramifications, with their mechanical details, have been before Congress and the Army engineers for the past 15 years.

On April 21, 1913, the United States Board of Flood Control pronounced this plan "most interesting and fascinating," and later requested that details be furnished at the earliest possible moment.

Five days thereafter House Resolution 4296 was introduced, and on July 31, 1914, H. R. 18169, Sixty-third Congress, was introduced, which in its 68 pages gave full details of the Riker spillway project and the method of its construction, with its controlling gates, its dams, locks, power plants, etc., for the control and utilization of the waters of the Mississippi River.

On December 6, 1927, Senator FRAZIER introduced Senate Joint Resolution 7, which in its 84 pages embodies the Riker Mississippi spillway plan introduced 15 years ago, together with interlocking plans, for control and utilization of the waters of the Mississippi River and its tributaries, from Montana to the Gulf.

As war was declared in Europe on August 1, 1914, the day following the introduction of the House resolution of July 31, 1914, the bill was not given the consideration by Congress at that time which otherwise it might have received, but the president of the Mississippi River Commission and the Chief of Engineers, United States Army, were specifically made acquainted with its contents.

The only direct comment ever made by either of them, as far as ascertained, was that the levees were amply sufficient, or would shortly be made so, to fully protect the Mississippi Valley from any flood that might occur, and Col. C. McD. Townsend, then president of the Mississippi River Commission, sent the author a printed copy of an address made by him at Memphis, Tenn., September 26, 1913, containing the following:

"The Mississippi River Commission has explained with great detail in its reports its reasons for relying on levees for protecting the country from overflow, but they appear to be unknown not only to the country at large, but to many who reside in the Mississippi Valley and are most vitally interested in the problem.

"I therefore consider it proper to appear before you, accept the invitation of the illustrious speaker who preceded me, and state briefly reasons for rejecting the various methods of flood control, other than levees, which have been suggested.

"I also believe that the effect of outlets in reducing flood heights is not as great as is popularly supposed. The last flood, however, clearly demonstrated that wherever there was a large crevasse, which is but another name for outlet, the river ceased to rise."

It is surprising that even the then "last flood" should have clearly demonstrated to him the supposedly elementary fact that it was difficult to add without addition or subtract without reduction.

"And another lesson to be derived from this flood is that if you are going to reduce flood heights by this means, you must also control your outlet."

It is not surprising that it should have required more than 60 years of the Army engineers' experience with the river, for the commission and its president to have learned the lesson that this particular flood seems to have been required to teach them.

"Another serious objection to an outlet is the difficulty in regulating the velocity with which the water will flow through it at varying heights of the main stream.

"If it is so constructed that it will discharge at a greater velocity than the river itself, there is danger of its enlargement to such an extent as to divert the greater part of the flow down it, and transfer the main stream itself into an outlet; and if, on the other hand, it discharges at a lower velocity, it will tend to fill with sediment."

There is no engineering difficulty in maintaining a gated outlet for flood waters of the Mississippi River, which would regulate the quantity and the velocity of the water flowing through such outlet.

"Under these conditions it was necessary for the commission to establish a grade line for levee construction, and they announced a provisional grade, which was neither as low as many persons considered ample, nor as high as others thought necessary. This grade was generally accepted as a line to build to, the ultimate grade to which levees were to be constructed to be afterwards determined by observation.

"This was a most happy solution of the problem, as was forcibly demonstrated during the last flood, during which less than 1 per cent of the length of the levee line was destroyed."

This was, indeed, an amazing engineering solution of the problem; as 1 per cent of the levee's length is more than 10 miles, it would be an outlet more than sufficient to let out five times all the water in the river.

It will be remembered, however, that with this "most happy solution of the problem" before him, General Jadwin was unable to see the benefits of an outlet until after the city of New Orleans had forcibly demonstrated at Caernarven during the recent flood that subtraction did reduce. Though all the engineers in the country might advocate controlled spillways, it would be heresy for a Chief of Engineers to accept any suggestions that his predecessors had turned down, and he therefore, instead of committing such an unpardonable offense, has substituted what no one has ever before conceived, what he terms "fuse plugs," sections of the river's levees purposely made so tender that when the flood has reached a predetermined height they are expected to let go (or be blown up) and thereby create an uncontrolled crevasse which will relieve the river.

As an argument against plans for control of the Mississippi River being determined by other than Army engineers, it is stated by their supporters that it would affect "their prestige" before the world; whereas, if they be permitted to execute the Jadwin plan, their prestige, of which the past has already deprived the Army engineers, will be converted into criminal responsibility in the eyes of the world.

When Congress realizes the seriousness of the deception which the Jadwin plan would practice upon it, as it ultimately will, the author's plain statement of facts and caustic handling of that plan will be pardoned.

CONTROL OF THE MISSOURI, ITS MASTER DAM, AND RAMIFICATIONS—HOW THEY WILL TRANSFORM THE MISSOURI RIVER FROM AN UNCONTROLLABLE FLOOD BREEDER INTO A PRICELESS ASSET

Probably nowhere in the world is there existent a better opportunity for checking a river's flood by the construction of a great reservoir to receive it, than exists near the headwaters of the Missouri River, just north of Bismark, N. Dak.

On the premises Senator FRAZIER and the author examined various sites for dam and finally located the site for the master dam hereinafter described (which was afterwards indorsed by survey), and which is referred to in the following letter of the late Governor Sorlie, of North Dakota, to the builder of the Panama Canal, General Goethals (also deceased) just before his death.

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
Bismarck, October 19, 1927.

Gen. GEO. W. GOETHALS,
40 Wall Street, New York, N. Y.

MY DEAR GENERAL GOETHALS: We are very much interested in North Dakota in an engineering problem which has been presented to us by Mr. C. L. Riker, and which has been partially worked out by him.

Is it possible for you to come here to look this project over so that we might have your opinion as to its feasibility, practicability, and the cost of construction of the dam? I hope it may be possible for you to come to North Dakota immediately.

We are expecting to go before Congress to ask for appropriations covering this project.

Very truly yours,

A. G. SORLIE.

The physical features of the Missouri River Valley below the junction of the Yellowstone with that river are such that they make its flood control and fitness for navigation impossible when undertaken by the present methods, but by the construction of a great master dam across this river in North Dakota where nature has provided a site for it and for a great reservoir, its flood control, navigation, and power production become not only possible and practicable but inexpensive and alluring beyond first conception.

To control this river so as to maintain navigation with its varying currents and floods has been the duty of the United States Army engineers for more than half a century, but because they have spent many millions of dollars in their senile petty combats with nature and have failed is no reason it can not be done, when nature is cooperated with and her great provisions to that end are embraced.

To this end, the first step is a great master dam across the Missouri River just below the junction of the Little Missouri with it, capable of impounding water to a depth of 150 feet. This would produce a lake or reservoir extending to Williston, near the Montana line, about 138 miles long, averaging about 2 miles wide and which would contain about 500,000,000,000 cubic feet of water or amply sufficient to make nearly uniform, or to otherwise control, the flow of this river, which would then be absolutely under man's control at this point.

As proposed, this dam would reach to a height of 210 feet above the present river level and could impound water 200 feet deep if required, which would increase the contents of the lake to about 1,000,000,000,000 cubic feet, and extend it to the Montana line.

This dam would be composed of clay, sand, and silt pumped into position somewhat as was the dam at Gatun, Canal Zone, and would contain nearly 100,000,000 cubic yards, upon a foundation of stiff clay. (The author twice visited the Canal Zone and examined both the substrata and the placing of the material in the dam, at the request of General Goethals, upon the suggestion of Gen. Peter C. Hains, Chief of Engineers, United States Army.)

This earth would be placed in the dam by great floating dredges of the most improved construction at a very low cost, probably by the dredges previously used upon the Riker Mississippi spillway; and they could complete the work in less than one-fourth of the time and less than one-fourth of the cost which would be required to provide a dam

made of concrete or of masonry having equal capacity, strength, and safety.

The earth required would be dredged from above the dam, which would be about 2 miles long, about one-half mile wide across its base, and about 300 feet wide across its top, which would be about 210 feet above the present river level; the slope of its banks would be about 1 to 7.

The most dangerous feature in an earthen dam is an overflow, especially over a dam of this height. This would be eliminated and instead an overflow would be provided at a distance of a mile or more from the dam by a spillway detour around it about 2 miles long, which the topography of the country has already practically provided.

Great steel tubes, thoroughly incased in reinforced concrete, would extend through this dam to the power plants, which would be situated on the lower face. These tubes under the great head or pressure would have an aggregate area sufficient to pass at least twice the normal flow of the river, so that an excessive amount of water behind the dam would be relieved before the height of the spillway overflow was reached.

It is proposed to have a marine railway over this dam capable of raising and lowering boats of 750 tons displacement between the river and the surface of the lake above it, and vice versa.

Railroads and other roads, gas, water, electric, and other utilities could pass over this dam, occupying, if needed, most of its flat top or crest, which would be about 300 feet wide.

The immense body of water restrained by this master dam calls for an integrity that can not be questioned.

This would be accomplished by an asphaltum-covered plate, or boiler iron, or steel in the form of a great apron, wall, or core, extending through the center of the dam for its whole length and height.

This metal core would be embedded in reinforced concrete about 12 inches thick, securely tied through the steel plate by anchor bolts. The concrete provision to supplant the metal plate in centuries to come, when the steel may have rusted away, and also effect a drainage which will prevent water settling against the metal core on the lake side.

It is believed that this master dam would be invulnerable as against anything that might occur, and that it would fully protect the Missouri Valley below it from the water it confined.

An earthquake that would render the neighboring hills asunder would not cause a dangerous rupture in the sheet-steel wall, but it would simply yield to the water's pressure at the point of rupture and confine the flow to such a gap slightly enlarged.

The quantity of water impounded by this master dam would be greater than that confined by any other reservoir made by man.

The system, including the master dam and its subsidiary dams along the river to St. Louis, would generate more power than any other power plant in existence. The system would permit 7-foot draft navigation from St. Louis to Montana. Full canalization later would supply sufficient depth for much deeper draft.

After completion of the master dam, it would be practicable by use of the four mammoth dredges proposed for it to construct the dam near the South Dakota line so as to restrain water 45 feet deep, and to canalize the river as described; to fill the old bends to above the present river surface by its own action, as work proceeded, and to dredge a new straight channel for the river as described, in less than four years and at a very low total cost.

The four large dredges, when handling river silt with the aid of great electric power derived from the master dam, should each handle at least 200,000 yards of material every 24 hours. Placing their joint output at half that amount or 400,000 yards per day, the 400,000,000 yards to be dredged could be moved in less than four years.

SOME OF THE ADVANTAGES RESULTING FROM THIS DAM

Instead of the annual spring flood caused by the melting of the snow in the headwaters of the Missouri and the Yellowstone sweeping down to the Mississippi in an irresistible volume, it would be restrained by this dam, and this now destructive volume of water and mud would be liberated in any desired quantity, to be determined by man, and not by the elements; and as a stream of crystal pure water. It would enable the Missouri to be made a navigable river of uniform flow, and with its sisters, the Ohio and Mississippi, when also improved, form the greatest inland freight highway in the world.

Lake Dakota, formed by this master dam, would afford deep-water navigation for about 140 miles above this dam or nearly to the Montana line and deep-water navigation below the master dam to the Mississippi River could be effected by a system of by-plane canalization, as follows:

The river's bottom just below the master dam should be deepened to about 40 feet below the level of the present river bottom for a width of about 700 feet and straightened by the same pumping dredges that had made the master dam. This depth would gradually decrease until at a few miles below Bismarck it would meet the backwaters of another dam at Fort Rice, forming Little Dakota Lake.

Below this dam the river bottom would be again lowered and the same by-plane system employed as just described, lowering the bottom of the river until this deepened channel met the backwaters of another dam in South Dakota, and this method of by-planing should be continued until it reached the Mississippi.

The size of the facilities for handling boats over the master dam has been limited to 750 tons displacement for safety only, but the facilities for passing the lower dams can be of any size, type, or kind desired.

By thus lowering the bed of the river below each dam the inclination of the river bed would be lessened from about 8 inches to about 2 inches to the mile and the current velocity reduced from a maximum of 8 miles per hour to a uniform velocity of about 2 miles. Boats drawing 10 feet of water, displacing not more than 750 tons, could then navigate this river at full speed north or against the current without pilot from the Mississippi to Montana, and tows of considerable size and length, fully as large as those now on the Ohio and Mississippi, could do the same.

The river channel thus lowered and deepened would afford drainage for much bottom land now useless, and the material thus dredged from deepening and straightening these channels would be ample to fill most of the vacated old river channels.

The channel width, depth, and velocity of current are based upon an assumed controlled average yearly flow of 30,000 second-feet at the line between North and South Dakota. This figure is obtained from the best reliable, available data, which, however, is very meager; and although the Army engineers have had control of this river for more than an average man's lifetime, there are no records of this river's flow obtainable based upon any premise that is reliable and no map of the river is obtainable made later than 1895, while the large-scale maps of the river below North Dakota are not to be had at all until they are reprinted at purchaser's expense.

Under these circumstances it was impracticable for the author to formulate plans for any specific, comprehensive improvements below the North Dakota line.

Although the power which would be developed at the master dam and by the fall of the water at the canalization dams between the master dam and the Mississippi River amounts to millions of steady horsepower, it would be quickly in demand at a premium for commercial and domestic use, but it is believed that a large part of it should be used to pump water from the river for irrigation purposes beyond the immediate watershed through which the river travels.

Instead of permitting this 30,000 second-feet of water to flow into the sea for every second of time in the future as it has in the past, the thirsty soil of the States through which it passes should be enabled to retain it as far as possible by all practicable means.

When it is considered that these wasted waters are constantly pouring into the sea, it is evident that the rainfall, snow, or other moisture which continuously provides this flow must initially come from the sea. If this rainfall is just sufficient to maintain the flow continuously, it is evident that by retaining a part of this flow to fill by irrigation and otherwise some of the near-by thirsty soils of the States through which this river passes, that it would soon begin to change the climatic conditions somewhere as to moisture. To those who object to the water of this river being used for irrigation purposes in such volume as would actually and appreciably reduce its flow at its junction with the Mississippi when inaugurated, it should be apparent that, should every drop now passing into the Mississippi be used for irrigation in these thirsty States, that ultimately the lacking water in the parched soil would be replenished, the water table rise at least to its previous level, and the springs again begin to flow; also that the water which would then be evaporated would fall in greater volume near by to reenforce the present rainfall.

JADWIN'S REPLY TO THE SENATE

The following letter from General Jadwin to the President of the Senate is in reply to a request by the Senate for "a report upon the merits of the Riker Mississippi spillway" is taken verbatim from the CONGRESSIONAL RECORD:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 28, 1928.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: Referring to the resolution passed by the Senate April 25, 1928, requesting the Chief of Engineers to report to the Senate upon the merits of the Riker Mississippi spillway plan for flood control, I attended the hearing of the Committee on Commerce on February 11, 1928, and heard Mr. Riker describe to the committee his Mississippi spillway plan for flood control. My comments thereon are printed on pages 652 and 653 of the hearings before the Committee on Commerce, United States Senate, Seventieth Congress, first session, part 3.

On April 16 I examined the model of the Riker spillway plan on exhibition in the basement of the Senate Office Building.

Flood ways for the relief of the main river below the mouth of the Arkansas are essential for flood control of the Mississippi if the maximum possible flood is to be protected against. But flood ways in the St. Francis or Yazoo Valleys are not an essential part of the plan and would result in claims for damages as lands have not been subject to overflow frequently in recent years.

The levees proposed along the Riker flood ways are, in my opinion, too high for safety, and the estimated cost for the whole project, $785,000,000, is too low. The low unit cost for earthwork is out of line with the experience of contractors and of the Government on work of a similar nature. The dredge proposed by him for use in building these levees is of a design that has not been proved. Drainage of the alluvial valley itself would be expensive and unsatisfactory, as most of the water would have to be pumped. The proposed dams would be expensive and uncertain in their operation. There are other matters of hydraulics and engineering, such as capacity and velocity of flow in the spillway and erosion of the bed and banks of the spillway, that are open to objection, as, for example, the natural slope of the ground from Red River to the Gulf of Mexico is very small, and a cleared flood way 3 miles wide with such a small slope will have insufficient capacity to carry the water brought to it from above, and therefore more water would be thrown down the main Mississippi River and pass New Orleans than can be carried in its channel between existing levees.

In general the plan would involve much greater costs than are necessary to a sound solution and can not be depended upon to secure the desired results.

Respectfully,

EDGAR JADWIN,
Major General, Chief of Engineers.

All of the above statements made by General Jadwin, except those which specifically refer to the Riker Mississippi spillway (which are disproved below) are disproved by well-known facts, the printed conclusions of the Committee on Flood Control of the House, those of the Mississippi River Commission, a host of civilian engineers and the presentation herein.

His statement that "the low unit cost of earthwork is out of line with the experience of contractors and the Government on work of a similar nature" has no foundation whatever in fact, because there never has been any work of a similar nature having one-hundredth part its magnitude. His opinion that the earthwork or levee cost of the Riker Mississippi spillway is too low is no doubt based upon his experience with an ass and a scoop placing earth in a river levee, or the inability of his giant Mississippi River sand suckers to accomplish it at any cost. As this work can be done by many other means than that proposed by the author at the price named, and as many builders of large earth-handling machinery would contract to construct machinery which would accomplish this work at the price named by the author (30 cents per cubic yard), he does not propose to disclose the design of the dredges which he would construct. Suffice it to say, however, that they can perform this work at a great deal less than that price and that they have the support of "precedent" (which is the deity of the Army engineers), both in filling in the Potomac Flats (the Speedway) at 50 per cent of the estimated cost by the Army engineers and of the appropriation therefor, in the baring of miles of bedrock of the Rio Grande in New Mexico, and in use elsewhere.

The Jadwin project will not aid the drainage of one acre of land in the entire Mississippi Valley, but Jadwin admits it will cover millions of acres with backwater should his project work to his most sanguine expectations. The Riker Mississippi spillway will aid the drainage of every acre in the valley, will not allow one acre to be covered with backwater, and the very small amount of pumping required will be performed by power derived from the flood waters themselves passing through the spillway. If the river be canalized, there will not be an acre subject to backwater and all the rivers confluent with the Mississippi will find it ready to receive their discharges at an elevation below its bank-full stage, thereby doubling and trebling the discharge and drainage capacity of those rivers when a largest Jadwin-predicted possible flood was passing through the valley.

The Riker levees referred to average about 50 feet high and 300 feet on the base, 3 miles apart, built on the surface of a practically level valley. The Jadwin levees can not be made high because of insecure foundations on river banks, lack of available material, river erosion, etc., not one of which objections are even tenable in the case of the permanent supersafety levees of the Riker Mississippi spillway.

By the growth of small willows along the inner banks of the levees and larger willows extending out a few hundred feet therefrom, bank erosion would be practically eliminated, and as the spillway would not be in continuous operation, an impairment of its banks or erosion of its bottom could be cared for when dry.

The criticism of the proposed dams of reinforced concrete, with steel gates controlled by man, could come only from one Maj. Gen. Edgar Jadwin, fortified by his fuse plugs, or gates of mud, which he places not in the power of man to control but unconditionally in the power of the river itself, both to open and to close.

The Riker Mississippi spillway is about 90 miles long from Red River to the Gulf and is straight as an arrow. The Mississippi River is 300 miles long and crooked as a snake. The spillway would have twice the area and average three times as much fall as the river in every mile of its length, and at the same velocity the discharge would be more than twice that of the Jadwin-predicted possible flood. It will require a dam at the Gulf of Mexico and another in the valley to check its velocity to twice that of the river, with four times its capacity.

SUMMARY OF THE BENEFITS FLOWING FROM THE RIKER MISSISSIPPI SPILLWAY PROJECT

No one to-day can foresee all the benefits to this country which would be derived from an absolute control of all the flood waters flowing through the Mississippi Valley. Many of them which are inconceivable to-day will be evident to future generations.

The Mississippi Valley is the very heart of the country, the Mississippi River the great artery, and the tributaries of the Mississippi the veins of this country. Its valley would be the agricultural center, its river banks would be the manufacturing and commercial center, and the Father of Waters the center of inland navigation and transportation, and when harnessed with his tributaries, their power, the greatest on earth, would be nationally available.

The plans herein submitted are believed to be the royal soivent for all the great and many of the small difficulties which have impeded previous efforts to control and utilize these rivers; and the near future will see these plans carried out and their ability to quickly repay their cost be demonstrated.

The plans presented will be found to incorporate no new, untried principle; they embody only constituent aggregations of simple units for producing which ample facilities exist, which careful engineering analysis would support, and their construction quickly demonstrate. The amount and the value of the power which could be economically developed by proper reservoiral and through conservation of the waters of the Mississippi and its tributaries near their sources thus increasing the minimum flow of the Mississippi when needed, is almost beyond comprehension.

The area which the spillway would occupy, 5 miles wide, extending mostly through the lowest part of the present swamps of the Mississippi Valley, would be less than the area that is embraced within the levees of the Mississippi River and the highlands which restrain it, and which territory would then become the most valuable in the valley and a profitable and attractive place in which to produce, manufacture, and to live.

In the description of the Riker Mississippi spillway project every effort has been made to avoid ambiguity, and especially to avoid the typical Jadwin straddle. Various estimates which supposed authorities have made concerning the amount of alluvium which the Mississippi deposits in the Gulf vary greatly, and at their best are only a guess; nevertheless, by means of the terraqueous conduit which the project incorporates, provision is made to handle the maximum. In such event it would take less than a man's lifetime to convert most of the low-lying part of the Atchafalaya Valley into a veritable Garden of Eden, at an elevation that would afford drainage and protection from high water in the Gulf.

If the report of the Committee on Flood Control (which is the only committee in Congress devoted exclusively to flood control) upon the merits of the Jadwin project is not sufficient to cause Congress to appoint a board of competent, unprejudiced engineers to determine upon a better project, it is to be hoped sufficient amplification will be found in the previous statements.

All other plans for flood relief have raised the question as to who shall pay the cost. If the United States should issue 4 per cent bonds for its construction, redeemable in 50 years, they could be quickly amortized. While the great improvement of the land values is an indirectly collectable asset, there would be directly collectable charges alone, if made, amply sufficient to quickly amortize the bonds. This is shown by the balance sheet presented herein.

The author has spent about $10,000 to present Congress with an ocular demonstration of the Riker Mississippi spillway project in the construction of the model exhibited under running water in the basement of the Senate Office Building, and to his knowledge there has never been an unfavorable comment made upon it by anyone (including all the engineers who have visited it during the past year), except by the Chief of Engineers, United States Army. The author has endeavored to present in the foregoing a sufficient description of the Riker Mississippi spillway project, both technical and otherwise, to enable the engineer or the layman to fully understand its simplicity and its engineering details; also the absurdity of and the danger which will result should the Jadwin adopted project be carried out.

Congress has expressed itself as incompetent to determine upon a plan for flood control of the Mississippi River, but in order that legislation might be quickly enacted for the reconstruction and strengthening of the levees to commence at once which could only be done under the management and control of the Army engineers, who now have all the machinery and organization to effect such a purpose, many Members of both Houses supported the bills as reported from the Senate and House committees who would not have voted for the bill as afterwards amended, whereby the determination of the project to be adopted was also practically placed in the hands of the Chief of Engineers.

The education of the Chiefs of Engineers of the United States Army has not been such as to qualify them as experts upon large engineering undertakings, especially any for which there is no actual precedent. The education which is obtained at the Military Academy at West Point, or later at the War College specifically fits them for engineering connected with the military affairs of this country and it is a well-known fact that

much of the education and experience of Chiefs of Engineers, in other than military engineering, is obtained from Government contractors; this necessarily dwarfs their experience to precedent. Their incapacity to deal with the problem of the Mississippi River is shown by reoccurring disasters for more than half a century and is officially shown by the report of the Committee on Flood Control of the House.

There should be a board to determine upon the plan to be adopted and to supervise its execution to consist of at least 11 civilian engineers, personally disinterested in any plan, or unprejudiced in favor of or against any plan, of whom 2 should be hydraulic engineers, 2 mechanical engineers, 1 civil engineer, 2 engineers expert in concrete and steel construction, 2 expert in the construction of locks and dams, 1 in the construction of machinery for the movement of earth, and 1 electrical engineer.

The Riker Mississippi spillway project embodies vast construction in iron and steel, locks, power plants, and electric generators, largely consisting of great aggregations of well-known factors; and the author for one would be unwilling to submit his plans to a board composed of Army engineers or civilian engineers whose horizon and large engineering experience is principally bounded by the levees of the Mississippi River. Details imparting the author's experience of more than half a century, and plans worked out to their finest details, which would cover at least a month to fully discuss, will not be submitted by him to be passed upon by those whose engineering experience is limited to the leveed banks of the Mississippi River or by the precedent derived from experience with the River Poe, the Dnieper, or the Yangtze-kiang.

(Several estimates of different well-protected parts of the Delta valley result in an average price per acre of $224 when towns and all property, such as houses, roads, railroads, land, etc., are included. The total area of the valley originally subject to overflow is 29,790 square miles, or 19,065,600 acres, 12,000,000 acres of which is usable. This 12,000,000 acres at $224 per acre is worth about $2,688,000,000. Adding the probable value of New Orleans would bring this sum up to about $3,500,000,000. Movable property added would make it something like $5,000,000,000.)

APPENDIX

The author explained the Riker Mississippi spillway as presented in Senate Joint Resolution 7, Seventieth Congress, introduced by Senator FRAZIER, December 6, 1927, to both the Committee on Flood Control of the House and the Commerce Committee of the Senate. And General Jadwin was specifically invited both by the author and by Senator JONES, chairman of the Senate committee, to be present and ask questions as the project was explained.

Senator FRAZIER had written Mr. SINCLAIR, of the Committee on Flood Control of the House, to qualify the author as an expert, and presented a copy of that letter for the same purpose to the chairman of the Commerce Committee of the Senate when the Riker Mississippi spillway was before it.

"Senator FRAZIER. Mr. Chairman, I do not care to take the time to make any statement, but I have here a copy of a letter that was published in the House hearings in regard to Mr. Riker's qualifications that I should like to have printed in your record without taking the time to read it.

"The CHAIRMAN. All right."

(The matter referred to is as follows:)

"Mr. Riker's career as an engineer eminently qualifies him to formulate plans for flood control, as represented by the Riker spillway project; and all engineers to whom it has been presented within my knowledge have unqualifiedly indorsed it.

"To show that he is not a novice in matters of flood control in the Mississippi Valley, I would draw your attention to the fact that his plans for the Riker spillway project were presented to the United States Board of Flood Control in 1913, which board on April 21 of that year pronounced this project 'most interesting and fascinating,' and later requested that full details of it be furnished at the earliest possible moment; thereafter, on April 25 of the same year, H. R. 4296 was introduced, and on July 31, 1924, H. R. 18169, Sixty-third Congress, second session, was introduced, which gave in its 68 pages full details for such spillway project respecting the Mississippi below St. Louis. It will be noted that July 31, 1914, was the day before the declaration of the Great War in Europe, and H. R. 18169 was not given the consideration by Congress at that time which otherwise it might have had.

"I would also draw your attention to statements in the CONGRESSIONAL RECORD, on page 15984 of volume 51, part 16, second session, Sixty-third Congress, concerning Mr. Riker.

"On September 29, 1914, when the House had under consideration a river and harbor bill, and at which time H. R. 18169, embodying the Riker spillway project, was before Congress, Hon. JAMES A. FREAR, of Wisconsin, referred to the prediction which Mr. Riker made at that time that a terrible catastrophe would be certain to follow if the program of the Army engineers relative to the control of the Mississippi River was not radically modified. Mr. FREAR, in his discussion of this matter at that time, said in part:

"A strong, fearless man who has a long list of accomplishments to his credit, and who has frequently pointed to me the disastrous Mississippi River policy now being undertaken by the Government, is Mr. Carroll L. Riker, of Brooklyn, an engineer of large experience in the waterway work.

"Mr. Riker is a mild-mannered man, who, however, does not mince words when he says in a statement made to me:

"'The plans of the United States Army engineers for the control of the Mississippi River are the greatest engineering blunders which have ever been perpetrated upon a nation. These plans show that they do not understand the underlying and first principle which naturally governs the flow of a river.

"'If an advisory board of consulting engineers be appointed who are not graduates of West Point to investigate these plans, and they used as data only that which is printed and officially indorsed by those Army engineers, they would certainly confirm the above statement after less than 24 hours of actual consideration.

"'When the engineering profession have had their attention specifically drawn to the facts connected with the present plans of the Army engineers, for control of this river it will entail a national engineering disgrace that is unavoidable. Thirty-four annual reports of the Mississippi River Commission, concurred in by the various Chiefs of Engineers, United States Army, then acting, are mute witnesses against them can never be effaced. There is not one word that can be uttered in extenuation of these blunders which have been perpetrated by these engineers upon the citizens of the United States for a lifetime. They are now preparing a trap for the unconscious, confiding settlers in the valley of that river which will terminate in a terrible catastrophe as certain as the sun is to rise unless the present program be radically modified.'

"As far back as 1870 he was an owner in the steamboat *Huguenot*, engaged in a Government contract to carry stone to the Black Island breakwater. The same year he designed the hull of the steamboat *Castleton*, for more than 30 years the fastest boat of her length and breadth that plied the waters of New York Bay. Again, in 1886, he designed, built, and, in partnership with Joseph Cummings, president of the Morris & Cummings Dredging Co., owned the Riker dredging pump which filled in the Potomac flats now known as the Speedway, at about half of the estimated cost and of the amount appropriated—a description of which is given in the report of the Chief of Engineers, herewith sent you.

"The Riker dredging pump which filled in the Potomac flats below Long Bridge, now known as the Speedway, at 50 per cent of the estimated cost by the Army engineers, and of the appropriation made therefor, after the original contractor, Rittenhouse Moore, had failed when using ordinary appliances, is referred to in the Annual Report of the Secretary of War for the Year 1886, in volume 2, part 2, Appendix J, commencing on page 780 at the bottom of said page, and ending at the top of page 782 thereof.

"The suction and discharge pipes were each 36 inches in diameter in the apparatus used on the flats, and one stone weighing 1,300 pounds was pumped through it and forced out on the flats. At another time an old iron safe 25 by 16 by 14 inches was pumped out.

"Under favorable circumstances the pump discharged about 1,500 cubic yards per hour, and comparatively little delay was experienced from breakage of machinery after it got fairly in operation.

"It should be noted that the Government-rated output of this dredging pump has never since been approached, and Mr. Riker states its maximum output as at the rate of more than 90,000 cubic yards of solid material per day, 30 feet above the Potomac's level, more than ten times the output to that elevation of any other pump ever constructed, and his plans now contemplate a dredging plant for the construction of the levees on each side of his spillway having an average daily capacity of more than 500,000 cubic yards.

"A patent for a steam-vacuum dredging pump was granted to him April 9, 1872, and for more than 17 years, while Mr. Cummings's partner, he was consulting engineer for the Morris & Cummings Dredging Co., then the largest dredging concern in the world. He surveyed and estimated for them upon work which they did in Sabine Pass, Galveston, Charleston, Savannah, Norfolk, New York, Boston, etc., and surveyed the harbor of Habana, Cuba. This company dredged the approaches to St. Petersburg, Russia, and he made surveys and estimates for the proposed work at the mouth of the River Seine, France. The Riker water-tube boiler, installed in the tugboat *Greenvill*, was the first water-tube boiler tested by the United States, at the port of New York, and the only instance of a boiler being allowed higher pressure at its second inspection.

"Mr. Riker was placed in command of the steamship *St. Paul* when ashore, and superintended her removal from the beach of Long Branch, as also of the steamship *Otranto* from the Fire Island beach.

"He is believed to be the only man without a license who was permitted to handle an ocean steamship in the waters of the channels of New York Harbor, that vessel being the British steamship *State of Alabama*, which was also the only vessel that ever flew a foreign flag while working in American water on a United States Government contract.

"Mr. Riker visited Panama twice at the instance of General Hains, in charge of the filling of the Potomac flats, and of General Goethals in respect to the dam at Gatun, and other engineering matters connected with the canal, prepared plans for the improvement of New York lower

bay, which General Goethals, then consulting engineer for that port, indorsed.

"Mr. Riker's studies respecting ocean currents, which were carried on in the Mediterranean, the Atlantic, and the Pacific Oceans, enabled him to determine the present accepted cause therefor.

"Jetties designed and placed in the Magdalina River, United States of Colombia, by him near Barranquilla, saved the buildings of the Bolivar Ice & Lumber Co., which he constructed, as also the town, from destruction by that river.

"From my personal observation, extending more than 15 years, including the recent flood, I believe Mr. Riker is thoroughly familiar with the situation there and fully competent to deal with the Mississippi flood problem, and more.

"LYNN F. FRAZIER."

"Senator FRAZIER. Now, Mr. Riker will be glad to explain this spillway proposition of his and will be glad to have any of the engineers ask questions.

"The CHAIRMAN. At his suggestion I asked General Jadwin to come up, and I understand that he will welcome questions from General Jadwin as he proceeds to explain his project. As it is an engineering proposition, I think it is very well for General Jadwin to ask questions if he desires to do so.

"Mr. RIKER. Mr. Chairman, if I have any statements that the engineers of the Mississippi River Commission or Chief of Engineers would like to question me about, I would be very glad to answer them. It may be that I have been misunderstood. If so, I would like to have an opportunity to explain it or discuss it, and I say further that I make my presentation on the ground that I have no retractions to make. I have no modifications, or changes which I will be compelled to make. I have studied this thing for about 20 years, with an experience, that when my past is reviewed in that prospectus or the letter which the Senator has presented, you will see has been somewhat diversified.

"The CHAIRMAN. I would say that Mr. Riker stated that he would be glad to have the Army engineers here to ask him any questions, and I have asked General Jadwin to be here. If there is any question that General Jadwin feels like asking, he is at liberty to do so.

"Senator FLETCHER. I would like to ask General Jadwin, to begin with about that proposal, how he thinks it would operate.

"General JADWIN. Mr. Chairman, Mr. Riker's project has been studied by him very carefully and it is very alluring in many ways, but we could not bring ourselves to recommend it, largely on quantitative grounds, and on the ground that the way that we believe the river wants to work, it does not incline to work very much in straight lines. The estimate was about $775,000,000, on the assumption that those flood ways would carry the velocity that Mr. Riker assumed. He assumes 20 feet a second. Our calculations indicate that we would have difficulty in getting over 2 feet a second through there, which is only about one-tenth of the velocity that he assumes. You can get a little check on that when you recall that the maximum flow of water in the river itself when it is 80 feet deep is rarely up to 10 feet a second.

"Then also we were somewhat afraid of those earthen dams up to a height of 70 feet. We feel that the average of 18, and a super of 30, which has already been obtained, is of questionable safety, on the foundation that exists there. It was largely matters of that kind that caused us to feel that if this plan was practical, it would run very much higher in cost than the plan we recommend. We have a river-side flood way, running for a few miles below Cairo. Mr. Riker continues that straight on down to the St. Francis Basin, and puts a flood way in there forever. That will cost a good deal more than a shorter flood way, so that there are no further questions that we think of that we want to ask. If the committee desires to ask us any questions, we are entirely at your service.

"Mr. RIKER. Mr. Chairman, may I reply to just one statement that General Jadwin makes that there is difficulty in the river maintaining a straight line? He assumes that this is a river. There must be no such associations. It is simply like a gutter from the eaves to carry off the water. It is a spillway—not used all of the time—and the statement that a river is not supposed to take a straight course I defy him to put in plain language, for this reason: There is no force in existence, except that of centrifugal force, or the force of straight direction, which increases as the square of its velocity, and where a river starts in a certain direction it is its natural course to be as straight as an arrow, and it is only impediments that force it out of its straight course. In fact, there is not the least little disposition to deviate from a straight course.

"I know what I am talking about and I am ready to demonstrate it; and if the Chief of Engineers reiterates his statement that the natural inclination of water in motion is to take other than a straight line, then he places himself in a position that I know he dare not put upon the record.

"The CHAIRMAN. Are there any other questions of Mr. Riker?

"Mr. RIKER. I am through, unless there is some other assertion that I have made that the engineers would like to question me about. I should be pleased to answer any questions any member of the committee or anyone else interested in the matter cares to ask me.

"The CHAIRMAN. No one desires to ask any other questions.

THE CASE OF JACKSON BARNETT

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have printed in the RECORD an article from Latta's Fortnightly Review entitled "The Case of Jackson Barnett," together with a letter addressed to the Senate Committee on Indian Affairs by E. B. Meritt, Assistant Commissioner of Indian Affairs.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From Latta's Fortnightly Review]

THE CASE OF JACKSON BARNETT—A FORMER FIRST ASSISTANT SECRETARY OF THE INTERIOR WRITES FOR READERS OF THE FORTNIGHTLY REVIEW HIS VIEWS OF THIS REMARKABLE INDIAN CASE

By Alexander T. Vogelsang

In the Review of January 25, I note an article entitled "The Indian Commissioner in Hot Water," which is devoted to a discussion of the celebrated Jackson Barnett case, wherefore I am moved to make a few observations thereon.

Let me say in the beginning that I have no personal acquaintance with Jackson Barnett, Mrs. Barnett, Commissioner Burke, nor anyone else involved in the business.

From 1916 to 1921 I occupied the position of First Assistant Secretary of the Interior under Secretaries Lane and Payne, and during that time had considerable contact with the Indian Bureau, then under Commissioner Cato Sells.

I always understood Jackson Barnett to be a Snake Indian by birth, but a member of the Creek Tribe by adoption. I was advised that when the lands of the Creek Nation were allotted in severalty, Barnett refused to make selection and declined any allotment, claiming that he and his ancestors had roamed that country from time immemorial, that all his life he had hunted and fished thereon without let or hindrance, that he expected to so continue, and that he declined to limit his liberty to any specific portion of the tribal land. Because of his refusal, and in order that the allotment books might be closed, the last remaining and apparently worthless tract of 160 acres was arbitrarily allotted to him.

Subsequently, oil discovery was made and it was found that the Barnett allotment was the center of a wonderful oil pool and he suddenly became the wealthiest Indian in America. Barnett was allowed the sum of $250 a month for his support and maintenance, which was ample and even far beyond his simple needs. He lived in a little cabin by a creek where he drowsed and fished in contentment. During the war the department invested a million or more of his funds in Liberty bonds.

I well remember the day in 1920 when Commissioner Sells burst into my office, a picture of consternation, and announced that Barnett had been abducted and married. We believed at first that it was the result of a conspiracy engineered by some active and alert member of the legal profession in Oklahoma, for it was a common expression in our office that he was a poor lawyer in the Indian territory who could not arrange a profitable marriage or who did not have concealed somewhere "out in the sticks" an heir to every rich Indian in the State.

IF CONSPIRACY, THEN IT IS COMMON

However, as I understand it, this marriage has been thoroughly investigated during the past eight years, and it has been found that the lady in the case is no more guilty of conspiracy than are any of the others of her sex who have in the past and even in the present, through the marriage bond, riveted their charms upon a rich man. Indeed Judge Pollock, United States District Judge for the Eastern District of Kansas, in dismissing the suit instituted by the Department of Justice against an attorney for the recovery of a fee that he is said to have received through Mrs. Barnett, said, "Now, the fact is, if Anna Laura wanted Barnett for her husband, she had a right to go out and get him if she could, and as they are for all the purposes of this case at least lawfully married, nothing can be done about that in this litigation in this court." Thus it would seem that the marriage was lawful, firm, and fixed.

I also recall that before his marriage Barnett and the Bureau of Indian Affairs were pestered and besought for contributions from various churches and charitable institutions, and no doubt such beseechment has continued ever since.

It is conceded on all sides that since her marriage Mrs. Barnett has been a true, faithful, and attentive wife, and has conferred many of the attributes of higher civilization upon her husband.

I understand the law of Oklahoma to be that upon the death of the husband, the wife inherits one-half of his estate, unless he should make a will giving her more or less.

Several years ago the Barnetts agreed to dispose of about $1,100,000 of his money by giving one half to the wife and the other half to the American Baptist Society for the benefit of Bacone College and the Murrow Orphan Home at Muskogee, both institutions devoted to the education and care of Indians; this latter half to be deposited with the Equitable Trust Co. of New York and the income thereof to be paid to Barnett during his life and at his death to pass to these two institutions. Of Mrs. Barnett's half, $200,000 was deposited in the Riggs National Bank, of Washington, with the proviso that the income thereof should go to Barnett during his lifetime. In other words, so far as these funds were concerned, Jackson was assured of an income from the trusts of $27,500 annually, and he was not financially denuded, as will appear.

Under the Creek agreement the restrictions upon him would expire in 1931, and unless extended he would not thereafter have any protection from the Government, and this may have influenced the making of the trust agreements.

A FAIR DISPOSITION OF WEALTH

Aside from the trusts and the funds retained by Mrs. Barnett in her own right, Barnett now has over $500,000 in bonds, securities, and money, and also his allotment, which still produces $1,000 per month in royalty. The income from these sources is sufficient to make his monthly income in excess of $5,000 or more than $60,000 annually. So it would appear that if the trusts and transfers above referred to shall stand, Barnett will still have free for his further disposition more than a half million dollars, plus an annual income exceeding $60,000.

On the whole, it seems to me that an entirely unreasonable clamor has been raised over this man's affairs. Surely it is not wrong for a husband to give any part of his estate to his wife if it be done not in fraud of creditors. Surely no uneducated Indian could make better disposition of a large fund than Barnett has attempted for the benefit of the Indian college and orphan home. It may well be doubted if the various lawyers engaged in overturning the trusts and transfers are actuated by entirely altruistic motives.

Some of them may believe that pickings are better in an estate of several million dollars than in one only exceeding a half million. If the efforts to destroy the trust in favor of the college and orphan home are successful, what better use can Barnett make of the money? He can not possibly use any part of the principal, nor can he even reasonably consume the income.

For its efforts to defeat the college and the orphanage the bar will be amply rewarded, because, as I am advised, the United States court in New York made an allowance to the attorneys for the "next friend" of 25 per cent of the moneys, including accumulated interest, held by the trust company, which, together with $10,000 additional allowance for expenses and $7,500 to the "next friend" personally, will, if eventually paid, aggregate about $190,000. Surely this is a high price for "next" or any other kind of friendship and is an extreme penalty for Barnett's estate to pay for his effort to make a sensible, proper, and beneficial distribution of a part of his surplus funds.

The article in question states that a quarter of a million dollars has been paid in attorney and guardian fees since Barnett's marriage. I am assured that this is not true and that only a small amount has been paid from his funds, the expense of the litigation in the New York case having been borne entirely by the American Baptist Society; but if the fees allowed by the New York court are paid finally, of course, the statement is approximately correct.

THE PIKES AND BUZZING FLIES

Macaulay says in Virginia:

"Where'er ye shed the honey, the buzzing flies will crowd;
Where'er down Tiber garbage floats the greedy pike ye see."

I have always thought these lines singularly apposite to the affairs of rich Indians. The greedy pike and the buzzing flies are ever about them. In the Barnett case, all things considered, it seems to me that the disposition which Barnett and his wife have attempted to make has a tendency to defeat rather than to encourage the "pikes" and the "flies." I think any white citizen should be congratulated on making similar disposition of his surplus funds.

Oklahoma is not a stranger to judicial nor to legislative spectacles, but I feel sure she will witness a star performance if Barnett dies with all his estate intact except what his "next friends" and their attorneys have stripped off. The wife, if she survives, will get her share perhaps, but the remainder will be scattered to the four winds and the charitable uses to which the owner now desires to devote a large part of it, will get nothing.

As I stated in the beginning, I am entirely unacquainted with the Barnetts, the Indian Commissioner, the trust companies, or the Baptists, and I hold no brief for any of them. But, in my judgment, none of them should be in hot water on account of this transaction. That treatment should be administered to the greedy pikes, the buzzing flies, the busybodies who are engaged in this mephitic scramble to defeat a wise and beneficial disposition of surplus moneys.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 2, 1929.

Hon. LYNN J. FRAZIER, *Chairman,*
Hon. BURTON K. WHEELER,
Hon. W. B. PINE,
Hon. ELMER THOMAS,
Senate Indian Investigation Committee.

MY DEAR SENATORS: In compliance with your oral request of yesterday while before your committee, that I submit to you from time to time my personal views regarding needed constructive improvements in the Indian Service, I wish to take this opportunity of thanking you for this evidence of your confidence. I promise to give you the benefit of my nearly 25 years of careful study of the Indian problem and my intimate knowledge of all phases of this subject after personal visits to nearly all the Indian schools and reservations. I wish it distinctly understood, however, that these are my personal views, submitted in accordance with your request, and in no way commit or bind the Indian Bureau or the Interior Department.

My first thought is to impress the committee with the bigness of the Indian problem, its many complications involving 350,000 Indians, 225,000 of whom are restricted, consisting of about 200 tribes speaking 58 different languages, living on 190 reservations, scattered over 26 different States, with quite varied problems for each reservation, administered under about 2,500 different laws and 300 treaties, involving Indian property, individual and tribal, valued at about $1,600,000,000, and the Indian country covering an area as large as all the New England States and the State of New York combined.

Speaking from an experience of over 35 years in the Government service, I say with confidence that there is no other bureau in the Government service so difficult to administer, which needs such a broad knowledge of so many different, complicated, and difficult subjects, which requires so much patience, human understanding, and sympathy. It is also well to understand and fully appreciate that Congress has a responsibility and a duty equal to that of Indian Service officials and employees in the handing of the Indian problem. Indian Service officials are too frequently criticized for doing things they are required to do because of legislation enacted by Congress or failing to do things they should do because Congress has not passed laws that should be enacted or furnished funds that should be provided to relieve the condition of the Indians and improve Indian administration generally. Also, the Indian Service is frequently criticized for not asking for appropriations when, as a matter of fact, the Indian Bureau has submitted the needed estimates, but under the Budget system those estimates have not been transmitted to Congress. Senator THOMAS has recently had printed in the CONGRESSIONAL RECORD (see pp. 4368 to 4371, both inclusive, CONGRESSIONAL RECORD of February 26, 1929) information showing that during the past two years the Indian Bureau has prepared estimates totaling more than $12,000,000 that have not been transmitted to Congress, and under the Budget system we are not permitted to ask for $1 of those $12,000,000 before a committee of Congress. The foregoing is not intended as a criticism of Congress or the Bureau of the Budget or the Budget system, but as a plain statement of fact that must be known and appreciated if there is to be a fair and just understanding of the difficulties of the Government's Indian problem.

With this preliminary statement I wish to submit the following concrete suggestions:

1. Take the Indian Service entirely out of politics. It is a human problem requiring long years of study and experience, and faithful employees should not be harassed with the threats of grafters and cheap politicians with the change of each administration. The average life of Commissioners of Indian Affairs has been three years, and no man can get even a smattering superficial knowledge of the vast Indian subject in three years. These frequent political changes bring about untried and often impractical policies resulting in harm to the Indians and which are destructive of good administration by keeping the office and field force marking time waiting for new developments following each change of administration. Adopt the Canadian Indian plan of having tried, experienced, and permanent Indian Service leaders and policies.

2. Allow appropriations of approximately $25,000,000 a year instead of an average of about $15,000,000 so that the Indian work can be carried on effectively and efficiently with satisfaction to the Indians, Indian Service employees, the Congress, and the country at large.

3. Give us at least $350 per capita in our appropriation for Indian schools instead of $260 per capita so that we can run our Indian schools on a more efficient basis, feed the children with a larger variety of food, equip our school dormitories with adequate furniture and other necessities, provide sufficient equipment for industrial instruction, increase the grades of our day schools to the sixth grade, and provide more day schools so that young children can be educated up to the sixth grade near their homes; so that reservation boarding schools can have the grades increased to the ninth; and so that we can provide more twelfth-grade high schools. Also, so that we can have the in-

structors and equipment to teach more fully and efficiently practical industrial courses.

4. Provide reimbursable appropriations so as to advance money to worthy and ambitious Indian boys and girls who have completed their courses in our Indian schools so that they may take college courses to equip them for their chosen life work.

5. Provide an adequate appropriation, to be immediately available, to put in proper repair all of our Indian school and agency buildings, including adequate water supply, sewerage, and toilet and lighting systems.

6. Provide an adequate appropriation, to be immediately available, to properly furnish and equip our schoolrooms, dormitories, and shops. Our schools are sadly in need of these improvements.

7. The Indian Service very much needs at least 25 more hospitals, 5 of them to be located in Oklahoma among the Five Civilized Tribes, and 10 additional tuberculosis sanatoria, and these hospitals and sanatoria should be supplied without further delay. There is also needed money to replace a large number of old and inadequately constructed and equipped hospitals with modern, adequate hospital buildings and equipment.

8. We need now at least 200 additional field and hospital nurses, the field nurses to be provided with automobiles and other necessary equipment and supplies along medical lines.

9. We need at once a much larger trained force of medical experts on trachoma, also tuberculosis experts. Our service is woefully lacking in these experts on trachoma and tuberculosis, who should be furnished with cars and proper and adequate medical equipment. Trachoma and tuberculosis is so prevalent among Indians as to require the immediate attention of Congress.

10. We need at least 50 more good doctors, provided with automobiles and adequate medical equipment to supply the medical requirements of the Indians.

11. We need several sanatorium schools, so as to provide for the tubercular Indian children now out of school, and who are living in the inadequate homes of their parents, without proper food, clothing, or medical attention, and who are transmitting the disease to other members of the family. This is an urgent need that should be immediately provided for by Congress.

12. Providing employment for Indian girl graduates of our nurse-training schools on Indian reservations under the guidance of trained public-health nurses.

13. We need at once an appropriation to purchase dairy cows, provide adequate dairy barns and feed, so that we can furnish at least 1 quart of milk per day for all our Indian school children.

14. We need at once a large reimbursable appropriation, to be made immediately available, to provide for the construction of new homes for Indians or to improve old homes by providing wooden floors, additional windows, and some necessary furniture and household equipment. The bad home and living conditions of Indians has much to do with the sickness and high death rate of Indians. A real campaign for better homes for Indians requires money to make it successful and effective.

15. We need a much larger reimbursable appropriation for industrial assistance to Indians who want to begin or enlarge their industrial activities, but are handicapped because of lack of funds.

16. We need an appropriation, to be immediately available, to provide for an Indian employment force to find jobs for Indians. We have too many idle Indians on reservations who could become self-supporting and independent if they were properly placed in suitable jobs away from the reservation.

17. Much of the reimbursable appropriations now charged to Indians for roads, bridges, and irrigation work should be charged off. It has been for about 15 years the policy of Congress to make the appropriations in reimbursable form when it was known that there was little chance of these appropriations being reimbursed. For example, the Fort Peck and Blackfeet and other Indians of Montana should be relieved of much of the reimbursable charges for irrigation, all the irrigation appropriations made reimbursable by the retroactive act of 1914 should be wiped off the books, the California irrigation charges should be greatly reduced, the Pima, Pueblo, Navajo, and other bridge-reimbursable items should be charged off, also much of the reimbursable appropriations charged against the Pueblo and Navajo Indians should be reduced or charged off entirely. These reimbursable appropriation items are the cause of much dissatisfaction among the Indians and the basis of unjust criticism of the Indian Service. There are many millions of dollars of reimbursable appropriations that might well be entirely eliminated and the Indians relieved of this indebtedness that they can never repay.

18. Legislation is needed to wind up the tribal affairs of the Five Civilized Tribes and dispose of the tribal property of these Indians. Also there is need for changes in the probate and other laws affecting the property of the Indians of the Five Civilized Tribes.

19. Legislation is needed to more adequately regulate law and order on Indian reservations. The present laws are wholly inadequate and are resulting in harm to the Indians. This legislation is an urgent necessity.

20. We need more and better equipped and paid educational leaders to supervise and conduct our Indian schools and bring them up to a higher and more modern standard of efficiency.

21. We need more and better equipped and paid industrial leaders so as to provide more efficient industrial leadership for our Indians. There is a great opportunity for the industrial awakening of the Indians. There should be definite, well-planned industrial programs worked out for each reservation suitable to the needs and conditions of that particular reservation, which should be adhered to without regard to changes in superintendents and other employees. The Indians are now ready for this industrial awakening, but the right industrial inspirational leaders are required and there should be provided adequate reimbursable appropriations for the farming and stock-raising activities of the Indians.

22. There should be the closest cooperation with local, county, and State agencies and with other branches of the Federal Government with the view of receiving all of the technical and helpful assistance possible in handling the Indian problem, but it is my judgment that Congress at least for several years to come should recognize the fact that the Indian problem is a Federal obligation and should make its appropriations and enact laws affecting the Indians with that end in view.

23. The numerous Indian laws should be codified, brought up to date, obsolete laws eliminated, and the laws simplified and reduced regulations of the Indian Service made available to all persons handling the Indian problem.

24. Indian councils or business committees should be organized on each reservation, and these selected representatives of the Indians should be recognized by the superintendent and consulted freely and the views and wishes of the Indians should be more fully considered and the plans of the Indian Service carefully explained, so that much cause for complaint because of lack of knowledge of plans and intentions would be removed and closer cooperation brought about through mutual understanding and unity of purpose.

25. Every Indian tribe having a prima facie claim against the Government should have an opportunity to submit their claims to the Court of Claims with the right of either side to appeal to the Supreme Court under a properly worded jurisdictional act. The sooner these claims are adjudicated the nearer we will be to the final settlement of the Indian problem.

26. Continue to prohibit the use of jails at Indian schools, and not permit any severe punishment for infraction of rules, but emphasize the practice of withholding privileges as a deterrent so as to insure good conduct of Indian school children.

27. A careful study should be made of the status of the New York Indians, and their jurisdiction should be definitely settled. These Indians are wards of the Government, yet the Federal Government at this time exercises but little jurisdiction, and they are now largely under the jurisdiction of the State of New York. This conflicting and indefinite jurisdiction has brought about inevitable dissatisfaction, and these Indians are entitled to the consideration and relief of Congress.

28. Specific reimbursable appropriations should be obtained to enable the Pima Indians to put in cultivation within the next three or four years the 40,000 acres of additional irrigable lands made available by reason of the construction of the Coolidge Dam on the San Carlos Reservation. We have worked out a definite program for this purpose, and if we can obtain the required appropriations from Congress, this 40,000 acres of land will be actually under cultivation within a few years.

29. Make it clear to all Indians that the Government does not intend to interfere with their customs, traditions, or religion; also their ceremonial dances, so long as they keep within the bounds of reason and do not transgress moral laws.

30. Encourage Indians to have local Indian organizations for self-improvement. An example of constructive improvements and benefits to the Indians may be cited in the holding annually of the Pueblo and Navajo Councils. No doubt councils could be held with profit among other Indians similar to the Navajo and Pueblo Councils.

31. There is an urgent need in the Indian Office at Washington for about 15 additional stenographers and clerks so as to keep the work of the office current.

32. Established community bathhouses and laundries in thickly populated Indian communities with spare room for reading and community meeting purposes with the idea of developing social-service work and the community spirit.

33. Trained social-service workers are needed on each Indian reservation as home demonstration agents to improve home and community conditions. These home demonstration agents, if properly trained in social-service work, could materially improve the home and living conditions of the Indians.

34. We need more trained and expert advisors to the Commissioner of Indian Affairs along educational, agricultural, stock raising, medical,

and social-service lines so as to make surveys, reports, and recommendations to the Commissioner of Indian Affairs and to assist in bringing about closer cooperation with local, State, and other Federal agencies in handling the Indian problem.

35. Change the existing allotment laws and do not make further allotments on Indian reservations under the present laws for the reason that under these laws Indians are gradually losing possession of their lands. Personally I am strongly opposed to the allotment of the Menominee, Red Lake, Pueblo, Navajo, and other unallotted Indians in the Southwest at this time and under existing laws.

36. We need a large gratuity appropriation each year to build and maintain roads on Indian reservations and at the same time furnish employment to Indians.

37. Enact legislation for relief of Indians who are wards of the Government but who do not reside on Indian reservations. Under the comptroller's decision we are unable to extend relief to these Indians who often are in need of assistance and are worthy of the help of the Federal Government.

38. Eliminate as much paper work as possible, reduce wherever practicable correspondence, and place more responsibility upon the local superintendents. We are endeavoring at this time to work out a feasible plan along this line.

39. Increase the capacity of the Sequoyah Orphan Training School from 300 to 500, so as to provide for 200 additional Indian orphan children in Oklahoma. After a personal visit to this school I worked out the details for this increased capacity and we will be glad to furnish this information to your committee.

40. Be conservative in the issuance of patents in fee and certificates of competency, but allow young educated able-bodied Indians with small degree of Indian blood an opportunity to handle their property free from Government supervision. Also allow other Indians full opportunity, consistent with their best interest, to handle their property and develop business experience while their lands are held in trust.

The foregoing by no means includes all of the constructive requirements of the Indian Service. These suggestions are necessarily general in form, and if it is the wish of the committee we will be glad to draft necessary legislation, with justifications therefor, to carry the foregoing constructive suggestions into effect. It will require an appropriation, preferably in lump-sum form, amounting to approximately $15,000,000, to supplement existing appropriations for the Indian Service to carry out the suggestions herein made, which would very greatly increase the efficiency of the Indian Service and would be a good investment for the Federal Government. Hereafter, in my judgment, there should be an annual appropriation of approximately $25,000,000 if we are to run the Indian Service on the efficient basis that will meet the approval of the Congress, Indian Service officials, and friends of the Indians.

If it is the wish of your committee, I will submit in more detail the constructive needs of every Indian school and reservation. This necessarily will require some time and considerable work. Better still, I will take pleasure in going with the committee to the various schools and reservations and pointing out to the committee on the ground the constructive needs of our Indian schools and reservations. I wish each member of the committee to feel free to request any information they desire and we will endeavor to cooperate in every way possible to see that full information is furnished in regard to our Indian activities.

While the foregoing suggestions indicate considerable need for additional funds for the Indian Service, in closing I wish to emphasize that the funds now appropriated by Congress are being economically, judiciously, and efficiently administered, and it is my judgment that more has been accomplished for the Indians of this country and there has been greater progress among the Indians during the past eight years than ever before in a similar period of time during the more than 100 years of Federal jurisdiction in handling the Indian problem in this country, and what is more important, we have laid the foundation for a still greater progress during the immediate years to come. With the help of your committee and the Congress this progress can be intensified and made permanent and outstanding. We bespeak your earnest assistance and cooperation in this great constructive work in behalf of the American Indian.

Cordially yours,

E. B. MERITT,
Assistant Commissioner.

ENTRY OF CERTAIN ALIENS TO THE UNITED STATES—CONFERENCE REPORT

The VICE PRESIDENT laid before the Senate the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain condition in violation of law having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a) if any alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise expressly provided by law, be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

"(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

"(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall not be entitled to any of the landing privileges allowed by law to seamen.

"(d) So much of section 3 of the immigration act of 1917 (U. S. C. title 8, sec. 136 (j)) as reads as follows: 'persons who have been reported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory, the Secretary of Labor shall have consented to their reapplying for admission' is amended to read as follows: 'persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission.'"

(e) So much of section 18 of the immigration act of 1917 (U. S. C. title 8, sec. 154) as reads as follows: "or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof" is amended to read as follows: "or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to reapply for admission to the United States." The amendment made by this subsection shall take effect on the expiration of 60 days after the enactment of this act, but the provision amended shall remain in force for the collection of any fine incurred before the effective date of such amendment.

"SEC. 2. Any alien who hereafter enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection by immigration officials, or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or by both such fine and imprisonment.

"SEC. 3. An alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment. For the purposes of this section the imprisonment shall be considered as terminated upon the release of the alien from confinement, whether or not he is subject to rearrest or further confinement in respect of the same offense.

"SEC. 4. Upon the final conviction of any alien of any offense under this act in any court of record it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

"SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

HIRAM W. JOHNSON,
WILLIAM H. KING,
DAVID A. REED,
COLE L. BLEASE,
HENRY W. KEYES,
Managers on the part of the Senate.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
A. J. SABATH,
Managers on the part of the House.

Mr. JOHNSON. Mr. President, at the opening of the session this morning I asked the concurrence of the Senate in the conference report that was submitted yesterday and printed in the RECORD at page 4872 by the House and the Senate conferees on Senate bill 5094, known as the Blease bill. At that time the Senator from Alabama [Mr. HEFLIN] asked that the matter be continued briefly. I am now advised that he has examined the conference report, and that he accepts it. The Senator from South Carolina [Mr. BLEASE] has so advised me.

Mr. BLEASE. That is correct, Mr. President.

Mr. JOHNSON. I ask that the Senate agree to the conference report.

The report was agreed to.

CHARLESTOWN SAND & STONE CO.

Mr. BRUCE. Mr. President, yesterday or the day before the Senator from California [Mr. SHORTRIDGE] made a request of one of his brother Senators that he should do something, I forget now just what, and then he added with his happy gift for apt quotation:

Give Ajax light and Ajax asks no more.

I wish to say that if the Senate will only do me the favor to take up and consider and pass, in case there is no discussion, a bill which has just been placed upon the calendar, then under the circumstances that surround me at the present time, in the closing hours of my senatorial life, I think I can safely promise the Senate that I will trouble it no more.

The PRESIDING OFFICER. What is the bill?

Mr. BRUCE. It is House bill 11659, for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.

The bill was passed by the House, it came over to the Senate, and has been favorably reported by the Senate Committee on Claims to the Senate. There is no opposition to it so far as I know.

The object of the bill is simply to make good to the claimant losses inflicted on it during the World War by extraordinary freight rates and other burdens.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator's request will be granted.

Mr. KEYES rose.

Mr. ROBINSON of Arkansas. Mr. President, it will require only a moment to dispose of the bill. Under the circumstances I hope no objection will be made.

Mr. KEYES. I simply wanted to be sure that the unfinished business is protected.

The PRESIDING OFFICER (Mr. MCNARY in the chair). This will not displace the unfinished business.

Mr. BRUCE. I will withdraw the request if there is any discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Charlestown Sand & Stone Co., of Elkton, Md., out of any money in the Treasury not otherwise appropriated, the sum of $12,385.99 in full settlement of the additional freight charges and the increased cost of labor and materials incurred by said company in the fulfillment of the requirements of the United States engineer office under the contract of August 23, 1917, for furnishing and delivering cement, sand, and gravel (or broken stone) to Fort Saulsbury, Del., for the construction of gun and mortar batteries.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE AT ENTIAT, WASH.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 17122) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash., was read twice by its title.

Mr. JONES. A similar bill was reported from the Senate Committee on Commerce yesterday, and placed on the calendar. I ask unanimous consent for the present consideration of the House bill.

There being no objection, the House bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved June 2, 1926, to be built by Fred H. Furey, his heirs, legal representatives, and assigns, across the Columbia River at Entiat, Wash., are hereby extended one and three years, respectively, from the date of the approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, the similar bill, Senate bill 5888, on the calendar, will be indefinitely postponed.

PAY OF RETIRED AVIATORS

Mr. BINGHAM. Mr. President, I have been requested by the Senator from Pennsylvania [Mr. REED] and several friends, officers of the American Legion, to say a few words with regard to the so-called pioneer aviators' bill, which came over from the House some months ago and was not acted upon by the Senate Committee on Military Affairs. The provisions of that bill were later put on a Senate bill granting the privilege to the President of the United States to award the distinguished flying cross to visitors to the United States who distinguished themselves by extraordinary achievement in an aerial flight. There was no objection to that bill either in the Senate or in the House committee, but the House committee chose to amend it by adding as a section the bill known as the pioneer aviators' bill, which they had previously reported. That bill and the amendment are now in conference. I am not one of the conferees, but I have been asked by the conferees to say in a few words to the Senate what I said to the conferees more at length, speaking on behalf of quite a number of pilots in the Army who felt that it was very unwise that the bill should pass.

The reasons, briefly, are that, in the first place, the bill takes a very small number of aviators, not more than six or seven, in the active service in the Army, and permits them to have flying pay to the extent of 75 per cent of their regular pay, instead of the 50 per cent allotted to all regular flying officers of the Army. In the old days military aviators were all given a 75 per cent increase of pay. During the World War a great number of our aviators, with half a dozen exceptions, were reserve military aviators, so called, and received a 50 per cent increase for flying pay. After the World War the Congress decided that a 50 per cent increase for flying pay was proper for all of them. Consequently, that has been the rule ever since, except for three or four favored ones. This measure is an effort to change that provision for the benefit of a very small group of aviators who began flying early and all of whom, with one or two exceptions, gave up flying due to its extra hazardous nature and did not come back into the service until the time of the World War, but have remained since. It is felt by a number of the aviators in the Army that if any were given this privilege it should be those who came into flying in the early days and remained continuously in that hazardous service during all the time of its greatest difficulty.

The second feature of the bill to which objection is made is that it permits a few aviators to be retired immediately, placed on the retired list, and granted 75 per cent of their flying pay just as if they had continued flying. The Senate Committee on Military Affairs have felt that this was a most dangerous innovation; that to give flying pay to retired officers was not in accordance with the desire of Congress when it awarded flying pay to those actively engaged in flying.

Those are the reasons why some officers have opposed the bill and why I was asked to oppose it before the conferees.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills and joint resolutions of the Senate:

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department;

S. 4354. An act for the relief of the Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;*

S. 5875. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

S. J. Res. 132. Joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America; and

S. J. Res. 216. Joint resolution to establish a joint commission on airports.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes.

The message further announced that the House had passed the bill (S. 4721) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Great Falls, and to authorize the use of certain Government land, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 17237) to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 5730. An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458); and

H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth.

RELATIONS WITH CHINA

Mr. BINGHAM. Mr. President, I should like to speak for just a moment on our greatly improved relations with China and the Far East, especially China.

Senators will remember that a few days ago we ratified a new treaty with China granting China full rights with regard to their tariff. This has had an extremely favorable effect in China on our relations with the Chinese. To-day I received word from Shanghai, the largest business city in China, that one of the great clubs of Shanghai, the American Club, had at last opened its doors to Chinese membership. This is an epoch-making event in the relations between the white races and the yellow races. Nowhere in India or China have prominent social clubs controlled by members of the Anglo-Saxon race ever before admitted Asiatics to membership.

It is said by those best informed that this action on the part of the American Club in Shanghai will have more to do with cementing friendly relations between the Chinese and our citizens than any other single action that has been taken in recent years.

I hope very much that the time may come in the not distant future when we may realize that the gentlemen of China and the gentlemen of India and the gentlemen of Japan are just as gentle and just as well bred and just as courteous as the gentlemen of America. I hope that the day may not be far distant when in recognition of the character of those races and their civilization they may be accorded equal privileges under the immigration quota with the other races and nations of the world with whom we are on friendly terms.

REIMBURSEMENT OF STATE OF NEVADA

Mr. PITTMAN. Mr. President, there was some discussion earlier in the day with regard to a notice which I gave a few days ago to move to reconsider the vote by which the second deficiency appropriation bill passed the Senate.

Some time ago I introduced a resolution to have the Comptroller General restate the amount due the State of Nevada for the employment of soldiers during the Civil War. In response to that report the Comptroller General stated there is now a balance due of $595,076.53. A bill was then introduced by my colleague the junior Senator from Nevada [Mr. ODDIE], reported favorably by the Judiciary Committee, which passed the Senate and went to the House.

Under the belief that there might not be time for action upon the Senate bill in the House my colleague offered an amendment to the second deficiency appropriation bill providing the money to pay that account. The Committee on Appropriations declined to receive it upon the ground that it was a private claim and had to go to the Claims Committee. The amendment was then offered upon the floor by my colleague and a point of order made upon the same ground. There is no question in my mind that the point of order should have been overruled, although it was sustained. It was not a private claim; it was for money due the State of Nevada under an act of Congress authorizing the enlistment of soldiers by the State and a subsequent act of Congress approving the legislative act of the Territory of Nevada, which provided the money to enlist them.

Therefore on day before yesterday I gave notice that I would move to reconsider the vote by which that appropriation bill had passed. I am very happy to say, because I have no desire to delay the passage of the appropriation bill, that the House has just passed Senate bill 5717 authorizing the payment of this account. I withdraw the notice which I gave. I feel perfectly confident that at the next session of Congress the distinguished chairman of the Committee on Appropriations of the Senate will see that this last act of Congress with reference to the matter is carried out by an appropriation.

Mr. WARREN. Mr. President, I take this occasion to thank the Senator from Nevada and assure him it was only on the ground that it was a private claim that the item was barred from the deficiency appropriation bill. That was the reason which caused us to omit it from the bill. I shall be very glad to assist the Senator in any way I can.

FIRST DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

Mr. HEFLIN. Mr. President, before a vote is taken on the conference report on the deficiency bill I want to reiterate what I said a little while ago, that there is no testimony before the Senate in any particular case of a refund of taxes that will inform any Senator intelligently as to the facts in the case in question. There is no testimony before the Senate that will justify any Senator in voting for a single refund to anybody listed for refunds by the Secretary of the Treasury. It is one thing to have a volume with names in it giving the amount refunded opposite the names, but it is quite another thing to have a volume with each case set forth in it, together with the testimony in that case and the judgment entered in the case. I challenge any Senator to show me such a record.

Mr. President, I want the RECORD to show the facts about this legislation. With the Senator from Tennessee [Mr. MCKELLAR], I have fought here for six years or more to have this system changed; and I am now going to give notice that hereafter there must be submitted a list of the names, the amounts to be refunded, and the reason for the refunds in every instance, together with testimony that will justify this body in acting favorably.

Mr. COUZENS. Mr. President, because of the long and persistent opposition of the Secretary of the Treasury to any reform in the method of paying tax refunds or to any legislation which will bring about more efficient and satisfactory methods in the administration of the Bureau of Internal Revenue, it seems that we will have to continue to suffer from maladministration in that bureau. The same statement as applying to the Bureau of Internal Revenue also applies to the Bureau of Prohibition and to the refinancing of the Government's debts. The department reeks with inefficiency. The Secretary of the Treasury is either dishonest or gullible, because such conditions could not continue to exist for a period of eight years without any substantial results in reforming present methods if he were alive to the situation.

I hesitate to take up the time of the Senate at this late hour in the present administration of the Treasury Department, but from all of the reports we receive that administration is to continue. It seems, from press reports, that we are going to continue to have the same sort of administration in the Treasury Department, the greatest department of the Government, that we have had for a period of eight years. No effort on the part of anybody has been able to change the methods employed there in conducting the Government's business; and, as every Senator knows, on every occasion when a tax bill or a deficiency bill or other appropriation bill providing for a tax refund has come before the Senate, an amendment has been attached in this body providing a better method of making such refunds and throwing safeguards around payments. The Senate and the body at the

other end of the Capitol have repeatedly made appropriations for tax refunds running into the hundreds of millions and aggregating billions of dollars without any competent testimony as to the necessity for such appropriations or for the purpose to which they were to be devoted. When the first deficiency bill, the conference report on which is now before us, was under consideration in the Senate no figures were submitted to show how the appropriation of $75,000,000 for tax refunds was to be expended. We were to be satisfied with the mere statement that that amount of money was to be appropriated to refund taxes which had been erroneously or illegally collected. No evidence had ever been submitted, no evidence is now before us, that the money that is proposed to be refunded has been illegally or improperly collected. We are asked to take the judgment of some one else as to that. No matter what sort of amendment, imposing restrictions and reservations, we have attached to the appropriation, or revenue bills, or attempted to attach to them, the amendment has been taken out in conference at the instigation of the Secretary of the Treasury.

The Senator from Tennessee [Mr. MCKELLAR] this morning went into considerable detail with respect to the amendment which was adopted by the Senate when the first deficiency bill was passed by this body. After that amendment had been adopted by the Senate the Secretary of the Treasury wrote to the chairman of the Appropriations Committee [Mr. WARREN] a letter in which he opposed that amendment. It was merely a continuation of the previous opposition which he has shown toward all such amendments. He offered no constructive suggestions which would enable Congress to enact legislation insuring that information would be furnished it as to how the tax refunds are arrived at or the policies or precedents used in arriving at them.

I wish to quote from the letter which the Secretary of the Treasury wrote to the chairman of the Appropriations Committee under date of January 29, 1929, as it appears on page 2973 of the CONGRESSIONAL RECORD:

THE SECRETARY OF THE TREASURY,
Washington, January 29, 1929.

MY DEAR MR. CHAIRMAN: I submit the following for your consideration in connection with the Senate amendment to the first deficiency appropriation bill providing as follows:

"That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer in the department conducting the same, which hearings shall be open to the public, and the decision shall be a public document."

The portion of the amendment which provides for public hearings is open to serious objection. In the judgment of the responsible officials of this department, this proposal is not consistent with sound administrative practice.

In order that the effect of the proposal may be clearly seen and the necessity for it correctly estimated, let me review briefly the usual procedure on a claim for refund.

After a claim for refund is filed by a taxpayer it regularly goes to the office of the revenue agent in charge in the taxpayer's district and is assigned to an agent for examination. Conferences are held with the taxpayer or his representative, the necessary examinations of the taxpayer's books and papers made, and a report prepared. This report is then reviewed in the office of the revenue agent in charge and is finally submitted to the revenue agent in charge. Further conferences in his office may be held. If he approves, the papers are forwarded to the Income Tax Unit in Washington and assigned to an auditor for complete review and consideration. The auditor's conclusion must then be reviewed and approved by his superiors before a final decision is reached. Frequently further conferences with the taxpayer or his representative are necessary. If the claim is in excess of $50,000, the entire file is sent to the general counsel's office and there assigned to a special group for another complete review and again conferences may be held with the taxpayer at this stage. The work of the attorney or attorneys who make this review is then submitted to the head of the division, and, if approved, then to the general counsel or one of his assistants for final approval.

In that connection I should like to raise the point that only one general counsel passes upon a claim. No matter how much controversy there may be between subordinates in the department, on all claims in excess of $50,000 the general counsel has the final say as to whether or not the claim shall be allowed. There is no review. He may entirely disagree with all his subordinates, but the records are sealed; they are not open to public inspection or to any review outside of the Treasury itself. So in effect the whole Treasury Department in the matter of large tax refunds is dominated by the chief counsel and his organization. It is evident, as the volumes of testimony which I have on my desk indicate very clearly, that after a decision has been rendered no subordinate is in a position to upset that decision or to question it without serious risk to his own official position. So, notwithstanding the long list of supposed checks which are placed upon the allowance of refunds, there is no opportunity for anybody to object to the final decision because it is all under one head.

It might be compared with a bank examination or with an examination of a corporation's books. No board of directors of a bank or a trust company or a corporation is willing to take its own auditor's review of the actions of the corporation or the conduct of its business, particularly if that board intends to submit such statements to public inspection or for the purpose of obtaining credit. There is no other department in the Government where there is not an audit by the Comptroller General or some outside organization, but in the Treasury Department there is no external audit or examination whatsoever. So, notwithstanding the Secretary's contention that many steps are required to be taken before a refund can be made, it is obvious that the refunds can be controlled without regard to the record.

Further on the Secretary, in his letter to the chairman of the committee, says:

In every important case the file and recommendations go to the commissioner's office, where the commissioner or one of his assistants reviews the case. In addition, if the amount allowed is in excess of $75,000, the general counsel, before transmitting the file of the commissioner prepares a complete statement of the case, which is submitted to the Joint Congressional Committee on Internal Revenue Taxation and the matter held in abeyance for the 30-day period provided by law.

At some later time in my address I want to draw attention to the Joint Congressional Committee on Internal Revenue provided for in the 1926 revenue act and to point out how that joint committee has not functioned and is not now functioning and, so far as Congress is concerned, has been valueless. The joint committee have obtained some results in the relations between themselves and the Treasury Department, but there has been no report made to the Congress as the result of the establishment of that joint committee. Quoting further from the Secretary's letter:

During that time the staff of the joint congressional committee examines the claim, and, if they have any doubt as to the propriety of its allowance, present their views, either by letter or conference, to the general counsel's office for reconsideration.

It will thus be seen that no claim is allowed as a result of the action of one or two individuals, but that on the contrary every claim has to run the gantlet of thorough and complete audits, examinations, and legal review by a staff of competent men, certain of them especially chosen and trained for this work. It is my opinion that this system completely and adequately protects the Government's interests.

With this picture of the procedure in mind it is difficult to see the exact point at which a public hearing could properly be injected. Surely the Congress would not contemplate a requirement that all these proceedings be open to the public, including the initial conference of the revenue agent in the taxpayer's office in his examination of the books?

Of course no Senator who has offered any of the amendments in regard to tax refunds contemplated any such ridiculous procedure. Such amendments have all provided for a final review and final hearing, but have made no provision for any intermediate hearing.

Continuing to read:

Each of the subsequent proceedings are steps in the department's efforts to reach a correct conclusion by ordinary administrative practices. There is no point in the procedure for formal arguments and the presentation of evidence as in a court of law or before the Board of Tax Appeals.

That is a statement contrary to the facts, because in these volumes of testimony taken before the special committee appointed by the Senate to investigate the Internal Revenue Bureau reference after reference is made to hearings and to conferences with groups of the Bureau of Internal Revenue, together with the taxpayer or his attorneys. To the extent that there may not be any stenographic report made of these hearings the Secretary is undoubtedly correct, and that is one of the weaknesses of the present system. There are no stenographic reports of what takes place in these conferences, and there is no record to look up hereafter to determine what was said or done. That is one of the great weaknesses of the present method of settling these tax cases, as is evidenced by the volumes of testimony that we have.

Continuing to read:

The record consists of evidence submitted from time to time by the taxpayer, frequently in affidavit form with his claim and sometimes

furnished at a later point in the form of further affidavits and documentary proof; of facts obtained by the revenue agent from examinations of the taxpayer's books and papers; at times of reports of agents of the intelligence unit; and frequently of reports of engineers sent to make examinations of the condition or value of tangible property. The conferences consist of informal discussions of the facts thus established and the application of the law thereto. The record in each case is necessarily an accumulation of work extending frequently over a long period of time.

That is undoubtedly true; but all we have ever required in any of these amendments put in in the Senate is that this accumulation of records on which they base their conclusions may be open to examination either by the Joint Committee on Internal Revenue Taxation or by the public, as the case may be. The Senator from Tennessee [Mr. McKELLAR] suggested the Board of Tax Appeals the last time we had this bill up, and at that time his proposal seemed wholly impracticable because of the accumulation of work.

The Secretary continues to say:

It is misleading to speak of the present procedure as a secret one. Conferences between the only persons who have any real interest in the matter should not be called secret simply because the idly curious are not privileged to be present.

That statement is so perfectly absurd that I should be surprised if it were made by a schoolboy. It is perfectly obvious that the public has an interest in all of these tax matters. It is perfectly obvious that the more of these tax refunds, the more of these tax credits, the more of these abatements there are, the higher the tax rate is on all the rest of the public; and to say that anyone outside of the Government representatives and the taxpayer himself is actuated by idle curiosity because he has an interest in these tax cases is absurd. The idea that the taxpayer and a representative of the Government are the only persons at interest is the statement of a child, because, as a matter of fact, the whole people of the Government are interested, and they are represented only by two or three clerks at modest salaries. That is the extent to which the Government is represented, and that is the kind of representation and that is all the representation that the Secretary thinks the Government of the United States is entitled to, and that is the only interest he thinks we should have—the interest between two or three clerks and the taxpayer. I submit that two or three clerks in the Treasury Department can not represent the public or the Government of the United States.

Every taxpayer is interested. Must a person who is interested in his taxes be "idly curious"? He has a monetary, a very real interest; and to say that the public which is interested is only "idly curious" is to say the ridiculous.

The Secretary continues to say:

or because the procedure does not permit the divulgence of facts of interest only to the taxpayer and the Government—

A repetition of the absurdity that only the taxpayer and the Government are interested in these facts—

or because it does not authorize the presence of tax experts seeking information of interest to possible prospective clients or to competitors of the taxpayer.

Now, we will see just how absurd that is.

Every time a taxpayer is assessed by the Treasury Department and resists the assessment, he must either negotiate with the Government and secure an abatement, or he must appear before the Board of Tax Appeals or before the Federal courts. What happens when an assessment is made against a taxpayer which he resists and which the department refuses to concede? He appeals to the Board of Tax Appeals or he appeals to the Federal court. As a matter of fact, the joint congressional committee says there are 18,000 cases pending before the Board of Tax Appeals, and that the cases are being filed at the rate of 600 a month.

Let us see how many of these people are willing to go and expose all of their records when they have a pecuniary interest. When they want to secure a refund, when they want to secure an abatement, they have no objections whatsoever to exposing these records that the Secretary so jealously guards. They are perfectly willing to submit everything to the Board of Tax Appeals or to the Federal courts, all of which becomes a public record.

We can look at Docket No. 7216 before the Board of Tax Appeals in the case of R. Hoe & Co. In that case they submitted a complete story of patents, the value of these patents, and all the intricacies of their business, for the purpose of securing $95,000. So the taxpayer, when he has a financial interest, is not jealous of his patents or the intricacies of his business. He is perfectly willing to expose them to the world. That is one case; and I have lists of other cases where companies have gone before the Board of Tax Appeals and submitted their records to prevent an assessment or to secure a refund.

So if in these cases which in the judgment of the Treasury Department must go to the Board of Tax Appeals or a Federal court the taxpayers must expose all of their records, why are the records of those who do not have like cases so sacred? Why must they all be kept secret? Why must a man who is required to go to court by the Treasury Department expose all his records, and why must the records in all other cases in which the Treasury Department settles with the taxpayer be considered as secret and private?

We can take Docket No. 6926, the Deltox Grass Rug Co. case. That case contained a complete story of patents, the values placed on them, and all of their intimate business relations.

We can take Docket No. 7519, the H. B. Smith Machine Co. There they tell the whole story of their stock ownership, their relationship to investors, and every other detail of their business, when, as a matter of fact, there was only $10,000 involved.

We can take Docket No. 9368, the American Steel Co. It tells of its trade relations with its subsidiaries and the history of its business, all for the sum of $46,000, which was involved in the suit.

There is before the Court of Claims a whole group of subsidiaries of the General Motors Co. They are laying bare the story of their patents and business relations. The affairs of the Perlman Rim Co., the Delco Light Co., and others of their subsidiaries are all submitted to the Court of Claims, because they have a monetary interest.

In these cases there is no sacredness about the secrets of their business. There is no sacredness about their financial relations; but when the settlement is made in the Treasury Department all of these so-called trade secrets, all of these details of business administration must be regarded as secret, and the public has no interest whatsoever in them, because anyone who does is "idly curious"!

The Secretary continues in this letter:

There is a real purpose accomplished by the provisions of the act forbidding such disclosures. While certain large corporations may publish from time to time their balance sheets, there are many smaller taxpayers, particularly new and struggling corporations, whose business could be ruined, for the disclosure of their financial position would frequently encourage unfair business practices designed to eliminate them from the field and possibly permit competitors to take advantage of perhaps a temporarily weak condition.

That statement coming from a banker is the most absurd I ever heard, because there is not a business organization, there is not a banker, there is not a financier, there is not anyone who knows anything about business who does not know that he can go to the trade agencies or to the banks with which he is doing business and find out the financial status, the earnings, and the condition of any corporation in the United States. The Secretary knows this. The Secretary is advancing that specious argument for the purpose of beguiling Congress into making these appropriations for the purpose of making refunds at will to those to whom he chooses to make them.

It is silly to think that anybody is going to be ruined because we let other persons see the financial statement or the earnings of some corporation which makes a return to the Treasury Department.

When a taxpayer wants anything out of the Treasury, when he wants an abatement, there is no hesitancy about his exposing all of these records.

The Secretary continues:

In addition it would reveal secret formulæ—

There is nothing in a tax-return statement that makes a taxpayer reveal any secret formulæ. I defy any one to present a tax return of any corporation in which there is a question requiring him to divulge or disclose his secret formulæ. My colleague [Mr. VANDENBERG] suggests that perhaps the Secretary means the secret formulæ by which the taxpayer secures the refund. That is probably correct.

Then the Secretary goes on to say:

In addition it would reveal secret formulæ, secret trade processes, and vital statistics, such as costs of production.

I again ask the Secretary to produce any tax form published by the Treasury Department that requires the taxpayer to disclose his costs of production. I defy him to produce any form which requires a corporation to submit any vital statistics.

The Secretary continues:

Furthermore, it must be borne in mind that taxable net income is an arbitrary figure—

I will agree with that.

often having but slight relation to the true business income of the concern and seldom any relation to the financial condition or standing of the taxpayer.

Why, certainly. That is what I am contending. The mere return showing his earnings is not a criterion as to his financial standing. His financial standing may be as strong as the Rock of Gibraltar, and yet he may have had a poor year in earnings.

That would not in any way affect his financial standing, because he happened to have one year of poor returns. The Secretary said:

Taxable net income may be greatly in excess of, or much less than, true income.

You can put any kind of interpretation you like on that. I continue:

The publication, therefore, of taxable net income would necessarily be misleading.

That is a specious argument. No one has asked in any amendment that we publish the taxable net income. No proponent of these amendments from time to time has ever suggested that the net incomes be published. That is just an argument to mislead the public. All the proponents of these amendments in this legislation have ever contended for is that these records be public records and accessible to the public, just the same as a tax return in a State or a municipality is public property and accessible to the public.

As I said before, the tax returns of Senators in their municipalities, or the tax returns of corporations with the secretaries of state, are public records, and accessible to those who choose to go and look at them. That is all we request under this system, that these records be made public records, and there is always an attempt to confuse the public mind by attempting to have the public think that the proponents of this legislation want the income-tax statements published in the newspapers. The newspapers themselves have helped to create that sort of absurd theory of what we mean by these returns being public records. They continue to say that we are curiosity seekers, that we are idly curious, that we want all these records published in the press, and that has been responsible for creating the public opinion that these records should not be public records, and that the secrecy that exists should continue to exist. There never was a case in my public experience where the people were so misled as to what the proponents of this legislation wanted.

The Secretary continues:

It might destroy public confidence in a well-managed business.

How could you destroy public confidence in a well-managed business? If a business is well managed, the records will show that it is well managed. The Secretary said:

It might destroy public confidence in a well-managed business, or might unfortunately establish an unjustified confidence in the minds of creditors or investors.

That is so absurd that if the whole matter were not serious, one would have to laugh over it, because it is not suspected that creditors or investors are so gullible that they rely upon some public statement to justify their confidence or lack of confidence. Any careful investor, any careful creditor, gets the facts, and he has many agencies through which he can get the facts. The fact that these returns were public records in the Treasury Department would have no effect whatever on the public confidence or lack of confidence in any corporation.

The Secretary says:

Particularly would this be probable, since the publication of the figures would necessarily be incomplete and fragmentary.

No one asks for the publication of the figures. No one has requested it. No amendment we have offered has suggested any such absurd thing. I continue to read from the Secretary:

Taxpayers should be permitted to contribute to the revenues of the Government and adjust their tax liabilities without being forced to disclose their business affairs and policies, of interest only to competitors and the curious, and without being subjected to the risk of improper and unwarranted deductions.

There may be some truth in that, if all of these hundreds of thousands of returns, with the complete data, were published in the press of the country, which no one suggested and no one wants, and which, of course, no newspaper would undertake to do. The Secretary says:

Furthermore, in cases involving the so-called special assessment provisions, the decision rests upon the data secured from competitors' returns, and these companies could rightly object to publication of the figures when they have no pending claim.

No one suggests any publication of any statement; but it is perfectly obvious that the taxpayer ought to know, when he gets a special assessment, what sort of competitors he is being compared with, so as to get this average assessment called "special assessment."

For the above reasons I respectfully urge that the provision for a public hearing on these matters be eliminated.

Whether the final decision of the department should be made a public document of record presents a somewhat different problem, though it would seem such action is open to most of the objections above enumerated. At the present time all the larger cases are formally presented to the joint congressional committee, and all the records of the department relating to refunds are at all times open to the scrutiny of the members of that committee and their agents. What more effective safeguard can be provided?

The Secretary concludes his letter to the chairman of the committee, as follows:

I am sending similar letters to Senator SMOOT, chairman of the Committee on Finance, Congressmen ANTHONY and WOOD of the House Committee on Appropriations, and Congressman HAWLEY, chairman of the Committee on Ways and Means and the Joint Committee on Internal Revenue Taxation.

That is just a continuation of the Secretary's fight and persistency in keeping from Congress all of the information that Congress ought to have in making appropriations of billions of dollars for refunds.

Not only that, but Congress, in fixing the tax rates, in lowering them, and in all probability having to raise them in a very short time, has no figures whatever, no statement, no facts, from which they may judge the methods of the Treasury Department in allowing these enormous abatements, refunds, and credits.

This matter has been before Congress for many years. For five years we have been endeavoring to straighten out this tangle. As the Senate knows, a special committee was appointed by resolution of the Senate, of which the senior Senator from Indiana [Mr. WATSON] was first chairman, and later I had the honor to be, which went very extensively into the workings of the Internal Revenue Bureau. We pointed out in these many volumes the incompetency, the inefficiency, and the favoritism existing in the department.

As the result of that effort, when the 1926 tax valuation came before Congress, the Finance Committee, of which three or four of our special committee were members, invited some of the staff of the special committee before it, and we went into discussions at length to show the weaknesses of the department, and endeavored to get some remedial legislation.

The outcome was, as most Senators will remember, that incorporated in the 1926 act was section 1203, which provided for the Joint Congressional Committee on Internal Revenue Taxation. Section 1203 reads as follows:

SEC. 1203. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Internal Revenue Taxation (hereinafter in this section referred to as the "joint committee"), and to be composed of 10 members as follows:

(1) Five members who are members of the Committee on Finance of the Senate, three from the majority and two from the minority party, to be chosen by such committee; and

(2) Five members who are members of the Committee on Ways and Means of the House of Representatives, three from the majority and two from the minority party, to be chosen by such committee.

(b) No person shall continue to serve as a member of the joint committee after he has ceased to be a member of the committee by which he was chosen, except that the members chosen by the Committee on Ways and Means who have been reelected to the House of Representatives may continue to serve as members of the joint committee, notwithstanding the expiration of the Congress. A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection, except that (1) in case of a vacancy during an adjournment or recess of Congress for a period of more than two weeks, the members of the joint committee who are members of the committee entitled to fill such vacancy may designate a member of such committee to serve until his successor is chosen by such committee, and (2) in the case of a vacancy after the expiration of a Congress which would be filled by the Committee on Ways and Means, the members of such committee who are continuing to serve as members of the joint committee may designate a person who, immediately prior to such expiration, was a member of such committee and who is reelected to the House of Representatives, to serve until his successor is chosen by such committee.

This is where I want to lay emphasis:

(c) It shall be the duty of the joint committee—

(1) To investigate the operation and effects of the Federal system of internal-revenue taxes.

Whether the committee has done anything of that sort we have no report.

(2) To investigate the administration of such taxes by the Bureau of Internal Revenue or any executive department, establishment, or agency charged with their administration;

(3) To make such other investigations in respect of such system of taxes as the joint committee may deem necessary;

(4) To investigate measures and methods for the simplification of such taxes, particularly the income tax;

(5) To publish, from time to time, for public examination and analysis, proposed measures and methods for the simplification of such taxes, and to make to the Senate and the House of Representatives, not later than December 31, 1927, a definite report thereon, together with such recommendations as it may deem advisable; and

(6) To report, from time to time, to the Committee on Finance and the Committee on Ways and Means and, in its discretion, to the Senate or the House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

As a member of the Finance Committee of the Senate I find no report has ever been made to that committee, and I doubt whether any has ever been made to the Ways and Means Committee of the House.

(d) The joint committee shall have the same right to obtain data and to inspect returns as the Committee on Ways and Means or the Committee on Finance, and to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be.

No committee action has been taken, so far as I am able to find, by the tax commission, by the Finance Committee of the Senate, or by the Ways and Means Committee of the House to report any of their findings after the passage of this law in 1926.

(e) The joint committee shall meet and organize as soon as practicable after at least a majority of the members have been chosen, and shall elect a chairman and vice chairman from among its members and shall have power to appoint and fix the compensation of a clerk and such experts and clerical, stenographic, and other assistants as it deems advisable.

(f) The joint committee, or any subcommittee thereof, is authorized to hold hearings and to sit and act at such places and times, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per hundred words. Subpœnas for witnesses shall be issued under the signature of the chairman or vice chairman.

The other paragraphs contain provisions with reference to the members not receiving any extra compensation and providing that the expense of the committee is to be paid out of the contingent funds of the two Houses.

Mr. President, I submit that Congress adopted this means in an effort to correct all of the evils that were disclosed by the committee which investigated the Bureau of Internal Revenue. It passed this law expecting that the joint commission would do the things that the special committee had been doing in the way of investigating the administration of the department and for determining the advisability of the many credits and refunds that were made. By hearsay and by inquiry I have learned that they have done some very good work, but I also submit that they have absolutely no authority whatsoever. The Secretary lays emphasis on the fact that before these large refunds are made the records must be sent down to the joint tax commission for investigation and they must remain there 30 days before payment is made. But I submit that when the committee has protested settlements based on these papers, the Treasury Department has gone ahead and made them anyway. That shows what a farce the whole effort of Congress has been to secure any reliable control over the disbursements of moneys by refunds or to control abatements and credits which have been given to the corporations and individuals.

In the first deficiency bill that went to conference and which was held up in conference for such a long time was contained the amendment proposed by the Senator from Tennessee [Mr. McKELLAR]. I want to draw attention to the language in the amendment adopted by the Senate and which went to conference, and the form of agreement which comes back in the conference report. The amendment which the Senate placed in the first deficiency bill provided:

That no part of the funds herein appropriated for tax refunds, where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer of the department conducting the same, which hearings shall be open to the public and the decision shall be a public document.

When the conference report came back to the Senate we found that the conferees had changed this language to read:

Provided, That no part of the foregoing appropriation shall be used to pay any refund of any income or profit tax pursuant to a claim allowed under the enactment of this act in excess of $20,000.

The conferees raised it to $20,000. I submit they had no authority to raise it to $20,000. I submit that that amount was not mentioned in either House, and they had no right to put in the amendment agreed upon anything that was not in the amendment of either House.

I want to point out next the language which is used. The purpose of it is very obvious. It is provided that "The refund shall not be made pursuant to a claim allowed after the enactment of this act." It is months since this list of $75,000,000 was sent down here by the Budget for an appropriation to pay claims for refunds. It was contended, as I understand, before the Appropriations Committee that they did not know at that time where this money was going, that the appropriation was to pay claims that would be settled in the future. I do not believe that statement. I believe they knew then the claims that they were going to allow, otherwise they would not have been able to estimate the $75,000,000. I contend that since that time many claims have been allowed for which the $75,000,000 will be used and, therefore, will not come under the act because the provision is "the profits tax pursuant to the claim allowed after the enactment of this act." Of course, this act will probably not be signed until Monday, and by that time, in all probability, all of the $75,000,000 will be allowed in refunds and, therefore, all claims having been allowed, they will not come under the amendment.

The agreement between the conferees contained this language:

Other than payments in cases in which a suit in court or a proceeding before the Board of Tax Appeals has been or shall be instituted, or payments in cases determined upon precedents established in decisions of courts or the Board of Tax Appeals.

Who determines whether a precedent has been established? The same secret agencies that determine all the tax refunds, the same secret agencies that determine all abatements, the same secret agencies that determine all credits, will determine in making these refunds whether a precedent has been established by a decision of the Board of Tax Appeals or by a decision of the court. So we are placed in the perfectly silly and absurd position which we occupied before we ever enacted the provision.

Then the provision continues:

Unless a hearing has been held before a committee or official of the Bureau of Internal Revenue and the decision of the Commission of Internal Revenue in such refund allowance in cases of $20,000 shall be a public record.

Of course the decision is a public record. Every time they publish a list, as a matter of fact, of the refunds made that is a decision in itself. But assuming that that is taking a rather limited view of the situation and assuming that they would be required to give us more than a mere statement of a refund, it is a perfectly simple matter for the general counsel of the Bureau of Internal Revenue to say, "I have examined the papers in such and such a case and my decision is that a refund of $50,000 is justified," and that would be the decision and that would be all we are entitled to. The absurdity of the proposition is so apparent that I would rather see nothing in the bill than such a ridiculous provision.

Mr. President, in view of the lateness of the session I do not want to take up any more time of the Senate to discuss the matter. I just want to express the hope that our new President will take some interest in seeing that a proper method of checks and balances is established so this absurdity can not be persisted in.

Mr. McKELLAR. Mr. President, the senior Senator from North Carolina [Mr. SIMMONS], who for the moment is absent from the Chamber, had a good deal to say about the present commission for internal revenue taxes doing its full duty. The representative of that commission is Mr. Parker, whose proof was taken by me in the hearings.

Mr. Parker is a very competent man, I think, and here is what Mr. Parker had to say about the duties of that commission in so far as the tax refunds are concerned:

Senator MCKELLAR. In other words, you are powerless under this?

Mr. PARKER. The statute gave us no power, but we went further than that. I had a conference with Judge Green, who was chairman of the committee at that time, and we went over it very carefully, and we wanted to do whatever Congress intended. We did not think that it was the intent of Congress to say that we had no duties, and we concluded that probably Congress intended that we should examine these refunds and find out the general cause of them, so that it could be informed as to why these amounts were expended and how. That was one purpose.

Another purpose was for the committee itself in its work to keep in touch, not only in general with tax matters, but specifically to find how the law worked, and to see the practical application of the various provisions of the act.

And, third, we thought that it was proper to make to the Bureau of Internal Revenue certain comments, criticisms, or suggestions in regard to these particular cases.

Now, in general, it was agreed between Judge Green and myself that no definite statement of approval or disapproval was required—

Meaning in any tax-refund case—

and that if we raised certain issues to the bureau it was thought that they would cooperate and that they would examine that case again on those issues that we raised. Having raised the issues we thought that our duties were accomplished under the act.

Senator MCKELLAR. Now, let me ask you: Did you approve of the settlement by which $26,000,000 was returned to the United States Steel Co.?

Mr. PARKER. Just as I stated, we did not approve or disapprove; but we looked over the case. Mr. Chesteen, chief examiner, looked over the case. We went into the principal issues and one issue was about consolidated returns, that is, consolidated invested capital. The bureau very frankly admitted that they were in a dilemma about that computation, that the decisions of the courts, the Board of Tax Appeals, and their own regulations were in conflict. The result was that they had to make a settlement of that issue as best they could. It is admitted that it does not follow exactly any one of the three rules.

Now, Mr. President, I wish to say about this that the Joint Committee on Internal Revenue Taxation by the statement of its executive officer admits it has no power to pass upon tax refunds; and it has not done so. The power has been taken out of the provision creating the joint committee. It was emasculated in conference when that matter was up nearly two years ago, just as the power of this amendment was taken out of it by the conference. So, it seems to me that this bill ought to be sent back to conference; we ought to vote down the conference report; and I hope the Senate will do so. If we are going to vote on the conference report now, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COUZENS. Mr. President, what is the question?

The PRESIDING OFFICER (Mr. EDGE in the chair). The question is upon agreeing to the conference report on House bill 15848.

Mr. COUZENS. I ask the Senator from Tennessee if he is going to ask for a separate vote on amendment No. 15 or permit the vote to be taken on the bill in its entirety?

Mr. MCKELLAR. We can not ask for a separate vote; we have to vote on the conference report as a whole. If the report should be rejected that would send it back to conference, when the conferees can again meet and insert a real provision in the bill if they desire to do so. I desire the conference report voted down, and I hope Senators will vote it down and send it back to the conference committee in order that the conferees may bring in another report containing an effective provision, which will properly safeguard the payment of tax refunds. Ample time remains to do that.

Mr. WARREN. Mr. President, of course, as Senators very well know, there can not be a separate vote on any provision of the conference report. The vote must be "yea" or "nay" on agreeing to the report.

Mr. BRATTON. Mr. President, a parliamentary inquiry. In what form is the question to be taken?

The VICE PRESIDENT. The question is on agreeing to the conference report. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS], but I am advised that if present he would vote as I expect to vote on this question. I am, therefore, at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the affirmative). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT] and let my vote stand.

The result was announced—yeas 66; nays 16, as follows:

YEAS—66

Ashurst	Fletcher	Mayfield	Smoot
Barkley	George	Metcalf	Steck
Bingham	Gerry	Moses	Steiwer
Blease	Glass	Neely	Stephens
Borah	Glenn	Norbeck	Swanson
Bratton	Goff	Oddie	Thomas, Idaho
Broussard	Gould	Overman	Thomas, Okla.
Bruce	Greene	Pittman	Trammell
Burton	Hale	Ransdell	Tydings
Capper	Harris	Reed, Pa.	Vandenberg
Caraway	Hastings	Robinson, Ark.	Wagner
Copeland	Hawes	Robinson, Ind.	Walsh, Mass.
Curtis	Hayden	Sackett	Warren
Dale	Jones	Sheppard	Waterman
Deneen	Kendrick	Shortridge	Watson
Edge	Keyes	Simmons	
Fess	McNary	Smith	

NAYS—16

Black	Dill	King	Nye
Blaine	Frazier	McKellar	Tyson
Brookhart	Harrison	McMaster	Walsh, Mont.
Couzens	Heflin	Norris	Wheeler

NOT VOTING—13

Bayard	Johnson	Phipps	Shipstead
Edwards	La Follette	Pine	
Gillett	Larrazolo	Reed, Mo.	
Howell	McLean	Schall	

So the conference report was agreed to.

SENATOR THOMAS F. BAYARD

Mr. HASTINGS. Mr. President, the name of Bayard will on the 4th of March next disappear from the rolls of the Senate. I think it quite worth while at this time to call to the attention of the Senate the fact that the senior Senator from Delaware [Mr. BAYARD] is the fifth distinguished person of the same name and the same family who has represented the State of Delaware in the United States Senate.

James Asheton Bayard, sr., the great-grandfather of the present Senator, served in the United States Senate from November 13, 1804, to March 3, 1813, when he resigned. He had also served in the House of Representatives in the Fifth, Sixth, and Seventh Congresses. He was a member of the commission which negotiated the treaty of Ghent, signed December 24, 1814. He had declined the appointment of minister to France, tendered by President John Adams in 1801, and also declined the appointment to Russia, tendered by President James Madison in 1815.

This Senator Bayard had two sons who served in the United States Senate—Richard Henry Bayard, from June 17, 1836, to September 19, 1839, when he resigned to become chief justice of Delaware, and again from January 12, 1841, to March 3, 1845. This son was a great-uncle of the present Senator. The other son was James Asheton Bayard, jr., who served as United States Senator from Delaware from March 4, 1851, to January 29, 1864, and again from April 5, 1867, to March 3, 1869. This son was the grandfather of the present Senator.

Probably the most distinguished member of this family was Thomas Francis Bayard, sr., who served in the United States Senate from March 4, 1869, to March 6, 1885, when he resigned to become Secretary of State in the Cleveland administration. He was also a member of the Electoral Commission created to decide the contest in the presidential election of 1876. He was ambassador to Great Britain from 1893 to 1897. This was the father of the present Senator, THOMAS FRANCIS, BAYARD, JR., who is now about to retire after a service here of a little more than six years.

To this remarkable record must be added this additional fact: The grandfather of the original Senator Bayard, Richard Bassett, served in the United States Senate from March 4, 1789, to March 3, 1793.

It will be observed that there have been four Bayards in direct line serving in this body—the present incumbent, his father, his grandfather, and his great-grandfather. In addition to that there were a great-uncle by the name of Bayard and a great-great-grandfather, Senator Bassett.

I doubt whether any family from any State has any such record of public service anywhere, and I am quite sure there is no record which compares with this in a body as important as that of the United States Senate.

Senator BAYARD married Miss du Pont, another one of those old and distinguished families of Delaware. The Du Pont family is also prominent in the public service of this country. In the history of the Army and Navy the name of Du Pont is prominent, and two members of that family also have served as United States Senators from the State of Delaware—Henry A.

du Pont and T. Coleman du Pont. Senator and Mrs. BAYARD have five children, and this record will show that eight of their ancestors served in the United States Senate from the little State of Delaware.

What a wealth of inheritance this is! And at the same time what a responsibility such a distinguished ancestry places upon these children!

It has been no freak of fortune which has made a record like this; there has been a real substance back of it all. Greater opportunities may have come to some in this list that make them stand out bolder than others, but no man in the Senate, and I doubt any man or woman in Delaware, will doubt but that THOMAS F. BAYARD, Jr., has conscientiously and with fidelity performed his duties as a United States Senator, and I am sure as he leaves this Chamber he carries with him the good wishes of every Senator here from the oldest in the service to the youngest.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. McMASTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9285) entitled "An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, with two related amendments, as follows: On page 8, line 25, and page 9, line 1, strike out the following: "if the claim accrued after April 6, 1925"; on page 19, strike out in lines 19, 20, and 21, the following: ", and except that any claim accrued after April 6, 1925, but prior to the passage of this act, may be filed within one year after the passage of this act"; and the Senate agree to the same.

W. H. McMASTER,
THOMAS F. BAYARD,
Managers on the part of the Senate.
CHARLES L. UNDERHILL,
ED. M. IRWIN,
Managers on the part of the House.

The report was agreed to.

TETON NATIONAL PARK, S. DAK.

Mr. NORBECK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment, after the word "when," insert the following: "a quantum, satisfactory to the Secretary of the Interior, of," and at the end of section 4 of said amendment add the following: ": *Provided*, That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section"; and the House agree to the same.

PETER NORBECK,
JOHN B. KENDRICK,
GERALD P. NYE,
Managers on the part of the Senate.
DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

The report was agreed to.

REPRESENTATIVE HOMER W. HALL

Mr. NORRIS. I wish to call up a joint resolution passed by the House which was transmitted to the Senate to-day.

The joint resolution (H. J. Res. 434) to appoint HOMER W. HALL a member of the subcommittee of the Committee on the Judiciary, established under House Joint Resolution 431 to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York, was read twice by its title and considered as in Committee of the Whole.

Mr. NORRIS. The Senate passed a House joint resolution the other day permitting the subcommittee of the Committee on the Judiciary of the House to operate during the recess after the adjournment of the present Congress. One of the members of that subcommittee has died since we passed the joint resolution, and this simply names Mr. HALL in place of the deceased member.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRIBUTE TO RETIRING SENATORS—COMMITTEE APPOINTMENT

Mr. ROBINSON of Arkansas. Mr. President, the friends of the Senator from Delaware [Mr. BAYARD], particularly those on this side of the Chamber—and every Senator who sits on this side is his friend—feel keen appreciation for the tribute just paid to the Senator from Delaware by his colleague [Mr. HASTINGS]. It is a most extraordinary and unusual circumstance in the proceedings of the Senate. The Senator who has just spoken is allied with the majority party, the party that dominates the business of the Senate. The senior Senator from Delaware throughout his life has been a faithful member of the Democratic Party. Speaking without regard to partisan alignment, the State of Delaware has been ably represented by the Senator who will retire on the 4th of March, Mr. BAYARD. He has been uniformly courteous, always kind and generous, and exceptionally able in the performance of his duties.

May I take just a moment to refer to the fact that by the chances of politics, and the misfortunes of political warfare, a number of Senators will not serve in this body following the 4th of March, at least until their constituents rectify the mistakes they made in the last election and vote to return them here. Among them are the cultured Senator from Maryland [Mr. BRUCE], the faithful and diligent Senator from New Jersey [Mr. EDWARDS], the loyal and painstaking Senator from Rhode Island [Mr. GERRY], the genial and able Senator from Texas [Mr. MAYFIELD], and the brilliant Senator from West Virginia [Mr. NEELY].

There have been times when, in the heat of debate, feeling has run high in the Senate; but on occasions like this those times are forgotten. I think we may all join in a brief and just tribute to these Members who have so well performed their duty.

There is another Senator who has sat by my side during the last few years who is voluntarily leaving the United States Senate. Recent times have not brought to this body an abler, more determined, more eloquent, or faithful Senator than the senior Senator from Missouri [Mr. REED]. Aggressive by nature, unyielding in his assertion of principle, he commands the respect and the confidence of all of his colleagues.

A few days ago he asked to be relieved from service on a special committee of the Senate, the select committee charged with the investigation of campaign expenditures in senatorial primaries and elections. No action was taken on his request at the time it was made. The duties which that committee has been called upon to perform have been in their nature arduous and somewhat disagreeable. Under the leadership of the Senator from Missouri, the committee has performed its duties in a spirit of fidelity to the highest traditions and the undying glory of this great body.

I now ask unanimous consent that the Senator from Missouri may be relieved from further service on the select committee, and that the Chair, at his convenience, appoint a Member to succeed the Senator from Missouri.

I thank the Senate for its courteous consideration.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the senior Senator from Missouri [Mr. REED] will be relieved from further service on the select committee. At a later date the Presiding Officer of this body will appoint his successor.

Mr. NORRIS. Mr. President, the request made at that time by the Senator from Missouri had another part to it. Technically speaking, the suggestion made by the Senator from Arkansas is correct. The Chair under the original resolution will appoint the successor of the Senator from Missouri; but I take it that we should pay further respect to the Senator from Missouri for the work he has done as chairman of the committee if we complied with his further request, which was that the Senator from Arkansas [Mr. ROBINSON] should succeed him on the committee.

I ask unanimous consent that that be done, and that the Senator from Arkansas be appointed to succeed the Senator from Missouri as chairman of the special committee.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the Senator from Arkansas [Mr.

ROBINSON] be appointed to succeed the Senator from Missouri [Mr. REED] as chairman of the special committee. Is there objection? The Chair hears none; and the Chair appoints the Senator from Arkansas in place of the Senator from Missouri.

Mr. ROBINSON of Arkansas. Mr. President, the service required is not an easy one. It will be impossible for anyone to fill the place vacated by the Senator from Missouri. I would not accept this assignment if it were made under other conditions; but, under the circumstances, I will attempt to serve.

SECOND DEFICIENCY APPROPRIATIONS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 33, 36, 37, 43, 44, 56, 69, 70, and 92.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 52, 54, 55, 57, 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 93, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lines 10 and 11 of the matter inserted by said amendment strike out the following: "by contract or otherwise as the President" and insert in lieu thereof the following: ", in the discretion of the President, by contract or otherwise, as he"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"CIVIL SERVICE COMMISSION

"Salaries: For an additional amount for personal services in the District of Columbia and in the field, fiscal years 1929 and 1930, $161,000.

"Traveling expenses: For an additional amount for traveling expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $34,500.

"Contingent expenses: For an additional amount for contingent expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $4,500."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That in the expenditure of any appropriations made under such public resolution, the commission is authorized to delegate to a board of alternates, designated by the commission for that purpose, any of the powers and duties vested in the commission by such public resolution, and the acts of such board of alternates shall have the same force and effect as though performed by the commission. The commission or the board of alternates may authorize the disbursement of funds, approved for disbursement by either of them, directly through a disbursing agent appointed or designated by the commission for that purpose, or may authorize such disbursing agent to advance funds to the insular treasury for effecting approved disbursements"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: After the word "Congress)," where it appears in such amendment, insert the following: "fiscal years 1929 and 1930," and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum "$12,000,000," in said amendment, insert the following: "$7,400,000, to be allocated in equal amounts to each vessel and"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"BUREAU OF PROHIBITION

"Narcotic enforcement: For an additional amount for the enforcement of the acts relating to narcotics, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, $200,000."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out "$185,000" and insert "$150,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 13 of the matter inserted by said amendment, after the article "a," insert the following: "laboratory and"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, strike out the period and insert the following: ": *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half the expenses of such demonstration work"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out all of lines 14 and 15 of the matter inserted by said amendment after the syllable "ary" and insert in lieu thereof the following: "25, 1929"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"CORPS OF ENGINEERS

"Interoceanic canals: For every expenditure requisite for and incident to the investigation and survey to determine the practicability and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of shipping, and the practicability, necessity, and cost of an interoceanic ship canal over Nicaraguan territory, $150,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"SHORT TITLE

"This act may be cited as the 'second deficiency act, fiscal year 1929.'"

And the Senate agree to the same.

F. E. WARREN,
HENRY W. KEYES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WARREN. I move the adoption of the report.

Mr. BROOKHART. Mr. President, I shall occupy but a few moments. I ask the chairman of the committee if this is the bill that rejected the employees' pay amendment adopted by the Senate?

Mr. WARREN. It is the bill which contained the proposition coming from the House to cover deficiencies for the current year; and also the proposition made by the Senator from Iowa; both of which in the end were cut out of the bill because it was not considered that the conferees could give the matter sufficient time to bring out a bill that would be satisfactory perhaps to the Senator himself, and certainly not to all.

Mr. BROOKHART. Mr. President, of course I regret that this amendment had to be rejected, especially since everybody seemed to agree to its justice. Unfortunately, other propositions were improperly tied to it, and that was what prevented the agreement.

On the merits of this proposition there can be no doubt. These are the underpaid employees. We had a proposition presented from the House calling for a reduction of certain salaries. It is not due to anything coming from the Senate. Objections to that situation grew out of action by the House in the original bill.

The Senate accepted the provision in the House bill a year ago as to those increases, and later a ruling of the Comptroller General seemed to aggravate the situation to some extent.

Whether those positions should be reduced or not, there is no doubt that these advances voted by the Senate should have been made. Now they can not be made. I regret that that is so and promise that the future will bring this matter to an issue, and, I hope, a successful issue.

Yesterday Doctor COPELAND, the Senator from New York, said that a man lives on one-third of what he eats, and the doctors live on the other two-thirds. Mr. President, we will have to say to the Government employees, instead of the advances to which they are justly entitled they must eat less and save doctors' bills.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SALT CREEK OIL LEASES

Mr. WALSH of Montana. Mr. President, I rise to submit some observations upon an address made some days ago by the chairman of the Committee on Public Lands and Surveys [Mr. NYE] in relation to the report submitted to the Senate by certain members of that committee concerning the so-called Salt Creek royalty oil contracts.

Although the report is frequently referred to as the Walsh report, and perhaps properly enough so, seeing that it was prepared and submitted by me to the committee, it will bear repetition that it is signed and approved by 7 of the 15 members of the committee, 1 of the members of the committee, it is understood, being ill and unable to participate in the work of the committee. It is quite proper here to observe that that is the only report which has been submitted to the Senate with respect to that feature of the work of the committee. Indeed, it is the only report which was submitted to the committee itself, save for a single exception.

A report was prepared and submitted to the committee by the Senator from Illinois [Mr. GLENN], but if my information is correct, he found it impossible to get any other member of the committee to concur with him in that report. It was the second draft made by the Senator from Illinois, the first having been shown to contain some errors of fact of more or less consequence, and it was subsequently withdrawn by him.

I want to remark, in this connection, that the chairman of the committee is in substantial agreement with the report submitted to the Senate, which all agree contains an accurate, substantial, and full statement of the facts developed by the committee.

The chairman of the committee agrees that the Department of the Interior is open to censure for the part it had in this transaction. The right to censure the Department of Justice is, however, questioned by him. The only objection, so far as the Department of the Interior is concerned, is that the censure of the report is too severe. That that is the attitude of the chairman will be gathered from the following extracts from his address. Referring to what he thought was the possibility of preparing a report which would have substantially the unanimous support of the committee, he said, as appears on page 3508 of the RECORD:

> Such a report, in the face of committee findings, would not have been, with my aid and consent, one necessarily free from criticism of the Departments of Justice and Interior, which are involved in this controversy, but it would most assuredly be devoid of that measure of censure which has been accorded in the Walsh report.

Again he said, as appears at page 3509:

> I am ready to agree that care and diligence were assuredly lacking on the part of the solicitor of the department when the matter was submitted to him. It appears first that he did not give the matter more than passing consideration, but close study of the record would lead one to believe that when the solicitor was asked for an opinion on the question of renewal, though the solicitor offered his opinion on the following day he had in fact given the matter study through several days and was thus prepared to render such opinion as he did upon very short notice. I feel, too, that care and diligence were lacking in a degree when Secretary Work failed to avail himself of the advice of the office of the Attorney General before renewing the contract. While it is problematical, in the absence of positive protest based upon the lack of conformity between the successful Sinclair bid and the advertisement for bids, that the office of the Attorney General would have reached any other conclusion at that time than was reached by the Interior Department, it does seem to me that the great and prominent attention which was nationally given to the question of the Sinclair deals, and the magnitude of the amount involved in the contract and its intended renewal, would have prompted a man occupying the place of Secretary of the Interior to have utilized in the fullest the available advice of the Justice Department in connection with any matter in which the Sinclair interests were involved, and this no matter how apparent the rights of parties concerned might have been on the face of the contract or other agreement.

At page 3511 the Senator is reported as saying:

> I believe that censure is owing the Secretary of the Interior, censure is owing the Solicitor of the Interior Department, but, in all fairness to them, the facts ought to be brought out to show that there has been nothing brought into the record to indicate that there was anything unworthy or unclean in the motives which moved them when they were engaged in this transaction.

The following is found at pages 3515 and 3516:

> Mr. WALSH of Montana. I have paid what I think is a just tribute to Mr. Kenyon's opinion of October 8 or October 10, but I would like to inquire of the Senator from North Dakota if he thinks that Mr. Kenyon discharged his full duty when he never called the attention of either Colonel Donovan or the Attorney General to the request of the Department of the Interior for an opinion, and does the Senator think Mr. Kenyon is entirely free from blame when he never even looked at the authorities which eventually convinced him that Kem was right?
>
> Mr. NYE. No, Mr. President; I do not think I could so argue, not by any manner of means; but I am not unmindful of the fact that Mr. Kenyon and Mr. Chandler were brought into this case last March and were given a specific duty to perform. When the case came to them, I think I can understand how they felt and why they felt that it was sent to them primarily as a matter of information which they were to mill over.
>
> Mr. WALSH of Montana. Let us take the questions one at a time. Colonel Donovan learned of this matter from a newspaper while he was in the State of New Mexico, some four months after the case went to the department. Does the Senator think that Mr. Kenyon discharged his duty when for four months he did not even mention to Colonel Donovan that the letter addressed to Colonel Donovan asking an opinion had come to his attention?
>
> Mr. NYE. Mr. President, I could not severely criticize Mr. Kenyon for that.
>
> Mr. WALSH of Montana. That was not the question I asked. Kenyon, in the Department of Justice, received a letter addressed to Colonel Donovan requesting an opinion from the Department of the Interior and did not even look at the authority cited and did not call Colonel Donovan's attention to it for four months. I ask the Senator if he thinks that is not subject to reprehension?
>
> Mr. NYE. Yes; I think that is subject to criticism. I believe the unfortunate thing all the way through is the lack of understanding on the part of Kenyon and Chandler as to angles of the question that were quite thoroughly removed from the duties which were directly before them.

Mr. President, it will appear, then, that the chairman of the Committee on Public Lands and Surveys agrees that the Secretary of the Interior is subject to censure, he agrees that the Solicitor of the Department of the Interior is subject to censure, he agrees that the subordinates in the Department of Justice to whom this matter was entrusted are subject to censure. Yet it appears that he is unable to concur in the simple declaration of the report joined in by seven members of the committee to the effect that—

> It is the judgment of this committee that both departments are open to censure for the manner in which the feature of the public business herein canvassed was handled.

The Senator is unable to concur in this report because, he says, there is an implication in it that there is some dark secrecy in the matter. Thus, at page 3509 he said:

> It is unfair to cause one to believe that the content of these renewal clauses in the contract was kept a dark secret.

At page 3511:

I think the conclusion that has been drawn as a general thing from the report submitted by the Senator from Montana has been the conclusion, first of all—I have not gathered that myself so directly as others have, but it has been drawn nevertheless—that the content within the contract which went to the Sinclair people of the option to renew was kept a dark and a great secret through all of these years, from the time it was entered into until within the last year, when all the evidence indicates that that was not the case at all; that there was never any effort made to conceal it; that the department gave out the information, gave out the contract and information about it, to all who might make inquiry for it. That it was not noted, that it was not observed, perhaps is not at all surprising.

At page 3515:

The Walsh report at least implies that an understanding existed between the Department of the Interior and the Department of Justice which would delay any action looking to cancellation of the contract.

On page 3516:

Let it be further noted that if the attitude of the Department of Justice was in any measure a part of a suggested conspiracy of silence, as is certainly implied by the report, then I must, by joining in this report, admit myself in some measure a party to the conspiracy.

Mr. President, the only portion of the report to which that objection can possibly have reference is this simple paragraph:

The protestant—

That is, the White Eagle Refining Co.—

The protestant had no knowledge of the existence of the option clause in the Sinclair Co.'s contract until learning of the fact through newspaper reports of the renewal, nor did it have any information that the renewal was under consideration by the Department of the Interior, there having been no notice given either generally or specifically of either fact.

Mr. NYE. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. NYE. The Senator refers to that one portion of his report as if it were the only portion of the report considered in the manner in which he has stated; but the Senator overlooks the fact that he made a part of his report which was presented to the Senate, a reprint of an article from the New York World in which the conspiracy charge is injected, and since it was printed and made a part of the report I think it altogether fair to assume that the implication of there having been something in the nature of a conspiracy of silence was well founded on my part.

Mr. WALSH of Montana. Mr. President, I might as well advert to that now. What was said by me in the New York World is obviously no part of the report of the committee or of the seven members of the committee who submitted the report; but I am perfectly willing that the Senate should know all about that statement made in the New York World article by myself.

It will be borne in mind that in the early part of the year Messrs. Kenyon and Chandler were sent to me by the Department of Justice to confer with me about the institution of proceedings for the cancellation of the contract upon the ground, as it was then understood, of fraud existing in the contract and not because of any legal imperfection in the contract itself. They came to confer with me. Subsequently they appeared before the committee and attended its hearings. Meanwhile, on the 27th day of April, 1928, there came before the Department of the Interior this protest upon the part of the White Eagle Refining Co., with a brief in support of that contention by Mr. Kem, a very able lawyer.

We continued our hearings until we finally concluded the work of the session. I heard nothing further from these gentlemen, although they had in their possession this protest with the supporting brief. I heard nothing at all about it until the latter part of the month of September, 1928. Meanwhile, according to the story told me by Mr. Kem, who came clear out to the city of Helena from Kansas City to interview me about the matter and enlist my interest in getting something done about the matter, he conveyed to me the information that this protest had got to the Department of the Interior on the 27th day of April; likewise that in the month of June he had taken this matter up with the chairman of the committee in Kansas City; likewise he had twice called the Assistant Secretary of the Interior over the telephone from Kansas City in order to endeavor to ascertain what was being done about the matter and to promote action upon his protest. He learned that the matter had been turned over as early as the month of June to the Department of Justice.

Being unable to secure any action with respect to the matter from either department he had enlisted the activity of Senator CAPPER, of the State of Kansas, who had written to the Department of Justice for information about the matter. He showed me a copy of a letter in answer to Senator CAPPER, which gave him no information at all. Senator CAPPER likewise asked for a copy of the opinion of the Solicitor of the Department of the Interior with respect to the matter and got no copy of the opinion. In that situation of affairs, in the month of September Mr. Kem came clear out to my home and having concluded, from a very hasty study of the authorities cited by him, that the contract should have been set aside, I inquire if it was not probable there was something in the nature of a conspiracy of silence between the two departments.

Mr. NYE. Mr. President——

Mr. WALSH of Montana. I yield.

Mr. NYE. I am sure the Senator did not mean to leave the impression here that Mr. Kem had called upon me during my presence in Kansas City in June.

Mr. WALSH of Montana. I perhaps misspoke. The president of the company, represented by Mr. Kem, as I understand it, called on the chairman of the committee.

Mr. NYE. Mr. President, will the Senator yield for me to explain just what occurred at that time?

Mr. WALSH of Montana. Certainly.

Mr. NYE. During my presence in Kansas City the vice president of the White Eagle Oil Co. came to my room in the hotel and laid before me verbally the contention which was his at that time, rather vague, of the right of the White Eagle Oil Co. to expect a better concession and a better opportunity than had been afforded them. He recited to me at that time the provisions of law and decisions of courts which would indicate that the White Eagle Oil Co. was right in its contention that there was no right on the part of the Secretary of the Interior to renew or, in the first place, to grant an option in connection with the Sinclair oil royalty contract. I made no note of the matter, but he was to write me at my home in North Dakota, which, so far as I know, he never did. In other words, the matter was never followed up by me.

Mr. WALSH of Montana. I regard this matter as relatively unimportant. What I said in the article printed in the New York World is here of no particular importance. I am discussing the report made by seven members of the committee, and I have simply diverted to give the facts in relation to that matter. The paragraph to which I had adverted is the only part of the report which gives any color of justification for the statement that I have charged that there was any conspiracy between the two departments.

But, Mr. President, there is another feature of the address to which I feel impelled to refer, showing a misapprehension on the part of the Senator from North Dakota of one of the basic facts in the case. He is laboring under the impression obviously that the lack of conformity between the advertised proposal for bids and the bids themselves and the contract that was entered into was a late discovery. As a matter of fact, it was known from the beginning by everyone who had anything at all to do with the transaction that the lack of conformity existed. Thus, at page 3509 of the RECORD is the following.

The contract was renewed by Secretary Work on February 20, 1928, after bond had been provided, after the requested renewal had been approved by the Director of and others connected with the Geological Survey, the Solicitor for the Interior Department, and the First Assistant Secretary, and after every opportunity had been given those who protested against the petition to present reasons why the contract should not be renewed. Again, let it be noted that the point of lack of conformity between the advertisement and the contract had not then been raised.

At page 3515:

All of this time, be it noted, the point of the lack of conformity between the advertisement for bids and the content of the Sinclair contract had never been directly raised nor did it come then to the minds of Kenyon and Chandler, who considered the submission to them of the complaint of the White Eagle Oil Co. only more material which they would have to thoroughly study in connection with their fraud case.

The first thought concerning this lack of conformity between the proposal and the bid of Sinclair occurred to Donovan or Kenyon not earlier than September 15.

Again:

After the 15th of September, the point of lack of conformity between the proposal for bids and the bid of the Sinclair people first came to

the mind and attention of Kenyon and Donovan, or both, and Donovan ordered everything else dropped in favor of an intense study of this lone point.

On the same page:

Mr. President, it was not a newspaper nor any member of the committee that brought about the cancellation of this contract. It was almost alone the work of Kenyon and Donovan, undertaken after they had found, in September, the possibility of canceling the contract on the ground that the contract did not conform with the proposal for bids. It was not a matter of five or more months between the time that this specific point was brought to the attention of the Department of Justice and the time when the order of cancellation was issued, but, instead, only four or five weeks.

Mr. President, when this matter was originally submitted for the consideration of the Solicitor of the Department of the Interior, the matter which had his special attention was the lack of conformity between the advertised proposals and the bids which were offered in response thereto, and the contract which was entered into. It was upon that ground that the Solicitor of the Interior Department held that this was a private sale by the Secretary of the Interior and not a public sale in response to an advertised proposal.

I read from the memorandum opinion of Newman and Patterson. After reciting the facts and after reciting that the contract entered into did not conform to the advertised proposals or to the bids, in that the advertised proposal said nothing whatever about the granting of an option to purchase, recalling the fact that the bids offered to take 10,000 barrels a day and that that feature was eliminated in the contract in consequence of such negotiations, recalling the fact that the bid was a day late in arriving, recalling the fact that the contract was made to the Sinclair Crude Oil Purchasing Co. and not to the Mammoth Oil Co., which was the bidder—all these things were dismissed because it was said this was a private sale and lack of conformity was of no consequence whatever. I read from the opinion:

This bid—

That is, the Mammoth bid—

was found to be the best bid. From a consideration of the bids themselves and an analysis thereof by the Bureau of Mines, it seems certain that this finding was justified. The other bids were therefore rejected. But the Mammoth Oil Co. bid was not accepted. As submitted it, too, was rejected, and in lieu thereof a private sale made of all royalty oil in the Salt Creek Field to the Sinclair Crude Oil Purchasing Co.

In the letter of Mr. Finney, which is found in the hearings at page 435, we find the following, the letter being addressed to Mr. Phelan:

You perhaps overlooked the statement in the third paragraph of said letter that advertisement for bids for the sale of this royalty oil was had, bids submitted but none accepted, and that thereafter private sale was made.

Accordingly, he argued that the sale was valid notwithstanding the contract did not conform to the advertised proposals or to the bid. In Mr. Finney's testimony, at page 433 of the hearings, we have the following:

The impression made on my mind was that when Mr. Fall made his sale for five years, with the option of renewal for another five years, that it would still be within the maximum period fixed in the advertisement.

Senator WALSH. That would be entirely immaterial if it were a private sale.

Mr. FINNEY. Well, put it this way, that the public is not misled or anything because he did not advertise it for 10 years and then make a private sale for 20 years.

Senator WALSH. Do I understand you now to say that if a private sale was made the advertised proposal became entirely irrelevant?

Mr. FINNEY. Well, in a sense it would, but from the standpoint of the bidder he might be misled.

Senator WALSH. That fact would not in anywise buttress upon the sale, would it?

Mr. FINNEY. I think that shows good faith.

Senator WALSH. But, legally, it would not affect the situation.

Mr. FINNEY. Not legally.

Senator WALSH. So that the basis of the legal right to do it was this: That it was a private sale and he had the right to make this stipulation for renewal in the contract in a private sale?

Mr. FINNEY. Now, to be frank, there is no record that I have been able to find that he formally, in writing, rejected these 12 or 13 bids.

Senator WALSH. Well, in writing or otherwise.

Mr. FINNEY. Except by implication.

Senator WALSH. There is no record that he did so; no record that he in fact did reject all bids.

Mr. FINNEY. No, sir.

The testimony of Mr. Patterson, at page 383 of the record, is as follows:

Senator WALSH. What was the general character of the contention made at that time by Mr. Phelan?

It will be borne in mind that it was on the protest of Mr. Phelan that the matter was referred to the Solicitor of the Interior Department—

Mr. PATTERSON. If was a little hard to understand just what it was, because he went back a considerable way in it. He thought the contract had not been honestly entered into. I think that was one of his contentions; and there was, in one conversation with him, talk about something of the contract we had with the Shipping Board.

Senator WALSH. You really can not now tell us why he objected to it?

Mr. PATTERSON. Yes; then he objected to it because the contract, as let, was not according to the bid and the advertisement.

Senator WALSH. In what respect?

Mr. PATTERSON. Well, he claimed there was a variance. He did not point it out to us, but he claimed it was not according to the bid and the advertisement.

May I invite the attention of the Senator from North Dakota? I am now reading from the testimony of Mr. Patterson, which is found on page 383 of the record.

Senator WALSH. So that feature of the thing was called to your attention by Mr. Phelan?

Mr. PATTERSON. Yes, sir.

Senator WALSH. As early as the spring of 1927?

Mr. PATTERSON. Well, it was some time shortly prior to the time of the Newman memorandum.

So, Mr. President, it will be understood that from the very beginning this feature of the matter was under consideration by the officers of the department, but they obviated the effect of this lack of conformity by insisting that the sale was a private sale and not a public sale; and yet when the matter was finally gone into by Kenyon & Chandler, they pointed out by letters written by Fall, by letters written by the Sinclair Crude Oil Purchasing Co., and by letters written by the Mammoth Oil Co., that they all regarded the sale as a public sale made in pursuance of the advertised proposals.

Another suggestion in the address of the Senator, to which some little attention might be paid, is that there was no formal request of the Department of Justice for an opinion from that department pursuant to the statute, but that is not in conformity with the testimony. I read what is said about that at page 3514 of the RECORD in the address of the Senator from North Dakota as follows:

Section 304, referred to, stipulates it will be noted, that the head of any executive department may require the opinion of the Attorney General. Mr. Finney was not the head of any executive department. Consequently, I am caused to feel that the section of law to which the Walsh report refers is not at all applicable to this particular inquiry, the request coming from the Department of the Interior over the signature of the Assistant Secretary, and that the Department of Justice upon receiving the letter had no reason to believe that the request was for an opinion in keeping with the statute referred to.

Mr. President, this whole business was transacted by Mr. Finney as the Assistant Secretary of the Interior and as the Acting Secretary of the Interior. The complaint I make, so far as Doctor Work is concerned, is that he turned the whole matter over to his subordinates and his own part was purely perfunctory. But the letter was, as a matter of fact, addressed to Colonel Donovan, who, as everybody recognizes, for the last four years has been the real head of the Department of Justice and the acting Attorney General. But, in any event, it operated to hold up this transaction, because when Kem called Mr. Finney over the telephone and asked when action might be expected upon the protest of the White Eagle Refining Co. he was told that the whole matter had been turned over to the Department of Justice for an opinion. Mr. Finney has exactly the same idea about it. I read the letter by which the matter was submitted to the Department of Justice for an opinion:

DEPARTMENT OF THE INTERIOR,
Washington, April 27, 1928.

Hon. WILLIAM J. DONOVAN,
Assistant to the Attorney General,
Department of Justice.

MY DEAR COLONEL: I inclose herewith for your information and such advice as you may see fit to give me, a protest filed against the renewal of the contract for sale of royalty oils in Salt Creek with the Sinclair Crude Oil Purchasing Co. The protestant, the White Eagle Oil & Refining Co., has a small refinery at Casper, and bases its protest strictly upon a legal contention, as you will note.

I also inclose a memorandum opinion prepared by our solicitor, in which he disagrees with protestant's contention, and holds that the Sinclair contract is a binding one, at least in so far as the contentions of protestant are concerned.

Very truly yours,

E. C. FINNEY,
First Assistant Secretary.

No reply coming as late as August, 1928, the letter of Mr. Finney having been transmitted on the 27th day of April preceding, on the 28th day of August, Mr. Finney wrote as follows:

The honorable ATTORNEY GENERAL.
(Attention Mr. Donovan.)

DEAR MR. ATTORNEY GENERAL: On April 27, 1928, I forwarded to the Department of Justice a communication from the White Eagle Oil & Refining Co. relative to an option of renewal in a contract for the sale of royalty oils in Salt Creek for an opinion and advice. This department is receiving numerous requests for information as to what action will be taken in the matter and would like to have information as to the status which you can give me at this time.

Very truly yours,

E. C. FINNEY.

So that Mr. Finney evidently treated it as an ordinary formal request from one department of the Government to another for an opinion to guide the requesting department in its official acts. So that matter seems to be disposed of by the record.

As I have pointed here, the chairman of the committee seems to think that the Secretary of the Interior is subject to censure only because he did not call upon the Attorney General for an opinion in this case. At page 3509 of the RECORD he has the following to say:

As to the readiness of Secretary Work to leave the matter to those officials in his department who were charged with specific duties in connection with such matters, I feel that the Secretary did what is generally done in such cases and that far less blame than is implied in the rejected report attaches to him because of that course. That the Secretary did not doubt the necessity of renewal is not strange, in view of the fact that there was utter absence of any protest against the renewal based upon the ground that the original contract with Sinclair was invalid, since its terms did not comply with the advertisement for bids—

Which I have already shown is quite contrary to the facts as disclosed—

or upon the ground that the Secretary had no right to grant an option, and it was this ground which formed the final basis for cancellation of the contract.

In other words, it is conceded, Mr. President, that the Secretary of the Interior turned over this whole matter to his subordinates, and he is in a way excused upon the ground that that is the ordinary thing to do in such cases. I deny that it is the ordinary thing to do in such cases. If this were a mere matter of whether a certain homesteader had lived upon his land the requisite time, or had cultivated the requisite area during a specific time, or any of such ordinary routine matters that engage the attention of the Department of the Interior, the Secretary would be entirely justified in allowing his subordinates to handle the matter; and when the final decision came in attaching his signature to whatever decision was made or opinion was written; but I deny, when a question of giving a contract to the Sinclair interests involving $35,000,000 comes before the Department of the Interior, that that may be shunted off onto some subordinates and the Secretary excuse himself for dereliction in the matter by endeavoring to throw all responsibility onto his subordinates.

Mr. NYE. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Montana yield to the Senator from North Dakota?

Mr. WALSH of Montana. I yield.

Mr. NYE. I have agreed with the Senator that the Secretary of the Interior ought to have exhausted all available sources of information before entering into this contract or before renewing it; but the Senator speaks of a $35,000,000 deal. Mr. President, back in 1920, when the entire Salt Creek field was involved and when the rights and titles were being granted, complaints were made in a much greater degree than they were made at the time of the renewal of this contract; and yet I will point out to the Senator that the Secretary then did not seek the advice of the Attorney General of the United States, though the stakes then were many times greater than those which were involved in the renewal contract.

I do not recite this to excuse in any way the Secretary for not seeking the advice of the Attorney General with relation to the renewal of that contract, but merely to point out that such a thing is done; that this is not the first time that it has been done; that if it was not commendable on the Secretary's part last year to grant the renewal, then certainly it was not commendable that the Secretary of the Interior in 1920 should have granted these extensive rights in the Salt Creek field without taking the advice of the Attorney General of the United States.

Mr. WALSH of Montana. Mr. President, there is no difference between the Senator from North Dakota and myself with respect to that aspect of the case. We both agree that the Secretary was guilty of a dereliction in not seeking the advice of the Attorney General in this particular matter. But I am directing your attention now to another feature of it; that is to say, reposing the whole matter in the discretion and judgment of his subordinates in the Interior Department—the Assistant Secretary of the Interior, the Solicitor of the Department of the Interior, the members of the Board of Review in the Department of the Interior—without ever having the particular matter in his own mind at all; because, Mr. President, there is not a scintilla in this record to show that the Secretary of the Interior ever gave five minutes of thought to this subject. There is not an item in the record to show—and he was interrogated fully about the matter—that he ever read the protest of Phelan or of Williams, or that he ever read the protest of the White Eagle Refining Co. There is not a scintilla to show that he ever read the opinion of Newman and Patterson. He absolutely turned over the whole thing to his subordinates, and was oblivious of everything that transpired, as this record shows. That is what I complain about. His delinquencies extend to both features of it.

Mr. President, as indicative of the character of attention that this important subject had from the Secretary of the Interior, I read from page 287 of the record, as follows: Reference is made to the protest of the White Eagle Refining Co., and a letter which had been received from that company upon that subject. Doctor Work was asked:

Do you recall this letter, Doctor?—

That was the original protest of the White Eagle Refining Co.—

Mr. WORK. No. I remember it coming through, but not in detail. That was because of its transfer to the Department of Justice for their opinion.

Senator WALSH. Well, do you have in mind that the protestant put his protest upon the ground that the option clause in the contract was void, and therefore you had no authority to renew?

Mr. WORK. I have not got that in mind. Upon receipt it was transferred to the Department of Justice for their opinion. I did not go into it at that time.

Senator WALSH. Have you now in mind, Doctor, that that was the position taken; you do not know what position they took?

Mr. WORK. I do not have it in mind. That was about two months after the contract had been signed. When that protest came in it was forwarded to the Department of Justice, without any study on my part, certainly.

Senator WALSH. I am asking you whether you have it in mind that that is the position that was taken by the White Eagle Oil & Refining Co.?

Mr. WORK. I do not know whether I learned it then or since; I rather think I learned it since.

Senator WALSH. You now think that is the position they took?

Mr. WORK. I assume that is true.

In other words, Mr. President, this important protest of the White Eagle Oil & Refining Co. that resulted eventually in the cancellation of this contract, the Secretary tells us, he did not know a thing about; that he never read it; that he had no idea at that time what the nature of the objection to the contract thus made by that company was.

Mr. President, I have said all that I care to say about this matter. In it, Secretary Work occupied the position and played the part that Secretary Denby played in the leasing of the naval oil reserves. It is not charged against him by me or, so far as I know, by anyone else, that he knowingly did anything wrong. It is charged that he was ignorant of the whole affair; that he was negligently ignorant when he ought to have been fully informed; that he exhibited a callous disregard of the public interest in this matter and of his duty to the public in the responsible position that he occupied so gross as to be entirely inexcusable, and so flagrant that it can not be overlooked consistently with the obligation of this body to the people of the country.

As to the Department of Justice, I submit that a delay of five months on the opinion requested of that department, every day involving a loss to the Government of the United States of a thousand dollars, if it admits of any excuse at all, is, upon the facts disclosed in this record, entirely without excuse.

I do not care to specify, further than I already have done, as to the particular officials in the Department of Justice who are open to censure; but there is no man who can stand on this floor and justify a delay of anything like five months upon a simple request for an opinion concerning the validity of this contract upon the grounds upon which it was assailed in the protest on file in the Department of the Interior. It is not inappropriate to say, however, that after it was hidden in the files of the Department of Justice for four months, without ever being brought to the attention of the responsible head of that department, it came to the attention of Colonel Donovan on the 28th day of August, 1928; and it was almost two months after that time before an opinion such as was requested was furnished.

INTER-AMERICAN HIGHWAY OR HIGHWAYS

Mr. BORAH. Mr. President, I ask permission to submit a report from the Committee on Foreign Relations, and I ask unanimous consent for its present consideration. If there is any debate, I will not urge it.

The PRESIDING OFFICER. The report will be received, and the bill will be read by the Secretary.

The legislative clerk read the joint resolution (H. J. Res. 355) authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, in furthering the building of an inter-American highway or highways.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF ARBITRATION CONVENTION OF MAY 2, 1908

Mr. SWANSON. Mr. President, I ask unanimous consent, as in open executive session—the Senator from Idaho [Mr. BORAH] and myself both agreed upon this in the committee—to renew for one year the arbitration treaty with the Netherlands, known as the Root treaty, that will expire in a few days.

There being no objection, the following agreement was ratified, as in open executive session:

The Government of the United States of America and Her Majesty the Queen of the Netherlands, desiring to extend further the period during which the Arbitration Convention concluded between them on May 2, 1908, and extended by the Agreement concluded between the two Governments on May 9, 1914 and further extended by the Agreements concluded by the two Governments on March 8, 1919 and February 13, 1924, shall remain in force, have respectively authorized the undersigned to wit:

Frank B. Kellogg, Secretary of State of the United States of America; and

Dr. J. H. van Roijen, Envoy Extraordinary and Minister Plenipotentiary of Her Majesty the Queen of the Netherlands in Washington,

to conclude the following Agreement:

ARTICLE I

The Convention of Arbitration of May 2, 1908, between the Government of the United States of America and Her Majesty the Queen of the Netherlands, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications, which period, by the Agreement of May 9, 1914, between the two Governments was extended for five years from March 25, 1914, and was extended by the Agreement between them of March 8, 1919, for the further period of five years from March 25, 1919, and by the Agreement of February 13, 1924, for the further period of five years from March 25, 1924, is hereby extended and continued in force from March 25, 1929, for the further period of one year or until within that year a new arbitration convention shall be brought into force between them.

ARTICLE II

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen of the Netherlands, and it shall become effective upon the date of the exchange of ratifications, which shall take place at The Hague as soon as possible.

Done in duplicate in the English and Dutch languages at Washington this 27th day of February, 1929.

FRANK B. KELLOGG [SEAL.]
J. H. VAN ROIJEN [SEAL.]

CALUMET RIVER BRIDGE

The bill (H. R. 17237) to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill., was read twice by its title.

Mr. DENEEN. Mr. President, that is a bridge bill. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MERCHANT MARINE

Mr. JONES. Mr. President, I have here resolutions adopted by the Middle West Foreign Trade and Merchant Marine Conference relating to the merchant marine. They are short, and I ask that they may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Resolutions adopted by Middle West Foreign Trade and Merchant Marine Conference, auspices of the Middle West Foreign Trade Committee in cooperation with Export Managers' Club of Chicago (Ill.) Manufacturers' Association, and the Bureau of Foreign and Domestic Commerce

CHICAGO, ILL., *November 19 and 20, 1928.*

PURPOSE OF THE CONFERENCE

It is hereby declared to be the purpose of the Middle West Foreign Trade and Merchant Marine Conference to develop the foreign trade of the Middle West through all proper means to the end that the Middle West may participate in the foreign trade of the Nation to the fullest extent and upon equality of opportunity so far as that is possible.

Our distance from the sea being approximately a thousand miles greater on the average than any nation with which we compete, and our own seaboard markets nearer to foreign markets in point of freight costs than much of our own territory, transportation becomes a major consideration of this conference.

THE AMERICAN MERCHANT MARINE—TRADE ROUTES

We stand unreservedly for an American merchant marine adequately equipped with vessels of suitable types, efficiently maintained, and operated on dependable schedules.

We believe all shipping services now being operated, both by private enterprise and by the Government, are essential and should be maintained. The trade routes that have been established to the various ports of the world by the United States Shipping Board have been and are of the greatest value to American commerce and are essential to the maintenance and further development of that commerce, as well as to our national defense. It would be a disaster to our commerce and our national defense if these trade routes were abandoned or inadequately maintained.

We believe it desirable to have the merchant marine privately owned and operated and we favor such aids, both direct and indirect, as the Government may be able to properly extend to accomplish this. The Jones-White bill, known officially as the merchant marine act, 1928, is a constructive measure and was earnestly supported by the members of this conference.

This measure provides aids that if equitably distributed should enable the gradual transfer of Government lines to the local private companies, insures the necessary replacement of vessels to properly maintain the lines, and directs the proper maintenance of all Government lines until they can be transferred to private companies in accordance with the provisions of our merchant marine laws.

The Shipping Board and the Post Office Department in cooperation are endeavoring to administer the provisions of the Jones-White law in a manner to extend the benefits of this law to all sections of our country and we commend them for the progress made.

We commend the United States Shipping Board for the constant improvement made in our shipping services; for its policy in operating these services through private American companies having the support of the local communities served by those companies; for its policy in carrying out the spirit of our laws in properly distributing the services in a manner to best serve the interests of our ports and communities; and for its policy in effecting the transfer of lines to private enterprise only when it is clearly demonstrated such transfer will result in insuring the "adequate, regular, certain, and permanent service," directed by the law.

We commend the efforts being made by the United States Shipping Board to improve its contracts with the managing operators of its services to the end that these operating companies shall be given more responsibility and shall properly share in the results of the operations, to enable these private companies to test their ability to become successful owners of their lines and to enable the Shipping Board to do away with the greater part of the large overhead employed in the management of our shipping services.

APPROPRIATIONS

Our Senators and Representatives are urged to advocate and support the continued appropriation annually of funds sufficient to insure the proper maintenance of all our steamship services.

MONOPOLIES—CONSOLIDATIONS

We are opposed to a monopoly in American shipping, and we urge the Congress and the United States Shipping Board to prevent such a monopoly. We are likewise opposed to a consolidation of lines in a manner to concentrate our shipping services at a very few ports. In reaching foreign markets it is to the interest of agriculture, industry, and mining as a whole to have the benefit of the largest number of the available ports with reasonably adequate service, and it is to the interest of inland transportation, car supply, and distribution to utilize all available ports and ocean services.

RAILROAD RATES

We favor the maintenance of railroad rates on foreign commerce between the Middle West and the ports on a basis to make all outlets available on fair and equitable terms. We strongly condemn the efforts being made by certain carriers and eastern interests to destroy the great benefits afforded by the readjustments of railroad rates between the Middle West and the southern ports put into effect in and subsequent to 1919.

SUPPORT OF AMERICAN SHIPS

The standard of service now maintained by the Shipping Board and private companies with American-flag ships is superior or at least equal to that afforded by foreign-flag lines serving United States ports and these American lines should receive the whole-hearted support of American shippers and receivers.

INDUSTRIAL COMPANIES *v.* COMMON CARRIERS

The best interests of commerce will be served if our shipping lines are owned and managed by common carriers and not by industrial companies. The products of industrial companies operating shipping lines have an unfair advantage over the products of other industrial companies compelled to use these lines. Railroad lines are not permitted to be owned and operated by industrial companies, and the same rule should be applied to shipping lines. We urge the United States Shipping Board to keep in mind this fact in the disposal of lines to private companies.

PROTECTION OF AMERICAN LINES

For several years the Congress of the United States has wisely provided in the annual Shipping Board appropriation bill what is commonly known as a "fighting fund." This fund is expressly provided for the purpose of enabling the Shipping Board to take back and operate any line sold to a private American company which such company is unable to maintain on account of unfair foreign-flag competition or other reasons. Rather than make it necessary for the purchasing company to exhaust its own resources and then lose its vessels, we feel this provision should be liberalized to the extent of permitting the Shipping Board in its own discretion to aid the purchasing company so that it would not be necessary for the service to be returned to the Shipping Board and thus retard the establishment of our services in the hands of our local private companies.

INLAND WATERWAYS

We commend the progressive attitude of the Federal Government in developing transportation upon the inland waterways of the Middle West, thereby furnishing to the exporters and importers of this section another means of economical access to the ports of the world. We urge the fullest possible development of joint rates between the water carriers and the railroads, and that the needed additional equipment for the Inland Waterways Corporation, for which appropriation was authorized by the last Congress, be made available at the earliest possible moment, that the needs of the shippers for this low-cost transportation service may be more adequately cared for.

LOAD LINES ON VESSELS

The Congress of the United States has had under consideration for several years legislation to establish load lines below which vessels shall not be loaded. Such legislation has passed one of the Houses of Congress on several occasions. We favor such load-line legislation as may be necessary to insure a reasonable degree of safety to both passengers and cargo.

UNITED STATES BUREAU OF FOREIGN AND DOMESTIC COMMERCE

We commend the United States Bureau of Foreign and Domestic Commerce for the practical and effective export trade promotion service it is rendering.

PARCEL POST—CUBA

We wish to go on record as being in favor of legislation which will bring about a reinstatement of parcel-post intercourse between the United States and Cuba. The lack of such legislation excludes a very large number of United States exporters from the Cuban market to the distinct detriment of United States commerce with the island Republic.

Officers: Malcolm M. Stewart, chairman, Cincinnati Chamber of Commerce; Arthur C. Pletz, treasurer, 3365 Shaw Avenue, Cincinnati, Ohio; Hardin B. Arledge, special representative, 920 Munsey Building, Washington, D. C.

Advisory committee: O. E. Bradfute, American Farm Bureau Federation; J. F. Reed, president Minnesota Farm Bureau.

Executive committee: F. C. Bryan, chairman, general traffic manager Allis-Chalmers Manufacturing Co., Milwaukee, Wis.; Robert S. Alter, vice president American Tool Works Co., Cincinnati, Ohio; J. L. Baker, president Baker Ice Machine Co. (Inc.), Omaha, Nebr.; H. G. Moebus, export manager Newport Rolling Mill Co., Newport, Ky.; A. McM. Creed, 411 Traction Building, Detroit, Mich.; Carl Weeks, president the Armand Co., Des Moines, Iowa; Edward B. Pollister, general manager Busch-Sulzer Bros. Diesel Engine Co., St. Louis, Mo.

PRAYERS OF THE CHAPLAIN

Mr. MOSES. Mr. President, I submit a resolution, which I ask to have read, following which I shall ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 346) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the prayers offered by the Rev. ZeBarney T. Phillips, D. D., Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Seventieth Congress be printed as a Senate document.

WILLIAM H. CHAMBLISS

Mr. HEFLIN. Mr. President, I present an additional affidavit of Capt. William H. Chambliss, which I ask to have printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Affidavit, February 27, 1929, in support of bill S. 2274

In presenting the following notes to Senator HEFLIN for publication in the RECORD, I stand ready to exhibit to any or all Senators the file of fraud bills and graft bills by which Haeberle, protégé of Carr, Flanory, and Beck held up and robbed the *Lake Elkwood* at Rio de Janeiro, of her $200,000 cargo.

WILLIAM H. CHAMBLISS.

Sworn to and subscribed before me this 27th day of February, 1929.

[SEAL.] CHARLES F. PACE,
Notary Public, District of Columbia.

My commission expires February 18, 1931.

CONGRESS HALL HOTEL,
Washington, D. C., February 27, 1929.

MY DEAR SENATOR HEFLIN: In support of Senate bill 2274, favorably reported by the Committee on Claims, it will interest the Senate to hear what the acting consul at Rio did with the $200,000 cargo and provision stores on the *Lake Elkwood* after he grabbed the ship October 8, 1919. Here is what A. T. Haeberle, acting consul and favorite of the undersecretaries of State did with all.

Having fortified himself with his own false "survey" reports, mentioned in the second part of my affidavit printed February 26, Haeberle sold the whole shipload to Henrique Lage, his ship repair man, for $86,000, which was less than half market value.

I promptly made charges of fraud against Haeberle then and there, and I filed my charges personally with American Ambassador Edwin V. Morgan, and requested Mr. Morgan to forward the charges to Washington and supply Haeberle with a copy.

I personally sent copies to the United States Shipping Board and the Kerr Steamship Line, of which Kermit Roosevelt was an official.

The Shipping Board and the Kerr Line, my ship's New York agents, upheld me for opposing Haeberle's crooked acts, but the Undersecretaries of State upheld Haeberle and accepted his false reports as true.

They permitted Haeberle to sit as "judge" and try himself and take all of the testimony of his aides at Rio, with whom he whacked up the graft he made out of the fake sale to Lage of my $200,000 cargo for $86,000.

Every affidavit and witness offered by Haeberle in his defense was paid for—every man testifying was a member in some way of the band of hold-up men employed by Haeberle, Price, and Lage, his aides. The Undersecretaries of State knew the fraud that Haeberle was practicing, yet they upheld the fraud.

And for revenge on me the Undersecretaries of State have for nine years hurled the whole brute force of the Secretary of State's office at me; sending out the most vindictive letters to block and dam up all channels of justice and prevent me from getting work at my only profession, navigation. That malignant attitude of the State Department has influenced shipowners to refuse me employment. All American shipowners and operators of ships are afraid to offend the Undersecretaries of State by employing me. Thus has the Secretary of State's

office blacklisted me for punishment, because I opposed a crook in the Consular Service named Aminius T. Haeberle.

Please print this as a part of my affidavit, sworn to before a notary public.

WILLIAM H. CHAMBLISS.

The object and motive of the Undersecretaries of State in forcing the United States Shipping Board to post my name on the black list for no more employment, which all steamship companies recognize as an order to not employ me in any job, was revenge in its meanest form.

I, having opposed and exposed a crook in the consular outfit of the Latin American Bureau, had to be crushed for the good of the Government. And the surest way to crush me was to block me from getting work and shut off my bread and butter, in the Russo-Mexican way; and that is what the State Department Undersecretaries have done. All of their reports about me being dictated to please Aminius T. Haeberle, a crook in the Consular Service. They sent the same reports that Senator KING got to other Senators, and also to my wife to weaken me by breaking up my home.

Now, gentlemen of the Senate, when our State Department is infested with persons low enough to resort to such czarism, for revenge—sending false reports to a man's wife to try to intimidate her—they did intimidate my wife and made an invalid of her and turned her hair gray. I ask you, the highest body of 96 men on earth, to take action. Do something to free the State Department. I myself have been a loyal Navy man 40 years. My record is good; my service speaks for itself. And I ask fair play from the Senate and Congress who alone have power to free us from domestic enemy czars hidden behind the Secretary of State's desk, using his great signature and his letter paper and his rubber stamps for revenge.

God bless HEFLIN and all the Senators.

WILLIAM H. CHAMBLISS.

SALT CREEK OIL LEASES

Mr. NYE. Mr. President, it is not my intention at this time to endeavor to answer the thoughts expressed by the Senator from Montana this afternoon or to say more than this:

Upon the occasion of the debate upon this question two weeks ago I had quite fully determined that the matter was ended. However, at the time I did prepare a report which I was going to seek to make the majority report of the committee. Then, upon being further convinced that the matter was to rest just as it had been left at that time, I ceased polling the members of the committee upon the question and only submitted to them copies of the report.

In view of the fact that it appears this afternoon that this play, as I call it, has not been ended, I am going to ask unanimous consent to have printed the report which I now send to the desk, not as a majority report, because the majority of the members of the committee have not had an opportunity to concur in it. I can say, however, that such members as have had it submitted to them—five in number—have concurred in it.

I ask unanimous consent to have this report printed.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. Mr. President, is the Senator publishing the names of the members of the committee who signed the statement?

Mr. NYE. I shall be glad to announce at this stage that the Senators who concur in this report are the Senator from Oregon [Mr. MCNARY], the Senator from Nevada [Mr. ODDIE], the Senator from Vermont [Mr. DALE], the Senator from Illinois [Mr. GLENN], and myself. Whether other members of the committee desire to do so or not, I do not know at this stage; but it is, of course, their privilege to voice their wishes in relation to the matter.

The PRESIDING OFFICER. Without objection, the report will be printed.

J. EDWARD BURKE

Mr. BINGHAM and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BINGHAM. Mr. President, I shall be glad to yield to the Senator from Nebraska if he desires.

Mr. NORRIS. I desire to ask the Senator from North Dakota [Mr. NYE] a question, but I presume I can not do so unless he has the floor.

Mr. BINGHAM. Mr. President, I merely wish to state that yesterday, when we were on the calendar, the Senator from Utah [Mr. KING] objected to Order of Business 2024, House bill 3047, under a misapprehension. He has since told me that he has no objection to its passage. It is a private bill, a claim for an amount of money paid in pursuance of a judgment entered upon a plea of nolo contendere under certain provisions of an act later found to be unconstitutional.

I ask unanimous consent that the bill may be considered and passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3047) for the relief of J. Edward Burke.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOARD OF VISITORS TO PHILIPPINE ISLANDS

Mr. KING. Yesterday the bill (H. R. 16877) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands, was taken up for consideration and I objected to it. I finally consented that it might be passed and that to-day I would enter a motion to reconsider, if I desired, and that the bill should be held here upon the table. I desire now to enter a motion to reconsider the vote by which the bill was passed. The bill is still here.

The PRESIDING OFFICER. The motion to reconsider will be entered.

POTOMAC RIVER BRIDGE NEAR GREAT FALLS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4721) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Great Falls, and to authorize the use of certain Government land, which were, on page 2, lines 1 and 2, to strike out "In constructing the said bridge the said company" and insert in lieu thereof "The Great Falls Bridge Co., its successors and assigns"; on page 2, line 2, after the word "is," to insert "hereby"; on page 2, line 5, to strike out "carry to completion the construction of" and insert in lieu thereof "construct, maintain, and operate"; and on page 2, line 5, after the word "bridge," to insert "and its approaches, and as may be approved by the National Capital Park and Planning Commission."

Mr. SWANSON. The amendments of the House are merely verbal and make no material change in the bill as it passed the Senate. I move that the Senate concur in the House amendments.

The motion was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the unanimous-consent agreement entered into earlier in the day the Senate will now go into executive session; the galleries will be cleared and the doors closed.

The doors were closed, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened.

ENLARGEMENT OF CAPITOL GROUNDS

Mr. KEYES. I ask to have the unfinished business laid before the Senate and proceeded with.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business—House bill 13929.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16874. An act authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States;

H. R. 17126. An act authorizing C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill.;

H. R. 17208. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 17218. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 17262. An act authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River at or near Francis, Okla.;

H. R. 17311. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill.; and

H. R. 17322. An act to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy."

MISSISSIPPI RIVER BRIDGE, CAIRO, ILL.

Mr. DENEEN. I ask that the bill for completing the bridge at Cairo, Ill., be laid before the Senate.

The bill (H. R. 17311) to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill., was read twice by its title.

Mr. DENEEN. Mr. President, I ask unanimous consent that the bill be taken up and passed.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED

The bill (H. R. 17322) to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy," was read twice by its title and referred to the Committee on Naval Affairs.

MISSISSIPPI RIVER BRIDGE, SAVANNA, ILL.

The bill (H. R. 17126) authorizing C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill., was read twice by its title.

Mr. DENEEN. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES. Mr. President, I desire to ask the Senator whether a similar Senate bill has been reported to the Senate during this session?

Mr. DENEEN. I have not had time to look it up. The bill has just come in.

Mr. JONES. We do not usually pass such House bills unless that is the case.

Mr. DENEEN. I can check up on it. I will withdraw the request for the present.

The PRESIDENT pro tempore. May the Chair say that if we pass the House bill we can later indefinitely postpone the Senate bill, or leave it on the calendar to die at the end of the session.

Mr. JONES. But we do not usually pass such a bill from the House unless there is a similar bill on the Senate Calendar, or reported to the Senate. It has not had the consideration of any committee. That is creating a precedent.

The PRESIDENT pro tempore. The Senator now addressing the Chair is the chairman of the committee. Possibly he can enlighten the Senate about the matter.

Mr. JONES. I have no recollection of any such report.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce, and may be recalled——

Mr. JONES. I suggest that the Chair keep it on the table.

The PRESIDENT pro tempore. The bill will be returned to the table.

Mr. DENEEN. I am very sure a similar Senate bill was considered by the committee.

OHIO RIVER BRIDGE, MAYSVILLE, KY.

The bill (H. R. 17218) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., was read twice by its title.

Mr. SACKETT. Mr. President, that is the same bill that appears on the calendar as Order of Business 2096, Senate bill 5878, on which there is a favorable report. I ask that the House bill be substituted for the Senate bill and passed.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17218) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate Bill 5878 will be indefinitely postponed.

CANADIAN RIVER BRIDGE, FRANCIS, OKLA.

The bill (H. R. 17262) authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River, at or near Francis, Okla., was read twice by its title.

Mr. THOMAS of Oklahoma. Mr. President, an identical bill is on the Senate Calendar, Senate Bill 5881. I ask unanimous consent that the House bill may be substituted for the Senate bill, and that it may have immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17262) authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River, at or near Francis, Okla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 5881 will be indefinitely postponed.

ORDER OF BUSINESS

Mr. GLASS obtained the floor.

Mr. NYE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from North Dakota will state it.

Mr. NYE. I understand that by unanimous consent unobjected bills on the calendar are next in order.

The PRESIDENT pro tempore. That unanimous-consent agreement has not been entered into.

Mr. KING. There is no such understanding.

Mr. SMOOT. It was carried out last night.

Mr. NYE. Then, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. GLASS. I shall be through in a moment.

Mr. NYE. I should like to submit a proposed unanimous-consent agreement.

Mr. KING. I call for the regular order.

The PRESIDENT pro tempore. Does the Senator from Virginia yield for that purpose?

Mr. GLASS. I do not, Mr. President.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield.

SENATOR GEORGE P. M'LEAN

Mr. GLASS. What I have to say will be concluded in a moment.

Mr. President, in the course of the proceedings to-day the minority leader took occasion to pay very suitable tribute to those Members of the Senate on this side of the aisle who have been retired momentarily from public life, or who of their own choice have retired from the Senate. It occurs to me that some word of tribute ought to be paid to a distinguished Senator on the other side of the aisle who is voluntarily retiring from this body and with whom I have now for nearly nine years been most agreeably associated on the Committee on Banking and Currency. I have reference to the senior Senator from Connecticut [Mr. McLEAN].

It affords me peculiar pleasure to say that in my 18 years of service on the Banking and Currency Committee of the House of Representatives, and the kindred service of nearly 9 years on the Banking and Currency Committee of the Senate, I never encountered any man in either body of the Congress who seemed to be more earnestly and conscientiously devoted to public duty than this distinguished Senator from Connecticut. Always courteous, always kindly, always intelligently informed as to matters brought before his committee for consideration, I regarded his retirement from the chairmanship of the committee as a distinct loss to the Senate and to the country.

I was so impressed with that conviction that I personally appealed to him to reconsider his decision. It was only due to ill health that he would not respond to those appeals of his associates. I consider that his retirement from the Senate is a loss to the country, and I do not know that ever before in my public career have I entertained such an attachment or such personal affection for any man with whom I have been associated, notwithstanding he and I belong to different political parties. From our intercourse, and from our cooperation in legislative matters, no human being could ever have supposed that our political affiliations were not the same, and it is with a feeling of great sadness that I consider the retirement of this worthy and altogether capable public man.

Mr. BINGHAM. Mr. President, on behalf of the people of Connecticut I want to express to the Senator from Virginia [Mr. GLASS] our very warm thanks for this unusual tribute to come across the aisle from one of the most distinguished Senators on the other side, whose record as a public servant we all know has been one of the most marked of any in this country.

The people of Connecticut did all they could to keep his friend and our distinguished statesman in this body. By public and unanimous resolution of the convention of the party of which he was a member he was in a most unusual manner told that the nomination would be his without the slightest opposition on the part of any one, and that it was the universal hope of the State that he would again serve them, but he gave it as his unalterable desire to retire from the public service after having served as governor and as Senator for nearly a quarter of a century.

It is our belief that we have lost an able, an ardent, and a loyal advocate of the State, and that our friends in the United States have lost the services of one of their most distinguished statesmen, who voluntarily retires into private life on Monday next.

MERRILL ENGINEERING CO.

Mr. KEYES obtained the floor.

Mr. STEPHENS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. KEYES. I yield.

Mr. STEPHENS. I would like to have the present consideration of Order of Business No. 2097, House bill 10817, for the relief of the Merrill Engineering Co. It is a House bill, and there is a favorable report from one of the departments. It carries no appropriation. It simply relates to procedure in the trial of a case that is either pending or will be pending soon in the Federal court in Mississippi. It simply affects the suit to this extent. For reasons thought by the department to be good it is believed that a certain provision of the contract should not constitute a defense, and it is stated that the suit will go on, and that if it is found that the party entitled to judgment should have judgment despite this matter, then the department said it should not interfere with him in this matter.

Mr. ROBINSON of Arkansas. What is the calendar number?

The PRESIDENT pro tempore. Calendar 2097.

Mr. STEPHENS. It appropriates no money; it simply gives this party the right to appear in court.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I would like to read the report before I consent to the consideration of the bill.

Mr. STEPHENS. The report is very brief. Will the Senator permit me to read from it?

Mr. SMOOT. Just let it be passed over temporarily.

Mr. STEPHENS. There is danger that I may not have a chance to get it up again. There was a favorable report from the committee and a recommendation from the department.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. I just came into the Chamber. What is the question?

The PRESIDENT pro tempore. The pending business is the Plaza bill, the question being on agreeing to the amendment proposed by the committee.

The Senator from Mississippi has asked unanimous consent for the consideration of order of business 2097, a House bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNDERSECRETARY, DEPARTMENT OF LABOR

Mr. REED of Pennsylvania. Mr. President, will the Senator from New Hampshire yield to me for a request that will lead to no debate?

Mr. KEYES. I am willing to do so if it will not lead to debate.

Mr. REED of Pennsylvania. Yesterday when order of business 1857, Senate bill 5614, creating the positions of Undersecretary and two Assistant Secretaries in the Department of Labor, was reached, it was objected to, I believe, by the Senator from Utah [Mr. KING]. It is a proposition to abolish two positions in the Department of Labor and create one, to abolish two positions of assistants to the Secretary, and create one position of Assistant Secretary, who can discharge the duties of the two, according to the head of that department, and who will be paid a salary approximately one-half of what the two assistants are paid.

Mr. NORRIS. It is a proposition, in other words, to make one blade of grass grow where two grew before?

Mr. REED of Pennsylvania. The Senator may put it that way. It is recommended to me as the result of a promise made by the Secretary that as soon as he could dispense with one of these employees, he would do it, and he agreed to let us know so that we might abolish one position.

The PRESIDENT pro tempore. The bill has heretofore been amended by the Senate. Is there objection to resuming the consideration of the bill?

There being no objection, the Senate as in Committee of the Whole resumed the consideration of the bill, which was read, as amended, as follows:

Be it enacted, etc., That effective April 1, 1929, there shall be in the Department of Labor an additional secretary, who shall be known and designated as Third Assistant Secretary of Labor and shall be appointed by the President. The Third Assistant Secretary shall perform such duties as shall be prescribed by the Secretary of Labor or required by law, and in case of the death, resignation, absence, or sickness of both the Assistant Secretary and Second Assistant Secretary shall, until a successor or successors are appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 177, Revised Statutes (5 U. S. C. 4), unless otherwise directed by the President, as provided by section 179, Revised Statutes (5 U. S. C. 6).

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay the salary of the Third Assistant Secretary of Labor for the fiscal years 1929 and 1930, in accordance with the classification act of 1923, as amended.

SEC. 3. The act of March 4, 1927, entitled "An act creating the offices of assistants to the Secretary of Labor," is hereby repealed, effective April 1, 1929.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BANK TAXATION

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a report of the Minnesota Interim Commission on bank taxation, issued January 10, 1929.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE MINNESOTA INTERIM COMMISSION ON BANK TAXATION, JANUARY 10, 1929

Hon. W. I. NOLAN, *President of the Senate.*

Hon. JOHN A. JOHNSON, *Speaker of the House of Representatives.*

The commission appointed pursuant to chapter 382 of the session laws of 1927 submits the following report:

Your commission was created because of an emergency precipitated by two decisions of the Supreme Court of the United States in First National Bank *v.* Hartford (71 L. ed. 530) and Minnesota *v.* First National Bank of St. Paul (71 L. ed. 535), rendered March 21, 1927, declaring void taxes on national banks levied pursuant to the same method and under laws in force in this State for more than 50 years past.

National banks since their creation have been held to be instrumentalities of the Federal Government, and may only be taxed by the States wherein they are located in the precise manner authorized by Congress. Since the national bank act was passed in 1864, and until 1923, the Federal statute permitted States to tax national banks only upon the value of the shares thereof. The statute authorizing the States to so tax banks (sec. 5219, R. S. U. S.) limits the State in taxing shares of national banks so that the taxes "shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks."

This limitation upon the taxing power of the States was evidently designed to protect national banks from discrimination by the States by taxing their competitors, the State banks, at a lower rate than national banks, thus forcing the latter out of existence. State banks are the only real competitors of national banks. But the Supreme Court of the United States held that individual investors in mortgages or notes, bonds or other like intangibles, when substantial in amount, constitute moneyed capital in competition with national banks, and therefore declared that the Minnesota taxes on national-bank stock were void because the mortgage registry tax rate and the tax rate on money and credits were fixed by the Minnesota laws at a lower rate than the ordinary personal property tax rate applied to bank stock and all other personal property.

In 1907 Minnesota passed the mortgage registry tax law, taxing mortgages at the low rate of 25 cents per $100. This rate was afterward reduced to 15 cents per $100 when the debt matured in five years or less, and 25 cents per $100 if the debt ran for a longer period. In 1911 the money and credits tax act was passed, taxing money on deposit, notes, bonds, etc., not secured by mortgage at a rate of 3 mills on the dollar. Prior to the passage of these low rate tax acts, such property practically escaped taxation because of its elusive character. It was found impossible to reach it for reasons which are clearly set out in

Chapter XII of the 1928 Annual Report of the Minnesota Tax Commission, and need not be repeated here.

It was because the rates on mortgages and money and credits were lower than the ordinary tax rate applied to bank stock that national bank taxes in Minnesota were declared void.

The decisions of the Supreme Court of the United States referred to were rendered near the close of the legislative session of 1927, and with a view of correcting the situation so that the State of Minnesota and its taxing districts could legally tax bank stock, bills were introduced proposing the repeal of the mortgage registry tax and money and credits tax laws. The effect of such repeal would be that such property would become taxable at the ordinary personal-property rate, and it was hoped that thereby the situation with reference to the taxation of national-bank stock would be corrected.

The bankers of the State of Minnesota, both State and national, regarded the proposed repeal of the mortgage registry and money and credits tax as highly detrimental to the business and financial interests of the State. It was a matter of common knowledge that such repeal would drive capital out of the State and would result in virtual confiscation of investments made by citizens of the State. The bankers appointed a committee and proposed to the legislature that a special commission be appointed to study the bank-tax situation, the tax laws of the State, and the Federal laws and decisions, in the hope that legislation could be recommended which would permit the mortgage registry and money and credits tax laws to remain upon the statute books of the State and at the same time permit the State to tax National and State banks in a fair and equitable manner.

The bankers proposed if such a commission were appointed they would agree to pay taxes upon national banks assessed in the usual manner upon the value of the stock, as had been done for more than half a century prior to such decisions. Two hundred and sixty-four out of the two hundred and seventy-one national banks of the State signed an agreement to pay such taxes for the years 1927 and 1928. Accordingly the legislature did not pass the bills repealing the mortgage registry and money and credits tax laws, but did pass the act creating this commission, and, among other things, provided it should be the duty of the commission "to make a study of the tax laws of this State, with particular reference to those relating to the taxation of mortgages, money and credits, shares of stock of banks, trust companies, mortgage loan companies, and investment companies, and take steps in cooperation with the authorities of other States if possible, toward such remedial legislation by Congress in relation to the taxation of shares of stock of national banks, as is for the best interests of the people of the State of Minnesota, and to make report of its work and recommendations to the next regular or special session of this legislature." The act also provided that it should be the duty of the attorney general and the Minnesota Tax Commission to assist and cooperate in the work, and appropriated $7,500 for the expense of the commission and for the employment of necessary assistance.

The commisison organized on the 21st day of May, 1927, by the election of officers, and proceeded to study the situation. On May 24, 1927, the commission had a conference with the committee appointed by the State bankers' association. The commission then undertook and pursued an intensive study of the tax laws of Minnesota, of all the States of the United States, and the Federal laws and decisions for the purpose of determining how other States were affected by the decisions of the Supreme Court of the United States and to determine what might be done to meet the situation. The work of compiling and studying tax laws of other States occupied practically all of the time until the fall of 1927, and was very painstakingly and accurately done by Mr. J. G. Armson, of the Minnesota Tax Commission.

After a very careful study of the laws of the other States, the Federal laws, and decisions of the Supreme Court of the United States this commission came to the conclusion that the most practical and effective way in which national banks could be fairly taxed by the States was not by amending or repealing State laws but by procuring Congress to amend section 5219, Revised Statutes of the United States, by removing some of the restrictions and limitations therein. In this opinion the attorney general and all the members of the Minnesota Tax Commission concurred. We found that it was not within the power of this or any other State to pass any legislation which would grant adequate relief.

It was then, and is now, our opinion that the only protection needed to safeguard national banks from adverse tax legislation is to limit the States in taxing national banks so that the rate shall not be greater than that imposed by the State banks. It is not practicable, nor even possible, to so shape State tax laws so as to tax every individual investment or form of business which in a theoretical sense may be in competition with national banks at the same rate as national banks. In a sense, every loan made by an individual, whether it be a school-teacher buying a bond or a widow investing in a mortgage, is in competition with the business of national or State banks, so far as loaning money is concerned. But there is a fundamental difference between a business institution which receives deposits in a community, ranging from $1 up to many thousands in amount and which money owned by individuals or corporations can not be used as commercial or other loans by the owners, but the bank gathering in these deposits from all sources is enabled by its banking organization to transform these otherwise idle credits into commercial and other loans. The deposits become assets of the bank, upon which the bank pays little or no interest and is enabled to loan out at a considerable margin of profit. No other form of business is a real competitor of a bank except another bank, and there is no fairer limitation upon the power of the States to tax national banks than that to limit the rate of tax upon a national bank so it shall not be higher than that imposed upon a State bank.

Prior to 1923 the only method by which the States were allowed to tax national banks was by a tax upon the value of the shares thereof. In 1923 Congress authorized two other methods—

1. A tax upon the net income of the national banks; and

2. A tax upon the dividends as individual income received by a stockholder. In 1926 the States were authorized to tax national banks by an excise tax measured by their net income.

But the acts provided that any tax by any one of these methods would be in lieu of all other taxes, and that the rate of tax, whether upon income or by the excise method, could not be higher than the rate assessed upon other financial corporations, nor higher than the highest of the rates assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits.

Your commission carefully considered the alternative methods of taxing national banks provided in the Federal law, and concluded that the same were not practicable, constitutional, nor in any wise adapted to Minnesota or to any other State raising the great bulk of its taxes for State and local purposes by a tax upon the value of the property therein. In this opinion the attorney general of the State and the Minnesota Tax Commission concurred.

Immediately upon the organization of your commission there was started a voluminous correspondence with tax commissions, other tax officials and officials and persons interested in the subject of bank taxation in other States, for the purpose of interesting all such persons and officials in the situation which confronted Minnesota and which affected the other States in a very similar manner, and for the further purpose of securing opinions from other tax officials as to the best course to be pursued to meet the situation.

In the month of October, 1927, the National Tax Association held its annual meeting in Toronto, Canada. Members of the Minnesota Tax Commission and Assistant Attorney General Youngquist attended such conference, together with the chairman of your commission. Meetings were arranged, attended by representatives of 36 States, having a like interest in the bank-tax situation. After discussing the matter of an amendment to section 5219, R. S. U. S., at each of such meetings, a resolution was adopted that subdivision 1–B of section 5219, R. S. U. S., should be amended so as to read as follows:

"In the case of a tax on said shares, the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital used or employed in the business of banking."

A committee was also appointed to represent all of the States interested in securing a proper amendment to section 5219, the members of which committee were as follows:

George H. Sullivan, chairman	Minnesota
M. D. Lack	California
J. V. Benton	Virginia
Henry F. Long	Massachusetts
C. P. Link	Colorado
George Vaughan	Arkansas
Wm. H. Blodgett	Connecticut
Milbank Johnson	California

In November, 1927, a meeting was had at the capitol in St. Paul, which was attended by Minnesota Congressmen as follows: Representatives GOODWIN, NEWTON, MAAS, ANDRESEN, and KNUTSON, Attorney General Youngquist and members of the tax commission were present. After a full discussion it was unanimously agreed that section 5219 should be amended so as to provide that States should be limited in taxing national banks so that they could not be taxed at a higher rate than State banks.

Through the efforts of the commission a bill was introduced in the House of Representatives by Representative GODFREY G. GOODWIN, providing for the amendment of section 5219, so that the tax on national banks should be no greater than the rate imposed on State banks. A similar bill was introduced in the Senate by the Hon. PETER NORBECK, of South Dakota, chairman of the Committee on Banking and Currency of the Senate.

The commission with the cooperation and assistance of the attorney general and the Minnesota Tax Commission prepared a printed brief showing the necessity for pressing the above legislation, to which was annexed the compilation of bank tax laws of other States herein referred to, by which it was shown that 43 States were affected as Minnesota is in reference to taxation of national banks.

A number of conferences were had between representatives of this commission and a committee of the State Bankers' Association in the month of January, 1928, and prior thereto. In these conferences the entire situation was discussed and the question of amending section 5219, so as to limit State taxation of national-bank stock at a rate no higher than the rate on State banks, was proposed by the commis-

sion. The representatives of the bankers agreed to the principle that banks, both State and National, should bear the same relative burden of taxation as borne by property used in business and owned by corporations generally, but they strongly objected to the proposed amendment. They argued that such an amendment would place national banks and State banks in a class by themselves for taxation and that all banks would thereby become the target for adverse legislation. The bankers insisted that they be placed in some classification, members of which should be drawn from all classes in the community. However, when the commission later proposed to amend the Goodwin bill by adding a further limitation thereto, that the tax rate should not be higher than the rate imposed upon real estate used for mercantile or other like business purposes situate in the same taxing district with the bank, the bankers strenuously opposed such amendment.

It is significant that the committee representing the State Bankers Association have suggested no formula or language for an amendment to section 5219 which would carry out the principle agreed to by them. They have objected to every suggestion made by this commission or other public officials. The American Bankers Association have likewise failed to offer any constructive suggestion or proposition to carry out the principle of equality of tax burden. In fact, in hearings upon the bills before committees of Congress and in the conference on the subject of bank taxation, the committees representing the State Bankers Association and the American Bankers Association, their counsel and representatives, have opposed any and every amendment to section 5219. There is a single exception to the foregoing statement, which is that Hon. T. D. O'Brien, made the suggestion at the hearing before the Senate committee in Washington, and elsewhere, that he favored an amendment to section 5219 which would have the effect of permitting the States to tax mortgages at low rates and still continue to tax bank stock at a higher rate. The only proposition that has ever been made by the State Bankers Association or the American Bankers Association, is that Minnesota adopt the so-called excise plan authorized by section 5219, which provides for an excise tax measured by the net income of national banks.

The hearing on the Norbeck bill before the Senate Committee on Banking and Currency was held February 23, 24, and 29, 1928. The commission was represented at such hearing by the chairman, Senator George H. Sullivan, Senators Blanchard and Larson, and Hon. O. K. Dahle, of the house; Mr. J. G. Armson, of the Minnesota Tax Commission; and Assistant Attorney General Youngquist. The following persons made arguments in favor of the bill:

Hon. Theodore Christianson, governor, Minnesota.
Hon. G. A. Youngquist, attorney general, Minnesota.
Hon. George H. Sullivan, commissioner chairman, Minnesota.
Milbank Johnson, M. D., California.
Hon. Paul G. Eger, assistant attorney general, Michigan.
Hon. Mark Harrison Wight, assistant attorney general, Washington.
Hon. Maxwell A. O'Brien, assistant attorney general, Iowa.
Hon. L. F. Whittemore, State bank commission, New Hampshire.
Hon. Henry F. Long, commissioner, Massachusetts.

The only persons appearing in opposition were bankers and their attorneys. The arguments and statements in behalf of and against the bill were printed in full as S. 1573.

At the close of the hearings on the Senate bill it was deemed advisable by the commission, the attorney general and the Minnesota Tax Commission, to secure the services of Mr. Patrick J. Ryan, of St. Paul, who had acted as special counsel for the State of Minnesota in many important tax cases in the Supreme Court of the United States, and accordingly Mr. Ryan proceeded to Washington and remained there for a considerable time for the purpose of promoting the passage of the Norbeck and Goodwin bills.

Notwithstanding the diligent and strenuous efforts of Representative GOODWIN, it was found impossible to secure a meeting of the House Committee on Banking and Currency until May 10, 1928, at which time the commission was represented at the hearings by the chairman and Mr. Patrick J. Ryan, special counsel. The following representatives of the various States interested were present and argued for the bill:

George H. Sullivan, Minnesota.
Patrick J. Ryan, Minnesota.
D. H. Davenport, California.
Marvin Arnold, California.
W. E. Evans, California.
L. F. Whittemore, New Hampshire.
J. P. Carleton, New Hampshire.
Harry A. Metcalf, Michigan.
John H. Leenhouts, Wisconsin.
S. H. Chase, Washington.
Harry W. Scott, Nebraska.
Clarence Smith, Kansas.
F. H. Moore, Alabama.
John H. Mooring, Alabama.
James H. Stewart, Montana.
Prof. S. E. Leland, Kentucky.
Oscar Leser, Maryland.
John M. Rose, Arkansas.

The hearing is reported and printed as H. R. 8727. Again the bankers and their counsel opposed the passage of the bill and opposed any and every amendment to section 5219. The representatives of the States clearly pointed out that under the existing provisions of section 5219, no State could legally tax national banks upon the ad valorem basis, nor upon any of the other alternative methods provided therein. The bankers and their counsel insisted that the States could and should tax banks on the so-called excise-tax plan on the net income of banks.

Congress adjourned without any action being taken by the committees of the House or Senate, and up to the present time no report has been made by either of said committees.

The annual meeting of the National Tax Association was held in Seattle, August 27–31, 1928, and it was deemed advisable that your commission be represented at such meeting. Accordingly the chairman and Mr. Ryan attended the conference; members of the Minnesota Tax Commission were also present. The conference was attended by representatives of State tax commissions, other taxing officials, and by numerous representatives and counsel for the American Bankers Association, and bankers from many parts of the United States.

At this conference the Minnesota representatives succeeded in holding several meetings of representatives of the States interested in securing an amendment to section 5219, and, as a result, a nation-wide organization of such officials was organized under the name of Association of States on Bank Taxation, the object of which association is to promote some reasonable amendment to section 5219 which will permit the States to tax property of national banks on a fair and equitable basis.

The officers of such association are:

George H. Sullivan, Stillwater, Minn., president.
Oscar Leser, Baltimore, Md., vice president.
John H. Leenhouts, Milwaukee, Wis., secretary.
James H. Stewart, Helena, Mont., treasurer.

In the month of November, 1928, at the request of the secretary of the Minnesota Bankers' Association, a meeting was had at the State capitol, attended by a committee on behalf of the State bankers' association, by members of this commission, the attorney general, and tax commission. The avowed object of the meeting, as expressed by the bankers, was to see if some compromise could not be agreed upon with this commission which it could recommend to the legislature to govern the taxation of national banks in Minnesota, pending the adoption by Congress of an amendment to section 5219. The representatives of the bankers urged that the excise-tax plan be recommended, and this commission, the attorney general, and the Minnesota Tax Commission definitely rejected such plan. The reasons for this will appear later herein.

On November 17, 1928, the State bank commissioner, Mr. Veigel, made public his annual report to the governor, in which he advocated the adoption by the State of Minnesota of the excise tax on net income of national and State banks.

On the 20th day of November at the conference of governors held at New Orleans Gov. Theodore Christianson delivered a notable speech in favor of the amendment of section 5219 as provided in the Goodwin bill and expressed his opposition to the excise tax on the net income plan. This speech has been printed and will be attached to the report of the Minnesota Tax Commission, and seems to us to be an unanswerable argument in favor of the Goodwin bill. It should be read by all who desire to be informed upon the bank-tax question.

The foregoing is a mere outline of the activities of the commission and suggests the magnitude of the task committed to this commission and which is now before not only the State of Minnesota but all the States of the United States.

The situation has been somewhat clarified since your commission was appointed. At that time it was deemed possible for the State of Minnesota and other States to correct the situation by repealing the mortgage registry and money and credits tax laws, and attempting to tax such intangibles on the ad valorem basis by applying thereto the ordinary personal-property tax rate. However, students of the problem even then saw that the logical effect of the decisions of the Supreme Court of the United States in the Minnesota and Wisconsin cases would be to render the ad valorem tax on national-bank stock invalid under any system which attempted to tax mortgages and moneys and credits at the ordinary tax rate. The Supreme Court of the United States decided taxes upon national-bank stock invalid because of the lower rates of taxation applied to mortgages and money and credits, and the logic of such decisions is that failure to tax that character of property would have the same effect. In other words, if mortgages and money and credits are not taxed at all, or if such property escapes taxation the effect would be to render all taxes upon national-bank stock void.

All taxing authorities agree that no State can reach any substantial part of debts secured by mortgages or money and credits for taxation, if such property be taxed at the ordinary rate, so that if the State of Minnesota, for instance, should repeal the mortgage-registry tax and the tax on money and credits, nevertheless its attempt to tax bank stock

would be held void because of the impossibility of taxing mortgage debts and money and credits at the same rate as other personal property. The futility of attempting to tax mortgage debts and money and credits in any other way except at low rates is thoroughly considered and analyzed in Chapter XII of the report of the Minnesota Tax Commission for 1928.

That such failure to tax debts secured by mortgages and money and credits would have the effect of rendering taxes upon national banks void has since been decided by the United States District Court for the District of Oregon in the case of Brotherhood Cooperative National Bank *v.* Hurlburt (26 Fed. (2d) 957), which decision was followed in the case of Roberts *v.* American National Bank of Pensacola (115 Sou. 263 (Fla.).

As your commission views the question there is no way open to the Legislature of the State of Minnesota to enact any law, or to repeal any law or series of laws, so as to provide for legally taxing national banks in any manner whatsoever, except to tax the stock of national banks upon the value thereof at the mortgage-registry tax rate, which amounts to 3 cents per year per $100 of value, or three-tenths of a mill per annum per dollar. This would virtually leave such bank stock untaxed.

There remains to be considered the method permitted by section 5219, the so-called excise tax on net income plan offered by the bankers. We *do not* believe that this plan can be adopted in the State of Minnesota without violating the Constitution, and if it could, we do not believe such system is fair or practicable. The other two methods permissible under section 5219, namely to include dividends upon national-bank stock in the taxable income of the owner thereof, or to tax national banks on their net income are neither legal, fair, nor practicable, as applied to Minnesota and to most of the other States.

The situation which confronts the State of Minnesota, and 43 other States of the Nation is—

a. Such States may legally tax bank stock only at such low rate as may be applied to intangibles of the money and credits class or to debts secured by mortgages; or

b. The States may adopt an income or excise tax based upon net income of national banks; or

c. The States must forego all legal taxation of national banks until Congress in its wisdom sees fit to amend section 5219, so as to permit bank stock representing bank property to be taxed upon some fair and equitable basis.

Argument is deemed unnecessary on the proposition that the property of national banks, producing on the whole large income and much profit, owned as it is by the individual citizens of the State, protected by the laws of the State, should not escape, or virtually escape, taxation. The right of the sovereign State in which such property is situate to so tax such bank property is challenged by the opposition of certain bankers of the Nation to any and every amendment proposed, so as to permit the State to exercise its sovereign right of taxation in a fair and equitable way. As we see it, the States should not permit such opposition to permanently deprive them of such sovereign right. We recommend that the State of Minnesota continue the fight for a fair and reasonable amendment to section 5219, whatever present loss of revenue such course may entail. The mere loss of revenue, now or in the near future, should not deter the State in its effort to establish its right reasonably to tax such property. It should be said that many bankers of this State fully agree with this commission, but the State bankers association of this State and the American Bankers Association of the United States oppose any and every amendment to section 5219. They urge the States to adopt the excise tax upon the net income of national banks as the sole and exclusive method of taxing banks. Why do the bankers urge the adoption of the excise tax? One reason which suggests itself may be that, wherever used, the excise tax method has reduced taxes upon banks, as in the case of Massachusetts, Wisconsin, and New York, as follows:

In Massachusetts under the ad valorem system in 1922, the total bank tax paid in that State was $4,370,845; in 1927, under the excise tax, $833,017; on national banks alone in Massachusetts in 1922, $2,784,204; in 1927, under the excise tax, $515,578. The rate varies each year. In Wisconsin the income-tax method has reduced bank taxes to less than half of what they had been under the ad valorem system, the rate in Wisconsin running from 2 to 6 per cent on the net income. In New York banks are taxed at 4½ per cent upon their net income. This produced about 30 per cent of the taxes produced under the former system. The State of California has adopted a law taxing the net income of national banks at 4 per cent. In startling contrast to these low rates it may be noted that national and other banks in the District of Columbia where the rate is fixed by the Congress of the United States are taxed at a rate of 6 per cent upon gross income. Let the farmer, the business man, and the business corporation figure out what per cent of net income is devoted to taxes outside of real estate taxes, and invariably the rate will be found as high as 10 per cent and perhaps 20 per cent of such net income.

We think the adoption of an excise tax on net income plan would be introducing a very unfair principle of taxation in Minnesota—that is, that taxes should be levied upon property only when a net income is derived therefrom and then only upon such net income. Minnesota in common with all other States of the Union derives the funds to defray the expense of its local and State government almost wholly by a tax based on the value of the property as distinguished from a tax on the income thereof. The farmer, the home owner, and the business man has to pay a tax upon all property owned by him whether it produces a dollar of net income or not.

The only exception to this rule in Minnesota is in the case of railroads and express companies, etc., which pay taxes on their gross earnings, but such property in the very nature of things always produces a gross income, although not necessarily a net income, and such gross earnings tax is another form of taxing the property itself. It has been found a fair tax in actual practice. If the proposal were to tax banks upon gross income, it would be worthy of the most serious consideration. No form of property in this State is exempted from taxation because of its failure to produce a net income, and so far as we know, no property in any State of the Union is exempted from taxation for a similar reason, except it be the property of banks, in such States as have adopted the net income or excise tax on the net income of national banks, provided in section 5219, Revised Statutes, United States. It would be a rather startling departure from the whole theory of taxation in this and other ad valorem States to admit any such principle of taxation in a system where all other forms of property pay taxes on value irrespective of income, net or otherwise. To permit the property of any of the banks in this State to escape taxation entirely because of its failure to produce net income would be grossly unfair to every other taxpayer in the State.

The United States Government is supported very largely by a net-income tax and it is estimated that such income tax produces $50,000,000 annually in the State of Minnesota, whereas about one hundred and fifty millions is raised in this State for the support of local and State government. If the State of Minnesota were to adopt the net-income tax as the sole method of raising its revenue, it will readily be seen that it would be necessary to multiply the rates included in the Federal tax by three. What is said about Minnesota applies very largely to most of the States of the Union. Do the bankers of the State of Minnesota, or other States, wish to be taxed upon a system which would triple existing Federal income-tax rates to other taxpayers, or do they wish to be set aside as a privileged class and let all other forms of property pay a large share of their taxes?

A net-income tax upon banks or any other form of property is wholly impracticable and unworkable and inconsistent with any general system of taxation upon the ad valorem basis. In every township, city, and county the tax rate is based on the assessed value of the property in such taxing district and fixed at a rate which will produce the necessary amount of revenue to defray public expense therein for the coming year. How can the budget of any tax district be based upon the fluctuating profits or losses of those who own property, whether engaged in the banking business, or any mercantile, financial, or manufacturing business, or in the more general business of farming. Manifestly it is unfair and impossible. Where all other property is taxed regardless of profit or loss, why should there be an exception made in favor of the property used in the banking business?

The provisions of section 5219 limit the tax which a State may levy upon the excise tax on net income of national banks, so that "the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits." Under this limitation the only practicable way the excise tax can be legally levied on national banks is to place an excise tax upon the net income of such other corporations. How else can it be determined whether the rate on national banks is legal or illegal? Such an excise tax on the net income of such corporations must either be a tax in addition to a personal property tax or in lieu of such personal property tax. In other words, if the excise tax be applied upon the net income of corporations, then the personal property of such corporations must be wholly exempted from taxation. This is the case in New York and Massachusetts. If the personal property of such corporations be not exempted, then the excise tax is a supertax in addition to all other taxes paid by such corporations, if the excise tax be made in lieu of personal-property taxes, and such personal property exempted from taxation, then in the case of corporations not making a profit there would be no excise tax and such personal property would be wholly untaxed. We do not think property owned by corporations or individuals may be so exempted under our Constitution, and if our Constitution permitted such exemption we could not recommend such exemption or any such method of taxation as would produce such a result.

Would it be fair to other taxpayers who are obliged to pay taxes whether they make a profit or not, to exempt the property of corporations taxed on an excise basis which did not make a profit? Is it fair to tax all other property on its value regardless of income, and to tax corporate property only in proportion to net profit? And, if the excise tax is made a supertax and is a new and additional burden upon such corporations above and beyond the tax burden of all other property owners, would this be fair to such corporations?

But, if the excise tax be made a supertax on all other corporations and they be required to pay a personal-property tax in addition thereto, national banks can not be required to pay anything but the excise tax.

This is carefully guarded by the limitations in section 5219, so that when a bank is taxed by the excise method, or any other method provided therein, such tax must be in lieu of all other tax. Any such system is absolutely unfair to every other taxpayer.

In actual practice how could any taxing district in this or any other State make a budget based upon the net income of property owners therein and forecast expectation of profit or loss upon the property of banks and corporations to which any such excise tax on net income might be applied? That such a system is utterly impracticable and inapplicable in any State taxing corporations and all other property upon the ad valorem basis will be seen when we consider the situation in another aspect. Assume that the property of any such business corporation is situate in two or more taxing districts, how would the tax produced by an excise tax upon the net income of the whole corporation be divided among the taxing districts? A bank is situate in one taxing district as a rule, and property of corporations of the kind included in section 5219 may be and usually are, if of any size, situated in from two to a dozen taxing districts of the State widely separated; quite frequently their property is situated in many different States.

However, it is suggested by the proponents of the excise tax plan that Minnesota and other ad valorem States may continue to tax all other corporations mentioned in section 5219, Revised Statutes of the United States, and all individuals in the State upon the value of their property, and apply the excise plan only to banks. This raises the question of how the rate applicable to banks shall be ascertained. Under section 5219 the rate is measured by the "highest rate assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits." We think the rate mentioned in the statute means an excise rate, but the proponents of the plan claim it should be construed as burden of taxation. They contend that the rate applicable to banks may be determined by calculating the per cent of net income of such corporations represented by the taxes paid by such corporations upon its property in the State of Minnesota, exclusive of real estate. If this be true, there would be but one rate applied to every bank in the State regardless of the tax rate in the taxing district where the bank is located. Without conceding that section 5219 will permit any construction which would allow all other corporations mentioned in section 5219 to be assessed upon an ad valorem basis, and the rate on banks be ascertained in the manner above suggested, we observe that the rate of taxes upon national banks would bear no relation whatever to the taxes upon other property situate in the same taxing district and would as to all other property owners in the district be unequal, for that reason, unfair.

But in the conference held between the commission and the bankers in November one of the leading counsel appearing for the bankers suggested that the excise tax on net income could be applied to the national banks and other banks in the State of Minnesota without placing a similar tax upon financial, mercantile, or business corporations in the State; also that the legislature could fix the rate of such tax. That is, that the legislature might pass an act taxing banks alone on the excise plan on net income and fix a flat rate of tax thereon. But the question immediately arises if the excise tax applies only to banks, whether any rate so fixed would be legal in view of the limitations of section 5219, Revised Statutes of the United States, which provides that the rate shall not be higher than the rate assessed upon such other corporations. There is no method suggested in section 5219 for determining whether the rate upon national banks is higher than the rate upon such other corporations. Section 5219 presupposes an excise tax upon banks and also upon other corporations enumerated therein, so that comparison of rate will determine the legality of the rate on national banks. Both the language of section 5219 and its history clearly indicate that it was written and intended only to apply to States taxing all corporations therein enumerated on the excise-tax plan and is only practical in such States where the excise tax is statewide; that is, the same rate all over the State and where the proceeds of the tax go to the State itself as distinguished from the taxing district in which the bank or corporation is located. It would be wholly inapplicable in a State like Minnesota, where all property is taxable in the district where situate and where the tax rate differs in each district.

How can comparisons be made of the tax paid in one taxing district by a bank on the net-income plan with the tax paid by a corporation having property in that district and also having property in many other taxing districts in the State, all taxed on value at different rates? There can be no proper basis of comparison of the tax burden borne by a bank taxed on the net income plan and the tax paid by corporations of the classes enumerated in section 5219, where their taxes are paid upon the value of the property differing in rate and amount, even though of the same value, because taxed in different districts of the State. Let us attempt, for instance, to compare the tax burden of the First National Bank of St. Paul with the tax burden of the Northern States Power Co., having its property distributed over hundreds of taxing districts in the State.

There is no appropriate nor equitable comparison in the tax burden upon property situate in one taxing district with property, even of the same character and value, situate in another taxing district. The tax rate in each district is governed by two factors, one the total assessed value of the taxable property therein, the other the total public expense authorized therein. These factors vary in every taxing district. It is assumed that the public in each taxing district desires and receives benefits from the taxes levied therein corresponding in some degree at least with the amount expended.

But the counsel for the bankers suggested that if the legislature would enact an excise tax law upon the net income of national banks, even at a flat rate bearing no relation to the tax rate on corporations, that the banks would not question the legality of the rate. Such suggestion was made after it developed in the conference between the commission and the bankers that the excise tax would be unconstitutional and impracticable in Minnesota. To this suggestion it may be replied that if the ad valorem tax on bank stock be illegal because it conflicts with section 5219, and, if such an excise tax rate be illegal for the same reason, why do the bankers suggest their willingness to be taxed upon an illegal excise tax rate, but object to a tax on the ad valorem basis? In other words, why do they prefer to suggest the illegal excise tax on net income as distinguished from the illegal tax on the value of bank stock? The answer seems to be that the American Bankers' Association has definitely determined upon a course which will force the States to adopt the excise tax on net income, as the exclusive method of taxation thereof and that the ad valorem system must go. The question is, What will this State and the other States of the Union say to this attitude of the banks? Shall we consent to the adoption of a system which admittedly places the property of banks in a privileged class where such property goes untaxed entirely if no net income is produced and by which the State is practically forbidden to tax such property any more than 30 per cent to 50 per cent as much as other property of equal value?

There are other matters to be considered in connection with the proposition that Minnesota and the other States adopt the excise-tax system on the net income of banks. To adopt the excise plan suggested by the banks is equivalent to an abandonment of the effort to secure unimpaired the right to tax by the method deemed fair by the State and applied to all other property therein, viz, to tax such bank stock upon its value at the ordinary tax rate. There are many banks in the United States resisting the payment of taxes; one such bank in Minnesota has set aside a reserve amounting to more than one and three-quarters millions of dollars on account of unpaid taxes for the past seven years. If the State of Minnesota should now adopt an excise-tax system, we could not hope to have Congress authorize the collection of the unpaid taxes for the years from 1921 to the present time on any other basis than the low-rate basis of such excise-tax plan. Congress has full power to authorize the State of Minnesota and every other State wherein any bank has failed to pay its tax for any year or years in the past to reassess such taxes upon the basis authorized by any amendment which may be made to section 5219. To change our system to an unfair excise tax upon net income, illegal in Minnesota, would be to practically abandon hope of recovering taxes for such past years.

From what has been said it seems to be quite clear that section 5219 should be amended so as to permit bank stock to be taxed upon its value, as has been done for more than 50 years.

The greatest obstacle to success in the campaign which has been made to amend section 5219 is that the only persons in the various States who are at present interested in having it amended are the tax officials therein, whereas in every village, hamlet, and city in the Nation where there is a bank, with some few exceptions, we find bankers interested in preventing such an amendment. The American Bankers Association, and its committees and counsel, are constantly in attendance upon Congress, opposing any amendment to or modification of section 5219. Something must be done to arouse the States to action.

We recommend that the legislature adopt a resolution reciting the pertinent facts bearing upon the situation and calling upon each State in the Nation to cooperate with the State of Minnesota for the purpose of securing an appropriate amendment to section 5219, permitting the States to tax national banks upon a fair and equitable basis, and requesting the several States to provide for the appointment of one or more delegates representing the same, to meet in a conference of all the States of the United States, to be held in the city of Washington, D. C., at an early date, the time to be fixed by the governor of this State, and requesting each State to appropriate a sufficient sum of money for the purpose of defraying the expense of such delegates to such conference, and for the purpose of defraying the necessary expenses of carrying on an active and energetic campaign of promotion and publicity at Washington and elsewhere throughout the United States as may be found expedient, for the purpose of giving the widest publicity possible to the situation and to the necessity of so amending section 5219, so as to preserve to the States the right to tax the property of national banks situate therein upon the same basis as other property, and to the end, that such conference of States interested formulate and adopt a plan for

making effective the efforts and expenditures of the several States in relation to the matter;

That the governor of this State be requested to transmit a duly authenticated copy of such resolution to the governor of each of the States, with the request that such governor communicate the same and his recommendation thereon to the legislatures of the several States.

We further recommend that the activities of this commission as heretofore conducted by the commission be continued during the present session of the legislature and of the Congress of the United States and until the further pleasure of the legislature in the matter. Letters are being constantly received from the tax officials of the other States requesting information as to the necessary steps to be taken to meet the situation. We believe it essential at the present time, for Minnesota and the other States to be represented in Washington for the purpose of promoting the adoption of the legislation pending providing for the amendment of section 5219.

Your commission further recommends that a suitable special commission be provided for by this legislature to carry on the work hereinbefore mentioned after adjournment of the session, and that the members of the Minnesota Tax Commission and the attorney general be ex officio members of such commission; that such commission be provided with ample funds for the purpose of carrying on all necessary work, and that a competent person be employed to devote all his time thereto with all necessary assistance, until such amendment be adopted to section 5219;

Your commission recommends that the sum of $25,000 be appropriated, available immediately for the purpose of carrying out the above recommendations.

Your commission desires to commend the members of the Minnesota Tax Commission and the attorney general for their whole-hearted cooperation with, and invaluable assistance to this commission.

Respectfully submitted.

GEORGE H. SULLIVAN, *Chairman.*
O. C. NEUMAN.
O. K. DAHLE.
WILL A. BLANCHARD.
HENRY A. LARSON.
SUMNER T. MCKNIGHT.

CONSTRUCTION OF CERTAIN NAVAL WORKS

Mr. HALE and Mr. COPELAND addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield; and if so, to whom?

Mr. KEYES. I will yield to the Senator from Maine, if the matter does not lead to any extended debate.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 1358, Senate bill 4572, to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

Mr. KING. Mr. President——

Mr. HALE. Every year an authorization bill for public works of the Navy is introduced providing authorization for the appropriations that will come the following year. For the last two years we have not been able to get the annual authorization bill through, and we have reached a point now where three years' work has piled up.

Mr. McKELLAR. Has the House passed this bill?

Mr. HALE. The House has passed a similar bill, which is on the calendar.

Mr. WATSON. It is a Senate bill the Senator is talking about now?

Mr. HALE. This is Senate bill 1358, and there is a House bill, Calendar No. 1814, which I would like to have substituted for the Senate bill.

Mr. WATSON. Is this unanimously reported by the Committee on Naval Affairs?

Mr. HALE. It is unanimously reported by the Committee on Naval Affairs. It is simply an authorization. Every item in it has been looked over by the Budget and approved, with the exception of an amendment put in on the floor of the House, and that amendment I shall ask to have stricken out of the bill.

Mr. JONES. I express the hope that this bill may pass.

Mr. BLACK. Mr. President——

Mr. HALE. This is the House bill, as reported by the Naval Affairs Committee——

Mr. BLACK. Mr. President——

Mr. HALE. At the end of the bill there is an amendment added by the Naval Affairs Committee of the Senate which I ask to have stricken out, because legislation has already gone through taking care of the matter. It is not necessary on this bill.

Mr. BLACK. Mr. President, if that is the bill that appropriates $30,000 for a bridge and other construction work——

Mr. HALE. This is not an appropriating bill; it is simply an authorizing bill.

Mr. BLACK. Is it the bill that authorizes the payment of $30,000 for construction?

Mr. HALE. To what place does the Senator refer?

Mr. BLACK. To Portsmouth.

Mr. KING. That is a $35,000 item. I objected to that last evening.

Mr. HALE. That has nothing to do with this bill.

Mr. KING. This is the bill which will lead to the authorizations for the expenditure of millions and millions of dollars. This is merely the entering wedge to the construction of a large number of naval bases and docks and stations in all parts of the United States, one of the omnibus bills, the result of which no man can yet foretell.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. BLAINE. I object. This is a bill that calls for tremendous expenditures, and should not be approved of.

The PRESIDENT pro tempore. Objection is made.

Mr. KING. Regular order.

The PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

ALLOCATION OF FUNDS FOR AGRICULTURAL RESEARCH

Mr. COPELAND. I ask that a short resolution which I submit be considered and passed.

The PRESIDENT pro tempore. The resolution will be reported for the information of the Senate.

The resolution (S. Res. 348) was considered and agreed to, as follows:

Resolved, That the Secretary of Agriculture be requested to make a full report to the Senate as to the allocation of funds appropriated by the United States for agricultural research, and especially in so far as the same relates to the amount expended in connection with eggs and poultry and the proportion the latter bears to the whole amount expended for food research; also a statement as to the benefits derived by the consumer by such food-research work as is now being done.

CHARLES W. MATHISON

Mr. ODDIE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. KEYES. I yield.

Mr. ODDIE. The other night when the calendar was being considered the junior Senator from Utah [Mr. KING] objected to Order of Business 1744, House bill 12502, for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased. I was not in the Chamber at the time to explain the bill to the Senator, but I have just spoken to him, and he has withdrawn his objection. I ask for the immediate consideration of the bill.

Mr. McKELLAR. Let the bill be reported.

The bill was read by title.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROBINSON of Arkansas. I object. I would like to know what is going on.

Mr. ODDIE. Mr. President, this is the case of a young man who enlisted in the Marine Corps in 1919——

Mr. ROBINSON of Arkansas. Just a moment. Is it a House or a Senate bill?

Mr. ODDIE. It is a House bill. It has passed the House.

Mr. ROBINSON of Arkansas. Has a similar or identical bill been reported by a Senate committee?

Mr. ODDIE. Yes; it has been reported favorably by the Senate committee.

The PRESIDENT pro tempore. This bill has been reported favorably.

Mr. ROBINSON of Arkansas. The Senator said it was a House bill.

Mr. ODDIE. It is a House bill.

Mr. ROBINSON of Arkansas. And the bill has been reported by a Senate committee?

Mr. ODDIE. Yes.

Mr. ROBINSON of Arkansas. Unanimously reported?

Mr. ODDIE. It is reported by the Senate committee favorably.

Mr. SMOOT. By what committee was it reported?

Mr. ODDIE. The Committee on Naval Affairs of the Senate.

Mr. SMOOT. All such legislation has been considered by the Committee on Finance.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUILDING FOR THE UNITED STATES SUPREME COURT

The PRESIDING OFFICER (Mr. BARKLEY in the chair) laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 223) to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928, which was, on page 2, line 5, to strike out "death or resignation" and insert "the completion of the building."

Mr. MOSES. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

CONSTRUCTION OF INCINERATORS IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5598) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes, which were, on page 2, line 5, after the word "area," to insert a colon and the following: "*Provided*, That the location of said sites shall be approved by the National Capital Park and Planning Commission before purchase or the institution of proceedings for condemnation thereof"; on page 3, lines 1 and 2, to strike out "loading hoppers, separating plants, ramps, platforms, and"; on page 3, line 15, after the word "commissioners," to insert a colon and the following: "*Provided, however*, That nothing in this act shall prohibit or prevent the sale of salvageable material by the owners thereof or by the Commissioners of the District of Columbia"; and on page 4, line 19, to strike out all after the word "engineering" down to and including the word "and" in line 21.

Mr. CAPPER. I move that the Senate agree to the amendments made by the House.

The motion was agreed to.

REIMBURSEMENT OF NEVADA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5717) for the relief of the State of Nevada, which was on page 1, line 7, after the word "session," to insert: ", the same to be accepted in full settlement of all advances and expenditures and interest thereon made by said State."

Mr. ODDIE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

BANK TAXATION LAWS

Mr. NORBECK. Mr. President, the inequalities of the bank taxation laws are so well known as to arouse the taxpayer. I present and ask to have printed in the RECORD and referred to the Committee on Banking and Currency, House Concurrent Resolution No. 5, passed by the South Dakota Legislature.

There being no objection, the concurrent resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 5 (introduced by Mr. Bode)

A joint resolution memoralizing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis

Be it resolved by the House of Representatives of the State of South Dakota (the Senate concurring):

Whereas the several States of the Union may tax shares of national banks only as permitted by Congress under the provisions of section 5219 of the Revised Statutes of the United States, which in effect permits the taxation of such shares only at a rate not higher than the tax imposed upon money owned by individuals and by them invested in mortgages, bonds, and other securities (commonly known as money and credits) in which national banks may invest their funds; and

Whereas it is unfair to tax an individual so using his own funds at as high a rate as bank shares, which desire the benefit of the investment returns from seven to ten times their own amount in the form of deposits; and

Whereas it is impractical to tax money and credits at more than a relatively nominal rate; and

Whereas the courts have held invalid taxes levied on bank shares in States that undertake to tax money and credits at a low rate and shares of bank stock at any higher rate; and

Whereas the schemes contained in section 5219 of taxing bank shares by income or excise rather than by value are neither practicable nor adaptable to States raising their revenue by the ad valorem method of taxation, which method has always been and now is in use by substantially all of the States of the Union; and

Whereas the American Bankers' Association and their representatives in the different States have united in exerting every effort in opposition to relief of the States by the necessary amendment of that section, and have demanded that the States abandon their present well-tried and satisfactory methods of taxation and substitute an income or excise tax, the result of which has been to reduce the tax on bank shares by more than one-half in every one of the three States in which it has been adopted, with the consequent increase of the burden to be borne by other taxpayers; and

Whereas there is no organization corresponding to the American Bankers' Association to protect the interests of the general taxpaying public in the 40 States whose present methods of taxing bank shares are now found to be unworkable and invalid under section 5219; and

The deplorable situation in which these States find themselves, faced as they are with the choice of radically altering their present taxation systems in compliance with the wishes of the American Bankers' Association or of virtually exempting banks from taxation, demands immediate action in the amendment of section 5219 so as to permit the taxation of national banks on a basis that is fair and equitable to themselves and to the general taxpaying public: Therefore be it

Resolved by the House of Representatives of the State of South Dakota (the Senate concurring), That the Congress of the United States be, and the same is hereby, urgently petitioned and requested to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis, as contemplated by bills now pending before the Senate and House of Representatives of the Congress and amendments proposed thereto.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bill and joint resolution, each with an amendment, in which it requested the concurrence of the Senate:

S. 5717. An act for the relief of the State of Nevada; and

S. J. Res. 223. Joint resolution to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928.

The message also announced that the House had passed the bill (S. 5598) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17099. An act authorizing Russell Thayer, his heirs, legal representatives, and assigns, to construct, maintain, and operate a tunnel or tunnels under the Delaware River between South Philadelphia, Pa., and Gloucester, N. J.;

H. R. 17160. An act authorizing J. B. Roberts, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Colorado River at or near Parker, Ariz.; and

H. J. Res. 430. Joint resolution for the appointment of a joint committee of the Senate and House of Representatives to investigate the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 17099. An act authorizing Russell Thayer, his heirs, legal representatives, and assigns, to construct, maintain, and operate a tunnel or tunnels under the Delaware River between South Philadelphia, Pa., and Gloucester, N. J.; and

H. R. 17160. An act authorizing J. B. Roberts, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Colorado River at or near Parker, Ariz.; to the Committee on Commerce.

H. J. Res. 430. Joint resolution for the appointment of a joint committee of the Senate and House of Representatives to investigate the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

ADDITIONAL ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills:

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5332. An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for women at Alderson, W. Va.;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5758. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa; and

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio.

DEATH OF REPRESENTATIVE ROYAL H. WELLER

The PRESIDENT pro tempore laid before the Senate the following resolutions of the House of Representatives, which were read:

House Resolution 346

Resolved, That the House has heard with profound sorrow of the death of the Hon. ROYAL H. WELLER, a Representative from the State of New York.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

Mr. WAGNER. Mr. President, I offer the following resolution, and move its adoption.

The resolution (S. Res. 347) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROYAL H. WELLER, late a Representative from the State of New York.

Resolved, That a committee of 10 Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

ENLARGEMENT OF CAPITOL GROUNDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds.

Mr. KEYES. Mr. President, the bill before the Senate is a measure to provide for enlargement of the Capitol Grounds. I do not propose to make any extended remarks, realizing as I do that the hour is very late. I shall be very glad, indeed, to answer any question I can in relation to the bill. It has been under consideration for several years. The first legislation was enacted in 1910, providing for the acquisition of lands between the Capitol and the Union Station, and also providing for a new avenue from the Union Station to Pennsylvania Avenue at the foot of Capitol Hill.

The matter has been thoroughly discussed and has had a great deal of consideration. The bill embodies a report from a commission which was authorized to make a report about a year ago. It provides for landscaping the space between the Capitol and the Union Station and for the laying out of a new avenue.

The PRESIDENT pro tempore. The clerk will proceed with the reading of the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Public Buildings and Grounds was, on page 1, line 10, after the word "session," to insert the words "with certain modifications," so as to make the paragraph read:

That the commission created by the act entitled "An act to create a commission to be known as the Commission for the Enlarging of the Capitol Grounds, and for other purposes," approved April 11, 1928, is authorized and directed to carry out the plan for the enlarging of the Capitol Grounds recommended by the commission in Scheme B of its report to the Congress contained in House Document No. 252, Seventieth Congress, first session, with certain modifications, as follows:

The amendment was agreed to.

ELECTRIC RATES IN CANADA AND THE UNITED STATES

Mr. NORRIS. Mr. President, I desire to submit a few remarks. Several days ago I made a statement in the Senate in further comparison of some electric-light rates. I have been criticized by some editorials which have been sent to me and by some letters for the reason that my comparison consisted mainly in a comparison of domestic rates. I was asked why I did not take up other rates such as power rates. I had made some comparison between the rates in cities in Ontario and cities in New York State and other States bordering on the Canadian line, but mostly on domestic and commercial lighting.

It seemed to me that some of the criticism might have come about from the very best of motives. We all know that in the main, with but very few exceptions, in all countries and in all municipalities, whether the electricity is supplied by private utility companies or publicly owned municipal companies, there are as a rule three classifications and different rates are prescribed for each one of the classes. Domestic rates are those which apply where electricity is supplied to the homes. Incidentally there is always a little power included with that such as power for operating washing machines, electric irons, electric fans, electric sweepers, and so forth; but the main thing is for light supplied to the homes. Then there is commercial lighting that is another class, and a third class is for power. Sometimes a fourth classification is made for street lighting.

The claim has been several times made by representatives of private power companies in the United States that in Ontario, where they have such cheap electricity, low rates are made for domestic purposes, that electricity is supplied for domestic purposes even at a loss, and that the loss is made up by higher rates for power. The law regarding the Ontario system specifically provides that the rates shall be at cost and that each one of the different classes shall be self-supporting; that is, that domestic rates must be high enough to pay the cost of domestic lighting, that commercial rates must be high enough to pay the cost of commercial lighting, and that power rates must be high enough to support the cost of furnishing the power.

The charge has been made by some eminent engineer that in the United States there has never yet been put into active practice a scientific cost scheme in the supplying of electricity. In Ontario the law provides that these classes must be differentiated, that each one must be self-supporting, and that each one must be furnished at cost. The charge made by representatives of the Power Trust that domestic electricity is supplied to the domestic consumers in Ontario at less than cost is absolutely groundless. Nevertheless, I am willing to make comparisons as to power rates.

Several years ago when we were considering the Muscle Shoals proposition before the Committee on Agriculture and Forestry, there was evidence being produced in regard to rates in Ontario as compared with rates in this country. The charge was made before the committee, getting the information from a book which had just been published by a representative sent over into Ontario by the Power Trust, and on the basis of his statement—that charge being made by an eminent engineer of this country—that electricity in Ontario for domestic purposes was much cheaper than on this side of the line, but that for power purposes it was much higher.

About that time the bells rang and the committee which was holding the hearings adjourned to come to the Senate where the tariff bill was being considered. It was found that there was no quorum present in the Senate Chamber so the members of the committee came over here. When I got here a quorum had appeared, and either the chairman of the Committee on Finance or some other member of the committee was then arguing a tariff proposition involving some chemicals; carbide, I think, was one of them. There was quite a stiff tariff proposed in the tariff bill on that product.

I sat down in the Senate and listened. I think it was the chairman of the Finance Committee who was then speaking. He was explaining to the Senate why they had proposed a tariff on carbide and several other articles that were then under consideration. His main argument was that the American manufacturers of that article came into competition with the manufacturers of the same article across the line in Ontario, Canada, and that there was no other substantial competition for the American manufacturers, and that on account of the cheap power which they had over in Ontario those on this side of the line making the article were unable to compete. So that before the Committee on Agriculture and Forestry the charge was made that power was furnished cheaper in this country than it was in Ontario, but on the same day the Senate itself was being told by the chairman of the Finance Committee—and they acted on his advice and adopted that tariff revision—that American manufacturers would be driven out of business by the Canadian manufacturers on account of the cheap power over there unless we put the tariff on the articles as proposed by the Senate Finance Committee. I took the floor when the chairman of the Finance Committee got through and called attention to what had happened before the Committee on Agriculture and Forestry, but apparently I had no effect because the tariff was put on and is there now.

These criticisms came the other day and my attention was called about that time to an open letter written by Mr. Judson King, executive director of the National Popular Government League, to Mr. Samuel Ferguson, who is president of the Hartford Electric Light Co. They had been having a series of articles published and Mr. King has just issued a bulletin from his department. I read it and saw that there were some definite comparisons made between the cost of power in Ontario and the cost of power over here in the United States. I want to read from this correspondence and from some of the quotations that were made. In it is a letter which the writer quotes from the chairman of the local commission at St. Catherines, Ontario, where they are supplied electricity, both for lighting, for street lighting, for commercial purposes, and for power, by the publicly owned hydroelectric commission facilities. In this letter this commissioner at St. Catherines used this language:

As you know, the rates in use by the municipal systems are subject to the approval of the provincial commission. Each year an analysis is made of the rates in use in each municipality, the costs of each of the four departments being placed against the revenue derived from that business, and if a loss should be made in one department and the factors which produce the existing deficit are likely to remain the same for a considerable period of time, the rates are increased, or if an undue surplus is made the rates are, of course, decreased. This distribution of cost is made from our load curve and from our monthly reports, and invariably we have found that the greatest percentage of the surplus in normal years has been made from domestic lighting business.

It will be noted that he says on a purely cost basis it has been found that the greatest percentage of profit comes from the domestic business. I read a book not long ago written by Morris L. Cook, an eminent engineer of Philadelphia, in which he reviews the subject and he deduces from his technical examinations the conclusion that in the United States the domestic consumers are being vastly overcharged.

They are paying what the users of power in commercial lighting ought to pay. This letter goes on:

Naturally the details of such an analysis could not be placed in letter form and I can only tell you that we do conscientiously try to determine our costs in each one of the four departments and that we have consistently made money on the domestic business.

He speaks of four departments; I have been speaking of three. The fourth one, under the practice in St. Catharines, is street lighting. They have domestic consumers, commercial consumers, power consumers, and street lighting. Each of the four must be self-sustaining. This letter says:

Revenue from domestic consumers in St. Catharines—

St. Catharines, by the way, is a city of between 20,000 and 25,000 people in Ontario, Canada—

Revenue from domestic consumers from 1916 to 1920, $153,716; cost of serving domestic consumers, $128,894—

Leaving a net surplus from the domestic consumers of $24,822.

Next—

Says this report from St. Catharines—

The figures for the whole system, including domestic, commercial, power users, and street lighting, are as follows:

Total revenue from all customers, 1916 to 1920	$581,215
Total cost of serving all customers	499,218
Net surplus, all services	81,997

Let me say to the Senate that in the figured cost is an item—not only in St. Catharines but in every other municipality of Ontario—providing for an amortization fund that in from 30 to 50 years will pay off all the capital.

In addition, of course, there are all the costs of maintenance, and so forth. This report further says:

Of the total revenue, then, the domestic customers furnished 26 per cent; of the total net surplus the domestic customers furnished 30 per cent.

At the end of 1927—

I am still reading from Mr. Yates's report—

At the end of 1927, after 14 years' operation, the city owns a plant at a cost of $502,098.74; has a bonded indebtedness of $186,700.88, against which we have a sinking fund of $44,887.11; has paid off $45,322.03 in bonds; and has an operating surplus of $153,933.26, $23,900 of which is in bonds. Nineteen hundred and twenty-two was the only year in which the system has not paid all costs, including interest.

He states further:

As the operating surplus during 1927 was more than the hydro policy of "power at cost" could sanction, we have returned this year to our customers of 1927 a refund of 5 per cent of the accounts paid by them for service during the year.

That is what the Canadian law provides. If at the end of the year they have accumulated a greater surplus than necessary; in other words, if they have made more money than under the law they ought to make in supplying electricity at cost, they are required to rebate the excess to their customers, and that happens often.

He incloses some statistics in regard to St. Catharines's domestic service from 1914 to 1927. At the beginning, before this publicly owned operation was commenced, electricity was being supplied by privately owned companies, and the people were paying 7 cents per kilowatt-hour.

The first year, 1914, when the public operation began, the net average cost per kilowatt-hour was reduced to 3.7 cents per kilowatt-hour. It has been reduced every year from that time on with the exception of two or three years, when the cost was increased.

In 1922 their average rate for domestic service was 1.3 cents per kilowatt-hour, and that year, as Mr. Yates says, they operated at a loss. So they were required under the law to increase their rates; and how have they increased them? They increased them from 1.3 cents per kilowatt-hour to the enormous sum of 1.7 cents per kilowatt-hour. They increased the rates four-tenths of 1 cent per kilowatt-hour, and that gave them a profit instead of a loss. Then they continued to reduce their rates until in 1927 the average cost per kilowatt-hour for domestic service was 1.2 cents per kilowatt-hour.

Mr. Yates, the man who has charge of the electric service in St. Catherines, makes some very interesting comparisons. I want to call the attention of the country to them. He says:

There are other ways of testing this charge of domestic losses. Suppose that in 1917, the first year for which we have complete official figures, the manufacturers and other industrial power users in St. Catherines had paid the cost of the whole service.

That is, had furnished free service to the householders and commercial users and lighted the city streets. Just consider this comparison, and see how it comes out.

Suppose for that year, 1917, each one of these departments had consumed the same amount of electricity they actually did consume; that they had charged the entire cost to the manufacturers and industrial users of electricity; and that they had furnished all householders, all domestic consumers, their electricity absolutely free, what would have been the result?

The total revenue from all services in that year was $117,190. If the power consumers had had to pay it all, how much would it have cost them? It would have cost them $26.50 per horsepower per year. That is not as cheap electricity for power as we have in some places even in this country, but it is very cheap electricity, much cheaper than the average. It is a lower average cost than that paid by power users in the United States.

That comparison was where the power users paid it all and let the other consumers have their electricity for nothing.

Let us consider another comparison that Mr. Yates makes. Suppose in that same year, instead of having the power users pay it all, they had charged it all up to domestic users. Let us see what they would have to pay.

Suppose—

Says Mr. Yates—

that the women of St. Catherines had paid everything and furnished free service to the manufacturers, the stores, and lighted the city streets for this same year at a time when the domestic service was just getting its stride and there were only 2,800 customers or domestic consumers with a small monthly consumption.

It is interesting to see if all this cost were charged to the domestic consumers and everybody else were given free service, how much they would have to pay. Here is the result:

The total revenue from the service during that year, as I have said, was $117,190. The computation is made by Mr. Yates, and shows that the domestic consumers would have had to pay 11.3 cents per kilowatt-hour. There are thousands of cities in the United States and towns where the consumers are paying much higher rates than that, and yet that rate would have enabled the domestic consumers to supply all of the power used, all the current used to light the streets and to light all the stores and business places in the city of St. Catherines without the charge of a single cent for electricity.

Now I come to the comparison as to power rates I said I was going to make. I am quoting from this article by Mr. King, in which he gives a verbatim copy of an actual power receipt in St. Catharines; not an imaginary receipt, but an actual receipt. The bill is for power, and the concern purchasing the power was a big one. It consumed 1,531 horsepower. That is a vast amount of power. It would operate a very extensive manufacturing plant, as it did, as a matter of fact. Here is the bill rendered according to their schedule. The industrial company consumed during that month 432,500 kilowatts. Under the rates charged in St. Catharines 57,100 kilowatt-hours were charged at the rate of 1.25 cents per kilowatt-hour; 57,100 kilowatt-hours were charged for at the rate of 0.85 cent per kilowatt-hour; 318,300 kilowatt-hours were charged for at the rate of 0.12 of a cent per kilowatt-hour. Adding it all up and allowing the discount which the law provides, they had a net bill for that month to pay for the power thus consumed of $2,110.74.

Now let us transfer our activities to the home of the man who is having this correspondence with Mr. King, to Hartford, Conn. Suppose some power company in Hartford, Conn., had consumed during the same month the same amount of electricity, how much would it have had to pay? Here is the net bill, itemized, amounting to $5,292.56. Over $5,000 in Hartford, Conn.; a little over $2,000 in St. Catharines! That is power. It is all power—nothing but power.

I have some more power bills here.

Here is a company in St. Catharines that paid, for the power it consumed—it is a small power-user—$15.36. If the same concern had been in Hartford, Conn., it would have had to pay, for the same power, in the same month, $105.90. That is power comparison for you between publicly owned and privately owned generating and supply plants!

It will be said in one case that the private company pays taxes, and it will be said in the other case that it does not, although that is not strictly true. As I have said before, the parent corporation, the wholesale corporation in Canada, does pay taxes. The municipality pays none. On the other hand, in Hartford, Conn., the private company sets aside nothing to pay off its capital. Instead of that, every year its capital gets greater; and there is a constant contest from all these privately operated utility companies to increase their capital, increase it, put a little more water in it, increase it from time to time, and, like Tennyson's "Brook," it goes on forever; whereas in the other figure that I have given you from St. Catharines there is an amortization fee that in less than 50 years will pay off the entire capital and leave them no investment whatever, with all their property free of any charge.

Here is another bill. This is commercial lighting. In this case a department store up in St. Catharines—and I have been in the store myself—consumed, during the month for which this bill was rendered, 6,260 kilowatt-hours. Its net bill was $54.37. If that department store had been operating in Hartford, Conn., during the same month, and had consumed the same amount of electricity, it would have had to pay $233.94 for it.

Mr. President, at this point in my remarks I ask permission to insert, without further reading, the entire bulletin from which I have been quoting.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Without objection, the request is granted.

The matter referred to is as follows:

[Bulletin No. 126, February 12, 1929]

NATIONAL POPULAR GOVERNMENT LEAGUE,
Washington, D. C.

AN OPEN LETTER TO MR. SAMUEL FERGUSON, PRESIDENT HARTFORD ELECTRIC LIGHT CO., IN ANSWER TO "A PIECE OF MUSCLE SHOALS PROPAGANDA"

A CHALLENGE

In your Piece of Muscle Shoals Propaganda sent Congress and in your recent speech to the League of Women Voters at Worcester, Mass., you attempt to explain why American women are paying from two to five times as much for domestic electrical service as the women of Ontario (p. 8).

Your chief explanation and that of the National Electric Light Association and the Joint Committee of Utility Associations is:

1. There are "losses" on the domestic service in Ontario.
2. Made up by overcharging merchants and manufacturers (pp. 8–14).
3. Who pay higher rates than charged in the United States (pp. 9, 15, 16, 17).
4. Where the home, the store, the factory, and street light each pays its own way by proportional rate adjustment (p. 9).

These charges are false. The crux of the whole matter lies in the fact that American companies do not even know what it costs them to serve these respective classes of customers because they do not keep scientific cost accounting—they charge what the traffic will bear.

Ontario hydro managers have practiced cost accounting for 20 years, as provided by law; every municipality adjusts its rate schedule for each class of customers on the basis of the cost of service to that class (pp. 10 and 11).

For the electrical industry of the United States to spread the above misleading propaganda is unprofessional conduct, an insult to Ontario, a fraud on our public officials, business men, manufacturers, and the people.

If you, Mr. Ferguson, or Judge Stephen B. Davis, director of the joint committee, or Mr. P. S. Arkwright, president of the National Electric Light Association, or any of the officers of your varied organizations will furnish me information and proof as to more than 5 out of the 4,352 operating companies in the United States which have maintained continuous records of costs in terms of class of service comparable in accuracy with those recognized as good practice in industry, I will present to the Worcester League of Women Voters, the Hartford Community Chest, or any institution you may name $100, which is more for me than $10,000 to the National Electric Light Association or the joint committee. (P. 19.)

INTRODUCTORY NOTE

This bulletin is a rejoinder to a pamphlet issued by Mr. Samuel Ferguson, president of the Hartford Electric Light Co., containing certain correspondence between us, and entitled "A Piece of Muscle Shoals Propaganda."

Attention is called to Mr. Ferguson's preface in which he offers Senator NORRIS copies of his pamphlet for league members. The Senator paid no attention to this, and I then wrote Mr. Ferguson that I would distribute 1,000 copies to a selected list of league members and others especially interested in the power question. He accepted.

It should be added that former Senator Robert L. Owen last summer indicated his desire to retire from active work in the league and submitted his resignation as president. The resignation was not acted upon until the close of the year. This explains the presence of his name on the league letterhead, although he is in no way involved in this controversy.

For brevity and clearness, short titles will be used as follows:

N. E. L. A.: The National Electric Light Association, New York, chief technical and propaganda organization of the power companies. It furnishes statistical data, news releases, pamphlets, etc., aids its various regional divisions, and the 28 State bureaus of public-utility information. It is "the voice" of the industry. Its regular annual income approximates $2,000,000.

N. E. L. A. Rate Book: Issued annually, around 800 pages; gives in detail official rate schedules of private power companies in the major municipalities of the United States. It is confidential, numbered, and can not be obtained by the public.

Ontario Reports and Bulletins: Annual reports and monthly bulletin of the Hydroelectric Power Commission of Ontario. The reports are volumes of some 500 pages and contain a vast amount of detail matter not ordinarily included in utility reports. Not confidential; annually subjected to four different official audits.

Joint Committee: Joint Committee on National Utility Associations, formed in 1927 by the National Electric Light Association, the American Electric Railway Association, and the American Gas Association, George B. Cortelyou, chairman, to defeat the Walsh resolution for investigation of the Power Trust and the bills for public operation of Muscle Shoals and Boulder Dam. Its first year's budget was $400,000.

Brief of the joint committee: Joint committee, above, issued a printed document of 264 pages, presented to United States Senators by ex-Senator Lenroot, as counsel, in opposition to the Power Trust investigation. Contains much data furnished by the National Electric Light Association. Signed by 182 utility lawyers and law firms whose power and political connections are analyzed in Bulletin 115 of this league, entitled "Political Lawyers."

Harvard reports: Studies, Domestic Electric Service, St. Catharines, Ontario, and Hartford, Conn., Graduate School of Business Administration, Harvard University.

THE LETTER

DEAR MR. FERGUSON: Your pamphlet containing our correspondence is of interest to me because in your letter of November 23 you add your voice to that of the combined utility interests of the Nation in promoting one of the most objectionable propaganda tales now beclouding public opinion in this struggle with the power interests for lower electric rates.

I refer to your "hint"—which amounts to a charge—that there are "losses" on the domestic service of the Ontario hydroelectric system and which are made up in other ways. And for this reason:

The American people—active, thinking women in particular—know the importance of electricity in the home. They know that they are denied the full measure of its benefits because of high costs. They are becoming aware that they are compelled to pay from three to five times as much money for similar service as are the people of Ontario. If they ask why, they are told by prominent power officials and financiers, gentlemen in whom they are entitled to have confidence, that it is "all politics"; that Ontario domestic users are served far below cost; that these "losses" are made good by overcharging the manufacturers and commercial users and by taxes. In essence, that the Ontario hydro is conducted on principles financially unsound and the hope that we might have similar low rates in the United States is but the fairy story of Communists and other radical propagandists seeking to destroy this Republic.

This is one of the most important assertions made in a general "educational" drive to control the American mind on which the electrical industry, spends around $30,000,000 annually in advertising and propaganda. It is also solemnly asserted as established fact by utility lawyers and experts before committees of Congress, State legislatures, city councils, and State public utility commissions when franchises, power sites, and rate reductions are at stake. It is believed—and honestly believed—by a majority of Federal and State judges, Army engineers, lawmakers, editors, economists, college professors, statisticians, industrial leaders, civic leaders, and the public at large. Hence it becomes of enormous practical consequence.

But it is untrue. As a matter of demonstrable fact, the vast majority of power and commercial users are also paying from two to five times as much for their service as are commercial and industrial users in Ontario. But they do not know this. Hence manufacturers' organizations, national and State; commercial organizations, national, State, and municipal, solemnly pass resolutions against the Swing-Johnson Boulder Dam bill, the Norris Muscle Shoals bill, the Walsh resolution, etc. They will doubtless repeat this performance in the immediate struggle over the new Muscle Shoals bill offered by private interests. From this viewpoint the claim becomes an important matter. I propose here to refute it by reliable evidence, fully documented, which must commend itself to candid minds.

The issue here, let me emphasize, is not primarily as between the merits of public versus private ownership and operation. It raises the question of what electric service is worth when furnished by private companies on an honest valuation with efficient management.

Incidentally, if there is no power trust, it is curious that you, a New Englander, are so concerned over Muscle Shoals, 1,000 miles distant, and that your company contributed money to defeat not only the Norris bill for Muscle Shoals, but the Swing-Johnson bill for Boulder Canyon, desired by the people of California, 3,000 miles from Hartford. Can it be that you fear that the example of cheap power rates through public operation at Muscle Shoals and Boulder Dam would start an agitation for cheaper power rates in New England? But cheaper power rates is one of New England's needs. New England leaders are alarmed over the exodus of manufacturers, one item being cheaper power elsewhere. Your New England conference is considering the causes of New England's present condition. I commend to them a study of power costs from data furnished by sources other than the National Electric Light Association.

Since early November, when you began this correspondence, my time has been absorbed by other work. I could not give it extended attention, and, to be frank, I was not impressed either by your method of reasoning or by your undocumented assertions. Time spent on them seemed futile. I was unaware you were writing for publication purposes. But when suddenly, without warning, you published an uncompleted interchange of letters in facsimile and sent it to United States Senators and Congressmen just prior to the introduction of a new bill giving Muscle Shoals to private interests, also to officials of this league, officers of other organizations—and how much further I do not know—with manifest intent to discredit me on the grounds that I am a disseminator of "false information," it became another matter.

I do not object to your publishing the correspondence, but it would have been a not unusual courtesy for you to appraise me of the fact that you intended to do so. I regret that space forbids my publishing in full the letters which have passed between us since you issued your publication, but I shall quote from them, and quote fairly.

At first I intended to mail your pamphlet and my answer in separate envelopes. You sent 5-cent stamps and envelopes. I discovered, however, that you made a mistake and your pamphlet will require only 3 cents. Exchange of stamps at the post office would require considerable time and red tape. Hence I have purchased stronger envelopes, added my share of the postage and am inclosing the two together. I will, of course, make the proper adjustment on the mailing expense, which, as a matter of fact, is slightly more expensive for me than the original plan.

I shall first deal with your Muscle Shoals contentions and next take up "why the 5 cents," which I claim is the approximate figure by which American consumers are being overcharged on their average domestic service per kilowatt-hour by private companies in the United States, and which you told Congressmen is foolish.

MUSCLE SHOALS—BULLETIN 123

The letters from November 6 to November 21, inclusive, will take care of themselves. In them you attempted to force me to give a "yes" or "no" answer to a question based on a wrong premise—one of those "have-you-stopped-beating-your-wife" questions. Your letter of November 22 is more to the point.

Now, in Bulletin No. 123 I set up at page 3 certain hypothetical conditions and showed that if the power purchased by the Alabama Power Co. from the United States Government at 2 mills per kilowatt-hour were sold at the published rate schedules, under these assumptions the profits would have been $46,000,000. I did not say that the Alabama Power Co. had sold this current as suggested. I distinctly said "let us assume this" (these conditions).

I freely confess that I presumed too much upon fairness of interpretation and did not repeat the word "assume" or "if" or "under these conditions," etc., in each paragraph. And so, by treating these hypothetical figures on possible profits as assertions of fact which might presumably have been taken from an annual report, you are easily able to reach the conclusion that I am dishonest and am spreading false information.

THE REAL POINT IN BULLETIN NO. 123

My starting point: The real purpose of Bulletin No. 123 was to indicate the relative profits per kilowatt-hour being made by private electric companies on the various classes of consumers from the viewpoint of an honest valuation and economical management—with watered stocks, inside deals, enormous salaries, multiple ownership, and large sums for politics and propaganda eliminated. My fundamental starting point is an honest estimate of real generating and transmitting costs, plus real distribution costs to different classes of customers, as nearly as we can judge in the absence of proper cost accounting by American private companies, since this is the only method by which we can get at real net earnings.

Your starting point: You start from the other end of the line—that is, from net earnings as reported, or gross sales. This relieves you of the necessity of disproving that the block of Muscle Shoals power sold under the conditions I laid down would have produced that profit—for somebody, somewhere. For the Alabama Power Co., or the Southeastern Power & Light Co. of New York which controls it, or the Electric Bond & Share Co. of New York which controls it, or the Electric Bond & Share Securities Corporation which controls it, or the General Electric Co. which controls it, or contracting concerns controlled by officers of these companies, or transmitting or distributing companies to which the Alabama Power Co. sells current wholesale, or all of them. It makes little difference to the people paying the bills how you conceal the profits in the subterranean passages of the pyramids—they are there and all that the State utility commissions know is what you tell them.

Of course, if the Alabama Power Co. did not sell half of this current for lighting purposes as do the Ontario municipalities, averaged, then

it—or somebody along the line—would not have made the profits assumed. I was frankly astounded to have Mr. Martin, president of the company, vehemently inform me that less than 10 per cent of the company's current was sold for lighting purposes.

The real question still unanswered: So, Mr. Ferguson, it is still up to you to prove that there is not a 5-cent profit on domestic current, a 2½-cent profit on small power users, and a 1-cent profit on large power, per kilowatt-hour, unless Mr. Martin is selling certain blocks of industrial power at less than his schedules published in the N. E. L. A. rate book.

I refuse to accept conclusions based upon the "reports" of a single company—such as the Alabama Power Co.—in the pyramided line of holding companies which constitute the maze of the existing system of ownership and control. This is what, in the rush of rapid dictation, I referred to as "bookkeeping" methods. I demand that you get down to brass tacks, namely, cost allocation on an honest valuation to the various classes of ultimate consumers. That you will be reluctant to do. From this viewpoint your impressive looking set-up of November 22, paragraph 5, demolishing my Muscle Shoals assumptions does not apply, because a considerable part of your gross sales figure of $16,800,000 came not from retail consumers but from other electric companies buying current from the Alabama Power Co. at wholesale rates. This you forgot to mention.

WHY THE 5 CENTS DIFFERENCE? BULLETIN NO. 119

I am glad you took up the challenge as to "why the 5 cents" difference in your letter of November 23, because in Bulletin No. 119 I do not deal with assumptions but with documented facts.

For the benefit of readers who have not seen this bulletin, its chief feature consists of a 2-color chart which shows the comparative cost of domestic electricity in a selected group of 32 American cities with a combined population of 25,000,000 and 21 Ontario cities with a combined population of 1,179,000. It was printed in black in the CONGRESSIONAL RECORD of March 9, 1928, at page 4569.

The selection of American cities listed and figures thereon were determined by the Electrical World and used by the N. E. L. A., also by the joint committee at page 162 of the brief filed by former Senator Lenroot as attorney in opposition to the Walsh resolution for an investigation of the Power Trust.

There are only 21 cities in Ontario of 10,000 population or more and figures for these cities were taken from the official Bulletin of the Hydro-Electric Power Commission of Ontario for November, 1927, page 411, and from their annual reports. Note that the figures are not "rates"—they give the net average "cost" per kilowatt-hour purchased.

The Ontario Hydro system began operation October 11, 1910, with 5 cities and 9 towns to serve. By 1918 there were 21 cities and also 108 towns and villages connected. There are now over 350. It is significant to note that the figure of 9.3 cents in parentheses at the top of the Ontario column on the following table is the net average cost charged by private companies prior to Hydro and is approximately the same as under private companies in the United States.

Cost of residence electricity per kilowatt-hour

Year	United States (cost kilowatt-hour)	Ontario (cost kilowatt-hour)
	Cents	*Cents*
1910	9.2	9.3
1911	9.0	
1912	8.9	6.00
1913	8.7	5.06
1914	8.5	4.86
1915	8.0	3.83
1916	8.05	3.08
1917	8.1	2.89
1918	7.9	2.72
1919	7.8	2.55
1920	8.0	2.29
1921	7.9	2.20
1922	7.8	1.98
1923	7.7	1.83
1924	7.6	1.73
1925	7.5	1.71
1926	7.4	1.66

The bulletin also contained the following condensed tables. Being a small 4-page leaflet, there was no room for extended explanation:

Industrial power, total, 1926

	Kilowatt-hours sold	Revenue	Kilowatt-hours
			Cents
Entire United States	35,154,000,000	$461,000,000	1.31137
Entire Ontario	546,452,626	6,720,796	1.22990

Hence at Ontario power rates, the American power bill would have been less by $28,819,000.

Domestic, commercial, and street light, 1926

	Kilowatt-hours sold	Revenue	Kilowatt-hours
			Cents
Entire United States	15,000,000,000	$1,018,200,000	6.788
Entire Ontario	638,486,973	12,987,676	2.034

At Ontario light rates, the total American light bill would have been less by $713,000,000.

The Ontario figures for industrial power included only that sold by the municipalities and not the quantity sold by the commission direct, which would bring the average per kilowatt-hour much lower.

The sources from which the above figures were taken are: Electrical World, January 7, 1928; for Ontario data, the bulletins and reports above mentioned.

WHY THIS DIFFERENCE?

Under the double-page chart, or "graph," with the above heading, there was added the following:

	Cents per kilowatt-hour
Average price in these American cities to domestic consumers in 1926	7.4
Average price "service at cost" in Ontario cities in 1926	1.6
Since Hydro does not pay taxes in proportion to United States add 10 per cent	.16
Since Hydro does not pay dividends, add a fair profit of 10 per cent	.16
Since Hydro generates by water power, and 23 of the above United States cities generate chiefly by coal, add per kilowatt-hour	.48
Adding these American extra would raise the Ontario price to	2.4
Leaving unexplained why American consumers are forced to pay an added	5

This, then, was the "5 cents" which I asked you to explain. Characteristically, in your letter of November 23, you attack the 5 cents and "reduce the whole bulletin to an absurdity" by attacking another table, which in logic is a nonsequiter, and which we will let rest until you demonstrate in extensio and with documentation how you arrive at your offhand figure of $540,000,000 possible reduction of revenue by American companies. I observe you are a trifle careless about giving your references and people will ask, "Who said so?"

You tell me that you have made an analysis and arrived at the "complete answer" as to "why the 5 cents" difference. On January 8 I asked you to send this analysis to me. You refused. I also requested you "to send me the figures of your cost findings of serving your various classes of customers." This also you refused.

However, in the last half of your letter of November 23 you gave a "hint" as to what this answer is, the concluding paragraph being:

"THE HINT"

"The large use in St. Catharines is, of course, due to the low price charged for the past 12 years with the attendant losses; which losses are, however, steadily being reduced from the large figure which must have existed in 1916 when the average revenue was only $8 per customer."

Here again is the familiar claim that Ontario householders have cheap electricity because they are served below cost. It is, as I have said, the chief charge made by the N. E. L. A.—the "voice" of the electrical industry, to which your company as a member paid $3,371.58 as annual dues in 1927 (Exhibit 4125, Federal Trade Commission Hearings)—also by the joint committee to which your company contributed $1,800 (Exhibit 756) toward the $400,000 budget sought to kill the Boulder Canyon and Muscle Shoals bills and the Walsh resolution to investigate the Power Trust.

To be specific, one of the leading pamphlets published by the joint committee is Government Fails in Industry—300,000 circulated. In the chapter Ontario Hydro-Power Myth, at page 24, we find the following in a discussion of this very matter:

"That is quite true (that in Ontario the domestic consumer pays much less for current than his American neighbor across the border) but the Ontario factories and other power users pay much higher rates than do American power users."

The claim was given further dignity in the memorandum of the joint committee above noted, signed by 182 utility lawyers and law firms over the Nation, 14 of them coming from New England. Through four pages the thesis is maintained that in Ontario the domestic user "is in economic effect subsidized by the State, the business man, and the manufacturer" (p. 180 seq.).

Its latest appearance, to my knowledge, is in a newspaper release dated January 31, 1929, sent out by the Department of Public Information, National Electric Light Association, 420 Lexington Avenue, New York City. It is an extended review with quotations from an article in The Annalist entitled "Ontario's Hydro—Drastic and Elusive Venture in Government Economics," by William M. Carpenter. The

Annalist stands in the front rank of financial journals, being published by the New York Times Co.

Through two pages Mr. Carpenter rings the familiar charges which show that "the system in vogue in the United States seems to result in lower charges to industry and trade," etc. The publicity man, knowing his job, plays up Mr. Carpenter as an independent authority and concludes his story with this:

"In other words, Mr. Carpenter voices the old, old question: 'Shall the small domestic consumer be subsidized at the expense of industry and business and the taxpayer generally?'"

Now, it happens that I met the writer of this article recently in Chicago. I asked for his card and on it was written: "National Electric Light Association, Wm. Morgan Carpenter, Research Statistician, 420 Lexington Avenue, New York."

That is to say, with the kind permission of The Annalist, the N. E. L. A. quotes the N. E. L. A. to prove what the N. E. L. A. desires the public to believe. I charge that this is the exact reverse of the truth.

ONTARIO MANAGERS PRACTICE COST ACCOUNTING—AMERICAN MANAGERS DO NOT

We arrive here at the most vital and important issue now needed to be discussed in the whole power problem—namely, cost accounting for different classes of service.

There is no possible way of knowing whether an electrical utility is making or losing money on any one of its loads—domestic, commercial, power, or street lighting—unless there is a regular, scientific system of accounting established and kept so that the exact cost of serving each class can be allocated.

In view of this charge against Ontario, made by the most responsible men of the electrical industry in the United States, including yourself, it has been an amazing thing for me to discover that the American managers do not keep such cost accounting but that the Ontario managers do and have for 20 years. I have seen the books and talked with the chiefs both at the head offices in Toronto and with managers of various municipal systems. I know that it is true. Ontario managers know what they are about in their rate making—American managers do not. They are guessing.

That is why, Mr. Ferguson, I asked you and also Mr. Martin of the Alabama Power Co. for your cost allocations. You refused as usual, saying, in your letter of January 14:

"Relative to your request for this company's cost analyses, would say that having already seen your ability to distort figures I, naturally, decline to furnish new material for similar use.

"I feel especially justified in making this answer as your question is incomplete in not asking for such essential information as 'K. W. demand' of each class; as 'number of customers' of each class; and 'miles of distribution lines' for each class, etc., without which any conclusion you might draw from the figures would be quite as foolish as your '5-cent overcharge' conclusion.

"We keep the 'set-up' including, however, the other essential items of information."

Prof. Philip Cabot, of the Graduate School of Business Administration of Harvard University, in an article in the Annalist, republished in An Analysis of the Domestic Business of the Hartford Electric Light Co., 1914–1926, says, at page 41:

"All the services of the Hartford company are produced at a joint cost and it is impossible to allocate the costs between the various services."

It is for you two gentlemen to decide which statement is correct.

I deny the claim that American companies have a scientific system of establishing rate schedules by a system of cost allocation as implied and make the challenge printed on the first page of this bulletin.

ONTARIO AND ST. CATHARINES

Return now to your charge that in St. Catharines, Ontario, as an example, there are "losses" on the domestic service, particularly heavy in the earlier years—1916 and following. Now, if cost accounting is kept in Ontario and your statement is true, then the official records will show it. Ontario hydro accounts are audited by four different sets of official auditors, and no one—except American propagandists—has had the temerity to deny their accuracy.

So I wrote Mr. P. B. Yates, manager of the Public Utilities Commission of the City of St. Catharines, and an electrical engineer of 30 years' experience, and asked him for an official financial statement as to his domestic business from 1916 to 1920. He wrote as follows:

"As you know, the rates in use by the municipal systems are subject to the approval of the provincial commission. Each year an analysis is made of the rates in use in each municipality. The costs of each of the four departments being placed against the revenue derived from that business, and if a loss should be made in one department and the factors which produced the existing deficit are likely to remain the same for a considerable period the rates are increased, or if an undue surplus is made the rates are, of course, decreased. This distribution of costs is made from our load curves and from our monthly reports, and invariably we have found that the greatest percentage of the surplus in normal years has been made from the domestic lighting business. Naturally the details of such an analysis could not be placed in letter form, and I can only tell you that we do conscientiously try to determine our costs in each one of the four departments, and that we have consistently made money on the domestic business."

Mr. Yates also furnished me the figures for his domestic business from 1916 to 1920, inclusive, which are sufficient to cover the period in which you claim the losses were especially heavy. They may be put in tabular form as follows:

Revenue from domestic customers (1916–1920)	$153,716
Cost of serving domestic customers	128,894
Net surplus on domestic load	24,822

Next, the figures for the whole system, including domestic, commercial, power users, and street lighting, are as follows:

Total revenue from all customers (1916–1920)	$581,215
Total cost of serving all customers	499,218
Net surplus, all services	81,997

Of the total revenue, then, the domestic customers furnished 26 per cent.

Of the total net surplus, domestic customers furnished 30 per cent.

Unfortunately, Mr. Ferguson, your confident assumption of "losses" on the St. Catharines domestic business as an explanation of low rates falls to the ground in the face of the official figures, and with it goes this explanation for low rates in Ontario, since you are using St. Catharines as an illustration and since the experience of St. Catharines, by and large, is typical of the other municipalities.

Mr. Yates summarizes the whole operation from 1914 to 1927, inclusive, as follows:

"At the end of 1927, after 14 years' operation, the city owns a plant at a cost of $502,098.74, has a bonded indebtedness of $186,700.88 against which we have a sinking fund of $44,887.11, has paid off $45,322.03 in bonds, and has an operating surplus of $153,933.26, $23,900 of which is in bonds. Nineteen hundred and twenty-two was the only year in which the system has not paid all costs, including interest, sinking fund, and depreciation. With a population of 22,043, we had 6,038 consumers at the end of 1927.

"As the operating surplus during 1927 was more than the hydro policy of 'power at cost' could sanction, we have returned this year to our consumers of 1927 a refund of 5 per cent of the accounts paid by them for service during that year."

Considering that widespread publicity has been given your recent refund of 60 per cent of one month's bill to your consumers, it is highly interesting to note that, although Mr. Yates is selling current in all branches of the service at rates startlingly below your own, he made to his customers of 1927 a refund of 5 per cent for the entire year, which just equals your refund of 60 per cent for one month.

Hence the following statement from the Ontario reports of the financial history of the St. Catharines domestic service is highly instructive. The average cost of domestic current by the private company prior to hydro was 7 cents per kilowatt-hour, water-power generation.

St. Catharines domestic service, 1914–1927

Year	Total revenue	Total consumption, kilowatt-hours	Number of customers	Average monthly use per customer, kilowatt-hours	Average monthly bill	Net average cost per kilowatt-hour
						Cents
1914	$2,013	53,572	833			3.7
1915	9,540	273,389	1,612	19	$0.65	3.5
1916	16,419	591,765	2,410	24	.68	2.8
1917	24,275	1,038,894	2,833	31	.77	2.3
1918	30,187	1,448,273	3,022	40	.84	2.0
1919	36,710	1,815,947	3,428	44	.89	2.0
1920	46,123	2,899,265	3,703	65	1.04	1.6
1921	55,560	3,932,393	4,040	81	1.15	1.4
1922	59,603	4,565,984	4,341	88	1.15	1.3
1923	77,332	4,394,072	4,598	79	1.40	1.7
1924	89,008	5,380,069	4,851	95	1.57	1.6
1925	95,398	5,832,281	5,042	98	1.61	1.6
1926	104,657	7,613,558	5,198	124	1.70	1.4
1927	116,155	9,340,578	5,371	147	1.83	1.2

Note that the use by the average home grew from 19 kilowatt-hours per month in 1915 to 147 kilowatt-hours in 1927, but the average monthly bill increased only from 65 cents to $1.83—more than seven and one-half times the current at less than three times the cost. The increased use continued even during the difficult years of the World War and the reconstruction period following. The St. Catharines public system began just when the war started and all Canada was hit harder than the United States. Yet it has been highly successful and the cost of electricity to the people has decreased much faster than in the United States.

IF THE MANUFACTURERS HAD PAID ALL BILLS

There are other ways of testing this charge of domestic losses. Suppose that in 1917, the first year for which we have complete official figures, the manufacturers and other industrial power users in St. Catharines had paid the cost of the whole service—that is, their own bills and furnished free service to the householders and commercial users and lighted the city streets:

Total revenue for all services	$117,190
Average cost per horsepower per year	$16.10
Average power billed monthly to power customers, horsepower	4,418

Dividing the total revenue by the average horsepower used shows us that had the power consumers paid all the bills the average cost of power to them would have been only $26.50 per horsepower.

This is a lower average cost than that paid by power users in the United States then or now.

IF THE WOMEN HAD PAID ALL BILLS

Again, suppose the women of St. Catharines had paid everything and furnished free service to the manufacturers, the stores, and lighted the city streets for this same year at a time when the domestic service was just getting its stride and there were only 2,800 customers with a small monthly consumption. The official reports show the following:

Total revenue from all services	$117,190
Total domestic consumption—kilowatt-hours	1,038,894
Average cost per kilowatt-hour, domestic—cents	2.3

Dividing the total revenue for all services by the domestic consumption shows that if the women had paid for all services the average cost would have been 11.3 cents per kilowatt-hour.

This is only 3 cents more than the average cost to the women in 32 of the largest cities in the United States. (See p. 7.) But in 1927, with the domestic consumption nine times as much and with twice as many customers, the average cost would have been raised only from 1.2 cents, which was paid, to 2.6 cents per kilowatt-hour.

DOMESTIC "LOSSES" DISPROVED BY ANOTHER METHOD

Test the claim by still another method. The annual report for 1927, at pages 292 and 331, shows the following:

Domestic revenue	$116,155.00
Power revenue	74,473.00
Average cost per year per horsepower	15.88
Net surplus, all services	12,207.00
Assume a 20 per cent loss on the domestic service	23,231.00
Add the net surplus	12,207.00
	35,438.00

If this loss and surplus came from the power users it would be equivalent to making a "profit" on the sale of industrial power at $15 per horsepower per year of 47 per cent, which, of course, is ridiculous either in Ontario or in the United States.

Demonstration by this method is shown most clearly by taking a municipality in which the power load is small and the domestic load is large. The little residential city of Sandwich, population 8,077, opposite Detroit, 245 miles from Niagara Falls, whence its power comes, is such a city. I give here a detailed set-up of its operating accounts for three years. The figures are from the Official Reports of the Hydroelectric Power Commission of Ontario for 1925, 1926, and 1927, pages 311, 315, and 293, respectively:

Sandwich, Ontario, hydroelectric utility—operating reports

	1925	1926	1927
Total revenue	$91,732.00	$114,554.00	$137,177.00
Domestic service revenue	65,714.00	84,417.00	101,530.00
Commercial light revenue	12,432.00	14,997.00	b 18,508.00
Commercial power revenue	6,859.00	7,853.00	c 9,042.00
Street lighting revenue	6,726.00	7,286.00	d 7,991.00
Total expenses excluding sinking fund	78,919.00	95,642.00	109,580.00
Sinking fund or principal payments on debentures	3,412.00	3,612.00	4,598.00
Gross surplus	9,401.00	15,299.00	22,999.00
Depreciation	2,617.00	3,345.00	3,879.00
Net surplus	6,784.00	11,954.00	a 19,120.00
Net cost per kilowatt-hour, domestic service—cents	1.9	2	1.8
Net cost per kilowatt-hour, commercial light service—cents	3.1	2.5	2.6
Net cost per horsepower per year, power service	25.69	24.31	22.77

These figures speak for themselves. The net surplus was nearly equal to the revenue from commercial power service in 1925, was 50 per cent greater in 1926, and was more than double in 1927.

In 1927 the net surplus (a) was greater than the revenue from commercial light service (b) and greater than the combined revenue from commercial power service (c) and street lighting (d). Where did the surplus come from? Street lighting is by law supplied at cost. Power service could not have given a surplus twice as great as its total revenue. Commercial light service could not produce a surplus greater than its revenue. The two together could not produce a surplus equal to 70 per cent of their combined revenue. The surplus must, therefore, have come chiefly from domestic service, and this at the low rate of 33 cents service charge per month, 55 kilowatt-hours per month at 3 cents per kilowatt-hour, and all additional at 1½ cents per kilowatt-hour, less 10 per cent on the whole bill for prompt payment, a rate which with the high average monthly consumption of 184 kilowatt-hours per consumer results in a net cost per kilowatt-hour of 1.8 cents for domestic service supplied to a town of population less than 9,000 situated 245 miles from the source of supply.

Such demonstrations could be endlessly repeated with like general results.

DOES POWER COST MORE IN ONTARIO THAN IN THE UNITED STATES?

There remains the question, Does industrial and commercial power cost more in Ontario than in the United States? Let us compare costs on actual bills. First take large power.

MANUFACTURER—ST. CATHARINES, $2,210; HARTFORD, $5,292

Here are the essential figures of an actual bill as nearly as can be reproduced on a mimeograph of a large industrial power user for December, 1928, in St. Catharines.

(The Public Utilities Commission of the City of St. Catharines, 202 St. Paul Street, St. Catharines)

To the Blank Co.—Consumption, 432,500:	
57,100 consumption at $1.25 per kilowatt-hour	$713.75
57,100 consumption at $0.85 per kilowatt-hour	485.35
318,300 consumption at $0.12 per kilowatt-hour	381.96
Service charge, 1,531 horsepower at $0.75 per month (demand)	1,148.25
Gross bill	2,729.31
Class discount—10 per cent, 12,000-volt supply	272.93
Total bill	2,456.38
Less discount, 10 per cent	245.64
Net bill	2,210.74

In the absence of Hartford rate schedules, which you failed to send me, I have had an electrical engineer who is a rate expert, estimate the cost of this bill in Hartford, Conn., as shown by the large power (optional) rate schedule of your company published in the N. E. L. A. rate book for 1927, page 46. It works out as follows:

(Same consumption—432,500 kilowatt-hours)

Energy charge:	
205,560 kilowatt-hours at 1 cent	$2,055.60
226,940 kilowatt-hours at eight-tenths cent	1,815.52
	3,871.12
5 per cent discount, 12,000-volt supply	193.56
	3,677.56
Demand charge:	
(1,531 horsepower equal 1,142 kilowatt demand.)	
50 kilowatts at $3.50	175.00
100 kilowatts at $2	200.00
992 kilowatts at $1.25	1,240.00
	1,615.00
Total bill	5,292.56

NOTE: Coal clause.—Cost of coal not known. Probably somewhere between $5.83 and $6.50 per ton. Mr. Ferguson can make proper reduction if any required. If coal were $5.50, the reduction would be $410.87 and the net bill would be reduced to $4,881.69.

SMALL POWER—ST. CATHARINES, $15.36—HARTFORD, $105.90

Note that this small power user in St. Catharines is on the same rate schedule as the large power user just considered. The Hartford cost is figured on the general power schedule, National Electric Light Association Rate Book, page 46.

(The Public Utilities Commission of the City of St. Catharines)

To the Blank Tool Co., 2,200 kilowatt-hour consumption:	
373, at 1.25 cents per kilowatt-hour	$4.66
373, at 85 cents per kilowatt-hour	3.17
1,454 at 12 cents per kilowatt-hour	1.74
Service charge, 10 horsepower (connected load), at 75 cents per month	7.50
Gross bill	17.07
Less discount, 10 per cent	1.71
Net bill	15.36

(The Hartford Electric Light Co.)

2,200 kilowatt-hour consumption:	
500 kilowatt-hours, at 7 cents	$35.00
1,000 kilowatt-hours, at 4.5 cents	45.00
700 kilowatt-hours, at 3.7 cents	25.90
Total bill (no discount)	105.90

If allowed on the commercial lighting and power schedule, this bill would have been net, $94.06; with coal adjustment, if any, $91.86.

DEPARTMENT STORE—ST. CATHARINES, $54.37; HARTFORD, $240.20

Surely, after all the talk, we shall find Ontario commercial users in a sad plight when compared with their fellow merchants in the United States—e. g., Hartford, especially famed for low rates. Sad to state, the figures do not tend to support this view, although held by those

who have a horror of "wild distortion of truth." Here is the December, 1928, bill of a large store in the little city of St. Catharines, compared with the costs under the commercial lighting schedule of Hartford (National Electric Light Association rate book, p. 46):

(The Public Utilities Commission of the City of St. Catharines)

To the Blank Store, 6,260 kilowatt-hour consumption:	
600 at 3.5 cents per kilowatt-hour	$21.00
1,400 at 1.75 cents per kilowatt-hour	24.50
4,260 at 0.35 cent per kilowatt-hour	14.91
Gross bill	60.41
Less discount, 10 per cent	6.04
Net bill	54.37

(The Hartford Electric Light Co.)

6,260 consumption demand charge, 20 kilowatts:	
5 kilowatts, at $3.50	$17.50
15 kilowatts, at $3	45.00
	62.50
Energy charge:	
500 kilowatt-hours, at 5 cents	25.00
500 kilowatt-hours, at 4 cents	20.00
1,500 kilowatt-hours, at 3 cents	45.00
2,500 kilowatt-hours, at 2.5 cents	62.50
1,260 kilowatt-hours, at 2 cents	25.20
	177.70
Total bill (no discount)	240.20
Coal adjustment, if any	6.26
Total	233.94

LARGE DOMESTIC USERS?

During your Worcester speech before the League of Women Voters, you circulated copies of a monthly bill of one of your largest domestic customers, Mr. Adolph Mettler, the essential items of which are here reproduced.

To the Hartford Electric Light Co., debtor, for electrical service, residential

	Rate	Amount meter		Flat rate	Net bill
		First block	Excess at 1½ cents		
Energy consumed all meters, kilowatt hours, 1,149 from Nov. 9 to Dec. 12	Cents 3	$6.00	$14.23	$2.10	$22.33

In St. Catharines Mr. Mettler would have paid: Service charge, 66 cents; 60 kilowatt-hours at 2 cents; 1,089 kilowatt-hours at 1 cent; 10 per cent discount; net bill, $11.48.

Even Mr. Willis J. Spaulding, commissioner of the Springfield (Ill.) city plant, population 70,000, coal generation, in fierce competition with a private plant, total sales $480,000 as against your $5,000,000 in 1926, would have charged Mr. Mettler $19.64.

I assume you told your audience your average domestic customer used only around 43 kilowatt-hours per month and at an average cost of $2.96, as, for example, in December, 1926, as shown by the Harvard report, page 22. You advocate keeping rates high for the small user and propose to get down to 2.5 cents per kilowatt-hour for "a fully electrified home."

LITTLE FOR AVERAGE FOLKS

But the high prices of ranges, refrigerators, water heaters, and other major electric household appliances requires an investment prohibitive to full use by a family of less than $5,000 income. This, plus your high initial charges, prevents the mass of women from ever reaching your low rates, and the high continuing cost to them under your plan is an arbitrary overcharge not based on cost of service. If Ontario and American cities can serve common people at low rates and make money you should.

I have a bill of one of your average customers. For 51 kilowatt-hours he paid $3.60. In St. Catharines his bill would have been $1.03. For $3.60 your customer could have purchased 290 kilowatt-hours in St. Catharines.

COST OF DISTRIBUTION

In an address to the convention of the National League of Women Voters at Chicago, April 23, 1928, you repeated the stock claim of the National Electric Light Association that the high cost of distribution is the main reason for the high rates charged domestic customers as compared with industrial power users.

You complained that a certain newspaper article "entirely neglected the fact that the cost at the switchboard is *only a very small fraction* of the cost of current delivered to the home in small amounts." (Italics mine.)

I deny that switchboard cost is "only a very small fraction" of the delivered cost under a just system. But the delivery charges from the switchboard to the home, the store, the office, and the ordinary factory is a very large fraction of the reason why power securities are flooded with water—and why even some conservative securities sell at 400.

But how can the public be certain, when you refuse to divulge your detailed costs of delivery? If you will not show them to me, show them to the members of the League of Women Voters in New England, who are studying the power question. They will be interested.

More of "costs" in later bulletins—but this, for the present: If a man with a lead-pencil monopoly tries to charge me 25 cents for a pencil I could buy in another locality for 5 cents, I am not likely to be impressed with his explanations about the high cost of delivering lead pencils unless I am buying them near the North Pole.

When the industry starts scientific cost accounting we will listen with great respect—to reports on all kinds of costs—if they will show us the books.

ONE-HALF CENT FOR FUEL COST ONLY?

By the way, you also told the League of Women Voters at Chicago that you could "sell large quantities of power, at such times and in such amounts as suited my convenience, for one-half cent per kilowatt hour (cost of fuel only) without loss provided it were practicable for the customer to come and get it." (Your pamphlet, p. 12.)

Incidentally, the people of Tacoma, Wash., heat their homes with electricity at a one-half cent per kilowatt hour rate, and since the city owns the lines the people do not have to go and get it. But what interests me is that phrase in parenthesis. I can not figure out why your switchboard cost for "fuel only" should be 5 mills when the chief accountant of the Public Utilities Commission of the District of Columbia informs me that the total cost—capital charges and all—at which our manager, Mr. Ham, who also burns coal as do you, delivers his power at the switchboard, was in 1927 a little over half a cent per kilowatt hour—to be exact, 5.475 mills; also that Mr. Ham's operating cost is 3.75 mills, and this includes coal, oil, water, labor, maintenance, and other items.

Mr. Ham buys coal at just under $5 per ton. Your cost is probably not over $6.83, but even if it were $7.50 it would not explain this difference. Is our Mr. Ham a better manager than you?

OPEN DIPLOMACY

My hope that you will give us all abundant inside data in the near future is heightened by your assurance to me in the letter of January 9, in which you say:

"Relative to your suggestion that our correspondence was personal, would say that in the public-utility business I have acquired the habit of thinking that all my doings pertaining thereto are and should be public property."

That being the case, I personally would be especially interested to see an unexpurgated copy of an address I am informed you made not long since to the Association of Edison Societies, which I am told is the very Sanhedrin of the N. E. L. A. and the electrical industry.

And let me add here that if you choose to respond to this open letter I trust you will observe the admonition you gave the delegates to the convention of the National League of Women Voters at Chicago: "In any study you may make on this subject [electric rates] be sure your conclusions are drawn from facts rather than statistics." It will increase confidence in your writings if you are careful to include your authorities for both statistics and facts. It may occur to you upon reflection that the chairman of the propa—pardon—the committee on public-utility information, which put 75,000 copies of the Connecticut Catechism into the public school of his State can not be offended if asked to document his statements.

Lest there be misunderstanding as to what is meant by "cost accounting" in this open letter and challenge to you, let me say emphatically there must be no attempt to confuse that term with "cost estimates" or "cost analyses," which latter term you doubtless inadvertently used in your letter of January 14, quoted at page 10. I said in my letter of January 11: "Especially would I request you to send me the figures on your cost findings on serving your various classes of customers as domestic, commercial, power, and street lighting." To make my meaning clear, I gave you the following suggested set-up to indicate what I meant:

Cost of serving various classes of consumers, cost per kilowatt-hour, year 1927

	Number of kilowatt-hours	Capital	Operation	Total
Large power				
Small power				
Commercial				
Domestic				
Total operating expenses				
Total capital charges				
Combined total				

APPENDIXES

A. New England lawyers and law firms signing the joint committee brief, presented to the United States Senate, the accuracy of which is challenged at page 9 in respect to Ontario power rates.

Edwards & Angell, Providence, R. I.; Allen Hollis, Concord, N. H.; Frederick Manley Ives, Johnson, Clapp, Ives & Knight, Boston, Mass; McLean, Fogg & Southard, Augusta, Me.; C. N. Perkins, Perkins & Weeks, Waterville, Me.; Ropes, Gray, Boyden & Perkins, Boston, Mass.; Verrill, Hale, Booth & Ives, Portland, Me.; Storey, Thorndike, Palmer & Dodge, Boston, Mass.; Taylor, Eames, Wright & Hooper, Boston, Mass.; W. B. Skelton, Lewiston, Me.

B. New England company members (Class A) of the National Electric Light Association and the annual dues paid by each for the year ending December 31, 1927. From Exhibit No. 4125, Federal Trade Commission investigation of the power trust, furnished on request by Mr. Paul S. Clapp, managing director, National Electric Light Association.

Class A company members	Proportion dues are of gross revenues	Dues paid
Bangor Hydro-Electric Co	One-fifteenth of 1 per cent	$732.58
Cambridge Electric Light Co	do	1,349.58
Central Maine Power Co	do	2,349.68
The Connecticut Light & Power Co	do	4,683.30
The Eastern Connecticut Power Co	do	507.41
Edison Electric Illuminating Co. of Boston.	do	15,421.49
Edison Electric Illuminating Co. of Brockton.	do	1,156.74
Fall River Electric Light Co	do	1,538.98
Fitchburg Gas & Electric Light Co	do	588.21
The Hartford Electric Light Co	do	3,371.58
Haverhill Electric Co	do	936.05
Lawrence Gas & Electric Co	do	900.68
The Lowell Electric Light Corporation	do	1,150.52
Lynn Gas & Electric Co	do	1,157.46
Malden Electric Co	do	1,502.45
New Bedford Gas & Edison Light	do	2,021.44
New England Power Co	do	4,074.10
New Hampshire Gas & Electric Co	do	535.38
People's Hydro-Electric Vermont Corporation.	do	680.13
Pittsfield Electric Co	do	695.56
Public Service Co. of New Hampshire	do	1,571.13
Salem Electric Lighting Co	do	717.04
Stamford Gas & Electric Co	do	728.38
Turners Falls Power & Electric Co	do	1,694.54
Vermont Hydro-Electric Corporation	do	554.56
Worcester Electric Light Co	do	2,086.45
Total		52,705.42
Add Connecticut Bureau of Public Service information		17,273.00
Add New England Bureau of Public Service information		32,000.00
Total known		101,978.42

In addition, unknown amounts spent by individual companies.

NOTICE

In addition to the 900 copies of this bulletin and the pamphlet by Mr. Ferguson mailed to-day, 100 sets are being held in reserve until March 1 and will be mailed gratis to persons vitally interested in the power issue as may be suggested by members of the league or others. The remainder, if any, will then be sent to persons of our own choosing until the joint edition is exhausted.

After March 1 copies of the league bulletin can be had at the regular price of 25 cents postpaid, and those desiring copies of Mr. Ferguson's pamphlet may apply to him at Hartford, Conn.

Mr. NORRIS. Mr. President, after I had made the comparison of rates a week or so ago, I received a letter from R. G. Doxey. He lives at Vails Gate, N. Y. His letter was written February 19, 1929. He incloses a bill. It is not a copy; it is the original. It is marked "Paid," and stamped by the private utility company that supplied him the electricity. This bill shows that during the month for which it was rendered—the bill was rendered November 20, 1928—he consumed 13 kilowatt-hours of electricity. If he had been over in Canada, he probably would have consumed 113 kilowatt-hours, because the rate would have been so much cheaper that he could have afforded it; but the rate in New York was so high that he could not use it for anything but lighting. The total amount consumed during that month was 13 kilowatt-hours, and he had to pay a net bill of $1.82; and here is the bill itself.

Mr. Doxey also incloses an editorial from a paper published in that town, criticizing me in a very respectful and courteous way, I will say, for the comparisons I have been making. I will read an extract from this editorial. It says:

As residents of the mid-Hudson region know, the rates of the Central Hudson Gas & Electric Corporation have been reduced time and again, the result of savings by the corporation from the development of new water power and economies attendant on more centralized control and operation.

The top rate of that company now is 14 cents a kilowatt-hour, reduced as the consumption increases. If, as this editorial says, the company's rates have been continually decreasing, and have now gotten down to 14 cents a kilowatt-hour, for God's sake where were they when they started?

Mr. Doxey says in regard to this editorial:

The corporation is a large advertiser in the paper. Possibly that accounts for it.

And possibly it does, Mr. President.

I desire to insert, without reading, at this point in my remarks, a very able editorial from the Nashville Banner of February 5, 1929.

The PRESIDING OFFICER. Without objection, the editorial will be printed in the RECORD.

The matter referred to is as follows:

TURN ON THE LIGHT

The bribery and corruption uncovered in connection with the lease of the power and light plant owned by the municipality of Paris to the Kentucky-Tennessee Power & Light Co. should put many other communities in this State on guard.

For years there has been a systematic drive to capture municipal plants. This, indeed, has been one of the two distinct features of the strategy of the directing agencies in Wall Street and Chicago of what Mr. Roosevelt termed the "power barons." One objective was the acquirement of the undeveloped power resources of the State, through wholesale granting of licenses. The other has been, and is, the elimination of competition and destruction of public ownership through the purchase, or long lease, of establishments owned by municipalities.

The public is familiar with the ceaseless, desperate campaigns to seize the Tennessee and Cumberland River power treasures. They have seen, too, scores of municipal plants being corraled by the great holding concerns which stood in the background and prosecuted their designs through local operating companies. Some of the most desirable of such properties in the State have held out, however, against every species of intrigue and every proposition, however specious and alluring.

A Federal judge sitting at Memphis in a decision rendered Saturday tells how Paris, the capital of Henry County, was overreached. According to the evidence, which he pronounced conclusive, a trusted city official was bribed, and citizens were deluded into belief that they were getting a fancy price for their property, when, in reality, they were being defrauded into selling far below its value. Here is the record of shame as shown in the courts.

The Kentucky-Tennessee Power & Light Co. in 1926 secured a 30-year lease of the Paris plant upon the consideration of $30,000 annual rental, assumption of $355,000 bond issue of the city to be paid off over a period of 30 years, and the option of purchase upon payment of $45,000. Judge Harry B. Anderson, of the Federal court, after reviewing elaborate testimony taken at the hearing in Jackson, held that the contract was obtained by the bribery of former City Attorney George H. Freyer, of Paris, to whom, it was shown, $2,000 had been paid by agents of the power company. In the course of his ruling the judge said:

"I set aside the sale on two grounds: First, because I am convinced that the contract was obtained by fraud, and, second, because the price paid for the Paris company was decidedly inadequate. Instead of assuming obligations approaching $1,200,000 as reported, the power company merely agreed to pay an annual rental of $30,000 and to take over $355,000 bond issue. Investigation of the deal brought out that Paris was to pay the city and county taxes upon the property during the 30-year period. Thus the power company was getting the Paris plant for virtually $400,000—considerably less than its real value."

It appears that Paris citizens had become suspicious of the transaction, and, when a new council was elected, Y. U. Caldwell, jr., the present city attorney, was instructed to institute annulment proceedings. He prosecuted the inquiry with diligence, courage, and success, uncovering the whole unsavory transaction.

Now, as to the parties of it. The thread of ownership or control leads directly from Paris to New York. The Kentucky-Tennessee Light & Power Co. is but another of those euphonious sounding concerns with southern names and Chicago or New York ownership. It is a subsidiary of the Associated Gas & Electric Co., one of the big holding companies of the country, the operating management of which is in the J. G. White Managing Corporation of New York.

The company which captured the Paris plant has been making a successful campaign with the same purpose in both of the States, the names of which it bears. In 1924 it obtained the municipals of Dresden, Obion, Trimble, Rutherford, Dyer, Martin, Kenton, Greenfield, Bradford, Gleason, Sharon, Mason Hall, and Newburn, in west Tennessee; McKenzie and Paris in 1926. In 1925 it acquired those at Louisport, Cloverport, Mayfield, Hardinsburg, and Howesville, in Kentucky; in 1926 got that at Murray, Ky., and besides controls the Ohio River Power Co. and the municipals at two points in Indiana. Indeed, pro-

curement of municipal plants appears to be the special if not sole activity of this bi-State subsidiary.

In view of the above survey of the activities of the company in this field in west Tennessee, the local comment in Memphis newspapers upon the decision rendered by Judge Anderson is highly significant. It was stated that, should the power company appeal, and the decision of Judge Anderson be sustained by the circuit court of appeals, his ruling "is regarded in legal circles as a far-reaching one and may result in other cities bringing suits to recover plants leased or sold to power companies."

The field of speculation which the disclosures as to this little Tennessee city necessarily opens up is wide. Many towns in this State in the last three or four years have parted with their public utilities to power companies that were and are subsidiary to great eastern holding concerns. The citizens of these multiplied communities will naturally ask themselves, What of the methods employed in obtaining these contracts of sale or lease? Have there been other recreant official advisers, with power money in their pockets or power favors held out in return for secret assistance?

The taxpayers of Paris were led to believe that they were getting a big price for their property; and it required a hard fight in the courts to uncover the fact, as Judge Anderson asserts, that they were grossly deceived and would have been defrauded of a heavy sum. What of other communities which have been under the impression that they were receiving bonuses and were the recipients of the most generous and even lavish terms? Have many of these been similarly victimized?

This Paris revelation contains an unerring suggestion to other localities to closely scan the methods and terms of contract or lease; and to every town where efforts are being made or are contemplated to capture its plant, to be doubly on guard against corrupt approach. Elections of mayors, aldermen, and other officials who would have to negotiate with the power companies should be closely scrutinized, and no man under suspicion of alliance with the power interests or whose loyalty to the public welfare is open to question should be elected or appointed to any position of trust.

To intrigue, propaganda, political expenditures, lobbying, jugglery of newspapers, battalion of lawyers, big and little, and busy orators electing allies to office and to the general assembly the power situation in Tennessee has received in this Paris incident a most sinister supplement.

Whether it is isolated or not remains to be determined.

Have suspicious circumstances indicating corruption or involving fraud and deception developed since the transactions of sale or lease were concluded in any community? If so, they should be probed promptly and without fear or favor. A sale or lease that was fair and proper has nothing to fear from close scrutiny; one that subsequent events have brought under suspicion manifestly should not be exempt from the searchlight.

Mr. NORRIS. Mr. President, most Members of the Senate are acquainted with the owner of that paper. He has been here several times to testify in the Muscle Shoals hearings. The Nashville Banner is one of the ablest papers of the South, and its editor goes into the trouble they are having in Tennessee with the power company.

Here is another editorial criticizing the comparison I made. This is from Niagara Falls, N. Y., where I showed how cheap the electricity was on the Canadian side and how expensive it was on this side. I will read a part of it:

The relative costs of electric current on this and the Canadian side of the river are frequently referred to by those who like to draw comparisons between publicly owned and privately owned utilities. Senator NORRIS, of Nebraska, has recently introduced the subject in the upper branch of the Congress at Washington, drawing invidious comparisons in a speech before that body in which he attempted to show that the users of electricity on the American side were being grossly discriminated against in the matter of service charges.

The editor goes on to say, in the article—and from his standpoint it is a very able editorial, I think—that they pay taxes on this side, and they do not pay any taxes on the other side. As I said before, the statement about the municipally owned electric systems in Canada not being taxed is not accurate, although it is partially true. The municipality owning the distributing system pays no taxes. The wholesale company, the hydroelectric concern that generates and distributes the electricity to the municipalities, does pay taxes. But on the Canadian side at Niagara Falls, although those rates are much lower, as is admitted by this editorial, they have an amortization fee. Up to this time, as I remember, they have almost completely wiped out the entire investment that they have on that side.

Although the capital has been practically paid off by the consumers in Canada, and has been going down continually, year after year, on the American side it has been going up and up and up, and is higher now than it ever was. In other words, it will be but a short time until the investment on the Canadian side will be entirely wiped out, while the investment on the American side will be increased more than ever. That amounts to much more than the difference in taxes. If you should add 1 cent a kilowatt-hour—and there is no private concern in the United States that pays that much tax—it would still leave the discrepancy, in many cases, more than twice as much on the American side as it is on the other side.

Mr. President, at this point I desire to insert in my remarks, without reading, an editorial entitled "Power Trust Propaganda Again Meets a Waterloo." It is taken from the Washington Herald of February 21, 1929.

The PRESIDING OFFICER. Without objection, the article will be inserted in the RECORD.

The matter referred to is as follows:

POWER TRUST PROPAGANDA AGAIN MEETS A WATERLOO

One of the means of bamboozling the American public with regard to the success of the Ontario hydroelectric system, which furnishes its patrons electric power at rates much lower than those charged by privately owned plants in this country, is the assertion that there are losses on the domestic service furnished by the hydro, and that these are made up by higher rates charged big business enterprises or, if necessary, by incorporating a deficit in the tax rate.

Such stories are absolutely untrue, according to a statement just issued by the National Popular Government League issued in the form of an open letter by Judson King, director, to the president of an American privately owned utility. "As a matter of demonstrable fact," Mr. King asserts, "the vast majority of power and commercial users are also paying from two to five times as much for their service as are commercial and industrial users in Ontario. But they do not know this."

Mr. King cites statements which he traces back to sources originating in the power industries of this country, to the effect that in Ontario the domestic user is "in economic effect subsidized by the State, the business man, and the manufacturer," and an intimation that small domestic consumers are subsidized "at the expense of industry and business and the taxpayer generally." These assertions and intimations, Mr. King believes, are "the exact reverse of the truth."

As a matter of fact, he says, the Ontario hydro has in effect cost-accounting systems which show the exact cost of different kinds of service. Every municipality adjusts its rate schedule for each class of customers on the basis of the cost of service to that class.

Privately owned utilities in this country, however, do not even know, he says, what it costs them to serve these respective classes of customers, because, instead of keeping scientific cost accounting, they charge what the traffic will bear.

The Washington Herald and the other Hearst newspapers have done everything in their power to make known the workings of the utilities' propaganda in this country as revealed in the hearings before the Federal Trade Commission. The revelations have been nothing short of amazing. They have shown how the Power Trust has bamboozled the American public with its own money; how vast expenditures have been made for propaganda in the interest of the utilities and charged up to operating expenses; how the Power Trust has sought to influence newspapers, to buy college professors, and to spread false statements about public ownership throughout the country.

Commenting on this point, Mr. King says:

"The American people—active, thinking women in particular—know the importance of electricity in the home. They know they are denied the full measure of its benefits because of high costs. They are becoming aware that they are compelled to pay from three to five times as much money for similar service as are the people of Ontario. If they ask why, they are told by prominent power officials and financiers, gentlemen in whom they are entitled to have confidence, that it is 'all politics'; that Ontario domestic users are served far below cost; that these 'losses' are made good by overcharging the manufacturers and commercial users and by taxes. In essence, the Ontario hydro is conducted on principles financially unsound, and the hope that we might have similar low rates in the United States is but the fairy story of communists and other radical propagandists seeking to destroy this Republic."

The Herald congratulates Mr. King on the exposition of facts he has adduced to refute the charges that special concessions have been made in behalf of the domestic consumers in Ontario. These charges are simply of a piece with other Power Trust propaganda, which is designed to discredit public ownership and which seldom is scrupulous about facts.

The Herald trusts that the American people, after so many instances of Power Trust propaganda against their interests, will look with considerable suspicion on the antipublic-ownership propaganda. The facts in general are in favor of public ownership, and the Herald hopes to do its part to make them known to the people of Washington.

Mr. NORRIS. I have here a magazine, Forbes' Magazine for Busy Business Men. This is a business man's idea, not making an argument for municipal ownership, not making an argument at all, but stating a business proposition, something that is

going on. We have all read about it; but here is this business magazine that calls attention to it:

J. P. Morgan & Co., the most influential international banking house in the world, has openly entered the public utility lists by forming a holding corporation which is expected to accumulate stock and a voice in leading power and light companies stretching all the way from the Canadian border to Washington or farther South. Other interests of the largest caliber likewise are aggressively corraling utility properties. The prospect is that by the end of this year the bulk of the utility business will have been gathered into relatively few hands.

That is not from a magazine or an editorial criticizing the Power Trust, or finding fault with them; but it is from an article stating a fact that is apparent to all students of the subject. They are stating as a matter of news that the present indications are that at the end of this year practically all of the private utility corporations supplying electricity to the people of the United States will be in control of a very few hands. In other words, we are approaching a monopoly of a public necessity. When, year after year, the monopoly increases and the ownership extends, we will reach a place where there will be no such thing as competition, where the monopoly will dictate to every municipality, every power user, every manufacturing institution in the United States what they shall pay for power if they use electricity.

Mr. President, I have here a letter—it is called a memorandum of the City Club of New York—with a letter in it to Gov. Franklin D. Roosevelt, of New York. It is a mighty interesting letter. It would be interesting, indeed, if the Senators would read the entire letter. I am only going to include in my remarks, without reading, the tables which this committee set out in their letter, calling the attention of the governor to the wonderful condition of the water power and electric light business that is going on in the greatest State of the Union, in New York, just across the line from Ontario.

It calls attention to what the people of New York are paying for electricity, and asks him to see that the proper investigation is made. They wind up their letter by putting in an appendix, in which they give the rates charged by about 200 municipalities in the great State of New York. The first table gives the rates charged for electricity in cities having more than 100,000 population.

We all know that the electric-light rates are often hard to compare, because one city will have a rate, we will say, of 10 cents for the first 50 kilowatts, the next one may have a rate of 10 cents for the first 200 kilowatts, and another one 8 cents for the first 35 kilowatts. So a fair way to do is to assume an arbitrary amount of consumption, get the average if you can, and this committee has taken the average of 36 kilowatt-hours per month in the ordinary home.

As I remember it, it is above the average consumption in the homes of the United States. It is only about one-third of the average consumption of the homes in Ontario, Canada. In Ontario, Canada, under the system of publicly owned and supplied electricity, the average consumption in the home there, as I remember it, is somewhat between 95 and 100 kilowatt-hours per month, and the average consumption in the United States is a little less than 33 kilowatt-hours per month.

We all know that when the price of electricity goes down, the consumption goes up. In other words, the woman who does her own housework, if the electricity is cheap enough, has an electric fan, she has an electric iron, she has an electric washing machine, she has an electric sweeper, she has an electric range. The people perhaps heat some of the water for bathing purposes by electricity, whereas if the electricity must be paid for at the rate of 8, 10, 12, 13, or 14 cents a kilowatt-hour, nobody but a rich man can use enough electricity to supply his home with all those facilities which, in the modern home, are becoming more of a necessity every day.

The next table shows the price in cities of between 50,000 and 100,000 population, and the third table shows the rates paid in cities of between 25,000 and 50,000. Then come the electric rates in cities with a population under 25,000. That is the last table. This shows the list of the cities, the list of the municipalities, the population in each case, and figures out how much the people would pay for the consumption of 36 kilowatt-hours. They figure that out at the rates charged. They say here that these rates are from the tariffs in effect December, 1928, and here is the grand total of these cities in New York, the grand total of table "V"; that is, villages and towns, with a population of 383,620. This represents the total population in all the tables of 2,678,800. The average rate in all these cities that is paid for 36 kilowatt-hours a month is 10.14 cents per kilowatt-hour.

I wonder how the people of that great State, just across the line from where the domestic consumers paid last year an average of less than 2 cents a kilowatt-hour, must enjoy turning on the electric light, knowing that they are paying more than five times as much as the people just over the line in Canada pay.

I wonder what the people of New York must think when they read the results supplied by the City Club of New York as to electric rates in their great State. What do the manufacturers think, those who have to buy electricity to operate machines, of paying five or six times as much as the same manufacturer would pay for the same electricity across the line? What do the business men think, the owners of stores, when they are paying these enormous rates? Is it any satisfaction to them to think that the company that supplies them does pay taxes and that if they were relieved from taxes the entire reduction applied to a reduction in their rates it would reduce their rates less than 1 cent a kilowatt-hour? What do they think when they realize that it will be only a few years before their competitors across the line will have no capital invested, all will be paid off, and will have nothing to do but to pay enough to keep up the system, to keep it in repair, and to provide for depreciation, operation, and maintenance?

Mr. President, I ask unanimous consent to include without reading the tables I have been discussing and to which I have made reference.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

APPENDIX

TABLE I.—ELECTRIC RATES IN CITIES OVER 100,000 POPULATION

City	Population	Charge for 36 kilowatt-hour per month	Average charge per kilowatt-hour (cents)
Albany	117,800	$2.88	8.0
Buffalo	538,000	2.16	6.0
Bronx	872,100	2.52	7.0
Brooklyn	2,203,900	2.52	7.0
Manhattan	1,945,000	2.52	7.0
Queens	567,850	2.88	8.0
Richmond	138,200	2.99	8.3
Rochester	316,700	2.88	8.0
Syracuse	182,000	2.48	6.5
Utica	101,600	2.91	8.0
Yonkers	113,600	3.60	10.0
Total	7,096,750	(1)	7.118

TABLE II.—ELECTRIC RATES IN CITIES BETWEEN 50,000 AND 100,000 POPULATION

Binghamton	71,900	$2.94	8.0
Mount Vernon	50,300	3.78	10.5
Niagara Falls	57,000	1.80	5.0
Schenectady	92,700	3.24	9.0
Troy	72,200	2.88	8.0
Total	344,100	(1)	8.128

TABLE III.—ELECTRIC RATES IN CITIES BETWEEN 25,000 AND 50,000 POPULATION

Amsterdam	35,200	$3.63	10.0
Auburn	35,600	3.44	9.5
Elmira	48,300	2.56	7.0
Newburgh	30,400	3.60	10.0
New Rochelle	44,200	3.78	10.5
Poughkeepsie	35,600	3.60	10.0
Rome	30,300	2.44	6.8
Watertown	32,800	2.88	8.0
White Plains	27,400	3.78	10.5
Kingston	28,000	3.60	10.0
Total	347,800	(1)	9.218

TABLE IV.—ELECTRIC RATES IN CITIES UNDER 25,000 POPULATION

Batavia	15,600	$2.04	5.66
Beacon	11,600	4.24	11.77
Canandaigua	7,600	3.60	10.0
Cohoes	23,300	2.70	7.5
Corning	15,700	3.12	8.66
Cortland	13,800	2.91	8.08
Fulton	12,500	3.32	9.22
Geneva	15,900	3.44	9.5
Glen Cove	10,800	3.60	10.0
Glen Falls	17,800	3.24	9.0
Gloversville	22,100	3.24	9.0
Hornell	15,700	3.76	10.44
Hudson	11,700	4.10	11.4
Ithaca	18,900	4.32	12.0
Johnstown	10,700	3.24	9.0
Lackawanna	20,100	2.16	6.0
Little Falls	12,400	3.16	8.67
Lockport	21,600	2.52	7.0
Long Beach	2,800	3.60	10.0
Mechanicville	8,500	3.90	10.83

[1] Weighted average.

TABLE IV.—ELECTRIC RATES IN CITIES UNDER 25,000 POPULATION—continued

City	Population	Charge for 36 kilowatt-hours per month	Average charge per kilowatt-hours (cents)
Middletown	20,400	$3.76	10.44
North Tonawanda	17,300	2.46	6.83
Norwich	8,300	5.04	14.0
Ogdensburg	17,000	3.24	9.0
Olean	21,300	2.32	6.44
Oneida	10,600	3.63	10.0
Oneonta	12,000	4.68	13.0
Oswego	22,300	3.24	9.0
Plattsburg	11,500	4.62	12.83
Port Jervis	10,500	3.76	10.44
Rensselaer	11,300	4.10	11.4
Saratoga Springs	13,800	3.24	9.0
Sherrill	2,000	2.88	8.0
Tonawanda	11,200	2.46	6.83
Watervliet	16,100	3.24	9.0
Total	494,700	(1)	9.114

[1] Weighted average.

TABLE V.—ELECTRIC RATES IN VILLAGES AND TOWNS

Villages	Population	County	Charge for 36 kilowatt-hours per month	Average charge per kilowatt-hours (cents)
Altamont	910	Albany	$2.28	8
Colonie	750	do	3.14	8.7
Alfred	600	Alleghany	3.96	11
Almond	460	do	3.96	11
Deposit	2,040	Broome	4.68	13.0
Endicott	15,620	do	3.24	9.0
Allegany	1,320	Cattaraugus	2.32	6.4
Cattaraugus	1,360	do	2.44	6.7
Aurora	370	Cayuga	3.44	9.5
Cato	390	do	5.00	13.8
Bemus Point	280	Chautauqua	2.88	8.0
Brocton	1,360	do	2.88	8.0
Elmira Heights	4,800	Chemung	2.56	7.1
Horseheads	2,320	do	2.56	7.1
Afton	830	Chenango	2.94	8.1
Bambridge	1,340	do	3.19	8.8
Champlain	1,270	Clinton	4.88	13.5
Dannenova	2,950	do	4.88	13.5
Chatham	2,410	Columbia	2.94	8.1
Kinderbrook	770	do	4.10	11.3
McCrawville	1,210	Cortland	2.92	8.1
Marathon	950	do	3.60	10.0
Andes	430	Delaware	7.20	20.0
Delhi	1,770	do	6.12	17.0
Fishkill	530	Dutchess	4.24	11.7
Millbrook	1,170	do	5.76	16.0
Depew	6,120	Erie	3.08	8.5
Alden	890	do	3.08	8.5
Bloomingdale	420	Essex	3.60	10.0
Elizabethtown	570	do	5.40	15.0
Brushton	500	Franklin	3.04	8.4
Burke	370	do	3.24	9.0
Broadalbin	1,350	Fulton	3.24	9.0
Mayfield	660	do	3.96	11.0
Alexander	190	Genesee	2.44	6.7
Canastota	4,220	Madison	3.62	10.
Cazenovia	1,770	do	5.55	15.4
Brockport	3,620	Monroe	2.20	6.1
East Rochester	5,580	do	2.88	8
Nelliston	620	Montgomery	3.60	10
Fort Johnson	810	do	3.24	10
Bayville	990	Nassau	3.96	11
Bellerose	540	do	3.96	11.0
Barker	470	Niagara	2.20	6.1
Lewiston	850	do	3.52	9.8
Boonville	2,100	Oneida	2.52	7.0
Bridgewater	210	do	2.88	8.0
Baldwinsville	3,890	Onondaga	2.59	7.2
Camillus	1,030	do	3.60	10.0
Clifton Springs	1,770	Ontario	3.44	9.5
East Bloomfield	370	do	3.49	9.5
Cornwall	2,030	Orange	3.78	10.5
Chester	1,180	do	4.73	13.0
Albion	5,200	Orleans	2.20	6.1
Halley	1,700	do	2.30	6.3
Altmar	340	Oswego	2.88	8.0
Central Square	570	do	2.83	8.0
Cherry Valley	760	Otsego	4.50	12.5
Cooperstown	2,750	do	4.86	15
Brewster	1,570	Putnam	3.96	11
Cold Spring	1,490	do	4.32	12
Bergen	650	Genesee	2.88	8
Athens	1,740	Greene	4.08	11.3
Hunter	800	do	6.18	17.1
Cold Brook	280	Herkimer	4.32	12
Dolgeville	3,240	do	3.03	8.4
Antwerp	930	Jefferson	3.60	10
Alexandria Bay	2,130	do	3.04	8.4
Constableville	410	Lewis	3.85	10.6
Copenhagen	590	do	4.32	12
Avon	2,470	Livingston	2.44	6.7
Dansville	4,570	do	3.96	11
Cedarhurst, Far Rockaway, and other points	145,950	Queens	3.60	10.0
Castleton	1,680	Rensselaer	$5.04	14.0
Hoosick Falls	5,050	do	3.84	10.6
Haverstraw	5,950	Rockland	4.68	13.0
Hillburn	1,140	do	4.63	13.0
Canton	2,700	St. Lawrence	3.60	10.0
Edwards	560	do	3.60	10.0
Ballston Spa	4,470	Saratoga	3.24	9.0
Corinth	2,550	do	2.80	8.0
Delansen	460	Schenectady	3.70	10.2
Scotia	5,560	do	5.07	14.0
Esperance	220	Schoharie	3.70	10.2
Middleburg	1,030	do	3.70	10.2
Odessa	360	Schuyler	3.56	9.8
Montour Falls	1,650	do	3.56	9.8
Interlaken	660	Seneca	3.19	8.8
Seneca Falls	6,480	do	3.44	9.5
Addison	1,730	Steuben	3.60	10.0
Arkport	850	do	3.96	11.0
Amityville	4,240	Suffolk	3.60	10.0
Babylon	3,700	do	3.60	10.0
Bloomingburgh	230	Sullivan	3.76	10.5
Liberty	3,070	do	4.46	12.5
Candor	780	Tioga	2.88	8.0
Newark Valley	850	do	2.94	8.1
Cayuga Heights	370	Tompkins	3.89	10.8
Groton	2,070	do	3.17	8.8
Ellenville	3,320	Ulster	4.32	12
New Paltz	1,270	do	4.08	11.3
Lake George	800	Warren	3.42	9.5
Bolton	200	do	3.42	9.5
Argyle	210	Washington	3.24	9
Cambridge	1,620	do	4.10	11.3
Clyde	2,650	Wayne	3.44	9.5
Lyans	4,270	do	3.44	9.5
Ardsley	830	Westchester	3.78	10.5
Briar Cliff Manor	1,450	do	4.87	13.5
Gainesville	320	Wyoming	3.96	11
Attica	2,120	do	2.44	6.7
Milo	300	Yates	4.18	11.6
Dundee	1,160	do	4.18	11.6
Coeymans	1,000	Albany	5.04	14.0
Bolivar	2,200	Allegany	3.91	10.8
Wirt	1,000	do	3.91	10.8
Clymer	1,200	Chatauqua	4.68	13.0
Homer	4,000	Cortland	2.92	8.1
Amenia	1,200	Dutchess	5.32	14.7
Cairo	1,800	Greene	4.50	12.5
Durham	1,200	do	4.50	12.5
Eaton	1,200	Madison	3.19	8.8
Cazenovia	3,500	do	5.55	15.4
Sullivan	3,400	do	5.55	15.4
Brighton	1,000	Monroe	3.60	10.0
Petersburg	1,000	Rensselaer	4.07	11.2
Halfmoon	1,000	Saratoga	3.55	9.8
Dix	3,500	Schuyler	7.20	20.0
Warrenburg	2,200	Warren	3.42	9.5
Harrison	1,500	Westchester	3.78	10.5
Total	32,500			

Grand total Table V, villages and towns, 383,620. This represents a population of 2,678,800. Weighted average, 10.141 cents.

NOTE.—Rates are from tariffs in effect December, 1928.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. MOSES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 5722, to provide for the purchase of the Harriman Geographic Code System.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Whereas under and by virtue of authority contained in Public Resolution No. 70, Sixty-ninth Congress, a select joint committee, consisting of three Members of the Senate and three Members of the House, has found that the Harriman Geographic Code System would promote efficiency and economy of operation and administration in certain of the executive departments and administrative branches of the Government, and has recommended the purchase from George W. R. Harriman, of Washington, D. C., of the right to an unrestricted use of the said system for all governmental, administrative, or publication purposes for which the same may be desirable: Therefore

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to George W. R. Harriman, of Washington, D. C., his heirs, executors, or assigns, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, and, in addition thereto, to enter into a contract with the said George W. R. Harriman, his heirs, executors, or assigns, for the payment to him of royalties based on the use of the Harriman Geographic Code System, upon such terms and conditions as may be agreed upon between the said George W. R. Harriman and the Secretary of the Treasury: *Provided, however,* That the said royalties shall not in any one year be less than the sum of $10,000 nor exceed the sum of $50,000, and that no royalties shall be based

upon or paid for the use of patents covering said system which have expired by limitation of law: *And provided further,* That at any time after five years from the date of said contract, the Secretary of the Treasury shall have the right, upon 12 months' notice in writing to the said George W. R. Harriman, his heirs, executors, or assigns, to cancel said contract, said payments to be in full consideration and compensation for the past, present, and future unrestricted use of the Harriman Geographic Code System, under patents No. 1192829, issued July 25, 1916; 1362939, issued December 21, 1920; 1408455, issued March 7, 1922; 1429285, issued September 19, 1922; 1448960, issued March 20, 1923; 1448961, issued March 20, 1923; 1512598, issued October 21, 1924, heretofore issued, or other patents that may be issued to the said George W. R. Harriman in connection with the products or publications of the Harriman Geographic Code System, and including also the unrestricted use of all copyrights issued or that may be issued in connection with the products or publications of the Harriman Geographic Code System, including the right, license, and privilege to manufacture, use, and dispose of geographs, maps, diagrams, and charts embodying said patented inventions or improvements thereof, or copyright issued in connection therewith, incident to the functions of all bureaus or departments of the United States Government, for all governmental, administrative, or publication purposes for which the same may be desirable: *Provided, however,* That said unrestricted use to be acquired hereunder shall not include the right to generally or commercially distribute to the public any products or publications using the Harriman Geographic Code System, patents, or copyrights: *And provided further,* That a full and unrestricted license to use the said Harriman Geographic Code System, as hereinbefore provided, is executed by the said George W. R. Harriman and approved by and deposited with the Secretary of the Treasury.

SEC. 2. That it shall be the duty of the Chief Coordinator, created by Executive order promulgated in Circular No. 15, Bureau of the Budget, July 27, 1921, to study the application of the said Harriman Geographic Code System to the executive departments and the administrative branches of the Government, and from time to time recommend to said executive departments and administrative branches such use or uses as would tend to promote efficiency and economy of operation and administration of said departments and administrative branches.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

OIL LANDS IN THE SALT CREEK FIELDS, WYO.

Mr. NYE, from the Committee on Public Lands and Surveys, reported the following resolution (S. Res. 349):

Resolved, That resolution numbered 202, agreed to April 30, 1928, authorizing the Committee on Public Lands and Surveys to make a complete investigation as to the leasing of, and contracts for, oil and oil lands in the Salt Creek field in the State of Wyoming, and adjacent Government oil lands, hereby is continued and extended in full force and effect until final report shall be made thereon by said committee during the Seventy-first Congress, the said committee being hereby authorized upon a majority vote to continue the inquiry heretofore prosecuted by it, and that the unexpended balance of the sums heretofore provided for the purpose of this investigation are hereby continued available to the committee.

Mr. NYE. I ask for the immediate consideration of the resolution. It is unanimously reported.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BRATTON. Mr. President, as the chairman of the committee has stated, the resolution was unanimously agreed to by all the members of the committee present. It expresses the unanimity of sentiment among the members of the committee, and I express the hope that it will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

NEWSPRINT PAPER FROM FARM PRODUCTS

Mr. SCHALL. Mr. President, about two months ago the President invited my police dog, Lux, to come over and visit him. That incident was heralded to the country and to the world.

A few weeks before that I introduced a plan in the Senate which, if enacted into law, would turn farm waste into farm profits, put billions of dollars into the pockets of the farmer, create a new industry in this country, furnish employment to thousands of people, put millions of dollars into the very hands of the newspapers, make not only newsprint paper but synthetic lumber, insulating board, wallboard, substitute for cork, an excellent substitute for paneling wood now used in airplanes, also many by-products which are revolutionizing chemistry, such as substitute for casein, glue, dyes, oils and sorghum, varnish, perfumes, face powder, and hard plastics which can be used instead of hard rubber. There is also an excellent food for cattle produced as a by-product.

Whether that was news or not I do not know, but I do know that it was not considered interesting enough to allow the public to understand it. The smaller papers of the country did give the news as best they could, but the larger papers did not. That is not true of my State, as an unusual number gave it ample notice up there.

Following the introduction of this farm waste bill, S. 4834, phones rang, inquiries were made by letter, visitors made appointments, as I afterwards learned, not to bring information but to get it. Some of the callers had a Canadian or English accent. I thought it peculiar, in view of such evident interest, that the larger newspapers did not think it worthy of mention. I could not figure out why a plan that meant billions to the farmer and millions to the newspapers would not be news. I thought I was helping the big metropolitan press as well as the little dailies and weeklies, for surely they would want to get their print paper at a reasonable figure and uncontrolled by foreign interest.

An assured market for newsprint paper from farm waste would help, so I introduced Resolution 183, to print the CONGRESSIONAL RECORD on farm-waste newsprint. If all Government printing were done on this paper it would give a market of millions of dollars. Again great interest was shown by those who seemed to know all about it, but no attention was given it so far as the big press is concerned. Where the smaller press did find out about it, it seemed to be of great and vital interest to them.

There was considerable talk in the press, with quotations from Canadian newspapers, about officials of newsprint manufactures getting together for the purpose of fixing a price on newsprint.

The American Press, a newspaper trade journal, official organ of about 8,000 smaller dailies and weeklies, was very much exercised over the newsprint situation. It loyally continues to fight the battles of the small daily and weekly press for the right of their subscribers to live and is striving to break the strangling hold of the foreign newsprint monopoly from the throat of its subscribers. For these smaller papers the indisputable testimony shows, have been paying $95 to $180 per ton for their paper and can see clearly the situation of a few years ago returning, when they were forced to pay as high as $260 per ton for their paper. They rightfully demanded that Congress do something to head off this price-fixing monopoly menace. I ask unanimous consent that the Committee on Printing be authorized to approve the printing of a chart published by this press showing how leading foreign and American newsprint producers interlock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCHALL. Mr. President, the chart on the following page shows graphically the extent to which the Canadian newsprint industry is controlled by a few companies.

Last Saturday in Canada the newspaper manufacturers, foreign and domestic, came to an agreement and signed upon the dotted line forming the biggest newsprint paper trust the world has ever seen. I hope my Resolution 337, which we passed last Wednesday, referring to the Federal Trade Commission the investigation of this huge newsprint price-fixing combine, will have the desired effect in thwarting the ruthlessness of their methods of a few years ago, when they ran paper up to $260 a ton and would have kept on raising it higher if it had not been for the order issued by the Federal Trade Commission. I therefore am in hopes that my Resolution 337 will save the little dailies and weeklies from being forced to quit or sell their American independence.

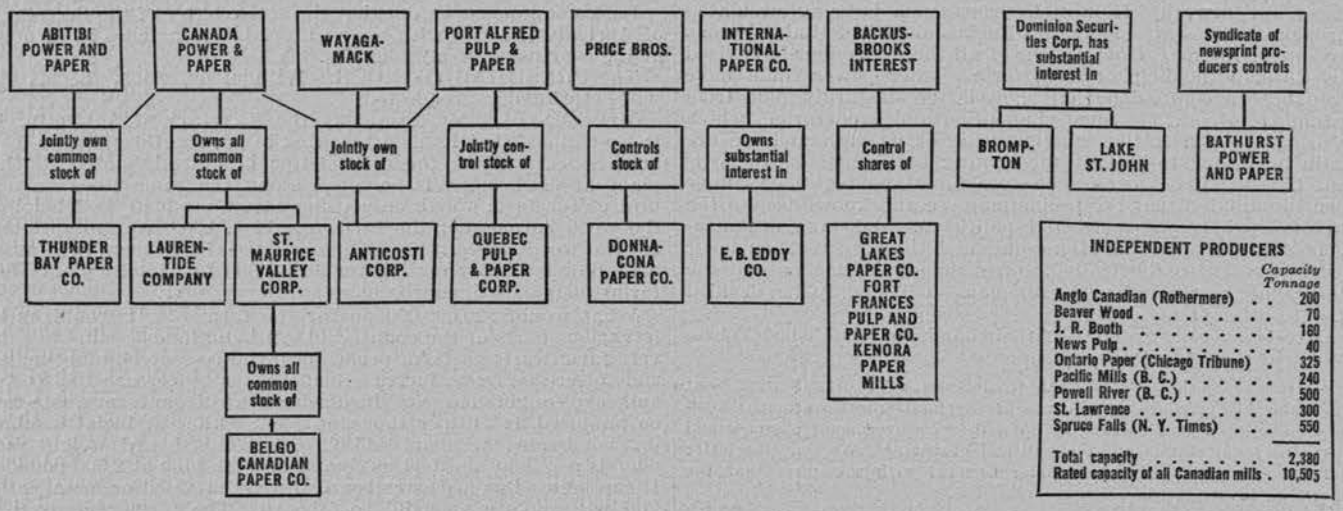
Editor and Publisher, official organ for the larger press, was also extremely excited. It published articles telling how the Premiers of Quebec and Ontario were the offical agents of the Canadian manufacturers of newsprint and were in New York representing them. It struck me peculiar at the time that the Canadian Government officials should be taking such a leading hand.

Editor and Publisher asserted that foreign newsprint manufacturers were in the market for the purchasing of the stock of United States newspapers, financing publishers who need capital in return for 15-year paper contracts. And they said a publisher of a group of newspapers who has been approached by two of the manufacturers this week told Editor and Publisher about the offers being made, and they declared they knew of instances where foreign "newsprint money" had been accepted.

It was explained that these foreign paper manufacturers were prepared to offer much cheaper money than our own bankers, as their purchase of stock involved none of the brokerage expenses and the deal would afford the foreign manufacturers the advantage of an assured market for their product for a definite number of years.

And they asserted that a $16,000,000 corporation had been backed by foreign newsprint manufacturers to assure itself an outlet for its print, and the corporation so backed had already acquired 3 American dailies and wanted 40 or 50 more. They asserted that papers were not being bought outright but that 51 per cent of the stock was being acquired. Other newspapers carried articles concerning this $16,000,000 and declared that $100,000,000 was in the offing for a like purchase of the majority of the stock of well-established American newspapers.

CHART SHOWS HOW MANY OF LEADING NEWSPRINT PRODUCERS INTERLOCK



In a later article in Editor and Publisher, February 2, they quoted a Canadian manufacturer as saying, "After all it is the newspapers that seat and unseat governments." This thought expressed by this unnamed Canadian is very much in my mind. It seems to me to demand the attention of the men intrusted with our Nation's destiny.

At the close of the war the British Government-owned Dutch Shell Oil and their subsidiary interests succeeded in getting a Secretary of the Interior that sought to turn over to them the very reserve oil supply of our Navy. No wonder foreign propagandists teach that we need no Navy, deluge us with duplicate telegrams and letters urging us to vote for no cruisers, among the signatures of one of which I was astonished to find the name of the governor of my own State. The sure way to the control of that navy or our merchant marine and the protection of our great foreign commerce, which is the lifeblood of our Nation, is the control of the raw products that furnish its motive power.

I introduced Resolution 292, to investigate the foreign and American newsprint price-fixing monopoly to find out just why foreign manufacturers were so vitally interested in preventing the use of our own farm waste with which to make our own newsprint paper.

On the 7th of January I addressed the Senate on my bills to turn farm waste to farm profit. On the 8th of January I addressed the Senate in reference to my Resolution 292. On both of these occasions I introduced into the RECORD various editorials, magazine articles, newspaper clippings along the lines of my argument. In my innocence I had thought that the entire American press would certainly be with me, but I found I had a great many things to learn and I am still going to school.

One of the many visitors interested in this movement claimed he was a representative of the Cornstalk Products Co., of Danville, Ill. I expected to be commended for my work and was not a little surprised to hear him assuring me I had greatly erred; that I had been misled in my information. If I would only stop right here, all might yet be well, but if I should continue the idea dire consequences would happen. I was taken to the heights and assured that if I would but imitate the silence about me all would be well, then a glimpse of the depths.

I could not get it through my head how furnishing a market to the farmers for their waste product could be construed under any light as the wrong procedure. He assured me that this would be all right later but at the present time it was premature. In view of the distressed condition of agriculture, I could not understand this either.

He opined that of all men in Congress I should have a goodly understanding of incurring the displeasure of large business interests. His purring assurance and keen cold-edged presumption as he related what was going to happen to me and my bills if I did not quit, reminded me very much of that same assumption of authority expressed by Mr. Backus when he was called as a witness by me in Minnesota's State Senate hearings, wherein he testified that he thought I was extremely unfair and unwise in my attitude on the floor of the House in reference to him and his back taxes, that before making the statements I did I should have sent for him and said, "I want to talk to you about this." Wherever you turn, whatever you try to accomplish in the interests of the ordinary folk you get up against the same group of men, few in number but whose power is world embracing. I recalled the big Minnesota political boss, timber and newsprint baron, whom I had been instrumental while in the House in getting to pay up his back income taxes to the tune of $3,218,000 and whose power projects on the northern Minnesota boundary waters I had blocked.

I thought of the past four years of castigation, defamation, and tribulation. How this power had brought an action before a Hennepin County court to nullify my Republican nomination for the Senate.

How, when it had been dismissed, and despite newspapers, organizations, clubs, and money galore, the people had elected me in opposition to the machinery of not only the Democratic and Farmer Labor Parties but against the dominating faction of the Republican Party of my State, immediately this same power, from campaign lies and deliberate falsehood started an action in the Senate of the United States to unseat me.

How, after the Senate had unanimously dismissed this proceeding, with the aid of his governor and lieutenant governor and his partner, the Republican national committeeman and a member of the Minnesota State Senate, a resolution was put through that senate to try me by a carefully selected and well-packed committee, on charges that had already twice by proper authorities been declared without the slightest foundation.

How Providence had intervened in that despicable plot to destroy a man whose only crime was that he had kept the oath of the great office the people had elected him to and refused to keep quiet when he heard the soft footpads of the great timber wolf stealthily approaching our country's treasury.

How the principal, bought witness in that trial had, by the hand of Providence, been brought to the vision of death, called in the priest, took the last sacrament, and made his deathbed

confession that he and his coconspirator, A. N. Jacobs, were to have received $30,000 for their perjured testimony against me.

How this evidence was indisputable and cut away the ground completely beneath the feet of the official tools.

How truth had again, this time by the State senate, forced another unanimous verdict.

How four years of gruelling grind where the fire of watchfulness could not be allowed to die, four years of detectives and snoopers and rifling thieves, where my home in Minneapolis had been sacked from garret to cellar, my office rifled, my mail intercepted and copies taken, in the hope of framing me, every moment under some hireling's eye brought on nervous strain and resultant ill health and me unable to protect myself even as a seeing person could have done.

How these four nightmare years turned gray the hair of my wife, my pal, my eyes, my inspiration, who has the last 15 years fought side by side with me and shared my victories and my tribulations.

How now after all this, the Backus-paid newspapers, headed by Rudy Lee, of the Long Prairie Leader, and Mabe Moreaux, of the Luverne Herald, and the rest of the subservient scribes are cunningly declaring that they want a full-time Senator and that I am through. How their propaganda is being circulated throughout the State to-day that Backus and other timber barons are supporting me. How yet out of all these ingeniously devised lies through the help of God, for no other power could have wrought the confession that showed the dastardly plot from beginning to end, has come vindication and exoneration, which is bringing with it the reinvigoration of us both and we are again beginning to feel fit for another battle and our hope is that it will not be so hard because facts and personages have been illuminated that the people may see and know, despite the craft of paid newspapers and politicians and fake organizations, "who's who" in Minnesota, and that my real opponent for my return to the United States Senate is Backus and the powers he represents whatever name will finally be decided upon to attempt my defeat.

Here is a recent example of their handiwork published February 21 in the Long Prairie Leader:

> We received a letter this week from Senator THOMAS SCHALL sent out under his privilege of free use of the mails for Government business. The letter had nothing to do with the Government business and was a personal statement of a political character. We sent the letter and the envelope to the Postmaster General with a request that the matter be investigated.

It was not a letter but a statement, and on its face would have shown that it was the essence of public business. To have printed it in connection with his editorial statement would have branded his statement as a falsehood.

The statement is as follows, and is a matter of the highest privilege. Not only that, but the "public business" is the very fight that I have been making in behalf of the very class of papers such as the Long Prairie Leader which nevertheless makes this jaundiced attack on me. What kind of a perverted mind it is that even though I am its author in order to insult me would injure the legislation which if they are honest they should want, and which is of benefit to their brother editors? Why stamp my motives with their little narrow prejudices and lack of understanding, if it be ignorance and not deliberate intent?

STATEMENT BY SENATOR THOMAS D. SCHALL, OF MINNESOTA

> The effort to intimidate me made by those persons owning a cornstalk pulp plant at Danville, Ill., culminated to-day in the statements made on the floor of the House by Congressman HOLADAY, of that city.
>
> Insinuations of benefit that would come to me if I would desert the cause of farm aid and join with the newsprint combination, which is now milching the small publishers of the country and preventing the farmer from selling his waste crop for paper making, were made to me several weeks ago, and the threat was then made that if I did not succumb this matter would be taken to the floor of the House. I saw at that time that they were desperate, and undoubtedly this comes as a result of the plight they find themselves in in their effort to stop the farmer from the prosperity which belongs to him and which is now just around the corner.
>
> I do not intend to be bluffed or browbeaten by this combination, and as the Senate Agricultural Committee voted its confidence in me to-day by reporting out my resolution to investigate the newsprint-paper combination, I think it will be very appropriate to place this Member of Congress on the stand who knows so much about it, as well as the members of the corporation located at Danville, Ill., and thus give the country an opportunity to see what they will have to say under oath upon these questions instead of merely flinging on the floor of the House the propaganda of the Newsprint Trust.

Rudy Lee, of the Long Prairie Leader, has, like every other newspaper, the franking privilege. His paper is sent entirely free through the United States mails throughout the county in which it is published. Yet, he would deny to honest public officials seeking to get the truth to the people the privilege which he does not hesitate to use to broadcast lies and slander. This pusillanimous hypocrite is ambitious to be governor of our State. As if a dishonest heart, lack of character, ideals, and justice, without principles, a toadyism and an obedient compliance to the big political bosses' wishes are the qualifications needed. And if he is looking to our present governor for an inspiring example of these qualifications he must not forget that Teddy has that specious craft which gives a kind of plausibility which Rudy can never hope to attain.

My visitor insisted that I would find that neither the Department of Agriculture nor the Bureau of Standards was back of my proposition. That if I would take the phone even now and call up I would find that his surmise was true. I should think the matter over thoroughly, and that he would see me again. Upon his leaving the office, Doctor Woods came in with a letter from the Secretary of Agriculture. This seemed immediate corroboration.

I ask unanimous consent that the entire letter of the Secretary of Agriculture along with some editorials and articles be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, the matter will be printed, as requested.

Mr. SCHALL. Mr. President, the Secretary of Agriculture's letter claimed that I was attempting to put the Government into business, though in the same letter he warmly defended the plant at Madison, Wis., created along the same lines as my project for farm waste only using forest products and helping the wood barons, not the farmers. If $20,000,000 appropriated for the wood interests is not putting the Government into business, how is it that my bill for $6,500,000 for similar plants for farm waste experiment becomes so?

What would $20,000,000 do for the farmer? It would build in various parts of the country 40 synthetic lumber mills to convert farm waste to farm profit, drop the cost of building materials, decrease rents, increase home owners, decrease fuel costs, and save freight charges. Insulating board from farm waste can be produced at $10 per thousand feet. Other artificial insulating wholesales at about $45 f. o. b. This board weighs 500 pounds per thousand feet as compared with pine at 2,500 pounds. It can be used as a plaster board instead of wood or metal lath, and will make a splendid roof board. The farmer needs this insulating board for his new and his old buildings, warmer in winter, cooler in summer. The using of a building material to replace natural wood would conserve our remaining forest supply, whose loss is now a national calamity. It is poor economy to destroy and then tax the people millions of dollars to control the floods. Clear the forests off the land and the great rivers will climb their banks, for the trees withdraw the water and send it into the air, the spongy material at the roots soak up the water and holds it back, thus allowing nature to gently and naturally regulate and keep constant the supply of needed rainfall.

$16,000,000 FOR WOOD PULP—$8,000 FOR FARM-WASTE PULP

I introduced Resolution 200 because the Secretary of Agriculture, running true to the prediction of the cornstalks products gentleman, writes me reference my statements urging enactment of S. 4834 and Joint Resolution 183 that "We have not found it necessary so far for the Department of Agriculture to actually go into the business of manufacturing in order to demonstrate the practicability of our findings." Joint Resolution 200 finds a very successful precedent in freeing ourselves from foreign monopoly in a similar enactment of Congress giving a bonus to sugar-cane growing in this country. My Resolution 200 would have the Government pay a bonus of 1 cent per pound for newsprint paper manufactured from farm wastes such as corn and cotton stalks, sugar cane, straw of all kinds for the next five years after enactment.

I want, if possible, to get the Secretary of Agriculture interested in the farmer, and I am therefore in this bill clearing the way that the farmer may have the support of the Department of Agriculture. I am vitally interested in making solvent the bankruptcy of the farmer and am praying and hoping that the Department of Agriculture will see its way clear to divide its zealous attention of finding a wood substitute for spruce and hemlock pulp with farm waste in the manufacture of newsprint paper.

The Secretary of Agriculture's letter says:

> It is the department's duty to show every possible means of utilizing the waste products of woodland and to properly utilize forest products.

Our laboratories have done everything possible to develop this field of work.

This statement is more than true. I find no fault with it. The department has done and will do everything within their power to find that substitute. The zeal and efficiency of the Department of Agriculture in its efforts to find a solution of the white-paper problem is commendable. For what it has done for wood this department deserves the highest approbation. But the farm problem is at our door and must be solved, and the Department of Agriculture, I should think, is somewhat charged with that solution.

At a cost of some three millions of dollars the Department of Agriculture has erected a paper-manufacturing plant at Madison, Wis. This plant has just been endowed by this Congress, at the Agricultural Department's request, with $1,600,000 yearly for 10 years, or a total of $16,000,000, making the wood-pulp manufacturing project cost the Government just a trifle under $20,000,000, and I call your attention in comparison with this $20,000,000 manufacturing investment to the modest request of the Agricultural Department for $8,000 for investigation in the economic utilization of corncobs and stalks, quoted in the 1929 hearings on the Agricultural appropriation bill, page 918. This $20,000,000 manufacturing organization is confined to experiments in making paper from woods only.

For 10 years past and for 10 years more this $20,000,000 manufacturing organization was and will be burning midnight oil in a single effort to find some method of using woods other than spruce or hemlock in the manufacture of white paper. Twenty million dollars and 20 years to find something that is not lost, while the raw material they are seeking to find at such an immense cost is standing ready at hand in sugar cane, corn and cotton stalks, and straw of all kinds, and is going to waste, while forests are depleted and need a respite.

The Secretary of Agriculture in his letter calls my attention to the fact that 19 years ago the Department of Agriculture discovered the substitute for wood pulp in cornstalks and straw among other wastes. He further states:

One of the large paper-manufacturing plants made rather extended tests, but at the time it was proved that cornstalks could not successfully compete commercially with wood pulp, for instance.

But that was 19 years ago, and vast quantities of spruce and hemlock wood pulp have gone over the dam since then, leaving us denuded of the raw material with which to make white print paper. Why not use the raw material of corn and cotton stalks, sugar cane, straw of all kinds, of which we have an abundance that is now going to waste, and turn it into profit for the beleaguered farmer instead of baiting him and calling him a whiner and trying to blame his misery on lack of diversification and bull-headed employment of antiquated methods? I want a Department of Agriculture that is for the farmer. Why should the bureau of markets continue its policy of issuing glowing crop reports far in advance of the ripening of the crop, when anyone knows that the only result of such practice is an immediate drop in price, regardless of what finally matures of his harvest? As it is, he is compelled to fight the hazards of wind, storm, hail, frost, unseasonable weather conditions, drought, insect pests. Why add the Department of Agriculture to his staggering handicap? Labor and capital are organized and equipped to fight, and they both get results, for their potential strength is well known, and legislation in their behalf has been comparatively easily secured. Why neglect a third of our population because they are unorganized and then expect prosperity? The raw material the farmer has to sell would help to stem his bankruptcy. Use this wealth of now wasted raw material instead of annually turning its value over to foreign newsprint monopoly.

The Secretary of Agriculture in his letter refers me to the 1910 Yearbook, page 329:

There are numerous crop materials now going to waste that deserve utilization for the making of paper. Hitherto the price of wood has been so low that they could not enter into competition with it. This condition appears to be changing, and a point may soon be reached where crop by-products can be made into pulp and paper at a profit to both the farmer and the manufacturer. * * *

It seems very probably that raw products now scarcely considered may in a few years play an important part in the paper and pulp industry.

Those few years have passed. The question of doing something to help the farmer is so absorbing, so vital that our President elect is calling an extra session of Congress to deal with that problem. If the farm waste can be utilized it will go far to solve that burning question, and it seems to me and numbers of Senators with whom I have talked that it is worth trying, and it would be inspiring if we could have a Secretary of Agriculture to hoist his standard in behalf of the farmer and lead the procession instead of standing doubtfully by and wondering if, where the farmer is concerned, it would be advisable to put the Government in the manufacturing business, although he approves of the wood barons' $16,000,000 manufacturing project of the Government in developing forest products which has been appropriated by this Congress.

Therefore I am in hopes that my Joint Resolution 200 will remove this impediment for him and leave them and others protesting they do not want to put the Government into business free to get back of the idea of utilizing our own farm raw material, judging from his letter to me, wherein he says:

We have never permitted the development of one phase of the work in a manner antagonistic to any other phase. It is our duty to promote the wise utilization of forest lands and forest products as well as agricultural lands and agricultural products, and we have done both to the fullest extent of our ability under the authority and funds granted by Congress.

We have no criticism of the work done in behalf of forest products, but we do wish to point out the unfavorable proportions of a $20,000,000 request for appropriation in behalf of forest products in comparison to the paltry little appropriation of $8,000 requested in behalf of developing our farm raw material and thereby equalizing the help to the farmer that has been given the wood baron.

Is the Department of Agriculture warden of the forests only? Is it not concerned with all horticulture? Is its function that of developing the industry of the forest primeval and only writing books or talking in committees about what could be done with our waste field crops? Is not Maeterlinck's bluebird of promise in our own raw material to be had from corn and cotton stalks, sugar cane, straw of all kinds, right here on our own doorstep?

The Secretary of Agriculture in this same letter writes me that he did not oppose the $50,000 appropriation for the Bureau of Standards to make these tests of the economic practicability of utilizing cornstalks and other waste products of the land for the manufacture of paper, building boards, insulating material, and so forth. Yet from the same paragraph I quote him:

When the work was first brought up it was our belief that any work of that kind should be done by existing agencies established by Congress for that purpose rather than starting work in some other bureau, which might lead to duplication.

That was the very thought I expressed, and that was the thought promulgated by the Department of Agriculture that prompted the Director of the Budget to delete it. President Coolidge, at the request of Secretary Hoover, put it back, and as a result of this little $50,000 appropriation we have definite proof of the commercial practicality of the billion dollars' worth of raw material annually raised by the farmers that can and should be invested in the protection and prosperity of our farmers and our country.

If the propaganda being spread at this time by the Agricultural Department and the newsprint Paper Trust and the English Danville Cornstalk Products Co. to the effect that waste field-crop pulp can not be made to profitably compete with wood pulp is true, there can be no harm in passing Joint Resolution 200, because this resolution gives a bonus of 1 cent a pound for paper made from waste products, such as corn and cotton stalks, sugar cane, straw of all kinds, when it is sold at a price not to exceed $50 per ton and contains at least 65 per cent farm waste. If the agricultural and foreign newsprint Paper Trust propaganda is true, then no collection can be made from the Government under my bill. If it is not true, private industry will demonstrate that paper can be made from waste field crops as cheap as wood pulp and an industry which shall be second to none in this country will have been established and we shall have been freed from the domination of foreign countries, who now control our paper supply.

The farmer will be benefited by about a billion dollar annual income and employment furnished thousands and thousands and a new American industry set upon its feet. Surely the Department of Agriculture can now have no objection to supporting my Joint Resolution 200, and we shall confidently look for its powerful influence in the forefront of this fight for turning farm waste into farm profit.

My suave Cornstalks Products Co. representative visitor returned and wanted to know what I had decided. I informed him that I inteded to do all I could to help the farmer through utilization of his farm waste. He again assured me that I would get nowhere with it and that as for the Editor and Publisher articles in reference to my Resolution 292 for investigation of the Newsprint Trust, the editors would not substantiate upon oath what they had said in their magazine. Later when the hearing on 292 came up I found that he had predicted with

entire truth. My prophet further told me that any speeches I might make on the subject would get scant press notice, which I had by this time begun to realize was also the truth. He went on to tell me that such contrary information would be given through the press as would be necessary to counteract anything I might do. Page articles in Sunday supplements have since appeared to verify his predictions.

He asked me if I did not know that the greater press of the country was intertwined with the newsprint-manufacturing business. This I also later discovered to be perfectly true when I found Elisha Hanson, a lawyer, appearing before the Agricultural Committee on the 30th of January in behalf of the American Publishers Association and later appearing before the Committee on Audit and Control as attorney for the Canadian International Paper & Power Co., on the same subject. The International Paper & Power Co., through its bankers, state that—

The International Paper & Power Co., with its subsidiaries, has expanded in such a manner that it is now dominant in the pulp and paper industry with a daily capacity of more than double that of its nearest competitor.

My prophet further said that if I did not desist in trying to get out my Resolution 292 that there would be an attack made on the floor of the House. I continued to urge the members of the Agricultural Committee that they report out my resolution, and on the 21st of January made a speech in the Senate to that end and included in that speech several editorials and articles showing that the smaller dailies and weeklies of the country were insistent upon having the Senate do something to help them in their dilemma and that they feared utter extinction if this foreign combination trust were allowed to work out its contemplated plans. On the 30th of January I appeared before the Agricultural Committee, urged the reporting out of my resolution, and left with them much documentary evidence showing that the smaller dailies and weeklies unprotected by long-time contracts, would have to supply the reparations and furnish the prosperity that the bankers of the International Paper & Power Co. promise in their prospectus, to wit:

It may again be pointed out that the International Paper & Power Co. has not yet begun to reap the benefits of its widespread expansion and diversification. In the meantime the period of overproduction through which the paper industry is at present passing has delayed a realization of the returns which had been hoped for. As described before, however, this situation is temporary in nature and ultimately the tremendous values of the company's paper, pulp, and power properties will produce constantly increasing revenue. The position now held by the company is unique in corporate history. Not only is it the greatest paper company in the world, but it is now also one of the largest public-utility enterprises on this continent.

The above quotation from the International Paper & Power Co. shows conclusively what the Paper Trust intend to do to the smaller dailies and weeklies, and it was no doubt with this understanding the Agricultural Committee reported favorably my Resolution 292.

On the same day as the above resolution was favorably reported, an article was read into the House RECORD by the Congressman from Danville, Ill. Editor and Publisher, which is the official organ of the American Newspaper Publishers' Association, had this article in print at least two days before it was read on the floor of the House. Their headlines declared SCHALL Misleads Public—Would Hamstring Private Industry.

I want to be as courteous to the Danville Representative as he was to me, and, therefore, in his own words I shall say: "I am convinced the Danville Representative accepted this article in good faith," and read it into the RECORD without knowing whom he was representing and without knowing the ramifications of this interlocking and interwoven creature that seeks to use him and the CONGRESSIONAL RECORD to aid their monopolistic control and as an advertising medium for their stock-selling racket. It was natural that Danville's Representative should come to the aid of the Danville Cornstalk Products Co.

The article speaks of an American company and American capital. The Cornstalk Products Co. is the subsidiary of a European holding company, a close corporation, known as the Euroamerican Cellulose Products Co., with their American offices at 42 Broadway, New York City. This company holds the Bela Dorner Hungarian patents for England, Mexico, all Central America and all South America, the United States, and all the rest of Great Britain's colonies and possessions. J. C. VanEck, president of the Shell Union, the Royal Dutch holding company for America, a company owned by the British Government, is a director of the Cornstalk Products Co., of Danville, Ill. Lewis L. Clarke, chairman of the executive committee of the American Exchange of the Irving Trust Co., another English concern, is another director of the Danville Cornstalk Products Co., and this bank is the depository for the Dutch Shell Oil Co. funds in the United States. W. Jule Day, New York lawyer, is president of the Cornstalk Products Co., is also president of the Euroamerican Cellulose Products Co., and a man named W. Jule Day—I have not been able to yet verify, but I think he is undoubtedly the same man—is attorney for the Dutch Shell Oil Co., in which the British Government itself is interested, and which company has the oil of the world cornered, and the Shell Oil Co., in connection with other companies whose management is in harmony with the Shell Oil Co., has 85 to 90 per cent of our own oil in their control. This is the British Oil Co., with which Doheny is connected and for which he undoubtedly acted in his connection with Secretary Fall.

The nation that controls the oil of the world will control the seas, and I am again reminded of the Canadian newsprint manufacturer who said, "After all, it is the newspapers that seat and unseat governments."

If the raw material of corn and cotton stalks, straw of all kinds, sugar-cane, and so forth, of which we have an abundance in this country, is to take the place of our depleted wood pulp, can be cornered for the Canadian or English Governments through patents in the uses of farm waste with which to make newsprint paper, our newspaper industry will continue to be in the hands and under the control, as it is in a great part to-day, of foreigners. So, Senators, the question at issue is of far greater importance than the price of cornstalks, which the article read by the Danville Representative would lead you into thinking was under discussion, and is of far greater importance than whether the newspaper man who was honestly trying to get the facts over to the people as best he could and whom this article sorely berated, is a member of the press gallery or, as the Danville Representative slurringly called him, a detective. I can not see what Mr. Coan or any other newspaper correspondent can have to do with the principle involved in this case, and anyone with a pinch of reasoning power, knowing the situation, knows that he has been dragged in here merely as a red herring across the trail. Is it possible that there are no honest, able newspaper men in the country and in Washington outside the National Press Club and the House and Senate press galleries?

These cornstalk-products people, through the very article the Representative read into the RECORD prove their foreign flavor by their little twisted suspicions that it is impossible for anyone to do anything unless he gets something in return. Is there no patriotism, no ideals, no altruism, and no conception that a man might do something for the distressed farmer, something for his country without there being something in it for him? It would be just as logical and just as fair to state that there are no honest men outside of the United States Senate and that anybody that was not a Member of Congress was undeserving of trust. So far as getting the news of this farm-waste project over to the people is concerned, this so-called detective seems to me to have been the better newspaper correspondent. Mr. Coan is criticized in this article for saying that the farmer will get $12 an acre for his cornstalks and sugar-cane pulp and $15 an acre for his straw. Doctor Sweeney, in charge of the Bureau of Standards laboratory at Ames Agricultural College, when he was here the 30th of January, testifying before the Agricultural Committee on my Resolution 292, told me that his cornstalks had cost him $10 to $14 a ton delivered, but that he was now getting some deliveries for $8 per ton.

The conservative average yield of cornstalks per acre, says Lionel K. Arnold, assistant chemical engineer, Iowa State College, is a ton and a half. This would corroborate that Mr. Coan did not overstate when he said that the farmer would receive $12 per acre for his cornstalks.

As to the so-called detective correspondent's value per acre on straw set at $15. I refer you to a work on rice written by Edwin Bingham Copeland, dean of the Agricultural College of the Philippines, page 329, in which he says that a certain Louisiana factory making corrugated fiber boxes from rice straw is paying the farmers $6.25 a ton for their straw. This would mean $18.75 an acre, or $3.75 more than Mr. Coan reported to his newspaper that the farmer should receive per acre for his straw.

My attention has been called to the English-Canadian Newsprint Trust propaganda that cornstalks make good fertilizer. This is not true. Experts in touch with advanced understanding of soil chemistry state that unless cornstalks are finely shredded and then allowed to decompose in the open air, they take more nitrogen out of the soil in the process than the fertility they furnish is worth. They estimate a ton of cornstalks is worth not more than 75 cents as fertilizer.

Patches of corn have been grown side by side as an experiment, the one fertilized by cornstalks plowed in without shredding or decomposing, the other where they have been removed

and no fertilizer added. The corn on the patch without the cornstalks has been heavier and taller and healthier than the corn grown on the patch where cornstalks were turned under. This propaganda, of course, is being advanced to thwart the utilization of farm waste, but the fact remains that cornstalks are of great value for paper pulp as well as insulating board, and that a reasonable estimate of their value to the farmer is $12 an acre and up.

This Cornstalk Products Co. is not worried about the price of cornstalks, but the powers they represent are worried at the thought of losing the raw material supply with which to make newsprint paper, for through its loss they might lose what control they now have of our press.

Doctor Sweeney is in charge of the Bureau of Standards' practical demonstration of making newsprint paper from cornstalks and straw, and so forth, at Ames, Iowa, and undoubtedly knows more about its commercial problems than anyone else in this country, yet this article read by the Danville representative would have you believe that Doctor Sweeney does not know anything about it.

Doctor Sweeney testified that he had made, and exhibited the paper to the committee, paper of an excellent quality from 72 per cent cornstalks and the balance outside of the clay, wood pulp. That he could produce even with his miniature paper-making machine, as he called it by rule of thumb, a ton of paper with 72 per cent cornstalks for $49. Doctor Sweeney also testified that straw could be used to blend with the cornstalk pulp so that wood pulp would not be needed. The Cornstalk Products Co. now making newsprint paper are charging $160 per ton. The newsprint paper they originally got out for the Danville Commercial News, which was they claimed 65 per cent cornstalks and which I held in my hand before you when I spoke on the 7th of January, was an excellent newsprint paper. Since that speech, and in order to baffle public understanding, they have been furnishing a quality of paper that is not opaque to the different newspapers who wanted to publish on this new medium and at the same time sending along articles to publish therein that it is not feasible to do this thing they are doing, and that competition with wood pulp is not practical. I asked Doctor Sweeney about this lack of opaqueness and he said they were simply failing to put in enough clay. These people are attempting to keep from the public the knowledge that newsprint paper can be made as cheaply with proper machinery from farm waste as it can from wood pulp until they can manipulate patent rights cleverly intertwined with their Hungarian patents and build up a semblance of legal right to prohibit anyone except themselves from entering upon this field of production. The Hungarian patent which they now hold, I am informed, is far from perfect and inferior to the process developed by the Agricultural Department, along the lines of the Shirdell patent, which was taken out 75 years ago and whose rights are now lapsed, and therefore open to the use of anyone together with the improvements the Agricultural Department's investigations have added.

Doctor Sweeney further testified in the hearings before the Agricultural Committee that Richard K. Meade & Co., of Dayton, Ohio, are developing a process of making high-grade paper from straw, and he told me after the hearing that he expected the Meade Co. would turn their factory entirely over to making paper from straw and cornstalks.

Tom Campbell, the greatest wheat farmer in the world, has just returned from Germany and has brought with him a German machine with which to make binder twine from flax straw and is installing this machinery on his farm in Montana, thus pointing the way to remove from our farmers another foreign leech, the Sisal Trust, which robs our farmers annually of millions of dollars.

Up to 30 years ago the United States produced all the bagging used in this country, mostly from flax straw, as well as exporting some to other countries. Through the influence of foreign agents the duty was taken off jute bagging, which is manufactured by the British interests in India with coolie labor at 10 cents a day salary. It was impossible for the American manufacturers of this commodity to compete with this coolie labor after the duty was removed and the result is that to-day we import $150,000,000 worth of jute bagging and flax seed, the production of which rightfully belongs to the farmers of this country.

The Government developed a process for making furfural from oat hulls. The Quaker Oats Co., at Cedar Rapids, Iowa, took the process and are making furfural which adds millions to the profits of the Quaker Oats people, but the farmer does not get a cent more for his oats.

A man named Jackson, in the Bureau of Standards, worked out a process to make sugar out of corn. He left the Government before the process was perfected and went with the Corn Products Co. Jackson and the Volstead law, together with the fine grade of corn sugar they are making, add millions to their profits but have not benefited the corn producer.

These processes must be developed and perfected by the Government, otherwise some monopoly will control it, and the farmer will get no benefit.

Doctor Sweeney's method of making insulation has been adopted by a manufacturer of ice boxes and they are already building a factory for that purpose.

The Cornstalk Products Co. have been constantly absorbing and freely given anything that Doctor Sweeney knows about the process. In fact they have been doing their level best to hire Doctor Sweeney.

Doctor Arnold says that the annual yield of cornstalks in this country is 150,000,000 tons. The Cornstalk Products Co. claim they are using this year the yield of 20,000 acres of cornstalks. That would be 30,000 tons at a ton and a half per acre. It does not seem to me that with an annual yield in the United States of 150,000,000 tons the Danville people will be pushed to the wall if some outlet for the remaining millions of tons is considered. As to the price paid the farmer it seems to me at this time to be immaterial, one price is paid to-day, another to-morrow, just as in any other raw material. If it is not $12, I am sure the farmer would be glad to get $11.25 per acre, which would be the price on their own figuring of $7.50 per ton for cornstalks.

The hamstringing of private industry referred to means a kink in their plans for the Euro-American holding company to retain the majority of the stock of its subsidiary companies and sell the minority to gullible Americans, thus using American capital to load foreign control onto American backs. They are perfectly willing to have us use cornstalks and sugar-cane and straw of all kinds to make synthetic lumber and cork, and so forth, all of which would give benefit to the farmer. But when you come to newsprint paper then you get on the English toe. And immediately the whole interweaving communication of underground wires is set jangling—the bells of alarm begin to sound, here, there, and at far distances.

The suppression of Coan's articles is a hint of what they will do when they control newsprint. Philip Schuyler, who wrote the articles for Editor and Publisher referred to in my Resolution 292, I am told, has been separated from his job.

It is no little struggling concern that can make men in or out of the Government talk or keep still as the indicator is adjusted. No struggling infant industry that after full steam ahead with fine product ready to sell can reverse, slow up, back down. In their own propaganda they put forth more enthusiastic rapturous and glowing statements than those they attack, yet in the statement of the Representative from Danville they try to give the impression that development of rice straw is new to the Department of Agriculture, that potato alcohol is a dream; paper from corn waste a highly impractical and unprofitable venture. Blow hot, blow cold. On the one hand, the process is a failure; on the other hand, they do not need or want any suggestion for improvement that trained scientists can give to make it other than the imperfect thing they claim.

In truth, all they want is to be let alone while they secure a monopoly. Of course, private enterprise would enter, if they do not manage to conceal the facts. They intend to gobble up all the improvements the Government chemists make, hire anyone who knows anything about it, keep a keen outlook on this farm waste, for through it we might be able to make newsprint and thus escape their Canadian-English control. They already look with jealous eyes on the whole field as if in reality they had a corner on it. All I wanted was to establish Government plants in various localities to demonstrate commercial practicality. Then when demonstrated, these plants to be taken over by private industry in open competition where the public could get the benefit of these scientific processes. Who better fitted to take them over than these people? If they were honest they would welcome just such aid, but they want a close corporation, the whole thing tied up in a bag and a string around it.

The English Government already control the rubber supply of the world. Through Dutch Shell Oil Co. they control the oil supply of the world, and through this poor little innocent struggling pioneer, the Cornstalk Products Co., they hope to hang to their control of newsprint paper in this country.

My bill contemplates no Government manufacturing competition. It is simply that I have asked for six commercial demonstrating plants. The Danville Representative seems to think that the one asked for by Congressman DICKINSON is all right because that is not for the purpose of demonstrating the commercial practicality but is only a further feeder of developing processes which may be gobbled up and intertangled with

the so-called Hungarian patents as a legal wall to bar competition so that anyone setting up to make newsprint paper from cornstalks would find an interminable lawsuit at his door. He refers to this English company as a pioneering enterprise. It is a long way from a pioneering enterprise. There is no chance with its tremendous financial backing of throttling it as the Danville gentleman seems to suggest, and if all signs are to be understood the English Government is back of this little baby industry. Maybe that is the reason why the Premiers of Canada—Taschereau, of Quebec, and Ferguson, of Ontario—are so interested in keeping such a close watch upon the consumption of newsprint paper in the United States.

Why all this pressure about the farmer being given something for his farm waste? Why not give the little newspaper a chance to live, for they and the farmer are very closely connected. The little dailies and weeklies are to-day the ones that are keeping alive the old-time ideas of equality and patriotism, and have not yet succumbed to the idea that nationalism is a crime, and if they are removed—which they will be unless something is done to see that they are protected—God help us.

This same foreign power is always found meddling in the nominations of our Presidents, but in the last analysis the real control of our Government is the control of raw supplies of our basic industries. We boast of $14,000,000,000 worth of annual foreign commerce, and are able now to get only half the navy that our President recommends to protect that commerce. What sort of naval protection shall we have when the absolute and permanent control is assumed of our newsprint paper.

Next to the control of the newspapers the most vulnerable spot through which to disintegrate our Government is our convention system. The convention system by which we nominate our Presidents furnishes an excellent opportunity for designing foreign influence to wield a tremendous power in the shaping of our Government's policy, both domestic and foreign. These conventions meet on a strip of no-man's land, over which neither State nor Federal Government have any control. Delegates can do with their vote what they please, and there is no law to reach them. Delegates have been known to openly stand on the floor of the convention and state just how much they have received for their vote. Political bosses from many States practicing their profession as any other profession manipulate the delegates to these conventions for their clients. When such a convention produces a Secretary of the Interior who attempts to turn over to a foreign nation the very oil reserves of our Navy, it is legitimate for us lawmakers to begin to wonder if the safety of our country would not be better guarded through the nomination of our Presidents by the direct votes of our people. If a Secretary of the Interior can be secured, why not a Secretary of State, why not an Attorney General, why not a Secretary of Commerce, yea, why not a President himself? Absolute control of newsprint paper will mean the ultimate control of newspapers. Control of newspapers means the control of the thought of the country, and the control of the thought of the country brings us back to the thought expressed by the large Canadian manufacturer of newsprint when he said, "After all, it is the newspapers that seat and unseat governments."

DEPARTMENT OF AGRICULTURE,
Washington, D. C., January 9, 1929.

Senator THOMAS D. SCHALL,
United States Senate, Washington, D. C.

DEAR SENATOR SCHALL: I have read with a great deal of interest your statements in the CONGRESSIONAL RECORD regarding the utilization of farm wastes. I regret to see that you have been misinformed in regard to some of the facts of the situation.

This department has been engaged, by authority of Congress, in working out methods of utilization of all kinds of farm wastes, including cornstalks, straw, waste fruits, vegetables, etc., for many years.

If you will look over the hearings before the Committee on Agriculture, you will find that every year this subject has received wide attention. Since the appropriation features have been taken over by the Committees on Appropriation, you will find in the hearings before the subcommittees constant reference to many aspects of this question.

What the department has already accomplished in the utilization of these wastes is saving the farmers and fruit growers millions of dollars annually, and still further work is in progress in various laboratories devoted to this purpose. We have not found it necessary so far for the Department of Agriculture to actually go into the business of manufacturing in order to demonstrate the practicability of our findings. We have usually found industry ready to take up these questions as soon as the facts indicate commercial practicability.

In the Yearbook for 1910, page 329, you will find an article by Charles J. Brand on the utilization of crop plants in paper making, in which cornstalks and straw, among other wastes, are discussed. This same material was presented and widely distributed in the form of bulletins. It was shown at that time that various useful products, including those mentioned in your statements, could be made out of cornstalks, and also quite a number which you did not mention. Efforts were made at that time to get some of the larger paper manufacturers to utilize stalks for paper production, and certain pages of Circular 82 of the Bureau of Plant Industry were published on paper made from cornstalks. It was shown that nearly all grades of paper could be made from cornstalks. One of the large paper-manufacturing plants made quite extended tests, but at the time it was proved that cornstalks could not successfully compete commercially with wood pulp, for instance.

It is also the department's duty to show every possible means of utilizing the waste products of woodland and to properly utilize forest products. Our laboratories have done everything possible to develop this field of work, as we have been required to do by congressional acts. However, we have never permitted the development of one phase of the work in a manner antagonistic to any other phase. It is our duty to promote the wise utilization of forest lands and forest products, as well as agricultural lands and agricultural products, and we have done both to the fullest extent of our ability under the authority and funds granted by Congress. We have been successful in both fields, as abundantly attested by those familiar with the facts.

This department did not oppose the special item of $50,000 appropriated to the Bureau of Standards for making commercial tests of the economic practicability of utilizing cornstalks and other waste products of the land for the manufacture of paper, building board, insulating material, etc., for it was evident from the work already referred to that these products could be manufactured. When the matter was first brought up it was our belief that any work of that kind should be done by already existing agencies established by Congress for that purpose, rather than starting work in some other bureau, which might lead to duplication. We discussed this aspect of the case with those interested in promoting the legislation, including the Bureau of Standards, several Members of Congress, and others. It was finally decided that the efforts of the Bureau of Standards should be devoted to a "survey of the possibilities of the industrial utilization of waste products from the land."

In accordance with my instructions, Doctor Woods, in charge of the scientific work of this department, has conferred frequently with the Bureau of Standards and with Professor Sweeney with a view to seeing that every possible help in the promotion of this work was furnished.

It seems unfortunate, therefore, that you should be misled into making statements based on incorrect information, which entirely misrepresents what has been done by this department and its attitude toward the work in general.

I hope you may take occasion to acquaint yourself with the facts and to see that this matter is corrected through the CONGRESSIONAL RECORD.

Yours very truly,

W. M. JARDINE, *Secretary.*

[From the Pennsylvania Manufacturers' Journal, February, 1929]

TURNING STALKS OF CORN INTO STACKS OF COIN—SOME OF THE ACTIVITIES OF SENATOR SCHALL, OF MINNESOTA, IN THE INTEREST OF AMERICAN MANUFACTURES

United States Senator THOMAS D. SCHALL, of Minnesota, is the author of several bills in Congress intended to encourage and to protect the manufacture of newsprint paper made from American raw materials.

Two hundred and seventy-five million dollars' worth of newspaper is imported annually from Canada and elsewhere that might as well be made here in the United States from our own raw materials now going recklessly to waste.

Senator SCHALL knows that just as good newsprint paper made from the waste products of American farms, such as corn and rice stalks, certain straws, hog palmettos, and the pulp of sugar cane after the sucrose has been extracted, as well as many other vegetable products with a large content of carbohydrate cellulose, from which paper can be manufactured.

Senator SCHALL, with the force of a thunderclap, spread consternation abroad when he recently exposed in the Senate the existence of a $16,000,000 fund by shameless and impudent foreign interests to establish a campaign of propaganda against this American economical enterprise of American manufacture of newsprint paper from the waste products of our farms—North, South, East, and West.

The Senator from Minnesota is entitled to the sincere gratitude of every American for his many activities in behalf of the farmers of the country and for his efforts to transmute into gold those products of their fields that have been heretofore a loss and a source of expense for their removal. By this process of conservation the sum total of our national wealth will be increased hundreds of millions of dollars each year.

We take great pleasure in presenting to our readers Senator SCHALL'S own modest summary of his legislative activities along those lines of conservation, which he has so kindly furnished to the editor of the Pennsylvania Manufacturers' Journal.

SENATOR'S SCHALL'S MEASURES IN CONGRESS

"Why should the United States import $275,000,000 worth of paper annually from foreign countries while waste field crops on American farms capable of producing this paper are allowed to rot? This question

agitated me until I determined to introduce legislation which would remedy this evil.

"My first bill is to establish demonstrating plants, which plants are to be sold by the Government to private interests just as soon as their commercial practicability is shown.

"My second bill is to print the CONGRESSIONAL RECORD on paper manufactured from waste field crops. The Government purchases $2,500,000 worth of white paper annually; encourage manufacturers to make this paper by offering them this market.

"My third measure is a Senate resolution to investigate price fixing by foreign newsprint manufacturers who are offering low-term loans to newspapers who will make 15-year paper contracts, thus destroying a possible market for field-crop paper for that period of time.

"My fourth resolution is a joint measure asking that a bounty of 1 cent a pound be paid to any paper manufacturer using at least 60 per cent of field crops in his mixture and selling it to newspapers for $40 a ton.

"This is a 100 per cent American program and should appeal to every loyal citizen of this country."

[From the American Press, New York, February, 1929]

SENATE COMMITTEE REPORT BACKS NEWSPRINT TRUST INVESTIGATION—SENATOR SCHALL TELLS WHY HE LEADS FIGHT FOR PUBLISHERS

Senator THOMAS D. SCHALL, of Minnesota, whose resolution to investigate the Newsprint Trust has been favorably reported on by the Senate Committee on Agriculture and Forestry and now goes to the Senate Audit Committee, told the American Press in an exclusive interview that he intends to stick to his guns until he gets action.

The resolution calls for the appointment of a committee of five Senators to "investigate the activities of groups of foreign and American citizens controlling the supply of white paper in the United States with a view to determining whether such activities would have the result of creating a monopoly in the supplying of paper" to newspaper publishers. The committee is to report to the Senate its findings, with recommendations.

Should the Senate committee uncover enough evidence to warrant, there is a possibility of action by the Department of Justice, similar, perhaps, to that resulting in the dissolution of the Newsprint Manufacturers' Association in 1917.

Many of the firms that were members of the Newsprint Manufacturers' Association have been taking leading parts in the attempts of the past few months to fix prices.

In the final decree in the case against the Newsprint Manufacturers' Association, United States District Judge Julius M. Mayer held that "The Newsprint Manufacturers' Association is an unlawful combination of the defendants in restraint of the trade and commerce in newsprint paper among the several States and with foreign nations, in violation of said act of July 2, 1890; and said Newsprint Manufacturers' Association shall be, and it hereby is, dissolved.

"Each corporate defendant is hereby perpetually enjoined from carrying into further effect the combination hereby dissolved and from entering into or engaging in any like combination having for purpose or effect (a) the elimination or restriction by concert of action of competition in newsprint paper, or (b) the concerted working for materially higher prices for newsprint paper, or (c) the establishment by concert of action of uniform prices, terms, or conditions for the sale of newsprint paper, or (d) the concerted working to discourage others from manufacturing newsprint paper."

Senator SCHALL, who is leading the fight in the Senate for the investigation, told the American Press he wants to see justice done to the smaller publishers as well as the larger, and explained his active interest in the newsprint situation.

"There is no doubt that a Newsprint Trust exists," said Senator SCHALL. "The manufacturers of newsprint from wood pulp have made no attempt to conceal the fact that they have been holding conferences for the past two months in the attempt to fix prices and limit production.

"The newsprint manufacturers doubtless believe they are protected by the Canadian frontier, but they became overbold when they stepped out of this protection to hold their conferences in New York.

"We are now entering upon the second month of 1929, but to-day newspaper publishers do not know what price they will have to pay for their newsprint this year. The Newsprint Trust has not yet announced the price. Isn't it plain enough that price fixing is going on?

"As to statements made by representatives of the larger daily newspapers that if the price arrived at is $55 a ton for 1929 they will raise no objection, all I have to say is that fixing a price of $55 a ton is just as illegal, to my way of looking at it, as fixing a price of $65 a ton. And the publishers of the larger dailies would kick strenuously if a price of $65 a ton were announced.

"Canadian newsprint manufacturers have not tried to conceal their intention to raise the price of newsprint in 1930 and again in 1931. If they can fix a price of $55, they can fix a price of $65 just as easily. Maintaining this fixed price is another matter. But if they can maintain $55 a ton for 1929, the chances for maintaining a price of $65 a ton in 1930 or 1931 will be much better.

"I am particularly interested in this fight because of my interest in farm aid and because I want to see justice done to the smaller newspapers of the country as well as the larger. I want to see that the weekly publishers, who are now paying around $95 a ton for newsprint made from wood pulp get cheaper newsprint and the farmer gets a chance to turn some of his waste products into cash.

"Scientists who have been experimenting for a considerable time in the endeavor to make newsprint from cornstalks, wheat, rice, and flax straw, cotton stems, sugar-cane pulp, and other farm waste products assure me that the project is entirely feasible. Dr. O. R. Sweeney, of the Iowa State College Experimental Station, has made newsprint said to be of excellent quality from cornstalks, and a number of newspapers have been printed on cornstalk paper. Doctor Sweeney says newsprint can be made just as well from other farm waste products.

"He testified before the Agricultural Committee, January 30, that he could make and was making an excellent newsprint paper from cornstalks for $49 a ton, and he exhibited to the committee an excellent quality of paper which had been made from cornstalks by his little, as he called it, thumb-to-hand equipment.

"The paper that he exhibited to the committee was 72 per cent cornstalks and 28 per cent wood pulp. He explained that he thought a blend could be made with straw and cornstalks so that you could get along without any wood pulp, but the paper he exhibited was 72 per cent cornstalks and 28 per cent wood pulp. If we could reduce the drain of our forest 72 per cent, it would be a mighty factor in giving us independence of the foreign Newsprint Trust.

"To-day I find that most of our newsprint supply comes from Canada."

"Now, what I want to do is to bring back to the United States the production of paper on which the newspapers of the United States are printed and at the same time to give the farmers of this country at least part of the money that has been going into the pockets of Canadian and other foreign manufacturers of newsprint from wood pulp.

"With that aim in mind, I introduced in the Senate my resolution. That is also why I have proposed that a bounty of a cent a pound be paid to manufacturers of newsprint from farm waste products. The bounty would be paid for a period of five years, and during this time the newsprint made from farm waste products would be sold to newspapers at a price not to exceed $50 a ton. At the end of five years the industry of manufacturing newsprint from farm waste products, I am assured by authorities, would be able to continue selling newsprint at $50 a ton or less.

"And I am going to keep in the fight until something is done about it. I have already been subjected to pressure to call off the fight, but I have served notice that it will not be called off until I get action that will help the newspapers and the farmers of this country."

[From the Editor and Publisher the Fourth Estate for March 2, 1929]

INVESTIGATION OF NEWSPRINT INDUSTRY AUTHORIZED BY UNITED STATES SENATE—FEDERAL TRADE COMMISSION WILL PROCEED AT EARLIEST OPPORTUNITY—SCHALL EMPHASIZES HANSON'S APPEARANCES FOR AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION AND INTERNATIONAL PAPER

By George H. Manning, Washington correspondent, Editor and Publisher

WASHINGTON, D. C., February 28.—The Federal Trade Commission, at the direction of the Senate, will undertake at the earliest opportunity an investigation into practices of manufacturers and distributors of newsprint paper which are alleged to tend toward monopoly and to discriminate against publishers of small daily and weekly newspapers.

With but brief discussion and one minor amendment the Senate assured the investigation with the passage Wednesday of the resolution of Senator THOMAS D. SCHALL, of Minnesota, directing the commission to investigate the supposed combination which is said to have fixed prices and virtually controlled white-paper supply in this country.

The sole change in the Schall resolution as reported by the Senate Committee on Agriculture was that which requires the commission to make occasional reports as to the progress of the investigation, largely at its own convenience. This replaces the clause which requested reports every 30 days.

The bill was called up the day before its final passage, but was passed over at the request of Senator DAVID REED, of Pennsylvania, when Senator WESLEY JONES, of Washington, objected to the provision requiring monthly reports. The prospective debate on this proposal caused REED to ask that the bill be brought up the next day. This was done, and there was no objection from the floor to its passage.

The sole objections to Senator SCHALL'S resolution in its present form were voiced by Senator WESLEY L. JONES, of Washington, who thought that the provision as to a report by the Federal Trade Commission every 30 days was useless. The amended resolution does not refer to the "citizens of foreign countries" alleged to control the white-paper business of the world and to have purchased a controlling interest in a chain of American newspapers.

Instead, it merely directs the Federal Trade Commission to hold hearings and report whether practices of manufacturers and distributors of newsprint paper tend to create a monopoly in supplying publishers of

small daily and weekly papers. The measure in its present form was reported February 7 from the Committee on Agriculture, to which it had been referred when introduced, January 7.

"At the time I introduced the resolution," said Senator SCHALL, "I believed that it would be a relatively simple matter to have the Senate authorize this inquiry, because it has always shown its sympathy to the small consumers and others who are not in a position to defend themselves against the harmful practices of monopolies.

"It is particularly true that the Senate of the United States has kept in mind the viewpoint of the smaller daily and weekly newspapers of the country. The Senate has in recent years authorized two sweeping investigations into the activities of the newsprint combines—one in 1917 and another in 1920. The first inquiry authorized by the Senate was conducted by the Federal Trade Commission and resulted in indictments and a decree in the Federal courts against certain newsprint manufacturers for violation of the antitrust law. It is these same manufacturers, more closely knit than in other years, that are the moving figures in the present newsprint monopolistic trend. The Senate itself conducted an investigation in 1920, at which time they made it clear that the smaller publishers were harmed by newsprint combines."

Senator SCHALL then turned to the testimony of Elisha Hanson, pointing out that he had appeared before one committee as attorney for the American Newspaper Publishers' Association and at another as attorney for the International Paper Co., but declared that when Mr. Hanson was appearing for the American Newspaper Publishers' Association he had asserted that he or Senator Lenroot, his law partner, represented the newsprint industry.

In this connection Senator SCHALL said:

"The National Editorial Association, representing the small daily and weekly newspapers, whose representative testified at the Agriculture Committee hearings, was not notified.

[The National Editorial Association has supported this investigation and the American Newspaper Publishers' Association and International Paper Co. has opposed it.]

"The authorized spokesman for the newsprint manufacturers was present and ready to oppose the measure. The record of the hearing of Saturday, February 9, contains the statement of Elisha Hanson, who appeared as the attorney for the International Paper Co. in opposition to reporting the resolution. Mr. Hanson had previously appeared before the Committee on Agriculture as attorney for the American Newspaper Publishers' Association. At that time he declared: 'We think this particular investigation is unnecessary.' At this hearing, in response to my questions, Mr. Hanson denied that either former Senator Lenroot or himself represented the newsprint organization."

Senator SCHALL dwelt at length on Mr. Hanson's appearances before the two Senate committees, calling attention to the latter's declarations that there was no monopoly in newsprint, and his statement "my client in this particular instance, the International Paper Co., has nothing to fear from the proposed investigation."

"Senators, the International Paper Co., and other large producers of newsprint have every reason to fear a repetition of investigations of other years by the Senate," continued Senator SCHALL.

The blind legislator next discussed in detail newspaper stories appearing in Toronto and Montreal newspapers concerning conferences of A. R. Graustein, president of the International Paper Co., and J. H. Grundy, head of "a huge United States-Canadian alliance of power and paper groups." He declared that the matter thus extended beyond the newsprint field solely, and was linked with monopoly in public utilities generally.

He foresaw a price-cutting battle between these two large hydroelectric and paper manufacturing interests, with resultant price increases later to the small publishers who have not signed long-time contracts. He quoted a recent news dispatch which said that Canadian newsprint manufacturers expect soon to announce a settlement stabilizing the price of newsprint at about $55.20 a ton.

"The fixed price of $55.20 will be given only to the larger newspapers who will protect themselves by contracts," he went on, "and it applies only to the year 1929. What the fixed price will be in 1930 and 1931 can only be conjectured by remembering what happened a few years back when newsprint paper to the small consumer ran up to $260 a ton. The testimony admitted by all concerned in the hearing before the Agricultural Committee on January 30 was that the smaller newspapers are now paying $95 per ton and only a short time ago were paying $180.

"I heard this morning on good authority that last Saturday the combination forming a tremendous Newsprint Trust of American and Canadian interests was formed, and the names thereto put on the dotted line. Another fact is that A. R. Graustein, president of the International Paper Co., resigned as president of the Bathurst Pulp & Paper Co., a subsidiary of the International, and another was elected in his place to do the signing."

Senator JONES then suggested that the resolution should require only a final report from the commission as soon as possible. This apparently does not greatly concern backers of the bill, for Senator NORRIS, of Nebraska, agreed that a final report would do as well.

[From the Grand Rapids (Minn.) Review, Saturday, March 2, 1929]

Senator TOM SCHALL'S platform may not be worth the cornstalk paper it is written on, but why not give him credit for an honest effort to serve his constituents? The attempt on the part of the band-wagon Republican newspapers to ridicule his cornstalk-paper proposition smacks of small politics and lacks the fairness which he has a right to expect from the press of Minnesota. The very newspapers that are heaping ridicule upon him now supported his candidacy four years ago when he ran against Magnus Johnson, the farmers' candidate, and J. J. Farrell, the Democratic nominee. (Olivia Times.)

[From the Chicago Tribune]

PAPER FROM FARM WASTE

Two-thirds of the newsprint used in the United States is manufactured in Canada, and to Canada goes $200,000,000 every year to pay for it. To the United States this is an advantage, so long as newsprint is best made from wood pulp. It saves our forests. It helps to develop economically our northern neighbor. Unless wood pulp from Alaska becomes more of a factor in the paper industry than at present the United States has few more wood-pulp paper resources. The Alaskan project, still in the planning, may be important in the future. To-day the wood-pulp supply lies in Canada.

Paper of fair quality is now produced from cornstalks and from straw, and this, with time, no doubt, will be improved in quality and made cheaper in its price. To the corn grower and the sugar-cane grower this will give an income of $12 an acre. To the grower of peanuts and cotton $7 an acre may be derived from like by-products.

Farm waste may be used by manufacturers of paper and other products to the great advantage of the farmers and to American industry, and investigations conducted under a Government appropriation of $50,000 show that the gain may be much greater. A resolution introduced by Senator SCHALL, of Minnesota, to investigate the print-paper supply of America probably will have worth-while results. A supply of paper pulp from the United States without destroying our forests is possible.

[From the Hanley Falls (Minn.) Press, Friday, February 8, 1929]

SCHALL'S PLAN A PRACTICAL FORM OF FARM RELIEF

THOMAS D. SCHALL, the blind Senator from Minnesota, should have unstinted praise and encouragement from the farmers of the whole country in his efforts to have his bill passed to encourage the manufacture of paper from the waste products of the farm.

Mr. SCHALL'S bill (S. 4834) calls for an appropriation to build manufactories in different parts of the country where this raw material can be secured easily, and demonstrate the commercial practicability of making a high-grade writing paper, newsprint paper, compoboard, insulating board, and wall board from straw, cornstalks, and cugar-cane pulp, thus utilizing and turning into profit what is now waste and burnable nuisance.

On January 17 Mr. SCHALL introduced a joint resolution which is to provide a bounty for the encouragement of the manufacture of newsprint paper from the waste products of field crops produced on American farms. It reads as follows:

"Whereas it is necessary to encourage the manufacture of newsprint paper from the waste products of field crops produced on American farms (such as cornstalks, flax, wheat, rice, or oat straw, cotton stems, and sugar-cane pulp) for the purpose of further developing the paper-making industry in the United States, which is now dependent principally upon foreign countries for an adequate supply of the pulp and paper used in such industry; and

"Whereas it is estimated that the utilization of the waste products of such field crops would increase the annual income of the American farmers by more than a billion dollars and thereby tend to relieve the present agricultural situation and the distress of the farmers; and

"Whereas it has been demonstrated that paper manufactured from such waste products is of a finer quality than that now manufactured from wood pulp and that the manufacture of paper from such products is commercially profitable; and

"Whereas the Congress, in order to encourage the growing of sugar cane within the United States, has enacted legislation to provide for the payment of a bounty to sugar-cane growers with the result that a large and profitable industry has been developed; and

"Whereas similar encouragement to the American manufacturers of newsprint paper would tend to develop the paper-making industry and enable such manufacturers to compete with those in foreign countries: Therefore be it

"*Resolved, etc.*, That any American manufacturer of paper who manufactures newsprint paper containing at least 60 per cent or more of waste products of field crops produced on American farms (such as cornstalks, flax, wheat, rice, or oat straw, cotton stems, or sugar-cane pulp) and who sells the paper so manufactured to any newspaper or other publisher in the United States at a price not exceeding $50 per ton, shall be paid from the Treasury of the United States a bounty of 1 cent for each pound of paper so produced and sold.

"SEC. 2. This resolution shall take effect immediately and shall remain in force for a period of five years from the date of its approval."

[From the Duluth (Minn.) Labor World, Saturday, February 16, 1929]

SENATE TO FAVOR SCHALL PROBE OF NEWSPRINT TRUST

Senator TOM SCHALL is still riding E. W. Backus. He charged in the Senate that a newsprint monopoly exists. Backus manufactures newsprint. SCHALL presumes if there is a trust, Backus is in on it.

SCHALL'S resolution to probe his alleged trust was this week reported out of the Senate Committee on Agriculture and Forestry, calling for a special senatorial investigation.

The resolution must be approved by the Senate before the probe can be held. SCHALL proposes to find out if it is true that a group of foreign and American capitalists control the white-paper supply in the United States.

The committee wants to know whether the activities of this group will have the result of creating a monopoly in the supplying of white paper to the publishers of small daily and weekly newspapers.

Before agreeing to report the resolution the committee amended it by striking out the preamble, in which it was asserted that a group of newsprint producers have invested $16,000,000 in a chain of American newspapers and is planning to make further investments for the purpose of assuring for themselves control of the sale of newsprint to American papers.

The committee further amended the resolution to make the proposed investigation apply to the activities of American citizens as well as to foreigners, and to include the effect of the alleged activities upon weekly as well as upon daily papers.

[From the Albert Lea (Minn.) Tribune, Monday, January 28, 1929]

The editor of the Le Sueur Herald doesn't mince matters when he says:

"Senator SCHALL has a proposition to make print paper from cornstalks, and as a result the price of paper has been reduced. There has been and is now more pure, unadulterated graft in newsprint than in any other one article. During the war paper got up to $260 a ton. The head of one paper mill was 'fined' $250,000 for grafting—that is, he was compelled to buy $250,000 worth of war bonds, which he sold a few days later at a premium. We hope the Senator will be successful in putting a crimp in the newsprint grafters."

[From the Park Rapids (Minn.) Journal, Thursday, January 24, 1929]

While the Journal has never had much to say about United States Senator THOMAS D. SCHALL, from our State, we must admit that his bill, Senate file 4834, which calls for an appropriation to build manufacturing plants in different parts of the country where raw material can be easily secured and demonstrate the commercial practicability of making a high-grade writing paper, newsprint paper, compoboard, insulating board, and wall board from straw, cornstalks, and sugar-cane pulp, thus utilizing and turning into profit what is now waste and burnable nuisance on the farm, as being worthy of every consideration by our Government. Reports are out that a certain combine of foreign capitalists has been formed, buying a controlling interest in all of the big dailies of the country, forcing these papers to sign a contract to buy their print paper from them for 15 years. This would ultimately force the small newspaper man to come to them, with the result that foreign countries would have absolute control. The Journal thinks Congress should look into this matter very seriously.

[From the Lakefield (Minn.) Standard, Thursday, February 7, 1929]

UTILIZING FARM WASTE

Senator THOMAS SCHALL is sponsoring a bill that will, if it becomes a law, be worth millions of dollars to the publishers of country newspapers. It does not affect the big city papers so much, as they buy in such large quantities that they now get the lower rates.

The bill is known as the Schall farm waste bill. It is proposed to make print paper from cornstalks, sugar-cane pulp, cottonseed, bran, peanut shells, rice and wheat straw, all of which in many sections are a waste. Converting this waste into print paper means more than a billion dollars annually to the farmers of the United States.

Many Senators and Congressmen are of the opinion that the adoption of this bill will go a long way toward helping the farmer solve his problems. Newspaper publishers should get behind Senator SCHALL'S bill and give him every support possible in getting it through the Congress.

Briefly, cornstalks make better and cheaper newsprint paper than is now produced by spruce pulp. Sugar-cane pulp, another waste product, makes the highest grades of writing paper at much less than its present cost.

Cottonseed, bran, and peanut shells, of which 2,000,000 tons are now produced and burned yearly, have been found to contain 45 per cent of xylose, a sugar of no food value, which will take the place of glucose in the spinning of rayon, will produce high-power explosives, and a number of other necessary commodities. Xylose now sells for $100 a pound.

Straw makes the best wall board or synthetic lumber; all we have is now produced from sugar-cane pulp and supplies only 1 per cent of the potential demand. Straw also makes high-grade paper pulp.

Potatoes will produce the higher as well as the lower grades of alcohol, which at present to manufacture we import annually from foreign countries $10,000,000 worth of blackstrap molasses. (Le Sueur News-Herald.)

[From the Milan (Minn.) Standard, Friday, January 25, 1929]

Senator THOMAS D. SCHALL is trying to secure legislation which will make it possible to convert cornstalk and other waste from field crops into paper. We are importing a great deal of paper from other countries. If the Senator succeeds, he will have made the United States independent of foreign paper manufacturers and thereby removed a more or less subtle influence from American journalism. It will also provide for an additional source of income for the American farmer.

[From the Alexandria (Minn.) Echo, Thursday, February 14, 1929]

THEY DON'T KNOW OR CARE ABOUT IT

The Milaca Times thinks that few of the organizations which are indorsing the "Minnesota plan" know anything about it; their indorsement of it is just perfunctory; much the same as the indorsement years ago by the same organizations of the plan to bond northern counties for drainage. They didn't study the effects of drainage, but just blindly indorsed the thing.

We would go further and say that very few of the 60 editors who sponsored the "plan" know anything or care anything about it. It is just something to talk about and put the McNary-Haugen type of farm relief out of people's minds.

We can prove it.

One of the chief items of the "Minnesota plan" is the advocacy of utilization of farm waste. Well, before the plan was even drawn up Senator SCHALL began work on a scheme to encourage the manufacture of cornstalk paper. He has proposed two plans: One the building of paper mills in several States by the Government to be run until the process is a success and then sold to private industry; the other, that the Government pay a bounty of 1 cent a pound to any American paper mill that makes paper of at least 60 per cent cornstalk or other farm waste and sells it for not more than $40 a ton. (The present price of Canadian newsprint is $55 a ton.)

Here is a practical effort to utilize farm waste and at the same time help out the country publisher by assuring him an unfailing and cheap supply of newsprint, and to take the monopoly in that product away from Canada. Every single one of the 60 editors should be shouting for SCHALL'S bills if they cared anything about their own plan of farm relief.

Are they?

Not so you could notice it! Very few of them have even mentioned the Schall resolutions. Most of them have advertised the fact that they have received samples of cornstalk paper, but with no mention of the fact that an effort is being made to have the Government encourage its manufacture. A few of the sponsors, like the Detroit Record and the Alexandria Citizen-News have, on the other hand, sneered at Senator SCHALL'S efforts.

They don't care or know anything about what their "plan" proposes to do for agriculture. In fact, they don't care anything about farm relief; never did and never will. All they care about is to keep their gang in office, and "kidding the farmer," is a necessary part of that process.

[From the Milan (Minn.) Standard, Friday, February 8, 1929]

A mill at Danville, Ill., is now manufacturing newsprint from cornstalks and the paper is reported to be of good quality. To help this infant industry to grow the country newspapers should begin to make a demand for such paper and buy it in preference to paper made from wood pulp whenever a supply is available. It would also be good policy to give Senator SCHALL the encouragement he deserves for demanding an appropriation by Congress for establishing experimental plants to determine the practicability of making paper from wheat straw and other waste products of the farm.

[From the Kasson Call, Wednesday, January 23, 1929]

PAPER PRINTED ON CORNSTALK PAPER

The editor of the Kasson Call received a copy of the Evening Huronite, printed at Huron, S. Dak., from H. E. Young, State bank examiner in charge, that was of particular interest to us. The paper was printed on the new cornstalk paper. In appearance it is very nearly the same as wood-pulp paper, except that it is not quite so opaque and the blacker type shows through the sheet. The fault will likely be remedied without difficulty. The paper has a crispness and crackle when it is handled and has a much smoother finish than wood-pulp print, which is likely due to the process of manufacture.

This new means of obtaining cellulose, which is the substance composing print-paper pulp, is the most encouraging development in a great many years of work and study to find a substitute for wood. The United States is the largest user of paper in the world. Its natural supply of wood for paper making is practically exhausted and this country is a great market for the foreign wood-pulp industry. The American industries are using their available pulp supply much faster than it is being replaced by reforestation. This situation has been the cause of much serious study and experiment to prevent the country from becoming dependent upon foreign supplies to make paper.

The new process is of great importance to paper users, but the variety of uses to which cellulose can be put, the locality of the supply of raw material, and the opening of new markets for waste products means a great deal to the Corn Belt and the Northwest.

Cellulose occupies a peculiar place in the chemical world. In their study of the substance, chemists have not been able to isolate its composing elements and are somewhat in the same position as scientists are in finding just what electricity is. Like electricity, however, they have in no way been hindered in developing it and using it. The production of rayon, or artificial silk, a short time ago has brought this substance to general public attention. In the same process of using cellulose in making silk many other articles have been imitated. At Iowa State laboratories no less than 187 useful products, ranging from synthetic lumber and axle grease to face powders and delicate perfumes have been developed from the lowly corn plant. Some of the articles made from cellulose are rayon, paper, lacquer, artificial leather, wall liquid and ice-cream spoons, toilet articles.

The future in the cellulose world is of such magnitude as to defy the imagination of the most visionary. Next to cornstalks, cottonseed hulls promise to be the cheapest source of cellulose. Other vegetables from which it is obtained are flax, jute, hemp, nettle fiber, pineapple fiber, thistle fiber, sea grasses, raphia, Spanish moss, coconut fiber, hops, broomcorn, hibiscus, linden, willow, shells, tobacco stems, and many others.

The only plant that has made paper from cornstalks is the experimental plant of the Cornstalks Products Co. (Inc.), at Tilton, Ill. Plans are under way for many other plants. The importance of the successful operation of such plants is the market which they offer to the corn States for waste material. No prices and figures have been quoted, but the cornstalk paper, at present in its experiment stage, is quite a little higher than wood-pulp paper. As a basis of figuring a price of $5 per ton has been placed on cornstalks. Methods of handling the stalks have not been worked out definitely, although the national farm-machinery companies are working with the plants to perfect a system.

That this new paper is of some importance may be attested by the fact that Senator THOMAS D. SCHALL has presented a bill in Congress to have the CONGRESSIONAL RECORD printed on cornstalk paper, and included in the bill are provisions for pulp mills all through the Northwest.

[From the Olivia (Minn.) Times, Thursday, January 24, 1929]

Senator SCHALL will be entitled to the unanimous support of the farmers of Minnesota if he succeeds in having paper mills established which will utilize the waste products from the land. His bill calls for an appropriation of $7,000,000 for the erection of eight demonstrating plants in the United States, two of which are to be erected in Minnesota. These mills would manufacture paper from the farmers' waste products, which would prove a valuable commodity. Senator SCHALL has made an extensive study of the processes of converting these waste products into paper and there may be much merit in his proposal. We would respectfully suggest to the Senator that Olivia might be considered a strategic point for the location of one of these plants.

[From the White Bear Press]

SCHALL AFTER CANADIAN PAPER TRUST

Senator SCHALL has introduced a bill for an appropriation with which to build experimental factories for the making of print paper from wheat straw, rice straw, cornstalks, canestalks, and cotton stalks. He has met a solid wall of opposition from a Canadian organization which has spent $16,000,000 on American newspapers with a view of controlling them and tying them up with 15-year contracts to use print paper made from wood. They say they have $100,000,000 more to spend if necessary.

The United States Government has spent millions trying to make paper from pine, but it contains too much rosin and it is so sticky it can not be made a success. Only $50,000 could be squeezed out of Congress for experiments on cornstalks, etc.

Now comes the invention or discovery of a process which makes a good grade of newsprint paper from these products, and it is now acknowledged by the Department of Agriculture that it has been known for 20 years that paper could be made from cornstalks, canestalks, cotton stalks and wheat straw, but it has been kept under cover all these years, to the advantage of the Paper Trust.

It is estimated that the utilization of waste farm products for the manufacture of paper would bring a billion and a half dollars into the pockets of the American farmer. It would seem that those who claim to be desirous of helping the farmer would seize this opportunity to assist him, but no undertaking affecting such a gigantic industry as paper making and involving such enormous amounts of capital can ever get by without violent opposition. Senator SCHALL has a fierce battle before him and has started something which will undoubtedly be prolonged in the accomplishment.

The Senator has also "stirred up the animals" by introducing a resolution in the Senate authorizing the appointment of a committee from the Senate "to investigate the activities of groups of foreign citizens controlling the supply of white paper in the United States."

In closing his address before the Senate recently Senator SCHALL said:

"Millions of dollars have been appropriated. This last year, as I said a moment ago, $1,625,000 was appropriated to make studies into the best wood from which to make paper, but no effort is made to do anything along the line of utilizing the farm waste.

"Let us break this foreign monopoly of our newspapers by turning this billion and a half dollar farm waste to its proper use. Let us make the United States the controlling factor of the world's paper market and free ourselves from foreign dominations, and at the same time do what we are about to hold an extra session for—help the farmer. Allow the farmer to cash in on what is now waste, and it will come mighty near settling the farm situation."

[From the Hancock Record, Hancock, Minn.]

Senator SCHALL is making quite a fight in the Senate of the United States in the interests of making paper from cornstalks, cotton stalks, and various plant straws. Paper of such making has been used by several publications and is reported as satisfactory.

The move seems to have a good foundation in that it will, if put on a commercial basis, afford farmers on the average of $15 an acre for cornstalks, tend to preserve our natural forests—what there are left of them—and to liberate the newspapers of the United States from a possible conflict with Canadian paper interests, which are supplying a great amount of the paper used by some American dailies in the East.

And it also seems to have good possibilities for reality considering the fact that Canada paper interests have demanded 25-year contracts from several of their buyers right away before the move gets any further.

[From the Primghar (Iowa) Bell, Wednesday, January 30, 1929]

"WOLF HOWLS"

By Fred B. Wolf

TO FIGHT PAPER TRUST WITH CORNSTALKS

There is a possibility of the newspapers of the United States taking more interest in "farm relief" now that they are facing a strong gouge by the newly formed Canadian Paper Trust, which seeks to control the output and price of newsprint, the paper used for printing all newspapers.

We are in receipt of a letter from Senator DAN STECK, Iowa's Democratic United States Senator, in which he incloses a copy of a bill introduced by Senator SCHALL, of Minnesota, and prepared by that Senator and Mr. STECK, which proposes to vote several millions of dollars for the construction of experimental plants to manufacture print paper out of various farm by-products, including cornstalks, wheat and flax straw pulp, rice-straw pulp, sugar-cane pulp, etc.

Such a law would have a double object, the utilizing of waste products on the farms of the United States worth billions annually and now unused, and making a cheap print paper that would compete with that made from wood pulp now and very largely controlled by the big paper mills in Canada.

Very little wood-pulp paper is now manufactured in the United States, for we have used up most of our raw material. The paper this is printed on comes from a Canadian mill and costs more than twice as much at it did 15 years ago, and the prospects are it will cost still more.

We certainly wish the Minnesota and Iowa Senators success in their undertaking, but realize that they will meet the same opposition that the attempt to bring corn sugar into general use met—the big trusts back of cane sugar have throttled that movement, and the big Paper Trust will make the sledding anything but easy for the Schall bill.

Anyhow, thanks, Dan, for trying to help we poor devils out of a tight hole.

[From the Lexington Leader, Monday, February 18, 1929]

PAPER FROM FARM WASTE

Newsprint and other papers are now being successfully manufactured from rice straw, cornstalks, and other heretofore waste matter on the farms and plantations, precisely as high-grade insulating materials are

being made of bagasse, or the fiber of sugar cane, after the extraction of the juice.

Senator SCHALL, of Minnesota, with the active support and collaboration of Senator SACKETT, of Kentucky, has introduced two important resolutions which, it is hoped, will be acted on at the special session to be called by Mr. Hoover, or at least not later than the December regular session of Congress.

The first of these resolutions provides for a special committee of five Senators, who are to be authorized and directed to investigate certain activities of a group of foreign citizens controlling the supply of white paper, in order to determine whether there is a movement on foot having for its object the creation of a monopoly.

It was announced in a trade magazine in December that this group of men, holding foreign citizenship, have purchased control of a chain of American newspapers at a total cost of $16,000,000, and that it is planned to secure control of some of the leading metropolitan dailies of the country.

The purpose seems to be not only to deluge the country with propaganda as a means of protecting the present wood-pulp paper industry and to influence Congress, but to make 15-year contracts with important newspapers for the supply of white paper.

Senators SCHALL and SACKETT and other influential men believe that if the scheme is carried out it might have a tendency to prevent the development of an American paper industry using cornstalks and other farm wastes. Such an industry, it is felt, will add greatly, when once established and flourishing, to the farm income and will aid in solving the agricultural problem.

In view of these facts the second resolution, on whose behalf Senators SACKETT and SCHALL have been active, provides a Government bounty for the encouragement of the manufacture of newsprint paper from the waste of farm crops, including cornstalks, flax, wheat, rice, or oat straw, cotton stems and sugar-cane pulp in order that an American industry may be developed and one free from foreign control.

The use of these waste materials, it is estimated, would increase the income of the farmers of the country in the sum of $1,000,000,000 or more, and at the same time lower the price of paper and guarantee a product of superior quality.

The proposed bounty would stand on the same basis as that which Congress provides by legislation for the purpose of promoting the cultivation of sugar cane and which has had the effect of developing a very important and profitable industry.

It is further provided that any American manufacturer of paper using 60 per cent of waste or more, such as cornstalks, wheat, rice, or oat straw, etc., and who sells his product at a price not exceeding $40 a ton shall be the recipient of this bounty, which amounts to 1 cent for each pound of paper produced and sold at or below the maximum price indicated.

The resolution, when passed, will take effect immediately and remain in force for a period of five years, thus giving ample time in which to make the experiment involved, at which time Congress can act in the light of developments.

This is a most important piece of legislation and deserves support. The situation demands its passage. There is reason to believe that it will have favorable consideration when it has been thoroughly studied.

[From the Hitterdal (Minn.) Standard, Thursday, February 21, 1929]

SENATOR SCHALL STARTS BIG FIGHT

Senator THOMAS SCHALL, well known to many of our readers, is putting up a real fight at this session for the passage of a bill to foster the manufacture of waste products of the farm, such as cornstalks, straw, etc., into paper, and to convert the excess potatoes into alcohol, the latter item for which we now import $10,000,000 annually on blackstrap molasses.

Actual facts seem to show that by allowing these plants to operate Congress will give the corn grower about $12 per acre for his stalks, the wheat grower should realize about $15 an acre from his assurance of a really dependable market for his product regardless of quality.

None of the statements made by the sponsors of this big movement are guesses, suppositions, or a desire to please the agricultural sections. They are facts, and chemistry has solved this problem beyond the slightest doubt, and as the industry is developed the process will no doubt be improved until the waste from our farms and orchards would be a source of profit far above the annual total value of some of our staple products.

While the present bill now before Congress carries with it a 1 cent per pound subsidy on paper that is made from these waste products, it may develop that capital will be ready to undertake the building of the pulp mills without assistance from the Federal Treasury. At any rate, this is a wonderfully large undertaking and means almost unlimited gain for the American people, and should have the united support of every citizen who is in the least interested in the welfare of the country.

[From the Marshall (Minn.) Messenger, Friday, February 15, 1929]

SCHALL MOVES TO ENCOURAGE MAKING PAPER FROM CORNSTALKS

A joint resolution introduced in the United States Senate recently by Senator THOMAS D. SCHALL, of Minnesota, would provide a bounty for the encouragement of the manufacture of newsprint paper from waste products of field crops produced on American farms.

The resolution provides that an American manufacturer of paper who made newsprint containing at least 60 per cent of waste products from the farm, such as cornstalk, flax, wheat, rice, or oat straw, cotton stems, or sugar-cane pulp, and who sold the paper to publishers at a price not exceeding $50 a ton, should receive a bounty of 1 cent a pound of paper from the Government.

The resolution declares that it is estimated that the utilization of the waste products of field crops would increase the annual income of American farmers by more than a billion dollars and thereby tend to relieve the present agricultural situation and distress of the farmers. The resolution has been read and referred to the Committee on Finance.

Newsprint has been successfully made from cornstalks and has been used recently in printing by both newspapers and magazines.

[From the Minneapolis Journal, March 12, 1929]

MAGNUS SUED AS SEQUEL TO FIGHT AGAINST SCHALL

A suit which is an echo of the attempt to unseat United States Senator THOMAS D. SCHALL three years ago for alleged violation of the corrupt practices act was filed in Hennepin County district court. Sam H. Holt, investigator employed to obtain evidence against Senator SCHALL, is suing Magnus Johnson, former United States Senator, and Henry G. Teigen, Johnson's secretary, for $875 as part of $1,475 which Holt alleges was to be paid him for his work. The suit was filed by H. T. Van Lear, Holt's attorney.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Sackett
Barkley	Frazier	McMaster	Schall
Bayard	Glass	McNary	Sheppard
Bingham	Glenn	Mayfield	Smith
Black	Goff	Metcalf	Steck
Blaine	Hale	Moses	Steiwer
Bratton	Harris	Norbeck	Thomas, Idaho
Broussard	Harrison	Norris	Thomas, Okla.
Bruce	Hayden	Nye	Trammell
Capper	Heflin	Oddie	Vandenberg
Copeland	Johnson	Pine	Walsh, Mass.
Couzens	Jones	Reed, Pa.	Warren
Deneen	Kendrick	Robinson, Ark.	Waterman
Dill	Keyes	Robinson, Ind.	Watson

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present.

Mr. HEFLIN. Mr. President, I desire to say a word in support of the resolution of the Senator from Minnesota [Mr. SCHALL]. He has a resolution pending here for making print paper out of cornstalks. I suggested to him the other day that we had succeeded in making print paper out of cotton stalks.

This resolution, if passed, will put into operation machinery that will take care of a great deal of the waste products of our farms, and in this way will help to solve the farm problem. I have seen trees cut to pieces with the great machines with which print paper is made. They take the body of a great tree and feed it into a vast machine and cut it into chips not much larger than your three fingers. It involves an immense amount of cost and a vast amount of machinery. You can take the cornstalks and the cotton stalks on the farm and provide machinery at much less cost and much smaller machinery to pound these cotton stalks and cornstalks into pulp, and, in my judgment, in a little while make this print paper much cheaper than it can be made out of wood. In doing that a vast amount of waste material upon the farm can be taken care of, and the great forests of the United States can be preserved.

I just wanted to say that much in support of the Senator's resolution.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Minnesota [Mr. SCHALL] has called our attention in several addresses to the importance of investigating the newsprint-paper industry.

I desire to call attention to the fact that in the second session of the Sixty-sixth Congress an exhaustive investigation was made by a subcommittee of the Committee on Manufactures, and that a report—Report No. 662—was filed in the Senate on June 2, 1920. That report made several recommendations seeking to give relief to the small consumers of newsprint paper. No action was taken upon those recommendations.

Without making any suggestion as to what the Senate ought to do now in the way of a further investigation, I think the subject ought to be fully presented in the RECORD of the debates. Therefore, I ask that the report made at that time be printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

[S. Rept. No. 662, 66th Cong., 2d sess.]

NEWSPRINT PAPER INDUSTRY INVESTIGATION

Mr. WALSH of Massachusetts, from the Committee on Manufactures, submitted the following report pursuant to Senate Resolution 164:

In pursuance of Senate resolution 164, providing for the investigation of the newsprint industry with a view of discovering whether discriminatory, unjust, or illegal practices are responsible for the present conditions in the newsprint-paper industry, and have affected the prices for the products thereof, the Committee on Manufactures presents the following report:

HISTORICAL BACKGROUND OF THE NEWSPRINT SITUATION

Although the average cost of manufacturing print paper decreased between the years 1913–1916, according to the Federal Trade Commission report, the open-market price charged the consumer rose from 1½ cents per pound in 1913 to 2.35 cents per pound in 1915 f. o. b. destination, and by the end of 1916 to 5 cents per pound f. o. b. mill.

This advance in price was accompanied by a "new policy of delivery on the part of most manufacturers and a strict rule against allowing leeway in tonnage to the buyer, who was compelled to take his allotment monthly whether he needed it or not; and if he was unable to store the surplus shipments, the paper went by forfeit to the maker."

Under the then prevailing system the terms on large contracts were more favorable than those on small ones, and after the increase in price of the second quarter, 1916, but very few short-time contracts were concluded. The smaller newspapers, because of their inability to sign long-time contracts, suffered severely from constantly increasing prices during this period.

Conditions in the industry became so glaringly bad in 1916 that the Trade Commission was requested by the Senate to investigate evidences of unfair practice. This investigation resulted in the prosecution of several offending newsprint manufacturers and, in addition, to fines imposed for admitted violation of the Sherman antitrust law by pleas of "nolo contendere." An agreement was entered into by the then Attorney General and the manufacturers as to a fair price for paper, which was put at $0.03275 per pound, but it was furthermore stipulated that in case a buyer offered more than the price set by the agreement it was lawful for the manufacturer to accept it on the ground that it was a voluntary offer mutually satisfactory to buyer and seller. The utter inadequacy of this agreement to protect the public interest will be later discussed.

RECENT DEVELOPMENTS AS SHOWN IN THE INVESTIGATION

In regard to the situation since that time, the testimony has brought to light two predominating factors which have influenced the conditions of the newsprint market and placed publishers of small country daily and weekly newspapers in a very serious plight. Firstly, that there has existed a shortage of newsprint paper, threatening many small publishers with extinction; and secondly, that certain newsprint manufacturers have taken advantage of this shortage to exploit the purchasers of such paper and hold them up for excessive, unreasonable, and wholly unfair prices. If this shortage could actually be traced to the operation of natural economic laws, the offense of charging high and exorbitant prices would not be so grave, although the committee is not willing to concede the right of the manufacturer, distributor, or any other person to make unfair use of such a condition. But all the evidence of the various witnesses and the substantial and absolutely authentic information we have obtained from official reports seem to indicate that many of the newsprint paper makers here and in Canada were acting in collusion, with the apparent intent to bring about restraint of the normal flow of trade and engage in unfair competition by methods in some cases of creating an artificial supply and in others of resorting indirectly through their bureaus of statistics to an actual fixing of price. Indeed, there is sufficient evidence to warrant the finding that there has been a deliberate curtailment of newsprint paper upon the part of some newsprint paper manufacturers to "get even" with the Government for its prosecution and also to hold up prices.

QUESTIONABLE BUSINESS METHODS OF THE MANUFACTURERS

In regard to contracts made by manufacturers, the committee found that many of them were practically identical so far as terms were concerned. Except in the case of some small independent companies, the contracts nearly all have the same terms of delivery and reserve the right to readjust terms quarterly. Even the large publishers can not to-day, in most cases, contract for a year's supply at a fixed annual price. The mills, with few exceptions, reserve the right to fix prices quarterly, and there is invariably a rise in price each quarter. Moreover, it has been the custom of the large manufacturers during the past three years to notify their customers in advance that it would be necessary to reduce their previous allotments. This, of course, would enable the manufacturers to compute accurately their annual production. It develops in the testimony also that the companies gathered general statistics on the amount of paper consumed by their different customers so as to estimate what quantity of paper would produce the most favorable market conditions.

Newsprint paper known as standard news constitutes 90 per cent of the total production in the newsprint paper industry. Although the demand for standard news has increased very materially, yet the mills have produced more paper of the other grades, which formerly made up 10 per cent of their output, and have limited the production of the standard news below an amount proportional to the increased demand. In the case of one large mill they increased the production of the grades other than standard news more than 170 per cent for 1919 over 1917; and in the case of another, producing more than 25 per cent of the newsprint paper of this country, the production of standard news has decreased over 20 per cent in the last two years, while the other grades of print paper not so widely used by publishers have been increased by more than 65 per cent, despite new large demands for print paper. This total production has decreased from 1,238,787 tons in 1917 to 1,227,180 tons in 1919.

Since the excess-profits tax was put into effect there has been a noticeable increase in the amount of advertising carried by all newspapers, particularly the large urban publications. This is due to the fact that large concerns, having realized greatly excessive returns, have chosen to expend a portion in some form of advertising which can be counted in their tax returns as going expenses of business, rather than turn large amounts over to the Government in taxes. While this is obviously a bad development growing directly out of our income tax laws, and it is also true that the tremendous quantities of paper consumed would naturally cause a rise in the price of newsprint, nevertheless the facts brought out concerning the Manufacturers' Statistical Bureau and its influence in diminishing instead of increasing production of newsprint in the face of new demands would seem to indicate that it was the deliberate intent of some manufacturers to reduce their output in order to find justification in scarcity for a large increase in price.

And the figures of production for the first quarter of 1920 show even a greater falling off in output. During the first part of 1920 all of the paper produced by 76 mills was 12,320 net tons as compared with an output of 15,656 net tons by 51 mills in a similar period of time in 1919. A favorable indication was given in the production figures for April, 1920, which show an increase of newsprint of 10 per cent over April, 1919, and we trust that this production will increase until the supply of paper is sufficient to meet the full requirements of the publishers.

TREND OF NEWSPRINT PRICES

There are two methods of selling and buying newsprint paper, by contract between the manufacturer and the publisher or consumer—this method is confined to the large users—and by purchasing in the open market through brokers and jobbers—this is the method in vogue by the small publishers.

Now, as to the methods of price fixing and its effect on the market. In 1918, subsequent to a prosecution by the Government of certain newsprint manufacturers under the Clayton Act, hereinbefore described, a sort of a sliding-scale agreement based on changing costs was entered into between the Attorney General and the companies, and which is still in force, permitting a charge of $0.03275 per pound for print paper, since this was deemed an equitable and fair rate. We have discovered that the indicted manufacturers have violated the spirit of the agreement and that they have increased their prices considerably beyond that figure without first effecting a legal readjustment of the rates as was provided in the court decision; that they were able to do so by virtue of the provision in their agreement with the then Attorney General which permitted them to receive higher rates for their paper provided that the buying price was satisfactory to both parties. This amounted to a virtual nullification of the law, for if a customer was willing to pay more than $0.037525, it was within the privileges of the company to accept any price offered over that amount, so that obviously the firm attempting to sell on the basis of the rate agreed upon was operating at a relative disadvantage. Hence the natural tendency of the price of print paper was toward a high level.

Why the Department of Justice should have drafted such an ineffective decree the committee is unable to explain. To all intents and purposes the insertion of the clause which permitted the manufacturers and buyers to negotiate privately and fix the purchasing price constituted an annulment of all the other clauses in the agreement which attempted to control this business, prevent combinations in restraint of trade, and punish profiteering. The result has been that though the agreement is still legally in effect, no manufacturer anywhere is making the slightest pretense to live up to it and the Federal Trade Commission and the present Attorney General's office practically admit that it not only can not be enforced, but worse still that it is a hindrance, if not a bar, to prosecution. How deplorable the present situation is can be summed up as follows:

The prevailing pre-war price for newsprint paper was discovered to have been 1½ cents per pound. Many honestly managed mills made contracts for the half year 1920 at 3 to 5 cents, on which—we have it by their own admission—they are realizing fair and reasonable profits. We found that the contracts for the most part were confined to publishers controlling the big metropolitan dailies. The country newspapers, very small users, have been unable to make contracts with the

mills and they have been obliged to buy through brokers and jobbers and pay as high as 22 cents per pound for individual lots. It was not uncommon to find very many country newspapers who have been paying between 12 and 16 cents per pound for shipments since the beginning of the year. To-day it is practically impossible for them to buy at a price less than 15 or 16 cents per pound. The result, of course, is pernicious. A crisis has been reached.

Small publishers are in the hands of unscrupulous profiteers and exploiters. All newsprint paper not bought under large contracts with the mills is for sale to-day to only the highest bidder. Normal business conditions in the newsprint paper are removed and disregarded. Figuratively speaking, the supply of newsprint paper not manufactured under large contracts with the publishers is to-day for sale only by auctioneers, and the auction block is located in the offices of a few brokers and jobbers. Mr. Courtland Smith, testifying before the committee as the representative of 5,300 country papers, said:

"In my opinion not half of the country press, numbering 12,000 weekly papers and 800 daily papers, will survive the next six months unless there is a drastic change in the situation."

PROFITEERING

While this committee has not been able, because of the limited time at its disposal, to consider to what extent profiteering exists in the newsprint paper-manufacturing business, we are satisfied that there has been excessive profit making in this business during the last few years.

One witness before this committee testified that the net earnings of his company for the year 1919 were $400,000, and when closely questioned he admitted that net earnings for the four months of the present year, namely, from January 1 to May 1, 1920, were approximately $500,000. The same witness testified that the actual money invested in this plant was about $4,000,000. It is thus apparent that if the net earnings for the first part of this year continue this company will make in the year 1920 net earnings of $1,500,000 on an actual investment of $4,000,000, or 66⅔ per cent on the total plant value. This witness further testified that his company's selling price during this quarter ranged from 4 to 8 cents, but that most of its output was sold at 6¼ cents per pound. With these figures before us who dares to estimate the extent of profiteering when paper is sold for 15 cents per pound? We use the word "profiteering," but in view of the evidence "usury" would be a better word.

As to the profits of jobbers and brokers, we cite the following case as an extreme example of profiteering among newsprint distributors. One firm dealing in newsprint and other paper paid 7 per cent on its preferred stock last year and 120 per cent on its common stock, besides increasing its surplus substantially. This enormous record of dividends has been paid by this company for the last three or four years. The committee has found several instances of where middlemen had increased their commissions from 2 per cent, the standard less than a year ago, to 10 per cent during the recent paper shortage.

Even the large newsprint publishers are at the mercy of the manufacturers. It is a special favor to-day for any manufacturer to contract at any price to furnish newsprint paper to any publisher. One newspaper publisher, when he was asked what suggestions he could make to assist in remedying the present condition, raised both hands, implying that he could do nothing but get paper where he could and pay what was demanded. It was not and still is not safe for a publisher in any way to criticize or protest to a manufacturer. On the other hand, the small consumer of newsprint paper finds himself in the spot newsprint paper market with the prices prohibitive. In a word, the big publishers, not having mills of their own, are in a "hold-up market," while the small publishers are being driven from the business by threatened bankruptcy.

THE EXPERIENCE OF THE GOVERNMENT PRINTING PLANT

The experience of the Government with the question of newsprint paper would seem to bear out the findings of the committee in regard to the shortage of newsprint paper and the extent of profiteering. At the Government printing plant, where all Federal documents, including the CONGRESSIONAL RECORD, are published, there has been an increase of over 300 per cent in the price of paper since 1917 and a threatened increase to-day of 600 per cent. At that time (1917) an adequate supply was available at 2½ cents per pound, whereas the last price the Government was forced to pay a few weeks ago was 7¼ cents per pound. At present the printing plant is unable to obtain paper because the authorities are unwilling to pay the exorbitant demands of the manufacturers, who are demanding 14½ cents per pound from the Government in the last quotations submitted. Under the obtaining conditions the Government, like the small publishers, is forced into the spot market for paper.

This committee is not convinced that over one-third the price now asked in the spot market is warranted, and, in fact, there are some well-regulated firms who, as the evidence has shown, consider 4 to 5 cents per pound a thoroughly fair and reasonable price for their products.

While the testimony revealed certain paper mills that were reaping extra legal rewards from their dealings, the committee was deeply impressed by other concerns who continued to do business on a fair basis of return. These latter firms serve as a source of gratification and encouragement, since they prove that we still have left in American business, men imbued with a desire to live up to the traditionally high character of American business and to conserve some of the ideals of square dealing, as distinguished from those who pursue the new selfish policy of "get what you can." These firms, in the midst of an era of gross profit taking, managed to resist the many strong temptations embodied in the success of their more unscrupulous paper makers. And the committee wants the honest concerns to know that it is our purpose to repudiate the practices of their fellow manufacturers and to restore the paper industry to a plane of respectability compatible with the trust and confidence of the American public.

CONCLUSIONS

There is no doubt that it is the manufacturers who have spot paper to sell that have and are reaping the large profits and placed such severe penalties upon the country press. There has been evidence presented which would show that jobbers and brokers and commission men are receiving very large financial returns as a result of existing high prices, though many of them frankly admit their disgust with the existing unhealthy and immoral conditions of trade, and candidly admit that they are ashamed to sell newsprint paper for the prices current to-day.

Although the committee has considered the various disturbing elements that the newsprint industry has been subjected to during war time, and the subsequent period of quickly rising material and labor costs, and has also taken into account increased consumption of print paper, the apparent scarcity of wood pulp, and the numerous other unstabilizing forces common to all businesses of to-day, we feel that the scarcity of the product was more the result of artificial obstructions than of the natural laws, and that the market prices and the uniform contract stipulations were arrived at through the shortage of production, the efficient work of the manufacturers' bureau of statistics, and the use of a virtual gentleman's agreement.

We believe that the profits taken by several of these concerns were totally out of keeping with the best business practices, that some manufacturers were and are guilty of breaking the spirit, if not the letter, of their own previous agreement with the Government, and that they took advantage of a condition—attributable for the most part to their own manipulation—in order to make gains far out of proportion to those of fair, legitimate business profits. That the practices were unjust, illegal, and discriminatory is established beyond any doubt, and also that the prices charged for newsprint paper are both excessive and unwarranted. Therefore, in order to remove the causes of this discrimination and excessive price charging and to protect the country press—one of the chief means of enlightening and educating our rural population—the committee makes the following recommendations as a possible solution.

The measures suggested in some instances may be considered drastic. This committee, however, believes and deplores the fact that the existent emergency has made strong, determined action necessary. It is not the function of any government to stand by and watch the enforced decadence of an institution so vital to the soundness and integrity of our Nation as the country press and the press managed and conducted by religious bodies, farm agencies, wage earners, and fraternal associations; nor did the committee feel as though it could witness the wholesale exploitation and imminent bankruptcy of our newspapers, large as well as small, without advising radical procedure against the offenders aimed to prevent in the future the continuance or repetition of any such processes.

REMEDIES

I. Immediate action by the Attorney General for the prosecution and punishment of the newsprint manufacturers guilty of offenses either against the Sherman antitrust law, the Clayton Act, or the provisions of the court decree of 1917 in regard to the newsprint industry, and that in this procedure the Attorney General be furnished with all the information which the Federal Trade Commission may at present have in its possession or which it may hereafter procure.

II. In order to discourage wasteful use of newsprint paper, we recommend that a tax of 10 cents be levied on all Sunday papers weighing over 1.28 pounds, until such time as the supply of print paper shall be adequate for the fullest needs of all publishers. The committee believes that this law would result in limiting the pages of Sunday papers to 80, thus resulting in large savings in the consumption of newsprint paper in Sunday editions that have reached as high as 140 pages in some instances.

III. That the Congress shall amend the sundry civil bill by the appropriation of a sum of $100,000 for research, study, and experimentation into different methods of making paper, with a view of finding a substitute for wood pulp; that this work be conducted by the Department of Agriculture, whose experts shall first report their plans to a special committee of Congress appointed to supervise the work and to receive from time to time reports as to its progress.

IV. We recommend also legislation to establish a parcel-post rate of 1 cent a pound without regard for zones, for 10 or less packages of sheet print paper shipped weekly from any mill direct to a newspaper,

without increasing the present limit of weight of 70 pounds. This would enable the small publishers to combine in the establishment of a mill to supply their needs. At present there is discrimination in postal rates in favor of the finished newspaper, and it is apparent that in order to sustain thousands of smaller papers a similar favorable discrimination is necessary for newsprint paper.

V. And if the Government's efforts to fix and maintain a reasonable price appears to be futile because of a virtual monopoly in the print-paper industry or because of continued protests from the manufacturers that the supply is running dangerously low, we recommend that the Government by law establish a newspaper print board to supervise the manufacture and distribution of newsprint paper; and to enter into a cooperative organization with the country newspapers which would eliminate the jobber or middleman and enable the country press to buy newsprint at the lowest mill rate.

VI. That the Government consider seriously the possible purchase or establishment of a newsprint paper mill for the purpose of manufacturing the newsprint used at the Government printing plant and that the overproduction of such mill be sold to the small consumers of newsprint paper.

VII. Finally, that Congress amend the Lever Act to include the commodity—newsprint paper—under its provisions.

In conclusion the members of this committee wish to express their regret that since the drafting of this report the Senate has voted to adjourn, which action postpones and prevents action on this report. The undersigned members of the committee believe the Senate has not acted wisely or in the interest of the public welfare, in view of the many pressing problems left unsolved, and we have therefore by our voice and vote recorded ourselves against the proposition to adjourn and assume no responsibility for future results growing out of neglect to act on this and other public questions.

CHAS. L. MCNARY.
ASLE J. GRONNA.
DAVID I. WALSH.

On account of the fact that my time since the conclusion of the taking of evidence in the above matter has been completely absorbed in important committee work, which required immediate attention, I have been unable to give to the foregoing report the careful examination which the importance of the question demands. I am, therefore, reserving the right to express my views at a later date.

JAS. A. REED.

Mr. HEFLIN. Mr. President, the resolution of the Senator from Minnesota [Mr. SCHALL], to which I referred a moment ago, has passed the Senate. It orders an investigation into the operations of the print-paper trust.

The testimony before the committee, of which I am a member, disclosed the fact that the big dailies were paying about $55 a ton for this print paper, and the small papers were having to pay about $85 to $100 a ton. The Senator from Minnesota, among other things, is seeking to relieve them and to have justice done to the smaller papers of the United States, as well as to provide ways and means for making print paper out of cornstalks, and I suggested in the hearing cotton stalks.

This experiment has been made; and the Senator exhibited before the committee a daily paper printed on paper made out of cornstalks alone, and I have seen paper made out of cotton stalks. I repeat that by making this paper out of the vast amount of cornstalks and cotton stalks that we have in the country every year we can save a great deal of the forests of the United States.

PRINTING OF HEARINGS BEFORE INDIAN AFFAIRS COMMITTEE

Mr. FRAZIER. Mr. President, I ask unanimous consent to submit a resolution and ask for its immediate consideration. It simply authorizes the printing of more copies of the hearings before the Indian Affairs Committee.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 350), and it was considered by the Senate and agreed to, as follows:

Resolved, That the Committee on Indian Affairs of the Senate is hereby authorized to have printed, for its use, extra copies of the hearings held before the committee pursuant to Resolutions 79, 303, and 308, Seventieth Congress, up to the limitations of cost provided by existing law.

FORMULATION OF SCHEDULE OF RADIO FEES

Mr. DILL. Mr. President, I ask unanimous consent to present a resolution and have it read for the purpose of immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution (S. Res. 351), and it was considered by the Senate and agreed to, as follows:

Resolved, That the Federal Radio Commission is hereby requested to formulate a schedule of fees to be recommended to Congress as the charges which should be made for the different kinds of radio licenses issued by the commission and report the same to the Senate for its consideration in connection with radio legislation at as early a date as convenient to do so.

AMENDMENT OF NAVAL RETIREMENT ACT

Mr. STEIWER. Mr. President, from the Committee on Naval Affairs I report back favorably a bill for which I ask immediate considertion.

The PRESIDING OFFICER. The Secretary will read the bill.

The legislative clerk read the bill (H. R. 17322) to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy."

Mr. ROBINSON of Arkansas. Mr. President, what is the bill?

Mr. STEIWER. I think I can explain it in just a word, without debate.

The Navy is now retiring officers under the authority of the so-called temporary law, passed in June, 1926, which, by its terms, automatically will expire next Tuesday. Unless the law is continued, some 15 or 16 officers will be retired in a very short time, some of them never having had an opportunity to go before a retiring board.

In recognition of that situation, the House, in response to the request of the Navy Department, has passed this bill, and the Naval Affairs Committee is very much in favor of it and hopes it will be passed.

Mr. BLACK. That is not the so-called Britten bill, is it?

Mr. STEIWER. No; it is not the Britten bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ROBINSON of Arkansas. Has the bill been considered by the committee?

Mr. STEIWER. Yes; it has. The committee was polled, and all the members who were reached are in favor of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. L. YOUNG AND C. T. COLE

Mr. CAPPER submitted the folowing report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4848) entitled "An act for the relief of T. L. Young and C. T. Cole" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, strike out all the language in said bill after the numerals "1924," in line 1, page 2, except the period at the end thereof; and the House agree to the same.

ARTHUR CAPPER,
GERALD P. NYE,
Managers on the part of the Senate.
ED. M. IRWIN,
U. S. GUYER,
Managers on the part of the House.

Mr. CAPPER. Mr. President, this is the conference report on a bill introduced by the senior Senator from Kansas [Mr. CURTIS]. It involves only $2,500, and relieves two citizens of Kansas from the payment of a small judgment of the United States court. They were bondsmen, and the United States attorney recommends the legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MISSOURI RIVER BRIDGE, NEBRASKA

Mr. NORRIS. Mr. President, last night the Senate passed Senate bill 5875, to extend the time for the beginning of the building of a bridge across the Missouri River near Niobrara. The House has passed an identical bill, and it has just come over to the Senate, so the bills crossed each other. I ask unanimous consent for the consideration of the House bill, which has just been sent to the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 17208) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., was read twice by title.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTABLISHMENT OF AND BOUNDARY REVISIONS OF CERTAIN NATIONAL PARKS

Mr. NYE, from the Committee on Public Lands and Surveys, submitted a report (No. 2073) pursuant to Senate Resolution 237, relative to the advisability of establishing certain national parks and proposed changes in, and boundary revisions of other national parks, as follows:

Proposed Roosevelt National Park, N. Dak.;
Proposed Kildeer National Park, N. Dak.;
Yellowstone National Park, Wyo., Mont., and Idaho;
Proposed Grand Teton National Park, Wyo.;
Wind Cave National Park, S. Dak.;
Proposed Teton (Bad Lands) National Park, S. Dak.; and
Rocky Mountain National Park, Colo.;

which was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 2073, 70th Cong., 2d sess.]

Mr. NYE, from the Committee on Public Lands and Surveys, submitted the following report (pursuant to S. Res. 237):

The Committee on Public Lands and Surveys, pursuant to, and in accordance with, Senate Resolution 237, reports that a subcommittee consisting of Senators NYE, NORBECK, DALE, KENDRICK, and ASHURST, in July and August of 1928 visited the sites of certain proposed national parks and certain other national parks, and that the said subcommittee has submitted the following report, which is approved by the committee:

In accordance with Senate Resolution 237, the subcommittee of the Committee on Public Lands and Surveys, authorized and directed to investigate the advisability of establishing certain national parks and the proposed changes in, and boundary revisions of, certain other national parks, visited, in the order named, the following areas:

Proposed Roosevelt National Park, N. Dak.
Proposed Kildeer National Park, N. Dak.
Yellowstone National Park, Wyo., Mont., and Idaho.
Proposed Grand Teton National Park, Wyo.
Wind Cave National Park, S. Dak.
Proposed Teton (Bad Lands) National Park, S. Dak.
Rocky Mountain National Park, Colo.

PROPOSED ROOSEVELT AND KILDEER NATIONAL PARKS, N. DAK.

The committee spent several days in the so-called Bad Lands of North Dakota and visited the Kildeer Mountains.

With relation to the proposed Roosevelt National Park in the Bad Lands, the committee is of the mind that the site is of national-park status, though the area embraced in the proposed site ought to be materially reduced.

There is offered here something quite different from the usual national-park scenery, which is coupled with the historic interest created by the fact that Theodore Roosevelt ranched for several years in these parts. The old Roosevelt log house is still in existence, and at its original site within the proposed park would prove of great interest to the great number of people who travel through this proposed park on their way to and from the national parks farther west. The park boundary should be made to include the old Roosevelt ranch, the Petrified Forest, the so-called Painted Canyon (which has been likened to a small edition of the Grand Canyon in Arizona), and perhaps one or two other exceptionally attractive spots within the Bad Lands. These are linked by good highways, which would make a large part of the Bad Lands scenery available to visitors.

The establishment of the Roosevelt National Park in the Bad Lands is understood to be dependent upon the availability of all land involved without cost to the Federal Government.

YELLOWSTONE NATIONAL PARK, WYO., MONT., AND IDAHO

The committee held hearings at Cody, Wyo., on July 19, 1928, on the proposed additions to and adjustment in the boundaries of Yellowstone National Park. As a result of the committee's study, S. 3001 was amended January 17, 1929, to cover the proposed revision of the boundary of Yellowstone National Park, except the addition of the upper Yellowstone region, which was left for further study. This bill passed the Senate on February 7, 1929, and is now pending before the House of Representatives.

A further study of the adjustments of the southeast, south, and southwest boundaries of Yellowstone National Park is provided for in Senate Joint Resolution 206, which authorizes the appointment of a Yellowstone National Park boundary commission. This joint resolution was passed by the Senate on February 9, 1929, and is also pending before the House.

PROPOSED GRAND TETON NATIONAL PARK, WYO.

Hearings were held in the territory, and the committee is unanimously in favor of the establishment of the Tetons as a national park. S. 5543, creating these great peaks as a national park, to be known as the Grand Teton National Park, passed the Senate on February 7, 1929, and was passed by the House of Representatives on February 18, 1929. This territory comprises outstanding scenery and is easily deserving of national-park designation.

WIND CAVE NATIONAL PARK, S. DAK.

The committee only briefly visited this area en route to the proposed Teton National Park, S. Dak., passing through the park and the interesting Custer State (Black Hills) Park to the north.

PROPOSED TETON (BAD LANDS) NATIONAL PARK, S. DAK.

The committee made an inspection of an extensive area of the South Dakota Bad Lands and was greatly impressed with their value for scientific and scenic interest. The principal scenic features are the Great Wall, Cedar Pass, Big Foot Pass, and an unsurveyable area of great fascination known as The Pinnacles.

The topography of the South Dakota Bad Lands is so unique, varied, and interesting, and the fame of the region as a large field for scientific exploration of the geologic past is so extensive, the committee is of the opinion that this area is worthy of a national-park status. The whole area is an open book on the evolution of animal life from the earliest geologic period. The fossil remains of prehistoric animals embedded in the formations of this region are found in great profusion. For over 80 years it has been the scene of operation for scientific expeditions from all parts of the world. Specimens of these fossils repose in the world's principal museums.

Erosion has facilitated the exposure of these fossil remains and has caused the rugged contour of this section to assume the most fantastic and unique shapes. There is a wealth of scenic features with a wide range of exquisite coloring which can not be found elsewhere.

ROCKY MOUNTAIN NATIONAL PARK, COLO.

The committee visited this park and looked over the present development and proposed road and trail construction plans, passing over the Fall River Highway, which ascends an elevation of 11,797 feet, the highest altitude reached by an automobile road in the national park system. The members of the committee discussed briefly with local interests the question of cession of jurisdiction over the Rocky Mountain National Park by the State of Colorado to the United States in order that the development of this park could be actively planned and continued.

NATIONAL PARK SERVICE

The committee would not fulfill an obligation owing if it did not at least briefly recite its enthusiastic approval of the manner in which the National Park Service is being conducted.

The Government and the people are fortunate in having and having had the services of such men as Stephen T. Mather, Horace M. Albright, Roger W. Toll, and others working with them in the management of the national parks. Wherever the committee went it found the maximum of return being effected through the national parks of means made available by the Government and a service being accorded the people that was of the highest standard.

The retirement of Mr. Mather from the directorship of the National Park Service is greatly regretted, as is the extremely unfortunate condition of his health which caused it. He has during his years at the head of the Park Service laid a foundation upon which a finer service will be builded from year to year. He must at all times be numbered among the most unselfish and able of public servants.

Succeeding Mr. Mather as Director of the National Park Service is Mr. Horace M. Albright, formerly superintendent of Yellowstone National Park, who has been intimately associated with Mr. Mather since the inception of the Park Service back in 1916. Mr. Albright brings to the Park Service a continued great interest in the park cause, and his administration of the service can be expected to win that same great measure of confidence which has been accorded the administration of Mr. Mather.

CONCLUSION

That the committee has discharged its duty in accordance with Senate Resolution 237, is made manifest by the subsequent results of its field investigation and hearings, especially in the case of the proposed Grand Teton National Park and the boundary revisions of Yellowstone National Park.

It has since become evident that the only way in which these results could have been brought about was through the committee's visit to the areas involved and in hearing and meeting all the people interested and in feeling out and obtaining first-hand knowledge of local sentiment and wishes.

The establishment of the Grand Teton National Park, Wyo., has become a reality after 21 years of effort with the passage by the House of Representatives of S. 5543 (by Senator KENDRICK, of Wyoming) on February 18, 1929. The committee's hearings in the shadow of the Tetons, at which representative people from the surrounding country attended, tended to iron out the misunderstandings and difficulties which have prevented enactment of this legislation for years.

The passage by the Senate of S. 3001, by Senator NORBECK (now pending in the House), which provides for the readjustment of the

northwest, northeast, and east boundaries of Yellowstone National Park, is partly due at least to the committee's investigation into this matter. It fulfills in part the recommendations of the coordinating commission on national parks and forests made to the President back in 1925. The recommendations of the commission covering the revision of the boundaries of Yellowstone Park on the southeast and south, together with a proposal by the State of Idaho to eliminate the southwest corner of the park (Bechler Meadows) for irrigation reservoir purposes are to be further studied by a Yellowstone National Park boundary commission to be appointed by the President pursuant to Senate Joint Resolution 206 (now pending before the House of Representatives). It was through testimony before your committee that this Yellowstone Park boundary situation has been finally straightened out and the way paved for final disposition of the matter, a matter which has actually been before Congress in one way or another since the establishment of the Yellowstone as a national park in 1872.

The visit of the committee into North Dakota for the purpose of studying the proposal to establish the Roosevelt and Kildeer National Parks, and the holding of hearings at Medora, N. Dak., in regard thereto, has furnished the committee with first-hand knowledge of the situation, which will prove invaluable when the matter comes up for consideration. The historical background of the area proposed to be set aside as the Roosevelt National Park is a fitting atmosphere for these bad lands, with their crimson buttes rising out of this picturesque country. Besides the historical importance connected with Theodore Roosevelt's stay in the Bad Lands, there is also a bit of romance associated with the name Marquis de Mores. He was a French nobleman who came early into this Bad Lands country and built a chateau overlooking the little town of Medora, which stands to-day preserved in its original state and contains the furnishings of its builder. It is of great interest to the tourist who visits this unusual country. A monument stands to his memory in Medora, where he established the first of a chain of packing plants which were to have stretched westward from Chicago, if his dream had been realized.

The Bad Lands of South Dakota furnished the committee with an entirely different character of this picturesque and unique scenery than is to be found in the Bad Lands of North Dakota (proposed Roosevelt National Park). The formations of the proposed Teton (Bad Lands) National Park are of a jagged spire type, an extremely unusual formation, as compared with the crimson buttes of North Dakota, and convinced the committee that this area should be given national-park status, in order that it can be properly preserved and administered for the benefit of the thousands of people who pass through this section yearly.

The chief obstacle in the way of properly developing and promoting Rocky Mountain National Park has been the failure of the Colorado Legislature to enact legislation providing for the cession by the State of Colorado of jurisdiction over the park to the United States, as is the case of the other parks in the national system. The Colorado Legislature has now passed such a bill, and it has been signed by the governor. Thus, with its enactment into law by Colorado, it will be necessary for this committee to consider the matter when it is presented to Congress for action. The cession of jurisdiction will open the way for needed development of this park in the bosom of the Rockies, especially in the building and maintenance of highways, and in the development of the area in accordance with high national-park standards. The information and knowledge obtained by the committee's visit to Rocky Mountain National Park will be necessary in the consideration of legislation looking to the proper development of this area.

It is becoming more and more apparent that additional national parks are necessary and needed, in order that the natural wonders and scenic beauties of this great country of ours may be preserved and administered for the benefit and enjoyment of the people of these United States and future generations to come.

The visit to the national parks and proposed park sites herein referred to has given your committee a wealth of valuable information and a far better understanding of park administration, standards, interests, and needs. This information and understanding is necessary to a proper consideration of park problems and development, and will prove exceedingly valuable in the consideration of park legislation by this committee.

ENLARGEMENT OF CAPITOL GROUNDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The next amendment was, on page 2, line 4, after the word "Northwest," to strike out the period and insert a semicolon.

The amendment was agreed to.

The next amendment was, on page 2, line 8, to strike out the words "First Street NE.," and insert "Delaware Avenue"; and in line 10, to strike out "subway passing under Delaware Avenue" and insert "depression and subway between New Jersey Avenue and Delaware Avenue, and extending the street-car tracks on C Street from Delaware Avenue to First Street NE.," so as to read:

Closing of C Street to vehicular traffic between New Jersey Avenue and Delaware Avenue, and removal of street-car tracks from C Street and re-laying them in a depression and subway between New Jersey Avenue and Delaware Avenue, and extending the street-car tracks on C Street from Delaware Avenue to First Street NE.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The LEGISLATIVE CLERK. On page 2, line 17, to strike out after the word "northeast," as follows: "and establishing a convenient subway connection with the basement of the Senate Office Building," and to insert a colon.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment to be offered, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. BLAINE. Mr. President, I desire to offer an amendment to the pending bill, and also to discuss the bill and the amendment.

The PRESIDING OFFICER. The clerk will report the amendment proposed by the Senator from Wisconsin.

The LEGISLATIVE CLERK. Add to the bill the following additional sections:

That the Secretary of Labor is hereby authorized and directed to provide for the construction, equipment, maintenance, repair, and operation of Government dormitories for women employees of the United States in the District of Columbia, and of such refectories, laundries, power houses, infirmaries, and other structures as, in the opinion of the Secretary of Labor, are suitable and necessary for use in connection with such dormitories. Such dormitories and other buildings may, in the discretion of the Secretary of Labor, be erected either upon the present sites of the Government hotels or dormitories, known as the Capitol group and the Plaza group, between Delaware Avenue and New Jersey Avenue, or upon lands which may be acquired for this purpose in the District of Columbia within a radius of not more than one mile from the Capitol Building. The dormitories shall be capable of accommodating not less than one thousand five hundred nor more than two thousand five hundred persons, and they may be constructed in separate units to accommodate five hundred persons or any multiple of such number.

SEC. 2. That in order to carry out the purposes of this act the Secretary of Labor is hereby authorized and empowered—

(a) To sell for the purpose of removal the existing Government hotels or dormitories referred to in section 1 of this act, or to remove the same and sell or otherwise dispose of the materials used in their construction;

(b) To exercise exclusive direction and control over all matters pertaining to the dormitories and other buildings herein authorized to be constructed and over the Government dormitories fund hereinafter established, through such agency or agencies as he may create or designate;

(c) To make such agreements, contracts, and regulations as he may deem necessary and appropriate;

(d) To appoint, in accordance with the civil service laws, such officers and employees as are necessary for executing the functions vested in him by this act, and, in accordance with the classification act of 1923, to fix the salaries of such officers and employees; and

(e) To acquire by purchase, condemnation, or otherwise such lands as may be necessary.

SEC. 3. (a) There is hereby established a special fund, to be known as the Government dormitories fund (hereinafter referred to as the fund). All amounts received in carrying out the provisions of this act shall be covered into the fund, and are reserved, set aside, and appropriated to be available for use by the Secretary of Labor in accordance with the provisions of subdivision (b) of this section.

(b) The amounts derived from the sale of the bonds hereinafter authorized shall be available only for the payment of the costs of construction and equipment of the dormitories and other buildings herein authorized and for the payment of interest on such bonds during the period of construction. The receipts derived from rentals shall be available for the payment of the principal and interest on such bonds and for defraying the expenses of maintenance, repair, and operation of such dormitories and other buildings. After the payments of the principal and interest on such bonds have been completed, so much of the receipts derived from rentals as are not necessary for defraying such expenses of maintenance, repair, and operation shall be annually covered into the Treasury to the credit of miscellaneous receipts.

SEC. 4. That in order to provide funds for the payment of the costs of construction and equipment of such dormitories and other buildings, the Secretary of the Treasury is hereby authorized, upon request of the

Secretary of Labor, to issue bonds of the United States Government of such denominations as the Secretary of the Treasury shall determine and of an aggregate amount not to exceed the sum of $5,000,000. Each such bond (1) shall contain a provision for the payment of the principal of the bond and the interest thereon upon an amortization plan, by means of a fixed number of quarterly installments sufficient to cover the interest upon the unpaid principal and such amounts, to be applied on the principal, as will extinguish the indebtedness within a period of 50 years from the date of issue of the bonds; (2) shall bear interest at a rate not to exceed 5 per cent per annum; and (3) shall be subject to such other terms and conditions as the Secretary of the Treasury may prescribe.

SEC. 5. That the right to occupy such dormitories shall be restricted to women employees of the United States in the District of Columbia. Each such occupant shall be required to pay a weekly charge or rental in an amount determined by the Secretary of Labor to be just and reasonable as between such occupant and the Government. In making such determination the Secretary of Labor shall take into consideration among other factors (1) the total amount necessary for each quarterly period for the payment of the principal and interest on the bonds herein authorized and for defraying the estimated expenses of maintenance, repair, and operation of such dormitories and other buildings, (2) the total number of persons that such dormitories are capable of accommodating, and (3) the relative rental values of the rooms in such dormitories. Upon the completion of the payments of the principal and interest on such bonds the Secretary of Labor may readjust such weekly charges or rentals.

Mr. BLAINE. Mr. President, I think it is unnecessary to call attention to the fact that we had a presidential election campaign in 1928. However, I think it is essential to call attention to the fact that in that campaign the very question embodied in the amendment which I have proposed to the pending bill is one of the issues upon which the Republican nominee appealed for support and upon which he obtained support.

It will be recalled that Mr. Hoover, in his speech of acceptance, declared, "Our problems of the future are problems of construction." That acceptance speech was divided into paragraph headings. One of those headings is "A Nation of Homes," and I am going to quote, in support of the amendment I have proposed, no less authority than the successful candidate for President. I am appealing to the membership on this side of the Chamber that in good faith their votes should be cast for this amendment. Of course, the proposal to furnish living quarters which approach the ideal of a home was initiated before the last presidential campaign. I do not suppose Mr. Hoover had in mind the bill which I introduced at the first session of this Congress, and which bill I now propose as an amendment to the pending measure.

I have no doubt, however, that those who supported Mr. Hoover believe in him, and in the pronouncements he made during the campaign. I have no doubt but that it is quite immaterial to the President elect whether this proposed amendment is adopted before he takes office next Monday or subsequent to his assuming the Presidency of our country.

This proposed amendment embodies in legislative form what tens of thousands of people of America believe to be the most important issue in the presidential campaign. Mr. Hoover, in his acceptance speech, under the paragraph headed "A Nation of Homes," said:

> Our party platform deals mainly with economic problems, but our Nation is not an agglomeration of railroads, of ships, of factories, of dynamos, or statistics.

He said further:

> It is a nation of homes, a nation of men, of women, of children. Every man has a right to ask of us whether the United States is a better place for him, his wife, his children, to live in because the Republican Party has conducted the Government for nearly eight years.

Mr. President, these words which he spoke and this language which he used must have referred to homes for everyone, whether in private life or as employees of this great Government of ours.

Continuing he said:

> Every woman has a right to ask whether her life, her home, her hopes, her happiness will be better assured by the continuance of the Republican Party in power.

In that paragraph he concluded:

> I propose to discuss the questions before me in that light.

That is the language of the President elect. Paraphrasing his concluding sentence I say I propose to discuss these questions, in so far as they relate to homes for women employed by the Government of the United States within the District of Columbia, here this night. I shall endeavor to show the pressing necessity, the urgent demand for decent living quarters at reasonable prices for the women who so faithfully serve this Government.

The women employees of our Government in the main are not residents of the District of Columbia. They come from everywhere, from the North, from the South, from the East, and from the West. They come from every State in the Union. Those women are your constituents. They are serving your Government. I am quite certain that no one will disagree with me when I suggest that efficiency of the highest character comes from satisfied employees. There is something more in the life that we lead than the simple necessities of life. Life under drudgery, life surrounded by environments that depress the mind and the soul, life that has no other course than the mere routine labor, is a life that is scarcely worth living. It was designed in the creation of life that there should be some opportunity for mental development and cultural development. Those opportunities are not afforded unless there is a reasonable provision for the physical comfort.

Mr. President, I want to look into some of these homes in the city of Washington. This is a great metropolitan center. It is a location sought almost by the tens of thousands who enjoy ignoble ease and whose vast fortunes can be counted only by the tens of millions. Here the very citadel of wealth, the great Government of the United States, is about to abandon the only housing proposition for Government employees and the committee proposes to abandon the only housing conditions that the Government sustains without any substitution therefor.

What are the homes of many of the faithful women who are doing their daily toil, the arduous tasks, in the departments of our Government? One of these employees, who has given six years of her life in the service of her Government in Washington, has been paid the fabulous, unprecedented salary of $1,440 a year. It is true that that is not the average salary. I will direct my attention to that question a little later. But what kind of a home is afforded for some of these women employed at the salary of $1,440 a year?

Mr. Hoover, when he was a candidate for President, said that—

> every woman has the right to ask whether her life, her home, her hopes, her happiness, will be better assured by the continuance of the Republican Party in power.

Yes; she has a right to ask that question, and it is our duty to grant to those Government employees an opportunity that they may have a decent home in Washington at reasonable cost. Let us look into some of these homes. This is but one among many. I am about to quote from a statement of one of the women in the employ of our Government. She is one of those who receive this fabulous salary of $1,440 a year. She said:

> Many of us can only afford $20 a month for a room.

That is $240 out of her meager salary every year. What kind of living quarters does this mean? I am speaking now of some of the private lodging and boarding houses in the city of Washington where some of these women make their domiciles.

In these rooms there is no closet space; nothing but a little corner curtained off in which to hang clothes on which the dust of the carpets may rest. There are no towels, linens sometimes unfit for covering the body; filthy rooms with little heat. Some of these rooms are located in so-called apartments where the women must climb 2, 3, and 4 flights of stairways before reaching their rooms. They are even without a bathroom upon the floor where their rooms are located.

By the abandonment of the so-called Government hotels the Republican Party proposes solemnly to decree that some 600 or 800 women now occupying those hotels must go out and search for rooms which they must rent at a very low cost because of the meager salaries paid to those employees.

The city of Washington is quite distinct from any other city in the United States. The great plan that has been worked out for the beautification of the Capital of the United States through added parks and open spaces, has had a tendency and a very rapid tendency toward a tremendous unearned increase in land values, with the result that these employees must pay not only what would be the normal cost of respectable living quarters but as well must pay their proportionate share to make up earnings for the landlord upon an inflated value which has come to him not through any effort of his own, but rather because of these great improvements, the cost of which comes out of the people of America and out of the pockets of our employees not only in taxes but as well in the stingy treatment of the workers for our Government, in the failure of the Government to pay them a decent wage to meet the ever-increasing cost of living.

Mr. President, there are other elements entering into the situation which in my opinion demand that the Government of the United States make a special effort to provide for the proper housing of our Government employees. The problem of housing is becoming an acute problem in all the large cities of our country. It has been seriously considered and deeply studied by the State of New York. Governor Smith during his term as Governor of the Empire State turned his attention to this problem. The great centers, some commercial, some industrial, others of a special character such as is Washington, are developing one of the most serious problems confronting the solution of those responsible for our several governments. The congested areas of these great cities are bringing far greater problems than the mere problem of furnishing places in which people may live.

I am sure that the distinguished Senator from New York [Mr. COPELAND], skilled I know in the line of medical science, appreciates the necessity of well-lighted, well-heated, well-ventilated homes, with open spaces for the breathing of fresh air given to us by the Creator, and I want to congratulate the State of New York, so ably represented as it is by the distinguished medical authority, in having taken advanced steps in relation to this problem of housing. I am sorry, indeed, that I have not the voice, the experience, the ability, the knowledge, and the scientific understanding of the distinguished Senator from New York. I am making an especial appeal to one of the Members of this body, whom I know to be deeply interested in the problems of health, in the hope that I may have the force of his experience and his understanding behind this measure which I propose as an amendment to the so-called plaza bill.

Mr. COPELAND. Mr. President——

Mr. BLAINE. I yield to the Senator from New York.

Mr. COPELAND. I am very much obliged to the distinguished Senator from Wisconsin for his kind reference to me. There can be no doubt that there is no more important question than the proper housing of the people. I was a member of the District of Columbia Committee immediately after the World War, when we had to consider the serious housing problem in Washington and the question of the price to be paid for rent. At that time we made an extensive survey of the city to see how well housed the people were or how well housed they might be.

There can be no doubt that the Senator from Wisconsin is on sound ground when he pleads for proper housing for the employees of our Government. We must make every effort to see to it that there is such housing. I shall be very glad, Mr. President, to join with the Senator in any movement looking to the improvement of the housing conditions in this city. He may count upon my very hearty and cordial support.

Mr. BLAINE. Mr. President, I assure the Senator from New York that I deeply appreciate the interest and the efforts of the distinguished Senator from New York, and I have given my reasons why I am sure he can bring great force to bear on this movement, so that it may become a success in the very near future if we can not adopt my amendment to-night.

Mr. COUZENS. Mr. President, will the Senator from Wisconsin yield to me?

Mr. BLAINE. For what purpose?

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. BLAINE. I yield.

Mr. COUZENS. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

Mr. NYE. Mr. President, the Senator from Wisconsin having yielded for that purpose, does he lose the floor?

The PRESIDING OFFICER. The Senator will lose the floor if he yields for that motion.

Mr. COUZENS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. TRAMMELL. Mr. President——

Mr. REED of Pennsylvania. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Heflin	Norbeck
Barkley	Deneen	Johnson	Norris
Bingham	Dill	Jones	Nye
Black	Fess	Kendrick	Oddie
Blaine	Frazier	Keyes	Pine
Bratton	Glenn	King	Pittman
Brookhart	Goff	McMaster	Reed, Mo.
Broussard	Gould	McNary	Reed, Pa.
Bruce	Hale	Mayfield	Robinson, Ark.
Burton	Harris	Metcalf	Robinson, Ind.
Capper	Harrison	Moses	Sackett
Copeland	Hayden	Neely	Schall
Sheppard	Thomas, Idaho	Walsh, Mass.	Wheeler
Smith	Thomas, Okla.	Warren	
Steck	Trammell	Waterman	
Steiwer	Vandenberg	Watson	

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Michigan [Mr. COUZENS].

Mr. WATSON obtained the floor.

Mr. COUZENS. Mr. President, a parliamentary inquiry: Is this motion debatable?

The PRESIDENT pro tempore. It is not.

SEVERAL SENATORS. Let us have the yeas and nays.

Mr. BROUSSARD. What is the motion?

The PRESIDENT pro tempore. The Senator from Michigan [Mr. COUZENS] has moved that the Senate take a recess until 11 o'clock to-morrow.

Mr. WATSON. And I move to amend that motion by making it 10 o'clock Monday morning.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana to the motion of the Senator from Michigan.

Mr. NYE. Mr. President, a parliamentary inquiry: Is a motion such as that offered by the Senator from Michigan amendable?

The PRESIDENT pro tempore. Under the precedents of the Senate, yes. It is not debatable.

Mr. HEFLIN. I call for the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana to the motion of the Senator from Michigan.

Mr. BINGHAM. Mr. President, I move, as an amendment to the amendment of the Senator from Indiana, that the Senate take a recess until 11.10 to-morrow.

Mr. HEFLIN. That motion is out of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM] to the amendment proposed by the Senator from Indiana [Mr. WATSON].

Mr. COUZENS. On that I call for the yeas and nays.

Mr. BLACK. Mr. President, I move, as a substitute, that the Senate recess——

The PRESIDENT pro tempore. That amendment would be in the third degree, and can not be entertained.

Mr. BLACK. I offer a substitute, Mr. President.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Pennsylvania will state it.

Mr. REED of Pennsylvania. Can not the Senator from Alabama move a substitute for the original motion of the Senator from Michigan; and, if he does so move, does not his motion take priority?

The PRESIDENT pro tempore. The attempt to amend or to deal with the original motion has gone as far as it can.

The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM] to the amendment proposed by the Senator from Indiana [Mr. WATSON] to the motion of the Senator from Michigan [Mr. COUZENS].

Mr. BLACK. Mr. President, I move that the Senate adjourn until Monday morning at 10 o'clock.

Mr. ROBINSON of Arkansas. That motion is in order.

The PRESIDENT pro tempore. That motion takes precedence of everything.

Mr. BINGHAM. Mr. President, I move to amend that motion——

Mr. KING. Is that motion debatable?

The PRESIDENT pro tempore. It is not at any stage.

Mr. FESS. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Ohio will state it.

Mr. FESS. Is a motion to adjourn in a qualified form in order at this stage? The motion was to adjourn until a certain time.

The PRESIDENT pro tempore. A motion to adjourn to a time certain is a privileged motion.

Mr. FESS. That is when we vote to fix the time to adjourn, but not on a motion to adjourn.

The PRESIDENT pro tempore. The Chair will hold that this is one of the privileged motions. The question is upon the motion of the Senator from Alabama that the Senate adjourn until 10 o'clock Monday morning.

Mr. FESS. That is not in order.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Kentucky will state it.

Mr. BARKLEY. Is the motion of the Senator from Alabama subject to amendment?

The PRESIDENT pro tempore. It being to adjourn to a day certain?

Mr. BARKLEY. Yes, sir.

The PRESIDENT pro tempore. Certainly.

Mr. BARKLEY. I move to amend the motion by making it 11.10 to-morrow.

Mr. SACKETT. Mr. President, how about the special order which says that we shall meet at 11 o'clock for the remainder of the session?

The PRESIDENT pro tempore. This would supersede any arrangement of that sort.

Mr. BLACK. Mr. President, I desire to withdraw the motion I made, and move that the Senate adjourn.

Mr. FESS. That is in order.

The PRESIDENT pro tempore. That motion is in order. It would carry the Senate until 12 o'clock Monday.

Mr. REED of Pennsylvania. Mr. President, a point of order. The standing order of the Senate is that the hour of daily meeting of the Senate be 11 o'clock a. m. for the remainder of the present session of Congress.

The PRESIDENT pro tempore. That will carry it until Monday at 11 o'clock.

Mr. SACKETT. That is the point I was making.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama [Mr. BLACK].

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BINGHAM. Is it true that a motion to adjourn is not amendable in any form?

The PRESIDENT pro tempore. A straight motion to adjourn? No.

Mr. HEFLIN and Mr. BLACK called for the yeas and nays, and they were ordered.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from New Jersey [Mr. EDGE] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from California [Mr. SHORTRIDGE] with the Senator from Maryland [Mr. TYDINGS].

Mr. REED of Pennsylvania (after having voted in the affirmative). I transfer my general pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT] and allow my vote to stand.

Mr. ROBINSON of Arkansas (after having voted in the affirmative). I have a pair with the Senator from Kansas [Mr. CURTIS]. I transfer that pair to the junior Senator from Arkansas [Mr. CARAWAY] and let my vote stand.

Mr. WARREN. I transfer my general pair with the Senator from North Carolina [Mr. OVERMAN] to the Senator from New Mexico [Mr. LARRAZOLO], and vote "yea."

Mr. BURTON. I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from Vermont [Mr. GREENE], and vote "yea."

The result was announced—yeas 16, nays 42, as follows:

YEAS—16

Black	Harrison	Neely	Steck
Burton	Hayden	Reed, Pa.	Trammell
Hale	Heflin	Robinson, Ark.	Warren
Harris	Mayfield	Sheppard	Watson

NAYS—42

Barkley	Dill	McMaster	Sackett
Bingham	Fess	McNary	Schall
Blaine	Frazier	Metcalf	Smith
Bratton	Glenn	Moses	Steiwer
Brookhart	Goff	Norbeck	Thomas, Idaho
Broussard	Gould	Norris	Vandenberg
Bruce	Johnson	Nye	Walsh, Mass.
Capper	Jones	Oddie	Waterman
Copeland	Kendrick	Pine	Wheeler
Couzens	Keyes	Reed, Mo.	
Deneen	King	Robinson, Ind.	

NOT VOTING—37

Ashurst	Dale	Gillett	La Follette
Bayard	Edge	Glass	Larrazolo
Blease	Edwards	Greene	McKellar
Borah	Fletcher	Hastings	McLean
Caraway	George	Hawes	Overman
Curtis	Gerry	Howell	Phipps
Pittman	Simmons	Thomas, Okla.	Walsh, Mont.
Ransdell	Smoot	Tydings	
Shipstead	Stephens	Tyson	
Shortridge	Swanson	Wagner	

So the Senate refused to adjourn.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. NORRIS. If the Senate should adjourn without any condition, just taking a straight adjournment, would it not follow that it could not reconvene until the expiration of this Congress, and that it would be the end of the Senate, as far as this session is concerned?

The PRESIDENT pro tempore. The Chair will answer that in the negative, because under the standing order the Senate would come in at 11 o'clock on Monday, which would be an hour prior to noon of March 4. But on the point whether it would be the end of the Senate, the Chair will answer that in the affirmative.

Mr. NYE. Mr. President, I move now that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. MOSES. That is in the third degree. There is already the motion of the Senator from Michigan [Mr. COUZENS] with the amendment proposed by the Senator from Indiana [Mr. WATSON], and the amendment to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM], and upon this last stated question the Senate will now vote.

Mr. WATSON. May they all be stated?

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate take a recess until 11 o'clock to-morrow.

The Senator from Indiana moves to amend so that the Senate would recess until 10 o'clock on Monday.

The Senator from Connecticut moves to amend the amendment by asking that the Senate take a recess until 11.10 to-morrow, and on that question the Senate will now vote.

Mr. COUZENS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ROBINSON of Arkansas (when his name was called). I have a pair with the Senator from Kansas [Mr. CURTIS], which I transfer to the junior Senator from Arkansas [Mr. CARAWAY], and vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BAYARD], which I transfer to the Senator from Massachusetts [Mr. GILLETT], and allow my vote to stand.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from New Jersey [Mr. EDGE] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from California [Mr. SHORTRIDGE] with the Senator from Maryland [Mr. TYDINGS].

Mr. BURTON. Making the same announcement as on the previous vote, I vote "yea."

Mr. ASHURST (after having voted in the negative). I desire to withdraw my vote.

Mr. REED of Pennsylvania. I challenge the count of the vote, and ask that it may be read again.

The PRESIDENT pro tempore. The vote will be recapitulated.

The vote was recapitulated.

The PRESIDENT pro tempore. Before announcing the vote, the Chair wishes to read to the Senate Rule XII, and call the special attention of the Senator from Arizona [Mr. ASHURST] to it. It is as follows:

> When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the questions, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

Mr. ASHURST. Mr. President, it was obvious that I was under a misapprehension owing to some failure on the part of

the Chair properly to state the question. I wish to vote to preserve the immigration law as it now is.

The PRESIDENT pro tempore. Then, if the Senator wishes the Chair to give him an answer to that as a parliamentary inquiry, the Chair should permit his negative vote to stand.

Mr. KING. Mr. President, I submit the Chair is not competent to decide that question.

The PRESIDENT pro tempore. The Chair is still a Senator, and has some rights as such.

Mr. ROBINSON of Arkansas. Mr. President, the question before the Senate is on the motion to take a recess until 11.10 o'clock to-morrow. No parliamentary question arises on the effect of that motion.

Mr. JOHNSON. I ask that the vote be announced.

Mr. REED of Pennsylvania. Mr. President, I change my vote from "nay" to "yea" for the purpose of enabling me to move for a reconsideration.

Mr. DILL. I object. That can only be done by unanimous consent.

The result was announced—yeas 31, nays 27, as follows:

YEAS—31

Bingham	Couzens	Jones	Oddie
Blaine	Deneen	Keyes	Reed, Pa.
Brookhart	Dill	King	Schall
Broussard	Fess	McMaster	Thomas, Idaho
Bruce	Frazier	Metcalf	Vandenberg
Burton	Glenn	Norbeck	Walsh, Mass.
Capper	Gould	Norris	Wheeler
Copeland	Johnson	Nye	

NAYS—27

Barkley	Hayden	Pine	Steiwer
Black	Heflin	Robinson, Ark.	Thomas, Okla.
Bratton	Kendrick	Robinson, Ind.	Trammell
Goff	McNary	Sackett	Warren
Hale	Mayfield	Sheppard	Waterman
Harris	Moses	Smith	Watson
Harrison	Neely	Steck	

NOT VOTING—37

Ashurst	George	McKellar	Smoot
Bayard	Gerry	McLean	Stephens
Blease	Gillett	Overman	Swanson
Borah	Glass	Phipps	Tydings
Caraway	Greene	Pittman	Tyson
Curtis	Hastings	Ransdell	Wagner
Dale	Hawes	Reed, Mo.	Walsh, Mont.
Edge	Howell	Shipstead	
Edwards	La Follette	Shortridge	
Fletcher	Larrazolo	Simmons	

So Mr. BINGHAM's amendment to Mr. WATSON's amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I move a reconsideration of the vote by which the amendment to the amendment was agreed to.

Mr. BINGHAM. Mr. President, the Senate having recessed until 11.10 a. m. to-morrow, that motion is not in order until 11.10 a. m. to-morrow.

The PRESIDENT pro tempore. The Senate has not recessed until 11.10 a. m. to-morrow yet. The Senate has merely amended the amendment of the Senator from Indiana to the motion of the Senator from Michigan. The question now recurs to the amendment of the Senator from Indiana as amended.

Mr. HEFLIN. Mr. President, I move to lay the amendment as amended on the table.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The vote just taken developed the presence of a quorum, so the suggestion is not in order.

Mr. BINGHAM. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. BINGHAM. Does the Chair hold that a motion to lay on the table takes precedence over a motion to recess?

The PRESIDENT pro tempore. Having been amended in as many degrees as it has, the Chair so holds.

Mr. BINGHAM. Oh, no, Mr. President.

The PRESIDENT pro tempore. Does the Senator desire to appeal from the decision of the Chair? If so, the question is——

Mr. BINGHAM. I hesitate to appeal from the decision of so distinguished a parliamentarian as the present occupant of the Chair, but I am sure that if the Senator who is now occupying the Chair will look at the rule he will see that he is in error.

The PRESIDENT pro tempore. The Chair prefers to have the appeal taken and the question submitted to the Senate.

Mr. BINGHAM. If the Chair prefers to have the appeal taken, I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. REED of Pennsylvania. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRUCE (when his name was called). "Not that I love Caesar less, but that I love Rome more," I vote "nay."

Mr. BURTON (when his name was called). I have a pair with the Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as on the previous vote, I vote "yea."

Mr. ROBINSON of Arkansas (when his name was called). As heretofore stated, I have a pair with the senior Senator from Kansas [Mr. CURTIS] which I transfer to the junior Senator from Arkansas [Mr. CARAWAY], and vote "nay."

Mr. WARREN (when his name was called). Making the same transfer as before, I vote "yea."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from New Jersey [Mr. EDGE] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from California [Mr. SHORTRIDGE] with the Senator from Maryland [Mr. TYDINGS].

The result was announced—yeas 24, nays 32, as follows:

YEAS—24

Ashurst	Harris	Pine	Steck
Barkley	Hayden	Reed, Pa.	Thomas, Okla.
Black	Heflin	Robinson, Ind.	Trammell
Capper	McNary	Sackett	Warren
Goff	Mayfield	Sheppard	Waterman
Hale	Neely	Smith	Watson

NAYS—32

Bingham	Couzens	Keyes	Reed, Mo.
Blaine	Dill	King	Robinson, Ark.
Bratton	Fess	Metcalf	Schall
Brookhart	Frazier	Norbeck	Steiwer
Broussard	Gould	Norris	Thomas, Idaho.
Bruce	Johnson	Nye	Vandenberg
Burton	Jones	Oddie	Walsh, Mass.
Copeland	Kendrick	Pittman	Wheeler

NOT VOTING—39

Bayard	George	La Follette	Shortridge
Blease	Gerry	Larrazolo	Simmons
Borah	Gillett	McKellar	Smoot
Caraway	Glass	McLean	Stephens
Curtis	Glenn	McMaster	Swanson
Dale	Greene	Moses	Tydings
Deneen	Harrison	Overman	Tyson
Edge	Hastings	Phipps	Wagner
Edwards	Hawes	Ransdell	Walsh, Mont.
Fletcher	Howell	Shipstead	

So the Senate refused to sustain the decision of the Chair.

The PRESIDENT pro tempore. The decision of the Chair is not sustained. The question now recurs upon the amendment of the Senator from Indiana [Mr. WATSON] as amended.

Mr. HEFLIN. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The question recurs upon the motion of the Senator from Michigan [Mr. COUZENS] as amended.

Mr. HEFLIN. Mr. President, what is the question now?

The PRESIDENT pro tempore. The motion of the Senator from Michigan to take a recess until to-morrow morning at 11 o'clock having been amended by the adoption of the amendment of the Senator from Indiana [Mr. WATSON] as amended, the question now is, Shall the Senate recess until 11.10 to-morrow morning?

Mr. ROBINSON of Arkansas. On that I demand the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BURTON (when his name was called). I am paired with the Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "yea."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I vote "nay."

Mr. ROBINSON of Arkansas (when his name was called). Announcing the same pair and transfer as on the previous vote, I vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as on the last vote, I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Tennessee [Mr. McKELLAR];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE];

The Senator from New Jersey [Mr. EDGE] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from California [Mr. SHORTRIDGE] with the Senator from Maryland [Mr. TYDINGS].

The result was announced—yeas 34, nays 27, as follows:

YEAS—34

Bingham	Couzens	Kendrick	Pine
Blaine	Deneen	Keyes	Reed, Mo.
Bratton	Dill	King	Schall
Brookhart	Fess	McMaster	Thomas, Idaho
Broussard	Frazier	Metcalf	Vandenberg
Bruce	Glenn	Norbeck	Walsh, Mass.
Burton	Gould	Norris	Wheeler
Capper	Johnson	Nye	
Copeland	Jones	Oddie	

NAYS—27

Ashurst	Hayden	Reed, Pa.	Steiwer
Barkley	Heflin	Robinson, Ark.	Thomas, Okla.
Black	McNary	Robinson, Ind.	Trammell
Goff	Mayfield	Sackett	Warren
Hale	Moses	Sheppard	Waterman
Harris	Neely	Smith	Watson
Harrison	Pittman	Steck	

NOT VOTING—34

Bayard	George	Larrazolo	Smoot
Blease	Gerry	McKellar	Stephens
Borah	Gillett	McLean	Swanson
Caraway	Glass	Overman	Tydings
Curtis	Greene	Phipps	Tyson
Dale	Hastings	Ransdell	Wagner
Edge	Hawes	Shipstead	Walsh, Mont.
Edwards	Howell	Shortridge	
Fletcher	La Follette	Simmons	

So the motion as amended was agreed to; and the Senate (at 10 o'clock and 20 minutes p. m.) took a recess until to-morrow, Sunday, March 3, 1929, at 11.10 a. m.

NOMINATIONS

Executive nominations received by the Senate March 2 (legislative day of February 25), 1929

UNITED STATES COAST GUARD

Carpenter Kenneth S. McCann to be a chief carpenter in the Coast Guard of the United States, to take effect from date of oath.

This officer is deemed qualified for the promotion for which he is recommended.

POSTMASTERS

ILLINOIS

John H. Wehrley to be postmaster at Beecher, Ill., in place of J. H. Wehrley. Incumbent's commission expired June 6, 1928.

Fred H. Fairbanks to be postmaster at Roselle, Ill., in place of H. B. Schmidt, resigned.

William C. Nulle to be postmaster at Union, Ill., in place of W. C. Nulle. Incumbent's commission expires March 2, 1929.

MISSISSIPPI

Virginia B. Duckworth to be postmaster at Prentiss, Miss., in place of V. B. Duckworth. Incumbent's commission expired February 16, 1929.

Josephine B. Block to be postmaster at Tunica, Miss., in place of B. S. Williams. Incumbent's commission expired January 10, 1928.

OKLAHOMA

Nellie S. Hall to be postmaster at Canton, Okla., in place of H. J. Fleming, resigned.

PENNSYLVANIA

Harry D. Stevens to be postmaster at Folcroft, Pa., in place of D. W. Shaw, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2 (legislative day of February 25), 1929

COMMISSIONER OF IMMIGRATION

John B. McCandless to be commissioner of immigration at the port of Philadelphia, Pa.

COMPTROLLER OF CUSTOMS

Leslie L. Glenn to be comptroller of customs in customs collection district No. 39, with headquarters at Chicago, Ill.

COLLECTOR OF INTERNAL REVENUE

Myrtle Tanner Blacklidge to be collector of internal revenue for the first district of Illinois.

UNITED STATES COAST GUARD

Niels S. Haugen to be lieutenant.

Kenneth S. McCann to be chief carpenter.

IN THE ARMY

CHIEF OF STAFF

Maj. Gen. Charles P. Summerall, Chief of Staff, to be general while holding office as Chief of Staff of the Army, with rank from February 23, 1929.

GENERAL OFFICER

To be major general, reserve

Maj. Gen. Roy Dee Keehn, Illinois National Guard.

APPOINTMENTS BY PROMOTION

To be colonel

Lieut. Col. Archibald Henry Sunderland, Coast Artillery Corps.

To be lieutenant colonel

Maj. Clarence Self Ridley, Corps of Engineers.

To be majors

Capt. John Theodore Pierce, jr., Cavalry.
Capt. Vincent Bargmant Dixon, Air Corps.
Capt. George Macdonald Herringshaw, Quartermaster Corps.
Capt. Constant Louis Irwin, Infantry.
Capt. Thomas Forrest Limbocker, Cavalry.
Capt. Wilmer Stanley Phillips, Coast Artillery Corps.
Capt. Leven Cooper Allen, Infantry.
Capt. Cornelius Martin Daly, Cavalry.
Capt. Richard Brogdon Trimble, Cavalry.
Capt. Arthur Sandray Harrington, Field Artillery.

To be captains

First Lieut. John Orn Roady, Infantry.
First Lieut. Abraham Lincoln Bullard, Coast Artillery Corps.
First Lieut. Clarence Dixon Lavell, Field Artillery.

To be first lieutenants

Second Lieut. John Ismert Hincke, Coast Artillery Corps.
Second Lieut. Fred Arley Ingalls, Air Corps.
Second Lieut. Raymond Thomas Beurket, Field Artillery.

MEDICAL CORPS

To be colonels

Lieut Col. Charles Franklin Craig, Medical Corps.
Lieut. Col. Robert Hamilton Pierson, Medical Corps.

PROMOTIONS IN THE NAVY

To be pay inspectors

Arthur H. Mayo.
Frederick C. Bowerfind.

UNITED STATES DISTRICT JUDGES

Charles Edgar Woodward to be United States district judge, northern district of Illinois.

Allen Cox to be United States district judge, northern district of Mississippi.

UNITED STATES ATTORNEYS

John C. Gung'l to be United States attorney, district of Arizona.

George R. Jeffrey to be United States attorney, southern district of Indiana.

UNITED STATES MARSHAL

John H. Vickery to be United States marshal, northern district of Oklahoma.

POSTMASTERS

ALABAMA

Phala B. Atkins, Crichton.
John R. Fowler, Fayette.
Griffin G. Guest, Fort Payne.
John F. Harmon, Troy.

ARKANSAS

Melvin E. Torrence, Atkins.
Ferrell S. Tucker, Black Oak.
Sammie W. Kennedy, Cotton Plant.
George D. Tubbs, State Sanatorium.
John L. Hyde, Tillar.

CALIFORNIA

Archie N. Moore, Covelo.
Asa E. Bishop, Mendocino.

GEORGIA

Minnie E. Nance, Arlington.
Glossie A. Dunford, Helena.
Edgar S. Hicks, Yatesville.

ILLINOIS

Lottie M. Jones, Antioch.
John H. Wehrley, Beecher.
George C. Schoenherr, Carlinville.
Fred H. Fairbanks, Roselle.
William C. Nulle, Union.

KANSAS

Neva F. Van Dolah, Preston.

MARYLAND

Lewis J. Williams, Bel Air.

MASSACHUSETTS

LeRoy H. Fuller, Allerton.

MICHIGAN

John Y. Martin, Corunna.
Arthur L. Sturgis, Newaygo.

MINNESOTA

Charles C. Gilley, Cold Spring.
Madison H. Gregg, Dexter.
Frank Schweiger, Ely.
Maurice Holden, Garvin.
Richard C. O'Neill, Graceville.
Anton M. Anderson, St. Peter.
Burt I. Weld, Slayton.
John N. Irving, South St. Paul.
Ferdinand J. Reimers, Stewart.

MISSISSIPPI

Jack F. Ellard, Leland.
Virginia B. Duckworth, Prentiss.
Josephine B. Block, Tunica.

MISSOURI

Homer E. West, Dexter.
Earl M. Brittain, Guilford.

MONTANA

Joseph F. Dolin, Medicine Lake.

NEW YORK

Clara F. Wood, Angola.
Vincent Phelps, Briarcliff Manor.

NORTH CAROLINA

Annie L. Lassiter, Jackson.
William K. Stonestreet, Landis.

OHIO

Ralph R. Jackson, Piedmont.

OKLAHOMA

Nellie S. Hall, Canton.

PENNSYLVANIA

Benjamin F. Parry, Farrell.
Harry D. Stevens, Folcroft.

SOUTH DAKOTA

John A. Nannestad, Brandt.
Charles S. Hight, White River.

TEXAS

Hazel L. Gibner, Spearman.

WEST VIRGINIA

James R. Wratchford, Moorefield.

WISCONSIN

Fred S. Bell, Mosinee.
Fora G. DuBois, North Freedom.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 2, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Because of the Father's mercy we are here. We thank Thee, for Thy stars have been watching overhead. A prevailing Providence has laid its hand upon us, and called us to manifold service. Thou hast charged us with great responsibilities and put us in trust of great things, from which there is no escape. Oh, the pain and the bliss of living! Merciful Lord God, when we were impatient, it was because we were weak; when we were harsh, it was because our wisdom was imperfect. Forgive us and let us rest quietly and hope confidently that we have the approval of Thy benediction. The scenes of this Congress are closing; we are helped because of its memories and associations. The union of hearts and minds will soon be severed. We would not close the door with a restless or impatient hand. O God, bless our Speaker, all Members, officers, and pages. Keep bright and radiant every sky and cleanse the last cloud from every horizon. Lead us on; carry us when weary, and always provide strength according to our need. Ever clothe us with peace and happiness; always hold us in the sweet and beautiful trust that some time, some way, some where we shall meet in the perfect day. In this tranquil moment we think of that Member who was associated with the intimate work of this Congress. The Grim Reaper has called; he who stood high in the scale of service answered. We cast at his bier loving tokens of esteem and appreciation. Remember the family in the deep night of its sorrow. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 5995. An act for the relief of John F. O'Neil;
H. R. 6698. An act for the relief of William C. Schmitt;
H. R. 6705. An act for the relief of Clotilda Freund;
H. R. 7174. An act granting compensation to William T. Ring;
H. R. 8401. An act for the relief of Jack Mattson;
H. R. 8691. An act for the relief of Helen Gray;
H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;
H. R. 10321. An act for the relief of B. P. Stricklin;
H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;
H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;
H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;
H. R. 13440. An act for the relief of Howard P. Milligan;
H. R. 13734. An act for the relief of James McGourty;
H. R. 13801. An act for the relief of John Bowie;
H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;
H. R. 14089. An act for the relief of Dale S. Rice;
H. R. 14583. An act for the relief of A. Brizard (Inc.);
H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth;
H. R. 16090. An act for the relief of Hugh Dortch;
H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;
H. R. 16122. An act for the relief of E. Schaaf-Regelman;
H. R. 16342. An act for the relief of Clyde H. Tavenner;
H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;
H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;
H. R. 16839. An act to provide for investigation of sites suitable for the establishment of a naval airship base;
H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;
H. R. 17007. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.;
H. R. 17060. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;
H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;
H. R. 17101. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; and

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 15430. An act continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; and

H. R. 16440. An act relating to declarations of intention in naturalization proceedings.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2268. An act for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold;

S. 4518. An act to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes; and

S. 5875. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to a bill of the following title:

H. R. 16878. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate agrees to the amendments of the House to a bill of the following title:

S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868.

EXTENSION OF REMARKS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that all Members of the House may have until the last issue of the RECORD is printed to extend their own remarks in the RECORD.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members of the House may have permission to extend their own remarks in the RECORD until the last day on which the RECORD is printed. Is there objection?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, and I am not going to object, of course, could the gentleman fix any definite date?

Mr. TILSON. The announcement is printed on the front page of the RECORD of yesterday that the last issue will be printed on March 15, and advises that matters for publication in the RECORD of the Seventieth Congress be submitted before that time. Mr. Speaker, it is understood that if a Member wishes to extend his remarks on different subjects he may do so, and he is not limited except as to his own remarks.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. TAYLOR of Colorado. If a Member desires to insert anything in connection with his remarks he must secure special permission from the House?

Mr. TILSON. It is so understood. I suppose that a mere extract or excerpt which a Member uses as a text might be included in his own remarks, but any substantial extension of matter other than his own remarks may only be inserted in the RECORD by special permission.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, I would like to inquire whether the gentleman means that there may be several extensions upon different subjects?

Mr. TILSON. It is understood that a Member may extend on as many different subjects as he desires.

Mr. CHINDBLOM. Mr. Speaker, one more question with reference to the remarks that may be extended upon the lives of deceased Members. The House has entered a rule permitting extensions of that character, and I would like to know whether under that permission we may quote from papers, articles, or information with reference to a deceased Member personally?

Mr. TILSON. I suppose the same rule would apply—that any reasonable quotation used to illustrate or amplify a gentleman's own remarks might be included.

Mr. CHINDBLOM. And that must all be done before the final print of the RECORD?

Mr. TILSON. I think that is included in my request.

The SPEAKER. Is there objection?

There was no objection.

INAUGURATION CEREMONIES

Mr. SNELL. Mr. Speaker, I desire to make an announcement about the ceremonies on Monday. Every Member of the House must have his own ticket of identification to go on the Senate floor. There will be policemen there who do not know the Members; and in order to go upon the Senate floor, a Member must have his own ticket, and no one will be exempt from that rule. It has been reported to the Sergeant at Arms of the Senate that some Members have already given their tickets to other people, and that those people will present them at the Senate doors. I hope such is not the case, for they may be refused at the door. I wish to say further that the House must leave this Chamber promptly at 11.40 on Monday.

IMPEACHMENT OF JUDGE FRANCIS A. WINSLOW

Mr. LAGUARDIA. Mr. Speaker, I rise to a question of the highest constitutional privilege.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. I rise to formally impeach Francis A. Winslow, a Federal judge of the southern district of New York.

The SPEAKER. The gentleman will present a resolution.

Mr. LAGUARDIA. On my responsibility as a Member of this House, by virtue of the duties vested in a Member of Congress by the Constitution, I now formally impeach Francis A. Winslow, a judge of the United States District Court for the Southern District of New York, and here charge him with the commission of high crimes and misdemeanors as herein set forth:

1. That the said Francis A. Winslow, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as a district judge for the southern district of New York, did on divers and various occasions so abuse the powers of his high office and so misconducted himself as he is charged with corruption, collusion, favoritism, oppression, and judicial misconduct whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute by his aforesaid misconduct and acts and is guilty of misbehavior and misconduct, falling under the constitutional provision as ground for impeachment and removal from office.

2. That the said Francis A. Winslow did suffer one Marcus Helfand to represent himself as an intimate friend of the said Judge Winslow, able to obtain favorable judicial decisions, orders, and ruling and the said Marcus Helfand, with the knowledge, collusion, or connivance of the said Judge Winslow, did so represent himself to many members of the bar of the city of New York who had cases and litigation pending in the said southern district of New York, and did, as a result of said representation, and with the knowledge, collusion, or connivance of the said Judge Winslow, appear repeatedly before the said judge as counsel of record and as special counsel, and did repeatedly receive favorable decisions, orders, and rulings, and all of such decisions, orders, and rulings are matters of record in the said court for the southern district of New York, all of which records are made part of these charges and impeachment as if herein fully set forth.

3. That the said Marcus Helfand, with the knowledge, collusion, or connivance of the said Francis A. Winslow did actually obtain an unbroken line of favorable decisions, orders, and rulings, whereby the said Judge Winslow has brought the administration of justice in said district in the court of which he is a judge into disrepute.

4. That the said Judge Winslow has made repeated appointments of a small group of men to receiverships and special masters, which group in turn appoint to other positions persons closely associated with said Judge Winslow either by ties of marriage, previous business relationship, or personal favor, constituting said group into a ring which, through its commonly known connections and influence with said Judge Winslow, has harassed and damaged legitimate business and has depleted with excessive expenses and fees, all approved by said Judge Winslow, bankrupt estates, thereby preventing legitimate creditors from obtaining their just distributive share of the assets out of the various bankrupt estates.

5. In the aforedescribed ring of favored lawyers there is one David Steinhadt indicted for shortage in his accounts as receiver and for larceny, and who is now a fugitive from justice and who was repeatedly appointed by the said Francis A. Winslow as receiver notwithstanding

that he had not properly accounted in no less than 16 estates previously intrusted to him, all of which was known to the said Judge Winslow at the time of such appointments.

6. That the said Judge Francis A. Winslow, prompted by improper motives and considerations, among which was the sudden appearance as special counsel of the aforesaid Marcus Helfand after the completion of the trial and solely for the purpose of obtaining special consideration and favor, the said Judge Winslow imposed an unusually light sentence of 30 days in the city jail on one Walter Gutterson, convicted of having used the mails in a scheme to defraud; the said mild sentence having ostensibly been justified in open court on a promise of restitution to the extent of $100,000 to the several persons, victims of the fraud, while the said Judge Winslow then and there denied the motion of the assistant district attorney to make such light sentence conditioned on the actual restitution of the money to the victims of the fraud; that the said Walter Gutterson and his special attorney, Marcus Helfand, did not intend, and as a matter of fact did not make any such restitution, all with the knowledge, connivance, or consent of the said Judge Winslow.

7. That the said Judge Francis A. Winslow on divers occasions, improperly and for improper consideration, so conducted the trial of criminal cases as to prejudice the jury against the Government of the United States prosecuting said cases, so interjected himself in the examination of witnesses as to intimidate the witnesses or to confuse the issues, so abused and harassed the assistant district attorney charged with the trial of the case as to discredit him entirely to the jury, all with the improper purpose and intent of obtaining a verdict of acquittal for the said defendants on divers occasions on trial before him.

8. That the said Marcus Helfand, with the knowledge, consent, or connivance of the said Judge Francis A. Winslow, did make an arrangement with one Meyer Kaplan whereby he, said Marcus Helfand, would obtain from the said Judge Winslow a suspension of sentence on the payment by the said Kaplan of a large sum of money; and conditioned further that another payment should be made before the expiration of the period of probation; and that when the said Meyer Kaplan was unable to make the said last payment to the said Helfand, the said Francis A. Winslow did commit the said Kaplan to the penitentiary at Atlanta for a term of 18 months.

9. That subsequent to the introduction of House Resolution 320 on February 12, 1929, and subsequent to the issuance of a subpœna served upon one Harry J. Halperin to appear and testify before a Federal grand jury sitting in and for the southern district of New York, the said Marcus Helfand and others, with the knowledge, consent, or connivance of the said Judge Francis A. Winslow, did threaten, coerce, and otherwise improperly sought to induce the said Harry J. Halperin to testify falsely concerning the Kaplan case and particularly concerning his personal knowledge of the negotiations and details in the aforesaid matter of Meyer Kaplan as set forth in paragraph 8 herein.

10. That one Stewart Eaton, related by marriage to the said Judge Winslow, together with one E. Bright Wilson, Bernard A. Grossman, jr., and Stephen Goble, acting as trustees in bankruptcy for the Goody Shop, did with the knowledge, consent, or connivance of the said Judge Winslow, take from assets of the said bankrupt estate one Packard car and that the said Packard car has since been used by the said Stewart Eaton and the said Judge Winslow, its unlawful origin and unlawful possession being known by the said Judge Winslow.

11. That the said Judge Francis A. Winslow, in collusion and connivance with the aforesaid Marcus Helfand and others, did misuse and abuse his high office in an equity cause known as the Manhatten Mortgage Corporation, complainant, *v.* Archer Builders (Inc.) (Equity Cause 41/252) pending in the said southern court of the southern district of New York; and as a result of such improper judicial conduct by the said Francis A. Winslow, the said Marcus Helfand and others, acting with the knowledge, consent, or connivance of the said Judge Winslow, did so misadminister said estate, improperly divert its assets, and commit other improper and unlawful acts as to cause large losses to the stockholders of the said Archer Builders (Inc.). Reference is particularly made to the papers, orders, decisions, and rulings in said case and other records now on file in said court for the southern district of New York as if fully set forth herein.

12. That on divers occasions, the said Francis A. Winslow, in consideration for privileges and favors granted by him in his judicial capacity to said Marcus Helfand, Stewart Eaton, E. Bright Wilson, and others, constituting a so-called bankruptcy ring, did improperly receive gratuities, presents, gifts, and things of value.

All to the scandal and disrepute of said court and the administration of justice therein.

Mr. Speaker, I ask immediate reference of this resolution to the Committee on the Judiciary of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Mr. LAGUARDIA submits the following resolution:

House Resolution 347

"*Resolved*, That Francis A. Winslow, United States district judge for the southern district of New York be impeached of high crimes and misdemeanors in office as hereinbelow in part specifically set forth."

The SPEAKER. Without objection, in view of the fact that the resolution has been read, further reading of the resolution will be dispensed with and the resolution referred to the Committee on the Judiciary.

SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY

Mr. GRAHAM. Mr. Speaker, I rise to present a resolution (H. J. Res. 434) to appoint HOMER W. HALL, a member of the subcommittee of the Committee on the Judiciary established under House Joint Resolution 431, to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Joint Resolution 434

Resolved, etc., That HOMER W. HALL, a member of the Committee on the Judiciary of the House of Representatives, be, and he is hereby, appointed a member of the subcommittee of the Committee on the Judiciary of the House of Representatives established by House Joint Resolution 431, to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York, vice Royal H. Weller, deceased.

Mr. GRAHAM. Mr. Speaker, I move the previous question.

Mr. CELLER. Will the gentleman reserve that for a minute?

Mr. GRAHAM. I will. But let me say that I have consulted with the Democratic members of the Judiciary Committee—the gentleman from Texas [Mr. SUMNERS] and the gentleman from Virginia [Mr. MONTAGUE] and others, and they concur in the presentation of this resolution.

Mr. CELLER. Did the gentleman consult with the members of the New York delegation, which, as the result of the death of Mr. Weller, will not have any representation on the Judiciary Committee?

Mr. GRAHAM. I did not; this is an emergency resolution. I only learned last night of the announcement of Mr. Weller's death, and after consulting with members of the Judiciary Committee this resolution was prepared to fill the vacancy. There is no one on the committee that I know of that can be put in to fill the vacancy except those who are going out of Congress.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

THE DEPARTMENT OF THE INTERIOR APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I offer the conference report on the Department of the Interior appropriation bill and ask for its immediate consideration. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement accompanying the conference report on H. R. 15089, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on Senate amendment numbered 39, as amended, to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39 as amended, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the matter inserted, insert the following: "or by condemnation under the provisions of the act of August 1, 1888 (U. S. C., p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government, such condemnation proceedings not to be resorted to for acquisition of lands in Acadia, Glacier, Grand Canyon, Great Smoky, Hot Springs, Platt, or Yellowstone National

Parks not leased to others but occupied by the owner and used exclusively for residence or religious purposes by such owner"; and the Senate agree to the same.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.
REED SMOOT,
CHARLES CURTIS,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report, as to the amendment, as follows:

On No. 39: The Senate had striken from the bill the House provision for the condemnation of privately owned lands within the national parks and national monuments and subsequently amended this provision by allowing the condemnation to stand but excepting from its operation the privately owned lands in all of the parks and monuments now used exclusively for residence, hotel, or religious purposes. The conference agreement restores the House provision for the condemnation of the privately owned lands but modifies it in such a way as to exempt privately owned lands in the Acadia, Glacier, Grand Canyon, Great Smoky, Platt, Hot Springs, or Yellowstone National Parks, if such lands in these specified parks are used by the owner exclusively for residence or religious purposes.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

THE DEMOCRATIC CAUCUS

Mr. KINCHELOE. Mr. Speaker, by direction of the Democratic caucus, I ask unanimous consent to insert a speech made by the gentleman from Texas [Mr. SUMNERS] placing the gentleman from Texas [Mr. GARNER] in nomination, and the speech of the gentleman from Texas [Mr. Box] in presenting a watch to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD by printing some speeches in the Democratic caucus on yesterday. Is there objection?

Mr. TILSON. Reserving the right to object, and I shall not object, would the gentleman insert also the speech that the gentleman from Tennesse [Mr. GARRETT] made in reply? I have understood from Democratic sources, of course, that it was a very able and interesting speech.

Mr. KINCHELOE. I would gladly do so, but the gentleman from Tennessee was taken so completely by surprise that he did not have a prepared speech.

The SPEAKER. Is there objection?

There was no objection.

NOMINATION OF HON. JOHN N. GARNER

Mr. KINCHELOE. Mr. Speaker, under leave heretofore granted me to extend my remarks in the RECORD I do so by inserting a speech made by Hon. HATTON W. SUMNERS, Member of Congress from Texas, in the Democratic caucus held in the House Chamber March 1, 1929, placing in nomination the Hon. JOHN N. GARNER, Member of Congress from Texas, as the nominee of the caucus for the office of Speaker of the House of Representatives.

The speech is as follows:

Mr. SUMNERS of Texas. Ladies and gentlemen of the Democratic caucus, we are assembled to transact the serious business of a great party, at a time when thoughtful members of the party know that there is involved in our situation and circumstances the question whether we shall remain one of the two major parties or shall go into dissolution while another party comes into the field in our stead. That determination is going to depend in no small degree upon the vigor and efficiency of our leadership during the next two years, and the solidarity of the Democratic minority in the House.

Governments are not accidents. They are provided for in the big economy. They operate under natural laws. Viewed in the larger aspects, they select the human agencies through which they function. Selection or rejection of political parties depends in substantial degree, at least, upon the efficiency with which they serve the public interest.

Whether the Democratic party shall live, and come again to power depends upon whether in this time of as great need as this Nation ever had, it can, and will, respond with a vigilant, aggressive, courageous party organization, following in solidarity a wise and effective leadership, in the protection of the rights and opportunities of the average man, and the protection of private interests themselves, against the inevitable consequences of the abusive exercise of the power, financial and political, of great groups which now dominate in this country.

With a rapidity unequaled in the economic and governmental history of the world, we are moving toward those conditions and positions from which heretofore those who have so moved, without exception, have been driven back in diastrous retreat.

Only the foolish person, untaught by the lesson of the past, is not asking himself now, if we can preserve a democracy in government, if we destroy democracy in opportunity, who is not asking himself if a feudalism in business and in industry will not bring to us results comparable to those which in the history of our ancestors were incident to the establishment of feudalism in land tenures. The rapidity with which the free yeomen of industry and of business are being driven out and subjugated by the invasion of great organizations, as alien to our institutions as would be an invading host from a foreign land, can not fail to arrest the apprehensive attention of all thoughtful people. The average man must have a champion, will have a champion. It will be either the Democratic Party, conservatively progressive, which, while protecting the legitimate right of property, will hold pride, greed, and thirst for power within bounds safe for the opportunity and the economic liberty of the people, or the people goaded to desperation will rise in economic revolution and under mob political leadership will seize upon the powers of government and with these powers will smash the vaults of special interest and sweep on far beyond, leaving chaos in their wake. The new school of economic philosophy, under the teachings of which it is urged that political support be denied to the Democratic Party, which stands in the middle position, will not be able to protect those whom it is guiding to their own destruction, when the inevitable reaction comes. The Democratic Party is not an enemy of the legitimate aspiration of private interest. It would protect them against their own folly. At such a time, in such a situation, where the Nation's interest and the economic peace and security of the people challenge the Democratic Party to the greatest possible solidarity, and to produce its wisest leadership, we, the Democratic Members of this House come to the selection of our own leader, upon whose leadership, and upon the wisdom of the counsel and cooperation and loyalty together of those whom he is to lead, will depend in great degree not only the fate of the party, but in my judgment the happiness and the economic independence of the people and the political peace of the country.

This situation requires a leader of aggression, trained to his duties, of clear judgment, one who can inspire the respect and, in action, hold the confidence and support of those whom he leads; a man who is the master of political strategy and whose love for his country and service to his party links the weal of his country with the fortunes of his party. Such a man the Texas delegation presents to the Democrats of the House in the person of Hon. JOHN N. GARNER, of demonstrated ability, who in full measure, meets the challenge of the situation.

Mr. Chairman, I nominate the Hon. JOHN N. GARNER to be the leader of the Democrats of the House of Representatives of the Seventy-first Congress, and their candidate for the Speakership of the House for that Congress.

HON. FINIS J. GARRETT

Mr. KINCHELOE. Mr. Speaker, under leave heretofore granted me to extend my remarks in the RECORD, I do so by inserting a speech made by Hon. JOHN C. Box, Member of Congress from Texas, in the Democratic caucus held in the House Chamber on March 1, 1929, presenting a watch and chain to Hon. FINIS J. GARRETT, Member of Congress from Tennessee, contributed by the Democratic Members of the Seventieth Congress.

This speech is as follows:

Mr. Box. Mr. Chairman, ladies, and gentlemen, men of strong and dependable character are not usually pretentious or pompous. One of the many admirable qualities of the gentleman who has led the Democrats of this House for several years is his reality and his freedom from "put on."

Courtesy well becomes one in high place. After serving 10 years as a subordinate in the Democratic ranks I can truly say that I never saw the gentleman from Tennessee [Mr. GARRETT] treat friend or foe with even slight discourtesy. In daily contact with Members, whether raw recruits or veterans, whether weak or powerful, whether obscure

or conspicuous, all have had from him the kindliest and most considerate treatment. On the humdrum days and in the performance of the most important functions as leader of a great party in this Chamber the gentleman from Tennessee has shown uniform manly and kindly courtesy to us and to all about him.

Learning and ability are required of one who fills the great place in this Hall to which our party has repeatedly called the gentleman from Tennessee. That high requirement he has filled with such full measure that he has made us constantly proud of him.

A Democratic Representative in Congress should know and love the legislative history and, above all, the Constitution of his country. One who leads the Democratic Party in this the most popular branch of the National Congress needs to be deeply grounded in the political history and Constitution of the United States. But for the Constitution there would be no Democratic Party, and without the Democratic Party I fear that not much of the Constitution would long remain. The gentleman from Tennessee is a profound student and outstanding champion of the Constitution of the United States. I would that more of us might sit at his feet as he teaches these great constitutional lessons.

If these halls continue to be filled with men who understand and cherish the Constitution as written in the hearts and character of Americans of all the earlier generations and stated in the great document itself, the fundamentals of American Government will continue without serious impairment, but if we lose our grasp on its fundamentals the essence of free American government will begin to disappear.

Democracy and the Nation need men with conviction enough to make them willing to take punishment for the sake of principle and paramount public interests. American interests are numerous, complicated, and momentous; yet many arise to oppose the best considered, most wholesome, and most needed measures. Timeservers and cowards fail the Nation in such crises. The gentleman from Tennessee has continuously demonstrated that he is a statesman, willing to meet issues and accept the consequences of courageous action. It would prophesy good for the country and for posterity if we had more men in both legislative chambers of this Capitol guided by courage and conviction as we have seen the gentleman from Tennessee follow them.

After serving long here, first as one of the ranks and later as our leader, the gentleman goes to another exalted position which his personal qualities, great learning, and judicial temperament will adorn and strengthen. We regret his going, but our hearts go with him. When some of us reassemble here he will be often in our thoughts and his name often on our lips. As one by one, or in groups, we leave this Capitol to go to our respective States, we will carry with us abiding recollections of him. When we circulate among the friends at home, sit by the fireside, or wait through the twilight of retirement, thoughts of him will be to us as messages of loved friends come from afar. In order that he and his may have a slight but visible token of our affection, the whole Democratic membership of this body have determined to present to him a gift, valuable chiefly because of the love that goes with it.

Accept, I pray you, sir, this token of our attachment to you, our friend, respected and loved; our retiring leader, trusted, honored, and admired.

THE RADIO COMMISSION

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15430) continuing the powers and the authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, and agree to the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

The Senate amendments were read and agreed to.

MARINE BIOLOGICAL STATION, KEY WEST, FLA.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 5860) authorizing the Secretary of Commerce to dispose of the marine biological station at Key West, Fla., reported by the Committee on the Merchant Marine and Fisheries. The report has been filed but not printed.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

An act (S. 5860) to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla.

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to dispose of the marine biological station at Key West, Fla., and to reconvey by quitclaim deed to the Key West Realty Co., Florida, the land conveyed to the United States by said company in deed dated June 10, 1915, and particularly described as follows:

In the city of Key West, county of Monroe and State of Florida, beginning at the southwest corner of a sea wall of concrete bearing north 58° 30′ east from a post 101.2 feet distant, said post being on the north side of the county road and at the eastern end of same, East Martello tower bearing south 11° 30′ west, distant 5,350 feet; thence running north 23° west 465 feet to an iron bolt bearing south 63° 30′ east from a post and pile of stones 156 feet distant; thence running north 67° east 527.5 feet to an iron bolt at mean high-water line; thence running southerly along said mean high-water line 640 feet to an iron bolt driven into rock; thence running south 67° west 121 feet in line with said sea wall to the place of beginning, containing 4 acres, more or less, together with riparian rights, all courses and bearings herein being magnetic.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion of Mr. WHITE of Maine to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17122) to extend the times for commencing and completing the construction of a bridge across the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved June 2, 1926, across the Columbia River, within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Line 5, after the figures "1926," insert the words "to be built by Fred H. Furey, his heirs, legal representatives, and assigns." Strike out the word "within."

Strike out all of line 6.

Line 7, strike out the words "of the" and insert the word "at" in lieu thereof; also after the word "Entiat," insert a comma and strike out the words "River in Chelan County, State of."

The committee amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

A motion to reconsider was laid on the table.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash."

BRIDGE ACROSS ST. LAWRENCE RIVER, ALEXANDRIA BAY, N. Y.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of S. 4566, authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y., which I send to the desk and ask to have read.

The Clerk read the bill as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the New York Development Association (Inc.), a corporation organized under and by virtue of the membership corporation law of the State of New York, having its office and principal place of business at Watertown, N. Y., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the easterly channel of the St. Lawrence River at a point suitable to the interests of navigation at or near Collins Landing, in the town of Orleans, Jefferson County, N. Y., to some suitable and convenient point on Wellesley or Wells Island, and also a bridge and approaches thereto from the westerly side of Wellesley or Wells Island to Hill Island, sometimes known as LaRue Island, and also a bridge from said Hill Island across or over the westerly or Canadian channel of the St. Lawrence River to some suitable or convenient point between Brockville and Gananoque, in the Province of Ontario, Dominion of Canada, so far as the United States has jurisdiction over the waters of said St. Lawrence River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the approval of the proper authorities in the Dominion of Canada.

SEC. 2. That the New York Development Association (Inc.), its successors and assigns, shall commence the construction of said bridge within two years and shall complete the construction thereof within five years after the passage and approval of this act.

SEC. 3. That there is hereby conferred upon the New York Development Association (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of New York needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes, in the State of New York upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 4. That the said New York Development Association (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and in accordance with any laws of New York applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 5. That the right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New York Development Association (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, SAVANNA, ILL.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17126) authorizing C. N. Jenks, F. J. Stransky, L. M. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill., which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Savanna, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Illinois and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS COLORADO RIVER, ARIZ.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17160) authorizing J. B. Roberts, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Colorado

River at or near Parker, Ariz., which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, J. B. Roberts, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at a point suitable to the interests of navigation, at or near Parker, Yuma County, Ariz., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon J. B. Roberts, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property for public purposes in such State.

SEC. 3. The said J. B. Roberts, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Arizona, the State of California, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof, as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. J. B. Roberts, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Arizona and California a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said J. B. Roberts, his heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. B. Roberts, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act, and which shall involve the expenditure of more than $5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required, and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, NIOBRARA, NEBR.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17208) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., authorized to be built by H. A. Rinder, his heirs, legal representatives, and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1928.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, strike out the figures "1928" and insert "1929."

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS OHIO RIVER, MAYSVILLE, KY.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17218) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Maysville, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the

costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CALUMET RIVER, CHICAGO, ILL.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17237, to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill., which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill., authorized to be built by the city of Chicago by an act of Congress approved March 21, 1924, heretofore extended by an act of Congress approved March 29, 1928, are hereby further extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 7, after the figures "1924," strike out "heretofore extended" and insert "as revived and reenacted."

Page 2, line 1, strike out the word "further."

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CANADIAN RIVER, NEAR FRANCIS, OKLA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17262) authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River, at or near Francis, Okla., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, H. L. Cloud, his successors and assigns or legal representatives, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Canadian River, at a point suitable to the interests of navigation, at or near Francis, Pontotoc County, Okla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Oklahoma, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Oklahoma, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if the tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. That H. L. Cloud, or his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Oklahoma a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Oklahoma shall, at any time within three years after the completion of such bridge investigate such costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting the bridge; for the purpose of such investigation the said H. L. Cloud, his heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion of the bridge, which shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. That the right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. L. Cloud, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TUNNEL UNDER THE DELAWARE RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17099) granting the consent of Congress to construct, maintain, own, manage, and operate a tunnel or tunnels and approaches thereto under the Delaware River.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Russell Thayer, a citizen of the Commonwealth of Pennsylvania, with power to assign his rights hereunder to General Motorways Co., a corporation now in process of formation under the laws of the Commonwealth of Pennsylvania, its successors and assigns, to construct, maintain, own, manage, and operate a tunnel or tunnels and approaches thereto under the Delaware River, at a location suitable to the interests of navigation, between South Philadelphia, county of Philadelphia, Commonwealth of Pennsylvania, and the city of Gloucester, county of Camden, State of New Jersey, in accordance with the provisions of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, and subject to the conditions and limitations contained in this act.

SEC. 2. That there be, and there hereby is, conferred upon said Russell Thayer and upon said General Motorways Co., when so formed, its successors and assigns, all such rights to charge tolls; all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the States of Pennsylvania and New Jersey needed for the location, construction, operation, and maintenance of such tunnel or tunnels and the approaches thereto and the terminals thereof; and such other rights as are possessed by tunnel companies incorporated in the Commonwealth of Pennsylvania, pursuant to an act of the Legislature of the Commonwealth of Pennsylvania approved April 29, 1874 (Pennsylvania Laws 73), as amended by the acts approved June 25, 1895 (Pennsylvania Laws 311), and July 15, 1897 (Pennsylvania Laws 277): *Provided, however,* That in exercising the right of eminent domain and in acquiring lands thereby in the State of New Jersey the procedure set forth by the laws of the State of New Jersey relating to railroad companies shall apply, and the proceedings for condemnation and the amount of compensation to be paid for land so acquired shall be the same as in the condemnation of property under such laws in the State of New Jersey.

SEC. 3. That the right to sell, assign, transfer, and/or mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Russell Thayer and to General Motorways Co., when formed, its successors and assigns, and to any corporation to which or any person to whom such rights, powers, and privileges may be assigned or otherwise transferred, or shall acquire the same by mortgage foreclosure or otherwise; and such successor, assign, or purchaser is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

With committees amendments as follows:

Strike out all after the enacting clause and insert the following:

"That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Russell Thayer, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a tunnel or tunnels and approaches thereto under the Delaware River, at a location suitable to the interests of navigation, between South Philadelphia, Pa., and Gloucester, N. J., subject to the conditions and limitations contained in this act: *Provided,* That work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers and the Secretary of War: *And provided further,* That in approving the plans for said tunnel or tunnels such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

"SEC. 2. There is hereby conferred upon Russell Thayer, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such tunnel or tunnels and approaches thereto as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

"SEC. 3. The said Russell Thayer, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit through such tunnel or tunnels, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War.

"SEC. 4. After the completion of such tunnel or tunnels, as determined by the Secretary of War, either the Commonwealth of Pennsylvania, the State of New Jersey, any public agency or political subdivision of either of such States, within or adjoining which any part of such tunnel or tunnels is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such tunnel or tunnels and the approaches thereto, and any interest in real property necessary therefor by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such tunnel or tunnels with approaches thereto the same are acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such tunnel or tunnels with approaches thereto, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the tunnel or tunnels with approaches thereto and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

"SEC. 5. If such tunnel or tunnels shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the tunnel or tunnels with approaches thereto under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such tunnel or tunnels shall thereafter be maintained and operated free of tolls or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the tunnel or tunnels with approaches thereto under economical management. An accurate record of the amount paid for acquiring the tunnel or tunnels with approaches thereto, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

"SEC. 6. Russell Thayer, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such tunnel or tunnels, file with the Secretary of War and with the highway departments of the Commonwealth of Pennsylvania and the State of New Jersey a sworn itemized statement showing the actual original cost of constructing the tunnel or tunnels with approaches thereto, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such tunnel or tunnels, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such tunnel or tunnels; for the purpose of such investigation the said Russell Thayer, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the tunnel or tunnels shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Russell Thayer, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 8. The authority granted by this act shall cease and be null and void unless the actual construction of the tunnel or tunnels hereby authorized is commenced within two years and completed within five years from the date of approval of this act.

"SEC. 9. All contracts made in connection with the construction of the tunnel or tunnels authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the tunnel is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which tunnel or tunnels are located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such tunnel or tunnels until the provisions of this section shall have been fully complied with.

"SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill authorizing Russell Thayer, his heirs, legal representatives, and assigns, to construct, maintain, and operate a tunnel or tunnels under the Delaware River between South Philadelphia, Pa., and Gloucester, N. J."

RELOCATION OF MICHIGAN AVENUE, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask for the present consideration of the Senate bill 5843, the House having reported a similar bill, which is on the Union Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5843) to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes

Be it enacted, etc., That in order to relocate the line of Michigan Avenue from Franklin Street as laid down on the plan of the permanent system of highways for the District of Columbia to Lincoln Road, bordering the southeast corner of the grounds of the United States Soldiers' Home, and to straighten and shorten the route of said avenue, the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as parcel E on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, containing 54,380 square feet, said part so closed, vacated, and abandoned to be transferred by said Commissioners of the District of Columbia to the United States as part of the grounds of the United States Military Asylum, known as the United States Soldiers' Home.

SEC. 2. That the Commissioners of the District of Columbia are authorized to use for street purposes all that part of the United States Soldiers' Home grounds designated as parcel A, containing 57,613 square feet, and parcel B containing 11,870 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429; and the proper authorities having title, control, or jurisdiction are authorized to make the necessary transfer of said parcels of land to the District of Columbia for street purposes.

SEC. 3. That the Commissioners of the District of Columbia are authorized to close, vacate, and abandon the portion of Michigan Avenue known and designated as parcel D, containing 69,336 square feet, and parcel H, containing 7,279 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, title to said parcels so closed, vacated, and abandoned to revert in fee simple to the owner or owners of the parcel numbered on the assessment records of the District of Columbia as parcel 120/1, said closing of said street and the transfer of title thereto to be upon the condition and with the express stipulation that the owner or owners of said parcel 120/1 shall dedicate to the District of Columbia for street purposes all of the parcel known and designated as parcel F, containing 43,161 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429, and shall further, in consideration of the increase in area of the property of said owner or owners of said parcel 120/1 by reason of the transfers as provided herein, dedicate to the District of Columbia about 36,000 square feet of land, the location of which shall be mutually agreed upon by the Commissioners of the District of Columbia and the owner or owners of parcel 120/1, and that said owner or owners of said parcel 120/1 shall transfer to the United States as part of the grounds of the United States Military Asylum, known as the United States Soldiers' Home, all of the parcel known and designated as parcel G, containing 1,543 square feet, as shown on said map No. 1429 in the office of the surveyor of the District of Columbia: *Provided, however,* That the board of commissioners of the United States Soldiers' Home, or the proper authorities having title, control, or jurisdiction, shall transfer to the owner or owners of the parcel designated on the assessment and taxation records of the District of Columbia as parcel 120/1 all the land comprised within the parcel known and designated as parcel C containing 4,517 square feet, as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1429.

SEC. 4. That the surveyor of the District of Columbia is hereby authorized to prepare the necessary plat or plats showing all parcels of land to be transferred in accordance with the provisions of this act, with a certificate affixed thereon to be signed by the parties in interest making the necessary transfers, which plat and certificate, after being signed by the various interested parties and approved by the Commissioners of the District of Columbia, shall be recorded upon order of said commissioners in the office of the surveyor of the District of Columbia; and said plat or plats, when duly recorded in said office of the surveyor of the District of Columbia, shall constitute a legal transfer of title of the various parcels to the parties in interest according to the provisions contained in this act.

SEC. 5. That the Washington Railway & Electric Co. shall be authorized and required, upon the straightening and shortening of the line of Michigan Avenue as provided herein, to remove the tracks of said company from their present location along Michigan Avenue, from Franklin Street as laid down on the plan of the permanent system of highways of the District of Columbia to Lincoln Road, and to relocate said tracks along the center of Michigan Avenue according to the new location of said avenue between said points, as straightened and shortened in accordance with the provisions of this act, and to bring said relocated tracks to approved grade of said avenue as determined by the Commissioners of the District of Columbia, and to do all necessary work in connection therewith, the costs and expenses of the removal and relaying of tracks and replacing the trolley poles, and all necessary work incident thereto, to be borne by said Washington Railway & Electric Co.; all such work to be performed under the supervision and to the satisfaction and approval of the Commissioners of the District of Columbia.

SEC. 6. That the appropriation contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1930, for the paving of Michigan Avenue between North Capitol and Monroe Streets NE. is hereby also made available to pay any and all expenses for grading of roadways and for removing and replacing water mains and for any and all work incident thereto, including the reconstruction of the boundary fence in good condition of the United States Soldiers' Home on the boundary line of its grounds as relocated on said plat, the removal of the street pavements and sidewalks from the area transferred to said home and for bringing the surface of said area to grade with loose earth suitable for growing vegetation; any trees required to be cut in making the proposed change to remain the property of the United States Soldiers' Home and to be cut into cord lengths, split, and stacked by the District of Columbia.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized, upon the straightening and shortening of Michigan Avenue as provided by this act, to do any and all acts which may be necessary to give the Washington Railway & Electric Co. such easement or right of way over said Michigan Avenue as is necessary for the proper operation of the railway lines and cars of said company over said avenue as straightened and shortened by the provisions of this act.

SEC. 8. That the charter or act of incorporation of the Washington Railway & Electric Co. is hereby amended so as to provide for the lawful relocation of the tracks of said company as provided herein, said charter or act of incorporation to conform in all respects to the provisions of this act, and any and all provisions in said charter or act of incorporation in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Senate bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

LAND FOR TWO MODERN INCINERATORS, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5598, with certain amendments.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5598) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to acquire, by purchase at such price or prices as, in their judgment, they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation, in accordance with the provisions of Chapter XV of the Code of Law for the District of Columbia, under a proceeding or proceedings in rem instituted in the Supreme Court of the District of Columbia, two suitable and properly located sites in the District of Columbia, one in the southeastern section not exceeding 100,000 square feet in area, and one in Georgetown, not exceeding 49,000 square feet in area: *Provided,* That if the said sites or any part thereof be condemned the said commissioners shall be entitled to enter immediately into possession of any property for which an award shall have been made by paying the amount of such award into the registry of the Supreme Court of the District of Columbia: *Provided further,* That authority is hereby granted to occupy, in addition to the site to be acquired in the southeastern section, such public highways and alleys or parts of public highways and alleys as abut or fall within said site, but the owners of abutting property shall not be denied the use of such highways or parts of highways for ingress and egress.

SEC. 2. That the said commissioners are authorized to erect upon each of said sites a modern, high-temperature refuse incinerator and the necessary equipment for its efficient operation, the combined capacity of such incinerators to be sufficient to consume the entire production of combustible refuse, including street sweepings, in the District of Columbia; and the said commissioners are further authorized to do such grading and fencing of the sites as may be necessary, and to construct loading hoppers, separating plants, ramps, platforms, and buildings for the storage of equipment.

SEC. 3. That the said commissioners shall give reasonable public notice thereof and shall fix a date after which all combustible refuse collected by public or private agencies in the District of Columbia shall be delivered at the incinerators herein provided for, for disposal, except that hotels, apartment houses, business houses, or residences may dispose of their own refuse in their own incinerators: *Provided,* That such incinerators are inspected and approved for use by the proper agency of the District of Columbia; and after such date it shall be unlawful for any person, firm, company, or corporation to dispose of any combustible refuse in any other manner or at any other place than that prescribed by the said commissioners. The said commissioners are hereby empowered and authorized to make and enforce such

regulations as they may deem necessary and proper to carry out the purposes of this act.

SEC. 4. That from and after the date when the incinerators herein authorized to be constructed shall be in operation it shall be unlawful for any person, firm, company, or corporation to burn or in any way dispose of combustible refuse in any manner or at any place other than that prescribed by the said commissioners, except as hereinbefore designated. A violation of the provisions of this act shall be a misdemeanor; and, upon conviction thereof, the person, firm, company, or corporation so charged shall be fined not more than $100 for each and every offense, or confined in the District of Columbia jail for a period not exceeding 60 days, or both, in the discretion of the court.

SEC. 5. That, in order to dispose of combustible refuse in the manner provided by this act, the commissioners are authorized to purchase motor trucks and trailers and other means of transportation, to install additional equipment, buildings, and machinery, and to employ personal services and labor.

SEC. 6. That a sum not exceeding $725,000 is hereby authorized to be appropriated, in like manner as other appropriations, for the expenses of the District of Columbia, for sites, buildings, equipment, and other construction work authorized by this act, of which amount $25,000, or so much thereof as may be necessary, may be expended for the employment of one or more experts for engineering studies, to determine the possible generation or use of available power resulting from incineration of combustible refuse, and for preparation of plans and specifications; and, upon completion of the incinerators herein provided for, the said commissioners shall abandon the use of the leased plant at Montello Avenue and Mount Olivet Road NE.

With committee amendments as follows:

Page 2, line 5, after the word "area," insert the following proviso: "*Provided*, That the location of said sites shall be approved by the National Capital Park and Planning Commission before purchase or the institution of proceedings for condemnation thereof."

Page 3, line 1, after the word "construct," strike out "loading hoppers, separating plants, ramps, platforms, and."

Page 3, line 15, after the word "commissioners," strike out the period, insert a colon and the following: *Provided, however*, That nothing in this act shall prohibit or prevent the sale of salvageable material by the owners thereof or by the Commissioners of the District of Columbia."

Page 4, line 19, after the word "engineering," strike out "studies to determine the possible generation or use of available power resulting from incineration of combustible refuse, and."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

RECOGNITION OF MERITORIOUS SERVICE BY MEMBERS OF POLICE AND FIRE DEPARTMENTS, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 5512.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (S. 5512) to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5512) to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia

Be it enacted, etc., That for the official recognition of outstanding acts in the line of duty by the members of the police and fire departments of the District of Columbia there shall be awarded annually one gold medal and one silver medal, appropriately inscribed, to those two members of each department who have by outstanding or conspicuous services earned such awards.

SEC. 2. The awards shall be made annually by a committee of five persons, consisting of the head of each department and three civilians appointed by the commissioners of said District; all to serve without compensation on such committee of award.

SEC. 3. When promotions are being made in the departments the holders of such medals shall be preferred to other members of said departments, other things being equal.

SEC. 4. To provide for the cost of such medals there is hereby authorized to be appropriated annually such sum as the Commissioners of the District of Columbia may deem necessary for the purpose.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT CAIRO, ILL.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17311) to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill. This is a bill which I myself filed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill., authorized to be built by the Cairo Bridge & Terminal Co., its legal representatives, successors, or assigns, by the act of Congress approved April 2, 1926, is hereby extended to April 2, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

PAY FOR INFORMATION CONCERNING VIOLATIONS OF THE NARCOTIC LAWS

Mr. FISH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16874.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 16874) authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States.

The SPEAKER. Is there objection?

Mr. BOX. I reserve the right to object, Mr. Speaker.

Mr. FISH. This is from the Committee on the Judiciary.

Mr. BOX. I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Prohibition is authorized and empowered to pay to any person, from funds now or hereafter appropriated for the enforcement of the narcotic laws of the United States, for information concerning a violation or attempted violation of any narcotic law of the United States, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law.

Mr. BANKHEAD. Mr. Speaker, as I understand, unanimous consent was requested for the consideration of this bill.

The SPEAKER. Unanimous consent was granted for the consideration of the bill.

Mr. BANKHEAD. I understood the gentleman from Texas objected.

Mr. BOX. Mr. Speaker, the gentleman from Texas reserved the right to object, but did not urge his objection.

Mr. BANKHEAD. May I ask the gentleman from New York how much this bill authorizes to be appropriated?

Mr. FISH. Nothing whatever. It is taken care of in the second deficiency bill and it authorizes no money whatever.

Mr. BANKHEAD. What is its purpose?

Mr. FISH. It is for the purpose of getting information which will enable the department to catch the big smugglers of narcotics from abroad. It was reported unanimously by the committee.

Mr. BYRNS. Do I understand that the $200,000 carried in the deficiency bill is for this purpose?

Mr. FISH. A part of it. Most of it is for new agents, but a part of it is for the purpose of getting this information.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BUILDING FOR THE SUPREME COURT OF THE UNITED STATES

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 223, to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for

the construction of a building for the Supreme Court of the United States," approved December 21, 1928.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of Senate Joint Resolution 223, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928, is amended by adding at the end thereof the following new section:

"SEC. 4. Notwithstanding the provisions of section 1, any individual who on March 3, 1929, is a member of the commission by virtue of a committee chairmanship or ranking minority membership as above specified, shall, despite the expiration of his term of office as a Member of the Senate or House of Representatives, continue to serve as a member of the commission until death or resignation. In the event of the death or resignation of any such member, the provisions of section 1 shall be applicable with respect to successors of such member."

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELLIOTT: On page 2, in line 5, after the word "until," strike out the words "death or resignation" and insert the words "the completion of the building."

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

RETIREMENT OF CAPTAINS, COMMANDERS, AND LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent for the present consideration of a bill which is on the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read the title of the bill (H. R. 17322) as follows:

A bill to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy."

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with and that I may address the House for one minute in order to explain the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois to address the House for one minute?

There was no objection.

Mr. BRITTEN. Mr. Speaker, this legislation is necessary because of the parliamentary situation in the Senate. It merely changes existing law from March 4, 1929, to March 4, 1931. That is all it does.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLACK of Texas. What is the purpose of the extension?

Mr. BRITTEN. The purpose of the extension is this: Under existing temporary law officers in the Navy are retired after time in grade; in other words, after 35 years of commissioned service as a captain, 28 years as a commander, and 21 years as a lieutenant commander. That law is merely temporary. It was called the Updike law, passed in 1926, and expires on March 4, 1929, unless the personnel bill now resting in the Senate is passed, which adopts the same principle.

Unless the legislation before us goes through or the personnel bill now in the Senate goes through before March 4, some 20 very capable officers will be retired automatically because of having reached a retirement age. Of the 20 officers affected, 10 or 11 of them are ex-enlisted men who have come up in the service. They, too, will be automatically taken out of the service because of their advanced age. They are very valuable men, and the Navy desires to hold them. Unless this temporary legislation is extended or unless the personnel bill now pending in the Senate is passed these 20 officers will be retired, some of them with no chance for promotion by a selection board.

Mr. BLACK of Texas. I think the bill ought to pass.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, this is the same bill we had before the House some four or five weeks ago and about which I interrogated the gentleman from Illinois, as I recollect.

Mr. BRITTEN. Well, we had several bills.

Mr. HUDDLESTON. If it is the same measure I am very much persuaded that the bill ought not to pass.

Mr. BRITTEN. I am sure if the gentleman understood the situation he would be wholeheartedly for it.

Mr. HUDDLESTON. The effect of the bill is to disturb the regular process of retirement?

Mr. BRITTEN. Oh, no. I now recall the gentleman's objection some four months ago. He was interested in one of the staff corps, the Medical Corps, as I recall. This bill has no effect whatever on that corps.

Mr. HUDDLESTON. But it has effect as to other officers.

Mr. BRITTEN. Only the line of the Navy.

Mr. HUDDLESTON. I objected to the application of the principle to officers in the Medical Staff, and I do not think it ought to be applied to other officers. When the matter was up before I became convinced that it ought not to be applied to any officer.

Mr. BRITTEN. This legislation keeps these officers in the service and does not put them out. It promotes an opportunity for selection up which otherwise can not possibly prevail. The gentleman surely will agree with me that every officer should have equal opportunity for promotion. I will explain the bill to the gentleman.

Mr. HUDDLESTON. I do not think that is desirable legislation, particularly at this stage of the session. It is a matter requiring very careful consideration. Every time we touch the question of retirement we find we have done something wrong. Every time we touch the question of pay, we come back and somebody else wants more pay because we did something wrong.

Mr. BRITTEN. I hope the gentleman will not object.

Mr. HUDDLESTON. I hope the gentleman will not insist on his request.

Mr. BRITTEN. This merely extends existing law.

Mr. HUDDLESTON. Existing law is what I object to, and therefore I am compelled to object to an extension of it. I object, Mr. Speaker.

AMATEUR BOXING IN THE DISTRICT OF COLUMBIA

Mr. UPDIKE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4085) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, may the bill be reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That whoever shall in the District of Columbia voluntarily engage in a pugilistic encounter shall be imprisoned for not more than five years. By the term "pugilistic encounter," as herein used, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or anything of value, except a suitably inscribed wreath, diploma, banner, badge, medal, or timepiece, not exceeding the value of $35, or upon the result of which any money or anything of value is bet or wagered, or to see which an admission fee of more than $2 is directly or indirectly charged.

SEC. 2. (a) There is hereby created for the District of Columbia a boxing commission to be composed of three members appointed by the Commissioners of the District of Columbia. No person shall be eligible for appointment to membership on the commission unless such person at the time of appointment is and for at least three years prior thereto has been a resident of the District of Columbia. The terms of office of the members of the commission first taking office after the approval of this act shall expire at the end of two years from the date of the approval of this act. A successor to a member of the commission shall be appointed in the same manner as the original members and shall have a term of office expiring two years from the date of the expiration of the term for which his predecessor was appointed; except that any person appointed to fill a vacancy occurring to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. The members of the commission shall receive no compensation for their services. The Commissioners of the District of Columbia shall furnish to the boxing commission such office space and clerical and other assistance as may be necessary.

(b) Subject to the approval of the Commissioners of the District of Columbia, the commission shall have power (1) to cooperate with organizations engaged in the promotion and control of amateur boxing (2) to supervise and regulate amateur boxing within the District of Columbia, and (3) to make such orders, rules, and regulations as the commission deems necessary for carrying out the powers herein conferred upon it.

(c) No person shall hold a boxing exhibition in the District of Columbia without a permit from the commission, but the commission

shall not issue any such permit except to a club, university, college, school, or other organization or institution which the commission finds is interested in the promotion of amateur athletics. Each such permit shall be limited to a period of one day, except that in case of any interscholastic boxing meet or similar contest a permit may be used for the duration of such meet or contest. No such permit shall be issued to any person unless such person agrees to accord to the commission the right to examine the books of accounts and other records of such person relating to the boxing exhibition for which such permit is issued, and such permit shall so state on its face. A permit may be revoked at any time in the discretion of the commission.

(d) No individual shall engage in any boxing exhibition in the District of Columbia without a license from the commission. Such license shall entitle the licensee to engage in amateur boxing exhibitions in the District of Columbia for the period specified therein, but the commission shall not issue any such license to any individual if the commission finds that such individual has at any time or place engaged in any professional prize fight or in any boxing exhibition for which he received money as compensation or reward, and the commission shall revoke any such license if at any time, after notice and hearing, it makes such finding in respect of the licensee, and may revoke any such license at any time for violation by the licensee of any order, rule, or regulation of the commission, or for other cause.

(e) Any permit or license issued by the board shall not be valid for the purpose of holding or engaging in, respectively, any boxing exhibition which does not conform to the following conditions: (1) Such exhibition may consist of one or more bouts, but no such bout shall continue for more than four rounds; (2) no round shall exceed two minutes; (3) there shall be an interval of one minute between each round and the succeeding round; and (4) each contestant shall use gloves of not less than 8 ounces each in weight.

(f) The commission may charge for permits and for licenses such fees as will, in its opinion, defray the cost of issuance thereof and other necessary expenses of the commission.

(g) Any person who (1) holds any boxing exhibition in the District of Columbia without a permit valid and effective at the time, or (2) engages in any boxing exhibition in the District of Columbia without a license valid and effective at the time, or (3) violates any lawful order, rule, or regulation of the commission shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both.

(h) The term "person," as used in this act, includes individuals, partnerships, corporations, and associations.

Mr. STEAGALL. Mr. Speaker, reserving the right to object, I want to ask the gentleman just what this bill does, not by reading from the bill, but to let the Members who are not on the committee know just what is in the bill.

Mr. UPDIKE. This bill provides a penalty of not more than five years' imprisonment for engaging in professional prize fighting in the District of Columbia, and the term "pugilistic encounter" is defined as any voluntary fight by blows between two or more men.

Mr. STEAGALL. What I want to know is whether this bill prohibits prize fighting in the District of Columbia or permits it.

Mr. UPDIKE. It prohibits professional prize fighting in the District of Columbia and makes the law more stringent with reference to professional prize fighting, but allows amateur boxing.

Mr. STEAGALL. Which is now prohibited.

Mr. UPDIKE. Which is not permitted at this time under existing law.

Mr. STEAGALL. And the gentleman wants it permitted in the District of Columbia. I object, Mr. Speaker.

CARL SCHURZ

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed out of order for three minutes on the question of the one hundredth anniversary of the birth of Hon. Carl Schurz.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Speaker, to-day is the one hundredth anniversary of the birth of Carl Schurz, the father of civil-service reform, the father of conservation, a distinguished American orator, diplomat, soldier, United States Senator, member of the Cabinet, editor, historian, statesman, and patriot.

I could not, in the brief time allotted to me, pay any greater tribute to the memory of this distinguished American than to quote the brief tribute appearing on the anniversary postal cards circulated by the Muehlenberg Unit, No. 36, Steuben Society of America, Milwaukee, Wis.:

Carl Schurz was born at Liblar, Germany, March 2, 1829. While yet a university student he became prominent in the unsuccessful uprising for the unification of the German States under a constitutional government (realized in 1871).

Coming to the United States in 1852, and to Wisconsin in 1854, he espoused the antislavery cause, speaking effectively for Fremont in 1856. His speeches in 1858 for Abraham Lincoln created a sensation, and were published and circulated throughout the North.

A regent of the university and chairman of the Wisconsin delegation to the convention which nominated Lincoln, Schurz was the outstanding speaker in that memorable campaign.

As adviser to Lincoln, minister to Spain, major general, United States Senator from Missouri, Secretary of the Interior under Hayes, leader in civil service and other reform movements, political factor, orator, editor, historian, scholar, and statesman, Schurz acquitted himself with exceptional honor and ability.

A commanding political figure for nearly 50 years, at his death in New York in 1906 he was recognized as one of America's ablest and noblest public men.

[Applause.]

Joseph Schafer, the superintendent of the Wisconsin State Historical Society, in an article appearing in the magazine of that society, states:

Schurz's coming to America was not in answer to a Macedonian cry from this side the salt sea. On the contrary, we felt an unmeasured competence to manage without the aid of foreigners, who on political grounds were at that time rather feared and hated as alien disturbers than welcomed as cooperating brothers. Yet American statesmanship found in him, from some points of view, its highest exemplification. He possessed breadth of learning, the ability and habit of careful investigation, rare talent for speaking, and equal talent for writing. His personality not only commanded universal respect but appealed dramatically to great masses of men, while his disinterestedness, profound moral conviction, and unshakable democratic faith elevated his politics to a plane approaching that of religion. Without notable gifts as a political manager, he was yet enabled to impress his character upon the public affairs of the Nation. His life gave to American politics in a time of spiritual depression a vigorous impulse toward a new idealism. It justified the tribute of Richard Watson Gilder in his poem on Carl Schurz:

Ah, what a life! From knightly youth
Servant and champion of the truth.
* * * * *
In youth he braved a monarch's ire
To set the people's poet free;
Then gave his life, his fame, his fire,
To the long praise of liberty.

[Applause.]

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Carl Schurz.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, to-day is the one hundredth anniversary of the birth of Carl Schurz.

It is well to pause in our deliberations; it is well for the American public to quiet for a moment its dynamos of industry and commerce and reflect upon the life and work of this great American and pay him a tribute of respect and reverence. Born in the Rhineland, he early fled from the tyranny then obtaining in Germany and promptly allied himself with liberal leaders here. He soon became a friend and military aide to Lincoln.

In 1861, at the age of 32, he became minister to Spain and served during a trying period. He returned to enter the Union Army and advanced to rank of major general and earned a niche in the American military hall of fame.

As special commissioner to investigate reconstruction conditions he fought for righteous and humane consideration of the Southland. He was among the first to demand granting of general amnesty.

In 1869 he was elected United States Senator from the State of Missouri and became a recognized leader of liberal, progressive principles.

In 1877 he became Secretary of the Interior under Hayes. There he first established, under departmental rules, the "merit system" of appointments to office, leading shortly afterwards to the enactment of the now firmly established Federal civil service law.

Ever a German idealist he inspired by precepts and examples his fellow Americans of German birth to cherish America with heart and soul and to adhere and cling to the ideals that animated the fathers who founded this country.

It is a happy augury that in the demonstrations of to-day, both countries—United States and Germany—take pride in the celebration of his achievements, and alike find encouragement in his example.

RELIEF OF MAJ. H. E. MINER AND OTHERS

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4308) for the relief of Maj. H. E. Miner, Capt. A. J. Touart, Capt. J. L. Hay-

den, Capt. H. H. Pohl, First Lieut. C. C. Jadwin, and First Lieut. F. B. Kane, United States Army.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill S. 4308, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. H. E. Miner, $2,322.40; Capt. A. J. Touart, $672; Capt. J. L. Hayden, $6,819.90; Capt. H. H. Pohl, $7,524.62; First Lieut. C. C. Jadwin, $3,566.72; and First Lieut. F. B. Kane, $3,601.90, out of any money in the Treasury not otherwise appropriated, as reimbursement for loss by fire of personal property stored at West Point, N. Y., on August 11, 1927.

Mr. BLACK of Texas. Reserving the right to object, may I inquire if this bill was reported by the Military Affairs Committee of the House?

Mr. WAINWRIGHT. It was reported by the Military Affairs Committee of the House.

Mr. BLACK of Texas. May I inquire how the Committee on Military Affairs acquired jurisdiction of a private claim, for that is what this is.

Mr. WAINWRIGHT. It was referred to the Military Affairs Committee.

Mr. BLACK of Texas. May I inquire if the item was recommended by the Secretary of War?

Mr. WAINWRIGHT. The justice of the claim was declared by the Secretary of War, but the objection was raised by him that possibly this should be taken care of by general legislation.

Mr. BLACK of Texas. What was the attitude of the Director of the Budget?

Mr. WAINWRIGHT. I do not believe that it has been to the Director of the Budget.

Mr. BLACK of Texas. I object.

MARGARET I. VARNUM

Mr. MORIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 264) for the relief of Margaret I. Varnum.

The Clerk read the bill, as follows:

An act (S. 264) for the relief of Margaret I. Varnum

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, George Smith, late private of Company K, Twenty-first Regiment Massachusetts Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 4th day of March, 1862: *Provided*, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

ANTOINE LAPORTE

Mr. MORIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4237) for the relief of Antoine Laporte, alias Frank Lear.

The Clerk read the bill, as follows:

An act (S. 4237) for the relief of Antoine Laporte, alias Frank Lear

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Antoine Laporte, alias Frank Lear, who was a private in Company L, Eleventh Regiment First Vermont Volunteer Heavy Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on November 24, 1863: *Provided*, That no pay, compensation, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TO AMEND THE FEDERAL FARM LOAN ACT

Mr. McFADDEN. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act as amended, and concur in the Senate amendment.

The SPEAKER. Is there objection?

Mr. STEVENSON and Mr. STEAGALL objected.

The SPEAKER. The Chair thinks that this is privileged.

Mr. STEAGALL. Mr. Speaker, this is the identical parliamentary situation that the Chair passed on a few days ago. It is a question of the maximum loan that may be made by the Federal loan banks. The House passed a bill fixing the maximum at $15,000, and the Senate passed it fixing it at $25,000.

The SPEAKER. These are the same bills, but the situation is different. In that case we were considering the Senate bill, the House bill having been favorably reported. The Chair ruled that the House bill must be substantially the same bill as the Senate bill. The House bill was not substantially the same, and the Chair sustained the point of order. In this case the question is, Is this an amendment to be considered in Committee of the Whole? The Chair thinks not.

Mr. BLACK of Texas. The gentleman from Pennsylvania would have under the rules of the House one hour on his motion to agree to the Senate amendment, would he not? The Democratic members of the committee are opposed to the change. Will the gentleman yield to him some of his time?

Mr. McFADDEN. I did not want to take up the time of the House so late in the session. I will say in answer to what has been said that the majority of the committee authorized the chairman to take up the Senate bill 5302 from the Speaker's table the other day, but it was objected to, and because of the parliamentary situation at that time the Speaker sustained the point of order. Subsequently the Senate passed the House bill.

Mr. STEAGALL. Will not the gentleman agree that members of the committee who are opposed to this legislation shall have an opportunity to be heard by the House in order that the House may be informed of the action of the committee and the reasons of those who are opposed to it?

Mr. McFADDEN. Mr. Speaker, I do not desire to stop discussion of the measure at all. How much time does the gentleman want?

Mr. STEAGALL. We would like to halve the time allowed under the rule.

Mr. STEVENSON. We would like to have half the time for those who are opposed to the measure.

Mr. STEAGALL. That is what I mean to say.

Mr. STEVENSON. There are Republican members on the committee opposed to it as well as Democratic members, and we want the time divided among them.

Mr. McFADDEN. I should be very glad to yield half the time to those opposed to the bill. Mr. Speaker, I yield 30 minutes to those in opposition to the bill, providing it be divided equally between the Republican and Democratic sides, as the opposition may be shown.

The SPEAKER. When this matter was called up the Chair assumed that there would be no debate. There is before the House now the unfinished business of yesterday. The Chair suggests to the gentleman that he defer calling up this bill until after the unfinished business is completed.

Mr. McFADDEN. Very well.

ENTRYMEN ON DESERT LANDS

Mr. SWING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, S. 5730, to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the acts of March 21, 1918 (40 Stat. 458), and consider the same at this time.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table and consider the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1922, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has in good faith expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee 90 days from notice within which to pay to the register of the United States Land Office 50 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this act, and thereafter within one year from the date of the filing of such election to pay to the register the additional amount of $1.50 an acre, which shall entitle him to a patent for the land: *Provided*, That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the scope of this bill?

Mr. SWING. It is to permit to desert-land entrymen who made their entries before July 1, 1922, and who submit proof that they have made bona fide effort to comply with the desert

land law and have been unable to do so because of failure to get water, and who have expended the sum of $3 per acre in an effort to reclaim the land, an extension of time to perfect title under certain conditions.

Mr. SCHAFER. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BUILDING FOR THE NATIONAL MEMORIAL ASSOCIATION (INC.) IN THE CITY OF WASHINGTON

The SPEAKER. Just before the House adjourned yesterday the House, by tellers, had ordered a second on Senate Joint Resolution 132, to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington as a tribute to the negroes' contribution to the achievements of America. The Chair recognizes the gentleman from Tennessee [Mr. TAYLOR] for 20 minutes and the gentleman from Mississippi [Mr. RANKIN] for 20 minutes.

Mr. TAYLOR of Tennessee. Mr. Speaker and Members of the House, I shall bid for your blessings by being brief. I had hoped that it would not be necessary for me to occupy any time in a discussion of this very worthy and thoroughly meritorious measure, because I felt that it deserved and would receive the unanimous and enthusiastic support of the Congress. I confess my very great disappointment, my utter amazement, and my no little chagrin last night when opposition presented itself to my motion to suspend the rules. The melancholy feature about the opposition and the thing that I most deprecate is the fact that the opposition is confined wholly to one side of this Chamber. I had been laboring under the belief that the "incensing relics" of race antagonism and race prejudice had been buried at Appomattox and buried "too deep for resurrection," but, alas, I have been disillusioned. I confess my amazement at seeing the proud Representatives of the great, stalwart, independent, and arrogant Caucasion race gainsaying and denying this small, paltry, insignificant modicum of consideration and encouragement to a people just a little more than a half century removed from penal servitude and a people who have contributed so much in a material and patriotic way to build up this great country and make it as it is to-day the envy and admiration of the nations of the earth.

Mr. Speaker, this measure passed the Senate without a single dissenting vote. Is it possible that the other branch of the Congress is more liberal, more magnanimous, and more charitable and appreciative than are we of an element in our citizenship that has made its full sacrifice of blood and treasure in every crucial period in our Nation's history. God forbid that such be the case. From the Boston Commons to the bloody Argonne Forest the colored American soldier has displayed a quality of heroism equal to that of his white comrade on every battle field and in every war, and he has never been found lacking in patriotism or loyalty to the colors. In reviewing accounts of the uniform heroism of the colored soldier in all our wars, I was particularly impressed by the tribute paid him by Col. Theodore Roosevelt. Referring to the heroic conduct of the Ninth and Tenth Cavalry at San Juan Hill and El Caney the immortal "Teddy" said:

> The Ninth and Tenth Cavalry Regiments fought one on either side of mine, and I wish no better men beside me in battle than these colored troops showed themselves to be.

In my judgment a finer tribute from a higher authority than this can not be found. Wheresoever and whensoever he has fought he has exemplified a magnificent spirit of self-sacrifice and sublime courage. There is not a more loyal element in our entire citizenship than our colored group. In all of our illustrious history, they have never produced a traitor, a Bolshevist, an anarchist, or an atheist, so far as I have ever heard.

Mr. Speaker, no people in the history of the world have shown the progress that the American colored man has exhibited during the last three-score years. Sixty-five years ago in slavery, to-day he constitutes an important and substantial part of our national wealth and our national population. He has produced lawyers, doctors, ministers, and statesmen during this brief period, who have taken high rank in their respective professions and challenged universal interest and admiration performing these things under innumerable and almost insuperable difficulties.

When the immortal Lincoln struck from their limbs the shackles of slavery in 1865, the American negroes owned 2,000 homes and operated 700,000 farms. Then they conducted 2,100 business enterprises, and now they conduct 70,000. Meanwhile their aggregate wealth has increased from $20,000,000 to $2,000,000,000—one hundred times as much in the short period of 50 years. Statistics reveal the very interesting fact that in 1920, there were in America 332,249 negroes engaged in skilled and semiskilled occupations. It is also proper to remark that while the negro was purchasing homes and operating farms, he was also educating his children, building and supporting churches, schools and colleges, and sending missionaries to Africa.

Mr. Speaker, I am led to believe that the opposition to this measure is due largely to prejudice and the further fact that our friends on the other side of the Chamber are not familiar with the provisions and the purposes of this bill. This measure is designed mainly to give a dignity, a prestige, and a responsibility as well as an impetus to this highly commendable movement.

The proposed shrine is in no sense inimical or inconsistent with the spirit of our institutions, but on the contrary is in keeping with that spirit. It is proposed by the colored people to erect a memorial here in the Nation's Capital that will not only be a credit to their race but an honor to the Capital City of the greatest Nation of the world. It is planned to erect a memorial that will cost from one million to two million dollars, the amount to be raised by popular public contributions from the 12,000,000 colored people in this country and their white friends here and elsewhere. It will be a beautiful building and will be designed by the Commission of Fine Arts of the National Capital—a building suitable to depict the Negro's contribution to America and his achievements in the military service, in art, invention, industry, and science—a fitting tribute which will serve as an educational center and will be an inspiration to present and future generations.

Mr. Speaker, we know that the often-repeated slogan of equal opportunity and equality of treatment is a fallacy and an idle fiction so far as the Negro is concerned. We know that negroes are not admitted on equal terms with white people in the public buildings in this city or elsewhere. So why not give him this small meed of assistance and encouragement in this worthy undertaking, when it will only cost the Federal Treasury the puny sum of $50,000; and by express terms of the bill this will not be available until $500,000 has been raised by popular subscription and turned over to the memorial association created by this bill. As a further safeguard, this commission is composed of nine members, to be appointed by the President of the United States, with the Director of Public Buildings and Public Parks of the National Capital, the Supervising Architect of the Treasury, and the Capitol Architect an ex-officio members.

Such a building as is proposed by this measure will benefit this Government far more than $50,000, no matter what race, color, or creed might sponsor it. The Government can well afford to invest $50,000 in this project, irrespective of sentiment and out of cold, naked national pride, if for no other reason.

Let us lay aside sectional prejudice and race antagonism and pass this bill, and thereby in a small way recognize the valuable contribution that the colored people have made to our country and its flag. [Applause.]

Mr. RANKIN. Mr. Speaker, of course I can not support this bill, which proposes to erect a $500,000 memorial to the Negro race in the District of Columbia and to start it by appropriating $50,000 out of the Federal Treasury to begin with.

This is a political measure, intended to catch negro votes, and it seems to me that it is little short of an outrage to pass such a resolution. There has never been a memorial erected to any race of people in this country.

Not only that, but there is not a monument to Thomas Jefferson in the National Capital, that greatest political philosopher of all times, to whom we are largely indebted for our American institutions and to whom more than to anyone else, with the possible exception of Washington, we are most indebted for our American independence. Yet in the face of that neglect we are asked to erect a $500,000 memorial to the negroes in Washington.

Nor can I agree with the statement made by the gentleman from Tennessee [Mr. TAYLOR] that the negro has proved himself equal to the white man in every battle in every war that we have had. How absurd!

I would not have to go beyond the confines of the gentleman's own State of Tennessee to refute that statement. There never was a negro regiment on earth, and there never will be, equal to a regiment of Confederate veterans during the Civil War. There never was one, and I dare say there never will be one, to compare with a regiment of white Federal soldiers during the Civil War.

Nor can I agree with the gentleman's intimation that they compared with our white soldiers in the World War. The only division of negro troops, commanded exclusively by negro officers that I know anything about, was the Ninety-second Division. We all remember what happened when they were thrown into action. We are all familiar with the demoralization that followed.

I am willing to give the negro credit for everything that he is and everything that he has done, but I can not agree with any statement to the effect that the negro soldiers ever compared man for man with the great heroes who have fought America's battles in times of war.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. WAINWRIGHT. Did I understand the gentleman to say there was only one colored unit in action?

Mr. RANKIN. That was manned by colored officers.

Mr. WAINWRIGHT. I call the gentleman's attention to the Fifteenth Infantry of New York, which had a gallant record.

Mr. RANKIN. But that was commanded by white officers. I never heard anything of its gallantry before.

But there is no reason for this resolution. I have heard men get up on this floor and talk about what the negro is and what he has accomplished, and intimate that he has done so in spite of "oppressions from the people in the Southern States."

Why, Mr. Speaker, the people of the South have done more to take the negro from his natural state of savagery in which they found him hundreds of years ago and lift him up and show him the ways of civilization than have any other people with whom he has come in contact in all the ages past and gone. The white man in the South is the best friend the negro ever had or ever will have again, and I can not agree with the statements made by the gentleman from Tennessee [Mr. TAYLOR] to the contrary.

This bill provides for a fund of $500,000. I know they will say that it is to be contributed.

But they will come in later and ask for an appropriation; and even now you start in with an appropriation of $50,000.

As I said in the beginning, I am not willing to expend the Government's money to build a memorial here to commemorate the achievements of the negro race; nor am I in favor of spending money in this way on any other race so long as the American Congress refuses to erect a monument in the National Capital to the memory of Thomas Jefferson, the father of the Declaration of Independence.

I know that it is useless to oppose this measure, but I, for one, want to go on record in opposition to it. The bill should not pass.

The SPEAKER pro tempore. The gentleman from Mississippi reserves 14 minutes.

Mr. TAYLOR of Tennessee. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield four minutes to the gentleman from Kentucky [Mr. THATCHER].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for four minutes.

Mr. THATCHER. Mr. Speaker and Members of the House, I am so frequently in agreement with my distinguished friend from Mississippi [Mr. RANKIN] that I very much regret that I am not in agreement with him now. I disclaim any political motives; and as far as political motives might be considered, as much might be said touching the opposition to this measure as could be said touching the position of those who favor it. I believe that the enactment of this legislation will constitute a simple act of justice; and not only a simple act of justice, but an act which in its far-reaching effect will prove to be of the most splendid character.

If it is said that a building of this kind has not been erected for any white group in this country, it can also be said in response to that suggestion that only the Negro race has given to America two and a half centuries of unrewarded labor; and that is a matter worthy of some consideration by this Congress. To the city of Washington it will be worth $50,000, the total amount authorized by this bill; it will be worth that much to guarantee that the proper sort of building is constructed here; that in its architecture and artistic features, and all those elements which are so necessary to preserve in the National Capital the great plan of preserving this city as the most artistic capital in the world, the proposed structure shall measure up to the highest standards of excellence. It is worth that much alone, this small sum of $50,000, that it should be authorized and appropriated by Congress for the purpose of supervising this work. The building itself, to cost not less than a half million dollars, must be paid for by voluntary subscriptions. The Government will pay no part of it.

It is proposed in this bill that those of the Negro race of this country shall have an opportunity, where otherwise they might never have an opportunity at all, to make their exhibits touching their advance in education, their advance in the arts, their advance in science, and in industry; and, in addition, they will have an appropriate place in which to hold great patriotic and other gatherings in the National Capital. This project will make for a stronger, better colored population in this country. It will contribute toward the improvement of the homes of the colored people. It will make for their general advancement; and, in its essence, it will be of the greatest benefit to all our people, white and black, because it will furnish inspiration and encouragement to the 12,000,000 people making up the colored race in America; and whatever aids one race aids the other, just as whatever hurts one race will hurt the other.

I was very glad to appear before the House Committee on Public Buildings and Grounds to make a statement in behalf of this measure, and I ask, Mr. Speaker, that I shall be allowed to include in my remarks the statement I made before that committee. I think this is a good measure, I earnestly favor its passage, and I believe it ought to pass. [Applause.]

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to include in his remarks the statement he has referred to. Is there objection?

There was no objection.

Following is the statement referred to:

STATEMENT OF MAURICE H. THATCHER BEFORE THE HOUSE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. Chairman, I would like to say that I heartily indorse the purposes of this measure. The amount asked is very small, really nominal, and I think the passage of this bill will serve a most beneficent purpose. Whatever theoretically may be true, practically the public buildings of the country are not available for the benefit of the colored race in matters of this sort; and it is true that, bond or free, through all the years of our American history, in peace time as well as war time, the negro has made his contribution to the American cause. If it should be said that no other race has had any consideration of this character, I would say in response to that suggestion that no other race has given 250 years of unrequited toil to America; and that certainly entitles the negro to consideration. Any race or any nation must live in large measure through the greatest and noblest of that race or nation. I suppose if we were to blot out all of the luminaries of the past we would be almost groping in darkness.

We have to renew our faith and our life by what has gone before us. Now, the Negro race has made wonderful progress since its emancipation, and it has made a wonderful contribution to the wealth and progress of America. It has no divided allegiance. It knows but one country and but one flag.

All in the world that is asked here is the nominal sum of $50,000. This bill is in the nature of an enabling act, so that this building may be constructed here in the National Capital, where the colored men and women of the Nation can have an appropriate place for meeting, where they can hold inspirational meetings in the National Capital, and where they can have their exhibits which will illustrate the advancement and progress of their race; and this memorial structure will constitute a kind of common denominator for the benefit of all their people. I think that we, to say the least, ought to give them this little appropriation, so that this building may be constructed. As an architectural matter alone, it is worth the price of $50,000 to have it constructed under the auspices of the Fine Arts Commission and the Director of Public Buildings and Grounds of the city of Washington. The bill provides for such supervision. It is worth that much to insure the construction of this building in proper form and up to the artistic and architectural standards which we are now seeking to establish in Washington. The cost of the structure, estimated at not less than $500,000, will be met by voluntary subscriptions.

It seems to me that, in the light of all history, in the light of all the facts which confront us, this small contribution now asked for would be a most fitting authorization on the part of Congress, and that it would serve a splendid purpose; because, in proportion to the success of our efforts to aid those of the colored race to become better and more efficient citizens, in that proportion do we of the white race aid ourselves, and in that proportion will the general welfare of the Nation be served.

Mr. RANKIN. Mr. Speaker, the gentleman from Kentucky [Mr. THATCHER] is just about as amusing as the gentleman from Tennessee [Mr. TAYLOR] when he talks about "250 years of unrequited toil" on the part of the colored race.

We took the negro from a state of savagery and lifted him into a new atmosphere and showed him for the first time the light of a Christian civilization through the unfortunate instrumentality of slavery, which we are all glad has disappeared and for which we were no more responsible than you were.

But it is strange to me that if we are going to erect a monument to any race we do not erect one to some white race or to the Indian race, the people from whom we took this country, a race which has produced some men who have had few superiors among the white men of this country.

Right here in the city of Washington there is buried that famous Chief Pushmataha. During the War of 1812, when New England was threatening to withdraw from the Union, when a great many people were criticizing the administration and refusing to assist, when old Andrew Jackson was leading those intrepid sons of Kentucky, Tennessee, Mississippi, and other States on to New Orleans, it was the eloquence of Pushmataha, that great Choctaw of Chickasaw descent, who raised his voice in opposition to Tecumseh and kept down a rebellion among those Indians, or kept them from joining our enemies, which would have rendered it absolutely impossible for Jackson to have ever reached New Orleans.

We have even been unable to erect a marker upon the famous battle field of Ackia, where the Chickasaws met the French when they were attempting to make the whole western section of our country French territory and won a battle the fruits of which the white people of America enjoy to-day. We can not get a small appropriation to mark the place upon which that sacrifice was made.

By their heroism on the battle field of Ackia the Chickasaws probably saved America for the English-speaking white man, and yet some of the very men who are voting for this measure have denied us even a small pittance for a marker for the place upon which that historic battle was fought.

Mr. GARBER. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. GARBER. In that event we would have to tear down a great many monuments that are now erected.

Mr. RANKIN. In the event of what?

Mr. GARBER. In the event of erecting monuments only where we made sacrifices.

Mr. RANKIN. I am afraid the gentleman is right. The gentleman from Oklahoma calls my attention to the fact that if we only erected monuments at places where real sacrifices have been made it would be necessary to remove some monuments, and I thoroughly agree with his statement.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. TAYLOR of Tennessee. I merely want to state that I thoroughly approve of the gentleman's suggestion that a monument be erected to the American Indian. I think that would be quite fitting and proper, and I would support it.

Mr. RANKIN. The gentleman from Tennessee will also agree with me that before we go off on this kind of a tangent we ought to erect a monument to Thomas Jefferson in the National Capital.

Mr. TAYLOR of Tennessee. I see numerous statues to Jefferson in this Capital.

Mr. RANKIN. The gentleman can not find a monument in the District of Columbia to Thomas Jefferson.

Mr. TAYLOR of Tennessee. Introduce a bill and I will be glad to vote for it.

Mr. RANKIN. Mr. Speaker, this is a political bill, pure and simple, and ought to be defeated.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. RANKIN. Certainly.

Mr. COLE of Iowa. In our State we have a statue to the great Chief Keokuk, and there is no statue in that State of which we are more proud than that statue.

Mr. RANKIN. I thank the gentleman for that information and I congratulate the people of Iowa. I am sure the gentleman will join me in supporting a bill to erect a monument in the District of Columbia to Thomas Jefferson.

Mr. THATCHER. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. THATCHER. I will say to the gentleman that I will be very happy to support it and I believe the majority on this side will support it.

Mr. RANKIN. If the gentleman supports this monument bill he can support any of them.

I know it is useless to oppose this legislation but I want to raise my voice in opposition to it. It should not pass.

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MORTON D. HULL].

Mr. MORTON D. HULL. Mr. Speaker, I deplore the disposition to make comparisons between the races. There are no parallel circumstances in the history of the white race which enables us to make any comparisons. The members of the Negro race are here, not of their own choice. They were brought here, and since their emancipation they have made great progress. They can make further progress with our help.

They need our help, and I look at this proposed building not as a monument to them but as an inspiration to them, to help them realize their opportunities, to make the best of their life here, and to achieve the great things which America offers to them and to all mankind. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Speaker and gentlemen of the House, I was on the committee that reported out this bill. I opposed it, as did several other members of the committee, because it appeared to many of us that it would be nothing more than a piece of political legislation if reported and passed.

I know that it has been the purpose of the gentlemen on that side of the aisle often to use the negro during election times. It was suggested by the gentleman from Tennessee [Mr. TAYLOR] that the opposition came from this side of the aisle altogether. Perhaps this accounts for that.

We have always tried to be entirely open and honest with the negro. We have never tried to lead him to believe that he was our superior in any respect, and we have never used him at election time. It has usually been the case that that side of the aisle has gotten his support, and I do not blame you for getting his support, because you have gotten it for nothing. You have gotten it on empty promises.

At the present time, for the first time in the history of this country, you have succeeded in electing a Member of the House from the North from the colored race to augment your numbers on that side.

I quote this from the Louisville Courier-Journal of February 11, 1929. On that date we find this man making a speech there:

> Oscar De Priest, negro Congressman from the first Illinois district, who addressed the meeting at the R. E. Jones Temple Sunday afternoon, under the auspices of the Louisville branch of the National Association for Advancement of Colored People.

In that speech he said this:

> I represent a wet district in Chicago, and I will vote wet like the people I represent. I consider it far more important to protect human lives and liberties than to deny a man a glass of beer.
>
> De Priest said also that he was irrevocably opposed to the segregation of the Negro race in any form, especially through Jim Crow cars on the railroads and separate schools.
>
> Our race—
>
> He said—
>
> has been too submissive and we have allowed our liberties to be taken from us without protest. The black people of Kentucky will never succeed until they have learned to stand by each other. I will be glad when Louisville sends a negro representative to the Kentucky legislature.

Now, I am going into this thing without any gloves on, which you do not do on that side of the aisle. When I find you inviting the colored race into your homes, to associate with your wives and your daughters and when you encourage the colored people to call on and keep company with you and your family I will realize that you have reached that sentiment that you have expressed to them about election times.

No; you have not practiced it. It is only in words to get their support, and this gesture here is only to encourage them to believe you are their friend, when they know that you are not and that the southern people are their friends in the only proper way and in the only proper relation that can exist between the white and black races.

Mr. SCHAFER. Will the gentleman yield?

Mr. BUSBY. I have only five minutes and I can not yield.

They have known this every time when they have needed help. You take the negroes about the Capitol here. I know all of them. I have had them come to me about matters that concerned them gravely, and if some of you want to know what some of those matters are that were far-reaching, I will tell you. They knew I was from the South. They knew I was their friend. They knew I understood them. They knew I believed them and would help them in the proper way.

In addition to this I have had Republican Members of Congress say to me, "Why, you fellows down South have got to save us from this situation," referring to the fact that the negroes were getting so strong in Chicago and other parts of the North that they were putting whites out of Congress.

I said, "What situation?" They replied, "From these negro Congressmen we are getting in over here," and I said, "Save yourselves; you have been fishing for them all the while and getting nibbles, now you are beginning to catch them; take care of yourselves."

Mr. DENISON. Will the gentleman yield?

Mr. BUSBY. I yield.

Mr. DENISON. In the last election the Democratic Party did everything it possibly could to get the negro vote, and, in fact, nominated a negro for Congress in St. Louis.

Mr. BUSBY. That was not in Mississippi. I do not think they know any better than that in some sections, but they can not succeed in taking them over and you can not succeed with them either.

The SPEAKER pro tempore (Mr. WILLIAMS of Illinois). The time of the gentleman from Mississippi has expired.

Mr. RANKIN. Mr. Speaker, I yield the gentleman one minute more.

Mr. BUSBY. I just want to say that in the House Office Building I had in mind to file on a certain office. I was led to believe that that office was to be reserved for certain other purposes. I found later that it was proposed to put De Priest in that office, although I have served six years in Congress. I was being mislead in order that this negro might be preferred over me, and I said, "No; you are not going to do that. I am entitled to this office over this negro, and I am going to have it." So in order to isolate him and put him off in one corner, as you contended, you wanted him located there in one of the best offices, and the one that I wanted to file on and was entitled to.

This is the real situation, and I am not varnishing the facts. I am the friend of the negro, and when he comes to me he will find me to be his friend in the proper way.

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield six minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker and gentlemen of the House, I deplore very much that there should be any opposition to this proposed memorial. Gentlemen on the other side of the House who profess to be the friend of the colored man are the only ones that are opposed to it. If you are the friend of the colored man that you profess to be, if you have been responsible for elevating him during the days he was your slave, as you claim, to a position where he had some little bit of an understanding of civilization, a little smattering, although it be, of education, until by virtue of the will of higher power, aided by the force of a loyal people of this country, slavery was killed and he was given his freedom. Then when you came back into the Union he was good enough to be counted among your forces for representation. I want now to ask you, Is not it still incumbent upon you to help elevate this man to the plane that God meant that all creatures in his image should occupy?

The colored man is with us to stay, not by his own volition but by reason of force. For untold centuries he was a savage; for years and years he was a slave, brought here under chains; liberated only 65 years ago, yet he has made a most remarkable advance as a race. If we are to live with the colored man, if we are to be a part and parcel of the unit in which he is a citizen, acknowledged by the Constitution of the United States, why should it not be the united purpose of all men to encourage him in every way possible to higher attainments, so that he may be a more useful citizen?

We are proposing to do that by this resolution, to give the black man a chance to do for himself what an ungrateful white people ought to have done for him many years ago. All they are asking for is a chance to do something for themselves, a mere foothold on which they can raise this memorial that they may have some place in the Capital of the Nation, which is theirs as well as ours, and where, by reason of conditions and conventionalities, they have no place to meet, no place to give exhibits of the mighty march in progress they are making and will continue to make. Are we going to say to them, "Because you were once a subject people you are forever to be a subject people"? Gentlemen, it sometimes occurs to me that we are standing in the path of our own advancement when we are placing obstacles in the way of others who are trying to help themselves. [Applause.]

A few months ago a colored colonel, with stars won over there, when the world had nothing against him because his skin was black, was given a post on a western frontier. The officers of that post realized that the colored man was coming, and they were put in something of a plight in knowing how to receive him. It had been the custom to give a dinner to any new officer that might come to them. This colored officer, realizing the situation in which the other officers were placed, being more tactful, gave the dinner himself, to which he invited all officers junior to him. When they assembled in the dining room all of the officers were gathered around the white folks' table, and over on the side was a little table prepared for the colonel and his wife, thus showing that he had gracefully relieved them from embarrassment and at the same time administered to them a very just rebuke.

So, gentlemen, I hope that there will not be a dissenting voice against this memorial for these people who are trying so hard to do for themselves and who have shed their blood on every American battle field. The first man killed in the Revolution was a colored man, and they have left their dead and blood on every field, and among them all you will not find a traitor to his country. [Applause.]

Mr. RANKIN. Mr. Speaker, after listening to the remarks of the gentleman from Indiana [Mr. WOOD], I have reached the conclusion that if that is a sample of the speeches of the politicians in his section of Indiana I am not surprised that the white children in the high schools at Gary, Ind., had to go on a strike in order to free themselves from contact with negro students in their schools.

There has never been a monument erected to any race in this country, not even the white race, nor the Indian race, and if you would take the politics out of this bill it would not get enough votes to count.

Mr. WOOD. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. No; the gentleman from Indiana would not yield to me. Let us play fair. The gentleman from Indiana had better either revise his remarks or get some time to speak when he goes back to Gary, Ind., because those Anglo-Saxon children there are not going to school with those negroes. They have come to the parting of the ways, they are not going to be humiliated longer in order to gratify the political ambition of some demagogues who attempt to force them to accept the negroes on terms of equality in order to secure a few negro votes. [Applause.]

As I said, this bill should not pass and I trust it will not pass. If we are going to erect monuments and memorials in the city of Washington, let us begin with those people who deserve them most, and erect monuments to such neglected men as the great Jefferson, and others who have contributed so much to the upbuilding of this great civilization. [Applause.]

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Speaker and gentlemen of the House, I was born in the State of Kentucky, where we had a large negro population. I live in Oklahoma, where we have a large negro population. The first music that ever broke on my ears was the crooning of my old southern mammy. It is a far step from those days to the accomplishment of the Negro race in the United States. The bill we have before us is not a bill that means social equality in any way and has no bearing on that question. I have always believed that the negro is entitled to the fullest educational facilities. I believe to-day that if the negro wants to erect a monument in this country in dedication to what his race has accomplished he should be encouraged in it, and I shall vote for this bill. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Tennessee to suspend the rules and pass the bill.

The question was taken; and Mr. RANKIN demanded a division.

Mr. LARSEN. Mr. Speaker, let us have the yeas and nays.

Mr. TAYLOR of Tennessee. Mr. Speaker, I join in that request.

The yeas and nays were ordered.

The question was taken; and there were—yeas 253, nays 85, not voting 89, as follows:

[Roll No. 34]

YEAS—253

Ackerman	Carter	Dowell	Hardy
Adkins	Celler	Dyer	Hastings
Aldrich	Chalmers	Eaton	Haugen
Allen	Chase	Elliott	Hawley
Andresen	Chindblom	England	Hersey
Andrew	Christopherson	Englebright	Hickey
Arentz	Clague	Estep	Hill, Wash.
Arnold	Clarke	Evans, Calif.	Hoffman
Ayres	Cochran, Mo.	Evans, Mont.	Hogg
Bacharach	Cochran, Pa.	Fenn	Holaday
Bachmann	Cohen	Fish	Hooper
Barbour	Cole, Iowa	Fitzgerald, Roy G.	Hopkins
Beedy	Colton	Fitzgerald, W. T.	Houston, Del.
Beers	Combs	Fitzpatrick	Howard, Nebr.
Begg	Connery	Fletcher	Howard, Okla.
Black, N. Y.	Cooper, Ohio	Fort	Hull, Morton D.
Bloom	Cooper, Wis.	Frear	Hull, Wm. E.
Bohn	Corning	Gambrill	Igoe
Bowman	Crail	Garber	Irwin
Boylan	Cramton	Gardner, Ind.	Jacobstein
Brand, Ohio	Crosser	Glynn	Jenkins
Brigham	Crowther	Golder	Johnson, Ill.
Britten	Culkin	Goldsborough	Johnson, Ind.
Browne	Cullen	Goodwin	Johnson, S. Dak.
Buckbee	Dallinger	Greenwood	Johnson, Wash.
Burdick	Darrow	Griffin	Kading
Burtness	Davenport	Guyer	Kahn
Bushong	Davey	Hadley	Kelly
Campbell	Denison	Hale	Kendall
Canfield	Dickinson, Iowa	Hall, Ill.	Ketcham
Cannon	Dickstein	Hall, Ind.	Kiess
Carew	Douglass, Mass.	Hancock	Knutson

Kopp	Miller	Robinson, Iowa	Thompson
Korell	Milligan	Robsion, Ky.	Thurston
Kurtz	Moore, Ohio	Rogers	Tilson
Kvale	Morehead	Rowbottom	Timberlake
LaGuardia	Morgan	Sabath	Tinkham
Lampert	Morin	Schafer	Treadway
Langley	Murphy	Sears, Nebr.	Underhill
Lea	Nelson, Me.	Seger	Vestal
Leavitt	Nelson, Mo.	Selvig	Vincent, Iowa
Leech	Nelson, Wis.	Shallenberger	Vincent, Mich.
Lehlbach	Newton	Shreve	Wainwright
Letts	Niedringhaus	Simmons	Wason
Lindsay	Norton, Nebr.	Sinclair	Watres
Linthicum	Norton, N. J.	Sirovich	Watson
Lozier	O'Brien	Smith	Welch, Calif.
Luce	O'Connell	Snell	Welsh, Pa.
McCormack	O'Connor, N. Y.	Somers, N. Y.	White, Colo.
McFadden	Oliver, N. Y.	Speaks	White, Me.
McKeown	Palmisano	Sproul, Kans.	Wigglesworth
McLaughlin	Parker	Stalker	Williams, Ill.
McLeod	Perkins	Stobbs	Williamson
McSweeney	Porter	Strong, Kans.	Winter
Magrady	Prall	Strong, Pa.	Wolfenden
Major, Ill.	Pratt	Summers, Wash.	Wolverton
Major, Mo.	Purnell	Swick	Wood
Manlove	Quayle	Swing	Woodruff
Mapes	Rainey	Taber	Wurzbach
Martin, Mass.	Ramseyer	Tatgenhorst	Wyant
Mead	Ransley	Taylor, Colo.	Zihlman
Menges	Reece	Taylor, Tenn.	
Michaelson	Reed, N. Y.	Temple	
Michener	Reid, Ill.	Thatcher	

NAYS—85

Abernethy	Dominick	Larsen	Sandlin
Allgood	Doughton	Lowrey	Schneider
Almon	Drewry	Lyon	Spearing
Aswell	Edwards	McMillan	Steagall
Bankhead	Eslick	McReynolds	Steele
Bell	Fisher	Mansfield	Stevenson
Black, Tex.	Fulmer	Martin, La.	Swank
Bland	Garrett, Tenn.	Moorman	Tarver
Box	Garrett, Tex.	Morrow	Vinson, Ga.
Brand, Ga.	Gasque	O'Connor, La.	Vinson, Ky.
Briggs	Gregory	Oldfield	Ware
Browning	Green	Oliver, Ala.	Warren
Buchanan	Hare	Parks	Whittington
Bulwinkle	Hill, Ala.	Patterson	Williams, Mo.
Busby	Huddleston	Pou	Wilson, La.
Carss	Jeffers	Quin	Wingo
Cartwright	Johnson, Okla.	Ragon	Woodrum
Chapman	Johnson, Tex.	Rankin	Wright
Collier	Jones	Rayburn	Yon
Cox	Kerr	Romjue	
Crisp	Kincheloe	Rutherford	
Davis	Lankford	Sanders, Tex.	

NOT VOTING—89

Anthony	Douglas, Ariz.	Hudspeth	Peavey
Auf der Heide	Doutrich	Hughes	Peery
Bacon	Doyle	Hull, Tenn.	Reed, Ark.
Beck, Pa.	Drane	James	Sanders, N. Y.
Beck, Wis.	Driver	Kearns	Sears, Fla.
Berger	Foss	Kemp	Sproul, Ill.
Blanton	Free	Kent	Stedman
Boies	Freeman	Kindred	Strother
Bowles	French	Kunz	Sullivan
Butler	Fulbright	Lanham	Sumners, Tex.
Byrns	Furlow	Leatherwood	Tillman
Carley	Garner, Tex.	McClintic	Tucker
Casey	Gibson	McDuffie	Underwood
Clancy	Gifford	McSwain	Updike
Cole, Md.	Gilbert	Maas	Weaver
Collins	Graham	Merritt	White, Kans.
Connally, Tex.	Griest	Monast	Whitehead
Connolly, Pa.	Hall, N. Dak.	Montague	Williams, Tex.
Curry	Hammer	Mooney	Wilson, Miss.
Deal	Harrison	Moore, Ky.	Yates
Dempsey	Hoch	Moore, N. J.	
DeRouen	Hope	Moore, Va.	
Dickinson, Mo.	Hudson	Palmer	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Gibson and Mr. Connolly of Pensylvania (for) with Mr. Reed of Arkansas (against).

Mr. Beck of Pennsylvania and Mr. Graham (for) with Mr. Tillman (against).

Until further notice:

Mr. Merritt with Mr. Montague.
Mr. Bacon with Mr. Doyle.
Mr. Bowles with Mr. Sullivan.
Mr. Yates with Mr. Garner of Texas.
Mr. Dempsey with Mr. Hull of Tennessee.
Mr. Free with Mr. Tucker.
Mr. Gifford with Mr. Mooney.
Mr. Hoch with Mr. Moore of Kentucky.
Mr. Hudson with Mr. Casey.
Mr. Palmer with Mr. Driver.
Mr. Griest with Mr. Sumners of Texas.
Mr. Anthony with Mr. Gilbert.
Mr. Leatherwood with Mr. Deal.
Mr. Boies with Mr. Williams of Texas.
Mr. Sanders of New York with Mr. Hammer.
Mr. Foss with Mr. Moore of Virginia.
Mr. Hall of North Dakota with Mr. Drane.
Mr. French with Mr. Whitehead.
Mr. James with Mr. Underwood.
Mr. Kearns with Mr. Stedman.
Mr. Maas with Mr. McDuffie.
Mr. Butler with Mr. Hudspeth.
Mr. Freeman with Mr. Kemp.
Mr. Hope with Mr. McClintic.
Mr. Updike with Mr. Kunz.
Mr. Monast with Mr. Blanton.
Mr. Hughes with Mr. Collins.
Mr. Curry with Mr. DeRouen.
Mr. Furlow with Mr. Byrns.
Mr. Doutrich with Mr. Lanham.
Mr. Peavey with Mr. Auf der Heide.
Mr. Strother with Mr. McSwain.
Mr. White of Kansas with Mr. Douglas of Arizona.
Mr. Clancy with Mr. Carley.
Mr. Beck of Wisconsin with Mr. Peery.

The result of the vote was announced as above recorded.

THE FEDERAL RESERVE BOARD—ITS POWERS AND LIMITATIONS

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by quoting a short letter from an ex-member of one of the Federal reserve banks on the policies of the Federal Reserve Board.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave granted for the specific purpose I include excerpts from a letter of date February 5, 1929, addressed to and received by me from a citizen of Georgia who has had years of experience in the banking business and also is familiar with the operation of the Federal reserve banks and member banks of the Federal reserve system; the excerpts being as follows:

Hon. C. H. BRAND, M. C.,

House of Representatives, Washington, D. C.

DEAR MR. BRAND: Having had the pleasure of your acquaintance for over 22 years and knowing that you were interested in the Federal reserve act, I am taking the liberty of writing you on what I consider a very important subject.

The Federal reserve act, establishing the Federal reserve banks, had for its sole purpose "the mobilizing of the reserves arising from the deposits made in the member banks throughout the entire Union. The object of mobilizing these reserves was to furnish a basis of credit to be used in taking care of the commercial, industrial, and agricultural conditions in each of the Federal reserve districts."

The banks have served that purpose admirably, but a later purpose of these reserves is being used. As I can discern from the discounts in the several Federal reserve banks I am of the opinion that the member banks are availing themselves of the discount of eligible paper with the Federal reserve bank of their district and are having the proceeds of those discounts transmitted by wire to New York, Chicago, and other central reserve cities, to be loaned on call in the stock market. While the Federal Reserve Board has sought to discourage this as much as possible the action has been only to raise the rediscount rate by the Federal reserve banks to their member banks, and this in turn increases the rate of call money in the centers.

The Comptroller of the Currency, calling for reports of the member banks, can no doubt show to what extent the discount system of the Federal reserve banks is being used in the call-money market. It seems to me that if the Federal Reserve Board would call for a statement from the member banks, not for publication but for their own information, on two subjects—one, "How much have you rediscounted with your Federal reserve bank; how much is now under rediscount," the other, "How much have you loaned through your New York or Chicago banks on call in the stock market"—I am quite sure that if this was done, you would find a great portion of their rediscounts with the Federal reserve bank has been transferred to these centers for the purpose herein stated.

I do not know, but think possibly the Federal Reserve Board would have the authority to handle this subject rather than by the raising of a discount rate. For instance, if this confidential report received from the member banks would show that they had on call a large portion of the funds they have discounted with the Federal reserve bank of their district that the Federal Reserve Board could say to such banks, "This action on your part is a dissipation of the reserves that by the intention of the act were mobilized for the purpose of taking care of the commercial, industrial, and agricultural conditions of the district and not to be used for trading in stocks."

While it is true that the paper discounted is eligible to discount, the reading of section 13 of the Federal reserve act does not compel the discount of paper, but says that any Federal reserve bank may discount for its member banks. It further recites that these notes are discountable for the purposes herein stated and not for the purpose of carrying investments in stocks.

If the Federal Reserve Board should take this course, it would not cause a panic on the stock market, but the member banks would, as they needed money for their local conditions, instead of putting up more eligible paper with the Federal reserve bank, withdraw gradually their money from the stock market, and thus the volume would be decreased gradually and not with disastrous effect to the security market of the United States.

RELIEF OF STATE OF NEVADA

Mr. ARENTZ. Mr. Speaker, I move to suspend the rules and pass the bill S. 5717, for the relief of the State of Nevada, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the net balance due the State of Nevada of $595,076.53, as certified by the Comptroller General of the United States January 26, 1929, and printed in Senate Document No. 210, Seventieth Congress, second session, the same to be accepted in full settlement of all advances and expenditures and interest thereon made by said State.

The SPEAKER. Is a second demanded? If not, the question is on suspending the rules and passing the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LIGHTHOUSE RESERVATION, SHIP ISLAND, MISS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2594, transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That so much of the lighthouse reservation, Ship Island, Miss., as the Secretary of Commerce deems unnecessary for lighthouse purposes is transferred to and made a part of Ship Island Military Reservation under the jurisdiction and control of the Secretary of War. Such Ship Island Military Reservation, with the portion of the Ship Island lighthouse reservation hereby made a part of it, shall be reappraised and disposed of subject to all the provisions of the act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, was this bill reported out unanimously by the committee?

Mr. RAYBURN. It was.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAY AND ALLOWANCES OF COMMISSIONED AND ENLISTED PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, ETC.

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up House Joint Resolution 430, for the appointment of a joint committee of the Senate and House of Representatives to investigate the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That a joint committee to be composed of five Members of the Senate, to be appointed by the Vice President, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall make an investigation and report recommendations by bill or otherwise to their respective Houses, relative to the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the several services mentioned in the title of this joint resolution.

Mr. CRAMTON. Mr. Speaker, I would like to ask a question of the gentleman from New York [Mr. SNELL]. I would like to ask the gentleman whether the language of this resolution is broad enough so that this committee would have authority to consider the question of retirement or pensions or compensation to members of the Coast Guard for disability incurred in line of duty? If the committee has authority to do that, I would like to be assured of it.

Mr. SNELL. I do not think it would go into the retirement pay or pension pay, nor is it so intended.

Mr. CRAMTON. If there is any question about it, I think it ought to be included.

Mr. SNELL. That is a new proposition that has never been presented to us and was not considered by the Committee on Rules when the matter was before us.

Mr. CRAMTON. At the present time enlisted men in the Coast Guard for disability incurred in line of duty can neither get the benefit of the civilian compensation law nor of the pension laws of the military services.

Mr. SNELL. I am told that under the retirement act retirement pay is considered as pay.

Mr. CRAMTON. The Budget have suggested the commission will consider that matter, and I am satisfied from the gentleman's assurance that the committee will take up the matter.

Mr. SNELL. It was the intention of the committee to consider the whole matter thoroughly. We are being continually bombarded by people asking for a change of pay of the different classes in the services, and whatever we do somebody else comes here and says we have done a rank injustice to other parts of the service. For instance, when we passed a bill giving longevity pay, we supposed we were benefiting many people in the different services in these departments, and yet many people now claim that we did them a rank injustice.

It is desired now that we take the whole matter up and do justice to each one of these several classes. And the only way that I think this can be scientifically done is by complete investigation of the rank, pay, and allowance of these different services.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from New York moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DEPORTATION OF ALIENS CONVICTED OF VIOLATIONS OF THE HARRISON NARCOTIC LAW

Mr. FISH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 15272.

The SPEAKER. The gentleman from New York asks unanimous consent for the immediate consideration of the bill H. R. 15272. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 15272) to amend section 19 of the immigration act of 1917 by providing for the deportation of aliens convicted in violation of the Harrison narcotic law and amendments thereto.

Mr. BOX. Mr. Speaker, I reserve the right to object.

Mr. LaGUARDIA. Reserving the right to object, Mr. Speaker, what is this?

Mr. BOX. This is a little fraction of the deportation bill which has been acted upon. The bill of itself is bad. This is no time to pass new legislation on this subject, to be amended in the Senate and be considered here under the present conditions, and I object.

The SPEAKER. Objection is heard.

BRIDGE ACROSS THE MISSOURI RIVER AT NIOBRARA, NEBR.

Mr. DENISON. Mr. Speaker, I call up Senate 5875, now on the Speaker's table.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5875) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., authorized to be built by H. A. Rinder, his heirs, legal representatives, and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COMMITTEE TO INVESTIGATE SALARIES OF SENATE AND HOUSE EMPLOYEES

The SPEAKER. Under the authority of Public Law 844 of the Seventieth Congress the Chair appoints on the committee to investigate salaries of House and Senate employees and employees of the Architect's office Mr. WOOD, Mr. MURPHY, and Mr. BYRNS.

BRIDGE ACROSS THE POTOMAC RIVER AT GREAT FALLS

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4721, to which the gentleman from Wisconsin [Mr. SCHAFER] advises me he will reserve the right to object.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill S. 4721. The Clerk will report it.

The Clerk read as follows:

A bill (S. 4721) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near the Great Falls, and to authorize the use of certain Government land.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, can I have five minutes?

Mr. DENISON. I yield five minutes to the gentleman from Wisconsin.

The SPEAKER. The gentleman from Wisconsin is recognized for five minutes.

Mr. SCHAFER. Mr. Speaker, I have fought this Great Falls toll bridge for many months. It is the greatest monstrosity that has ever been placed on the Consent Calendar in so far as toll bridges are concerned.

Let us look at the report for a moment. The report of the committee, on page 2, indicates that the Secretary of Agriculture is absolutely opposed to the bill. A few days ago we passed a bill (H. R. 15524) authorizing the expenditure of sixteen millions of the people's money to develop the George Washington Memorial Parkway, extending from Mount Vernon to and through the District of Columbia. The title of H. R. 15524 which carries that $16,000,000 is as follows:

For the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls—

Note that, to the Great Falls—

and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

The committee report on H. R. 15524 states:

The bill divides the program into three main divisions:

1. Development of the George Washington Memorial Parkway, to include both shores of the Potomac from Mount Vernon and Fort Washington to a point above the Great Falls, except within Alexandria and the District of Columbia, this to include the Mount Vernon Highway when completed, if constructed on the river route, and also a highway to be constructed from Fort Washington to Great Falls on the Maryland side of the Potomac.

Millions of the people's money were appropriated for the George Washington Memorial Parkway, extending to each side of the Potomac River at Great Falls. The bill which is before us, which I call the biggest monstrosity ever placed upon the calendar, will give to a private toll-bridge company the absolute right for 20 years to construct and maintain a private toll bridge, and charge tolls on the George Washington Memorial Parkway system. The responsibility rests squarely upon the House. I ask you gentlemen to pause before you pass this bill, which will give a private toll-bridge company the right to construct the connecting link in the chain of this great memorial parkway system and charge tolls thereon.

Mr. STEVENSON. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. STEVENSON. I suggest to the gentleman that if he stays here five years or so longer they will be back asking the Government to buy that same bridge at an enormous profit.

Mr. SCHAFER. That may be expected, and especially so in view of the facts presented by the gentleman from New York [Mr. LAGUARDIA] regarding the excessive tolls charged over these private toll bridges. I think this Congress should hesitate to pass a bill providing for this private toll bridge which is to be a connecting link in the chain of the great George Washington Memorial Parkway, which is costing the people's Treasury millions and millions of dollars.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. LAGUARDIA. Will the gentleman point out that the expenditure of this $16,000,000 will create a large amount of traffic over that bridge and that the bridge company will be able to capitalize that traffic as going value and as franchise value, all of which will be charged up at the time this bridge is taken over?

Mr. SCHAFER. The gentleman is absolutely correct. And when you want to recapture that bridge you will be called upon to pay twenty times the actual cost of its construction. I believe this bridge is different from other bridges in various portions of the country. We are providing for the construction of a great memorial highway and parkway in the Nation's Capital and we should not permit a private toll bridge to be the link connecting the Virginia and Maryland sides. In the name of economy, in the name of justice, and in the name of principle I ask you to vote against this monstrosity. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and the time for completing the construction of a bridge authorized by the act of Congress approved April 21, 1928, to be built across the Potomac River by the Great Falls Bridge Co., entitled "An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls," are hereby extended one and three years, respectively, from the date of the approval hereof.

SEC. 2. In constructing the said bridge the said company is authorized, by and with the approval of the Secretary of War, to use and occupy such Government-owned land located at or near Great Falls as is necessary to carry to completion the construction of said bridge, upon such terms and conditions as the Secretary of War May deem equitable and fair to the public.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 3, strike out the words "In constructing the said bridge the said company" and insert "The Great Falls Bridge Co., its successors and assigns."

Page 2, line 5, after the word "is," insert the word "hereby."

Page 2, line 8, strike out the words "carry to completion the construction of" and insert "construct, maintain, and operate."

Page 2, line 9, after the word "bridge," insert the words "and its approaches."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DENISON to the committee amendment: On page 2, line 9, after the word "approaches," insert the words "and as may be approved by the National Capital Park and Planning Commission."

The amendment to the committee amendment was agreed to.

The committee amendments as amended were agreed to.

The SPEAKER. Without objection, the bill will be considered as having been read a third time and passed.

Mr. SCHAFER. Mr. Speaker, I object to that. I think the question should be put.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER and Mr. DICKSTEIN) there were—ayes 91, noes 28.

So the bill was passed.

On motion of Mr. DENISON, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOINT COMMISSION ON AIRPORTS

Mr. SNELL. Mr. Speaker, I send to the Clerk's desk a resolution (S. J. Res. 216) to establish a joint commission on airports, and ask unanimous consent for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas it is vital to the resources of the Capital of the United States that its airport facilities should be adequate for present and anticipated aviation needs in order that Washington's equipment in this respect should serve maximum Capital requirements and reflect the Capital's national leadership; and

Whereas this important problem involves not only municipal facilities but also Federal facilities and a proper consideration of the relationships between them; and

Whereas comprehensive inquiry and recommendation require simultaneous study of such ports and fields as may be maintained for the use and benefit of the War Department, the Navy Department, the Post Office Department, the Commerce Department, and the municipality; and

Whereas this multilateral problem involves considerations ordinarily referred to several separate committees in the Senate and the House of Representatives: Therefore be it

Resolved, etc., That there is hereby established a joint congressional commission to be known as the joint commission on airports and to be composed of five Senators, appointed by the President of the Senate, and five Members elect of the House of Representatives for the Seventy-first Congress, appointed by the Speaker of the House of Representa-

tives. The commission is authorized and directed to investigate the needs for airports and aviation fields of the War Department, the Navy Department, the Post Office Department, the Department of Commerce, and the District of Columbia, and to report to the Congress as soon as practicable but in no event later than December 15, 1929, the results of its investigation, together with its recommendations of sites, plans, and suitable allocation of costs.

SEC. 2. For the purposes of this resolution the commission, or any committee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services in reporting hearings shall not be in excess of 25 cents per hundred words. The expenses of the commission, which shall not exceed $2,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the commission.

SEC. 3. The commission shall cease to exist upon the submission of its report to the Congress in accordance with the provisions of this resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, this is a joint resolution.

Mr. SNELL. Yes; a Senate joint resolution.

Mr. GARRETT of Tennessee. It will require signature by the Executive?

Mr. SNELL. Yes.

Mr. GARRETT of Tennessee. The gentleman has noticed, of course, that there are a lot of "whereases"?

Mr. SNELL. It came over from the Senate in that form and we did not try to amend it, because it would have to go back to the Senate, so we decided to just let it go in this form.

I think the resolution fully explains what we are trying to do. There has been a proposition to spend $1,500,000 on an airport in Washington, without any investigation. It is a controversial matter and it seemed best to all concerned that a careful and thorough investigation should be made to see where the airport should be located.

This is the purpose of the resolution, and I move the previous question on the resolution.

Mr. GARRETT of Tennessee. This is a matter of unanimous consent and consent has not been given, but I will withdraw my reservation of objection.

Mr. GARBER. What is the amount appropriated in the resolution?

Mr. SNELL. Two thousand dollars.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House joint resolution was laid on the table.

JOSEPH F. THORPE

Mr. UNDERHILL. Mr. Speaker, by direction of the Committee on Claims, I ask unanimous consent to take from the Speaker's table the bill (S. 382) for the relief of Joseph F. Thorpe, and pass the same.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. REID of Illinois. Mr. Speaker, I object.

FORMER OFFICERS OF THE UNITED STATES NAVAL RESERVE FORCE AND THE UNITED STATES MARINE CORPS RESERVE

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 150) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the bill S. 150, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to pay mileage at the rate of 8 cents per mile, computed by the shortest usually traveled route, for travel actually performed within one year from date and place of release from active duty or disenrollment to their homes or places of enrollment, to such former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who have been released from active service or disenrolled under honorable conditions and not at his own request at places other than their homes or places of enrollment, upon the presentation by such former officers of satisfactory evidence showing that they actually performed such travel to their homes or places of enrollment: *Provided*, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually released from active duty or disenrolled under honorable conditions prior to July 1, 1922.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Michigan if this subject has been considered by his committee?

Mr. WOODRUFF. It has been considered by the Committee on Naval Affairs of the House, and by direction of the committee, both majority and minority members, I am calling up the bill at this time.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RETIREMENT OF OFFICERS OF THE NAVY

Mr. BRITTEN. Mr. Speaker, by direction of the Committee on Naval Affairs, I ask unanimous consent for the present consideration of the bill (H. R. 17322) to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy," which is on the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill H. R. 17322, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17322) to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy"

Be it enacted, etc., That the act approved June 22, 1926 (44 Stat. L. 781, chap. 649; U. S. C. Appendix, title 34, sec. 311a), entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy," is hereby amended by striking out the figures "1929," appearing in the first sentence of said act, and in lieu thereof inserting the figures "1931," so that as amended said act shall read as follows:

That until March 5, 1931, the provisions contained in the act approved August 29, 1916 (39 Stat. L. 579), which provide for the retirement of captains, commanders, and lieutenant commanders of the line of the Navy who are more than 56, 50, and 45 years of age, respectively, and who have become ineligible for promotion on account of such age, be, and the same are hereby, modified to the extent that captains, commanders, and lieutenant commanders shall not become ineligible for promotion and shall not be retired until they have completed 35, 28, and 21 years, respectively, of commissioned service in the Navy, and upon the completion of such service, if not recommended for promotion, they shall be retired without regard to age under the conditions specified in said act: *Provided*, That the commissioned service of Naval Academy graduates, for the purpose of this act only, shall be computed from June 30 of the calendar year in which the class with which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, will the gentleman state the purpose of this bill?

Mr. BRITTEN. Yes; because of the parliamentary situation in the Senate it is necessary to extend existing law two years. The bill now before the House does not change the language of existing law except it extends the time from March 4, 1929, to March 4, 1931.

Mr. GARRETT of Tennessee. This is a House bill.

Mr. BRITTEN. This is a House bill and the presumption is the Senate will pass this bill immediately, whereas it will not pass the legislation now resting in the Senate affecting this same subject.

Mr. GARRETT of Tennessee. Let me ask the gentleman a further question. Is there any probability that the Senate in passing this bill, if it goes through, will add a number of amendments of some sort that are going to require a conference and bring us up against a lot of new legislation under a conference report here to-morrow?

Mr. BRITTEN. No; I will say to the gentleman that if they do that, we will "kiss this good-by."

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDRESS OF HON. HAMILTON FISH, JR.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech delivered by the gentleman from New York [Mr. FISH] on disabled and decorated veterans in my district.

The SPEAKER. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of Representative HAMILTON FISH, Jr., delivered at the banquet given in honor of the disabled and decorated veterans of the World War at Buffalo, N. Y., on February 22, 1929, under the auspices of the Martha Washington Republican Club:

CONGRESS AND THE DISABLED VETERANS

Mr. FISH. It is a great privilege and honor to come here on this one hundred and ninety-seventh anniversary of the birthday of George Washington and participate in this reception to the disabled and decorated veterans of Erie County. I congratulate the Martha Washington Club for remembering the living heroes of all our wars and doing them honor on this anniversary of the birth of our first President and Father of our Country. I am sure that this remembrance and appreciation of our veterans would appeal to the heart and mind of George Washington, whose hair grew grey and whose eyes grew dim in the service of his country as Commander in Chief of our Revolutionary Army for eight long years.

No other American has ever had the love and devotion of his soldiers to such an unlimited degree, and no commanding officer ever took such a personal interest and affection in his men. In a letter of advice to the governor of the thirteen States from his headquarters at Newburgh, N. Y., dated June, 1783, he wrote as follows: "Where is the man to be found who wishes to remain indebted for the defense of his own person and property to the exertions, the bravery, and the blood of others without making one generous effort to pay the debt of honor and gratitude?"

George Washington went far beyond the American Legion in urging adjusted compensation, for he urged half pay for life for his officers, and land donations, exemption from taxation, back pay, and one full year's pay for his men.

It is fortunately not my function to-day to deliver a eulogy on Washington, but if it were I would be mindful of the little known but nevertheless beautiful and expressive words of Abraham Lincoln, that great master of the English language, when in 1842 he said: "Washington is the mightiest name on earth, long since mightiest in the cause of civil liberty, still mightiest in moral reformation. On that name no eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor leave it shining on."

I know of no group more deserving of the affection and gratitude of the American people than those who were wounded or disabled as a result of the war; for many of them there has been no armistice as they have been compelled to wage a continuous war against ill health and disabilities. For them the heart of the American people demands that all the promises and pledges made during the war, that nothing was too good for them, shall be kept. And answering that demand at the instigation of the various veterans' organizations—the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, and the United Spanish War Veterans—the Congress of the United States has tried to keep faith with our disabled. The veterans themselves do not ask for charity but merely for justice at the hand of a grateful country. The Congress has provided vast sums of money, amounting to in excess of a million dollars a day, to provide hospitalization, rehabilitation, and compensation to our disabled veterans. No nation has ever attempted such a liberal program, and I am glad to say that it is being administered honestly, equitably, and with improving efficiency throughout the country. Of course, there are still individual cases where there are difficulties in proving the necessary war origin in order to secure compensation, but recently the Congress passed a law to take veterans of all wars into Veterans' Bureau hosptials for treatment, regardless of the origin of the disability.

I have proposed a bill providing for $8 a month as hospital allowance for all uncompensated veterans in Veterans' Bureau hospitals during the period of hospitalization. I would appreciate the support and indorsement of the veterans of Erie County, and particularly of the Legion, for the bill which seeks to prevent our sick and disabled comrades from becoming paupers in the hospitals and being obliged to bum postage stamps, cigarettes, telephone calls, bus rides, and small necessities.

This bill has been indorsed by the Disabled American Veterans and the Veterans of Foreign Wars, and I hope, if it fails of passage before Congress adjourns, that the American Legion in this State will get behind it.

As chairman of the President's advisory committee on veterans' preference I want to speak to you of the one glaring instance where our Government has fallen down in providing for our disabled veterans, and that is in securing them positions in the Government service, where they can earn a living for themselves and their families.

The number of disabled veterans in the Government service is criminally small. Go to the various departments in Washington and see how few crippled veterans of the World War are working for the Government. Go to the National Museum or the Smithsonian Institution, where 90 per cent of the guards and watchmen should be disabled World War veterans, and you will only find two or three.

If you happened to visit the Musée du Louvre or any of the French, British, or German public buildings or museums, you would find practically all the guides wounded soldiers, with one arm or one leg, or badly crippled or gassed.

The American people have repeatedly made promises and given pledges to take care of our disabled, and they insist on keeping faith by helping the disabled soldiers to fill every available position for which they are qualified in the Federal Government.

I do not believe I am violating any secret when I predict as chairman of the President's advisory committee on veterans' preference that the President will within a few days issue an Executive order placing the disabled veterans of all our wars at the head of the civil-service list whenever they make a passing mark. At any rate, this was the unanimous recommendation of our committee, and it will go a long way to make it possible for our crippled heroes to secure appointment under the Government in whose service they were disabled.

I am informed that a considerable portion of the population of Buffalo is of German origin. They are among our most industrious and loyal citizens and have done much to build up our country and our free institutions. The greatness and prosperity of many of our western cities—Chicago, St. Louis, Milwaukee, and St. Paul—are due in large measure to the German population, for their thrift and honest industry. Americans of German descent, wherever found, are forces for good citizenship and a bulwark against Bolshevism and communism.

It is now a decade since the signing of the armistice that ended the World War. Is it not time that the passions and prejudices engendered in that conflict should be put definitely behind us? Is it not time that the spirit of hatred and hostility should cease and that all nations should strive together for international peace and good will?

The statute of limitations has long since run against enmity toward the German people. Our Government should welcome the German Republic, which under wise leadership is becoming a potent force for international limitation of armament and world peace.

It is naturally true that many people of German ancestry in this country opposed our entrance into the World War, but once war was declared they were just as loyal as any other element of our population.

It might interest you American veterans who were decorated for valor to know that the two outstanding American aces, Eddie Rickenbacker and Frank Luke, were of German origin, the parents of both having been born in Germany.

I do not want to take the time to discuss our war-debt settlements, except to say that they represent unparalleled generosity in the recorded dealings between nations. We do not claim we won the war, but we must not forget that the American troops helped turn the tide from defeat into victory, yet we asked for nothing and got just what we asked—nothing at all, no conquered land, no territories, no indemnities or reparations, except to pay for our army of occupation. There is no possible excuse for calling us Uncle Shylock.

There has been a tendency in the last few years among successful business men, international bankers, and intellectuals to criticize and belittle our republican form of government and to extoll Fascism or some other form of military dictatorship that has sprung up in Europe since the war. Mussolini may have saved Italy from the horrors of communism. Fascism may be the kind of government needed in Italy, but it is scarcely any different from the dictatorship of Julius Cæsar 2,000 years ago. It is a repudiation of government by the consent of the governed and of the principles of popular government. It is the negation of everything that we were taught at school. It is the rule by force and the bayonet and the denial of all civil liberties—the right to vote, the freedom of speech, of the press, and of assembly. Mussolini says our democratic form of government has failed. Wherein has it failed? Thanks to George Washington and the Constitution of the United States and to Andrew Jackson and Abraham Lincoln we are a united and prosperous country of over 100,000,000 people in the morning of its glorious destiny.

Let us reaffirm our faith in our form of government on this anniversary and give thanks that we are American citizens. Let us rededicate ourselves to the proposition that a government of the people, by the people, and for the people shall not perish from the face of the earth, because it is the fairest, safest, soundest, most honorable, and best government devised by the mind of man.

ATLANTIC REFINING CO.

Mr. WELSH of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S.

4354) for the relief of the Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut*, and consider the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Atlantic Refining Co., a corporation of the State of Pennsylvania, having its principal office and place of business in the city of Philadelphia, State of Pennsylvania, owner of the American steamship *H. C. Folger*, against the United States for damages alleged to have been caused by collision in the Delaware River below the mouth of the Schuylkill River, on April 6, 1921, between said steamship *H. C. Folger* and the U. S. S. *Connecticut*, a second-line battleship owned by the United States and operated by the Department of the Navy of the Government of the United States, may be sued for by the said Atlantic Refining Co. in the District Court of the United States for the Eastern District of Pennsylvania, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damage and costs, if any, as shall be found to be due against the United States in favor of the said Atlantic Refining Co., or against the said Atlantic Refining Co. in favor of the United States, upon the same principles and measures of liability as in like cases between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. WELSH of Pennsylvania to reconsider the vote by which the bill was passed was laid on the table.

TETON NATIONAL PARK, S. DAK.

Mr. COLTON. Mr. Speaker, I call up the conference report on the bill (S. 4385) to establish the Teton National Park, in the State of South Dakota, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments, as follows:

In line 2 of the matter inserted by said amendment, after the word "when," insert the following: "a quantum, satisfactory to the Secretary of the Interior, of"; and at the end of section 4 of said amendment add the following: ": *Provided*, That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section"; and the House agree to the same.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

PETER NORBECK,
JOHN B. KENDRICK,
GERALD P. NYE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4385) to establish the Teton National Park in the State of South Dakota, and for other purposes, submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

Provides with respect to privately owned lands to be acquired and transferred to the United States for monument purposes, without expense to the Federal Treasury, that they shall comprise a quantum satisfactory to the Secretary of the Interior, as proposed by the Senate; and provides that the Secretary of the Interior may grant franchises for hotel and for lodge accommodations on the Badlands National Monument reservation, as proposed by the Senate.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

The conference report was agreed to.

AMENDING THE FEDERAL FARM LOAN ACT

Mr. McFADDEN. Mr. Speaker, under the agreement in relation to the bill H. R. 13936, amending the Federal farm loan act, I am recognized for an hour's time, and I will yield one-half of that time to the gentleman from Alabama [Mr. STEAGALL], who is opposed to the bill. I ask unanimous consent that at the end of the debate the previous question may be considered as ordered.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

A bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the one hour be equally divided, one-half by himself and one-half by the gentleman from Alabama, and that the previous question at the end of the debate may be considered as ordered. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, at this time I do not care to take up much time of the House except to explain the bill. The bill now before the House amends the Federal farm loan act in one particular. It increases the maximum loan limit of the Federal farm land banks in the island of Porto Rico to $25,000, the same amount that applies to all of the rest of the United States.

I now yield to the gentleman from Alabama one-half of my time, 30 minutes.

Mr. STEAGALL. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, sympathy for a people stricken by disaster impels me to refrain from labored argument against this proposal, but I think the House ought not to act upon it without full understanding as to what it means. This proposal has been before the Committee on Banking and Currency repeatedly, and as a member of that committee I have always felt that to grant the request would be a dangerous step. The Federal farm-loan system was created for the purpose of helping what is commonly known as "the little fellow." It is in line with the system we have in my neighborhood that we call the cooperative banking system, under which a person struggling to make a start in life is enabled to secure a home or get capital to keep him going until he has made enough money to carry himself. That system of aid as applied by the farm-loan system never contemplated financing large enterprises. A loan of $25,000, being 50 per cent of the equity of the property, is public financing of an enterprise in which $50,000 and upward of capital may be invested.

That idea, if carried further, will ultimately, I am afraid, spell the ruin of the Federal farm-loan system, because sooner or later there will be a revolt against financing large enterprises out of the Public Treasury.

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KIESS].

Mr. KIESS. Mr. Speaker and gentlemen of the House, I strongly favor the passage of this legislation. I think that particularly at this time it will be beneficial to the people of Porto Rico.

Mr. GARBER. Mr. Speaker, will the gentleman yield?

Mr. KIESS. Yes.

Mr. GARBER. Will it be beneficial to the men of small means—the farmer?

Mr. KIESS. Yes.

Mr. GARBER. Does it increase the amount of the loan to be made?

Mr. KIESS. It increases the limit of loans from $10,000 to $25,000.

Mr. GARBER. How about the per cent of the security, what is required?

Mr. KIESS. It does not change that from the present basis. It does not change the law in any particular except in respect to the total amount that the farm land bank can loan in Porto Rico.

Mr. Speaker, as chairman of the Committee on Insular Affairs, which is charged with general legislation affecting Porto Rico, I have had occasion several times to visit the island, and I feel, therefore, that I am probably in better position to speak with reference to this legislation than some of the Members who have not had the pleasure and privilege of visiting Porto Rico. Two years ago, immediately after the adjournment of Congress, a number of the members of the committee, and also some other Members of the House, visited Porto Rico. At that time this question of increasing the loan limit from $10,000 to $25,000 was discussed. We considered the question at the time when we were traveling over the island. Every one of our party on that trip came home convinced that Porto Rico had been discriminated against when the Farm Loan Board was created, and that there was no good reason why they should not be granted all of the privileges enjoyed by the States. We told our Porto Rican friends at that time that when we came home we would try to have the law amended. This legislation has been carefully considered by the committees of both Houses and has passed the Senate.

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. KIESS. Yes.

Mr. BOYLAN. I notice that on page 2, line 17, there is provided:

> The rate charged borrowers may be 1½ per cent in excess of the rate borne by the last preceding issue of the farm loan bonds of the Federal land bank with which such branch bank is connected.

What will that rate be, all together?

Mr. McFADDEN. That is existing law. The only change that we make is in the amount of the loan.

Mr. BOYLAN. What I am trying to find out is what will be the rate of interest paid by the borrowers. This provides 1½ per cent in excess of the rate borne by the bonds. What was the rate borne by the bonds?

Mr. McFADDEN. If the rate of the bond is 5 per cent, the rate of the loan would 6½ per cent. It is conditioned entirely upon the sale of the bonds. The money market regulates that.

Mr. BOYLAN. Is 6½ per cent the usual rate in Porto Rico?

Mr. KIESS. That is less than the usual rate.

Mr. BOYLAN. I did not want to think that the Government was going into the Shylock business.

Mr. LaGUARDIA. The answer to that is that the Government is trying to take him out of the hands of the Shylocks.

Mr. BOYLAN. I am glad to receive the information, hence the interrogatory that I propounded.

Mr. KIESS. Mr. Speaker, I am surprised to know that there is some opposition to the bill.

The SPEAKER pro tempore (Mr. TEMPLE). The time of the gentleman from Pennsylvania has expired.

Mr. McFADDEN. Mr. Speaker, I yield the gentleman two minutes more.

Mr. KIESS. Mr. Speaker, this legislation has the hearty indorsement of the Governor of Porto Rico, Hon. Henry M. Towner, who was formerly a Member of the House. It has the indorsement of the Baltimore Federal Land Bank, of which Porto Rico is a branch. It has the indorsement of the Federal Farm Loan Bureau and the Porto Rican Legislature. I think we should take action favorably on this bill before we adjourn. You will remember that you all supported the Porto Rican hurricane-relief fund, and we are hoping that the appropriation will pass in the first deficiency appropriation bill. Unfortunately, it has been held up for two months, and there has been a great deal of suffering and inconvenience on account of it. I am satisfied that the passage of this act, in addition to the Porto Rican relief fund, will at this time help our friends in Porto Rico very much. I dislike to see a distinction made between the people of Porto Rico and the people of the United States. I have had occasion to visit the island several times, and I have a very high regard for the people of Porto Rico.

Mr. STEAGALL. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. GOLDSBOROUGH. Mr. Speaker and gentlemen of the House, since the inauguration of the farm-loan system there has been loaned to the people of Porto Rico $13,314,500 through the farm-loan system, and through the intermediate-credit system there has been loaned $4,074,236.93, a total of nearly $18,000,000, with a population of less than 1,500,000 in the island.

These people are not rich people. They are not people who have property which will justify a loan of $25,000. A citizen of Porto Rico would have to own real estate worth $50,000 before he could get a loan of $25,000; so it is perfectly evident if this loan limit is increased from $10,000 to $25,000 the people of Porto Rico, whom we are trying to help, would not be helped at all. The people of Porto Rico who need this relief would not be relieved, but only great corporations, who would go down there and acquire, through agents, property worth $50,000, could get these $25,000 loans.

Gentlemen, the bond market at this time is low. This is no time to put new securities on the market. Every farm-loan bank in the United States will be called upon to supply any deficiency in the value of this property. The Committee on Banking and Currency of the House, which had extensive hearings earlier in the session, voted with some hesitation that this loan limit should be increased from $10,000 to $15,000. The Senate increased the limit from $15,000 to $25,000.

This bill is back from the Senate for our concurrence. As far as the committee has been able to ascertain, there is no demand from native Porto Ricans for this legislation. The native Porto Rican is not in a position to take advantage of it. He is not in the financial position to offer the security which would justify a loan of $25,000. We have made an effort—I certainly have made an effort—to find out just who is back of this proposed legislation. If it is a legitimate interest, I would be glad to vote for it.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield there?

Mr. GOLDSBOROUGH. I regret I can not yield now.

There is not a member of the Banking and Currency Committee, and I am sure there is not a Member of this House, who is not anxious to help the people of Porto Rico. But to ask us to request the farm-loan banks of the United States to supply funds to exploit Porto Rico is not carrying out the purposes of the farm loan act.

If this proposed legislation passes, when the poor fellow who needs a small loan asks for it he will be turned away with the answer that the available funds have already been loaned to the rich and powerful, to those who have real estate justifying loans of $25,000.

The purpose of the Federal farm-loan system was to help those least able to help themselves. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the Commissioner from Porto Rico [Mr. DAVILA].

Mr. BRAND of Georgia. Mr. Speaker, I regard this as one of the most important bills pending before the Congress, and I make the point of order that there is no quorum present. We ought to hear these proceedings.

The SPEAKER pro tempore (Mr. TEMPLE). The Chair will count. Evidently there is no quorum present.

Mr. McFADDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Abernethy	Dickinson, Mo.	Kindred	Quayle
Anthony	Douglas, Ariz.	Kopp	Rainey
Auf der Heide	Doutrich	Kunz	Reed, Ark.
Beck, Pa.	Doyle	Lanham	Sears, Fla.
Beck, Wis.	Drewry	Leatherwood	Shallenberger
Bell	Evans, Mont.	Lowrey	Stedman
Berger	Fulbright	Lyon	Strother
Blanton	Furlow	McClintic	Sullivan
Bowles	Gibson	McMillan	Sumners, Tex.
Bowman	Graham	McSwain	Thurston
Bulwinkle	Griest	Maas	Tillman
Burdick	Hammer	Merritt	Underwood
Bushong	Hastings	Mooney	Updike
Carew	Hoch	Moore, Ky.	Weaver
Carley	Hudspeth	Moore, N. J.	Welch, Calif.
Casey	Hull, Tenn.	Moorman	White, Kans.
Clancy	Johnson, Okla.	Norton, N. J.	Williams, Tex.
Collins	Kearns	Palmer	Wilson, Miss.
Curry	Kent	Parks	Woodrum
Deal	Kerr	Peavey	Yates

The SPEAKER pro tempore (Mr. TEMPLE). Three hundred and forty-seven Members have answered to their names, a quorum.

Mr. McFADDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Porto Rico is recognized for five minutes.

Mr. DAVILA. Mr. Speaker, I know that my friends on the Democratic side who are opposed to this measure sincerely believe it is not good legislation and that an increase of the amount of farm loans in Porto Rico is not justified. This bill does not change the law. It simply extends to a part of the United States separated by the sea provisions that are in force on the mainland.

I really appreciated the statement of the gentleman from Pennsylvania [Mr. KIESS] when he said he does not want any discriminations against the people of Porto Rico. He says further that he has some very high regard for the people of my country. I will say to the gentleman from Pennsylvania [Mr. KIESS] that his regard for the people of my country is

not superior to the regard of my people for the gentleman from Pennsylvania and the people of the United States. [Applause.] We are living, in my opinion, under the same protection. For me, it is one family, one nation, one country, one flag. [Applause.] I want my friends from the South to deal with the people of Porto Rico in the same way that the people of Porto Rico deal with the people of the United States.

My good friend from Maryland [Mr. GOLDSBOROUGH] has spoken about the small farmer. He is not more interested than I am in favor of the small farmer. Because I want to protect the small farmer in Porto Rico is that I am defending this measure.

The gentleman from Maryland [Mr. GOLDSBOROUGH] wants to know who is behind this bill. He does not need to leave the floor of the House to find out who is supporting this legislation. I have just been reelected to Congress for a term of four years, and as the accredited representative of the island I am giving to this measure my whole-hearted support. "Who is behind this legislation?" asks the gentleman from Maryland. I am behind it and feel proud of my stand. [Applause.]

I have letters and cablegrams from individual farmers, the chamber of commerce, farmers' association, and other agencies in Porto Rico indorsing this proposal. If the gentleman desires the indorsement of the legislature of the island, I can assure him that he will have no difficulty in obtaining a prompt response.

My good friend from South Carolina [Mr. STEVENSON] has been in Porto Rico, but I do not believe that he knows the exact conditions prevailing in my country. I find him on this occasion in the opposition. He is always honest and fair; and should he be fully acquainted with our conditions, I am sure he would lend his support to this legislation.

Talk about the small farmer! In Porto Rico all are small farmers with the exception of the big fellows of the sugar industry, and these do not need to borrow money in Porto Rico; they can readily obtain it in the United States. This is not the case with the other fellows, who find it difficult to borrow money and are obliged to pay a high rate of interest for short periods. This is the fellow we want to help. He may have 500 acres of land and still be unable to obtain money in the commercial banks of Porto Rico. He has not the facilities of the farmers in this country. It is evident that the necessity of this legislation is more urgent in Porto Rico than in any other part of the Union.

The fear of the inability of these farmers to meet their indebtedness is not justified. The system is not in danger, as has been stated by the opposition. You need not be afraid of any of these contingencies. All loans will be paid, and the people of the United States will not suffer in the least. These loans are sufficiently guaranteed by the value of the property and by the farmer himself, who, as a general rule, is always fair and honest in his dealings.

The SPEAKER pro tempore. The time of the gentleman from Porto Rico has expired.

Mr. McFADDEN. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. DAVILA. This bill provides, among other things, that loans made by the branch of the Federal land bank in Porto Rico shall not exceed the sum of $25,000. This provision increases the loans from $10,000 to $25,000. We are in favor of this increase, as we believe it is necessary to furnish some excellent farmers in Porto Rico with all the money they need for the proper cultivation of the soil.

In the beginning the loan limit was $5,000. This was afterwards raised by Congress to $10,000, and this bill increases the loan limit to $25,000, this being the amount permissible under the act to be loaned to the farmers in the United States. The record of the operations of the branch in Porto Rico fully justifies this advance in the loan limit, as there are excellent farmers who are denied service of this system because their operations require a larger loan than $10,000. The record of the branch in Porto Rico has been a very satisfactory one, and the Baltimore bank has been more than pleased with the way the Porto Rican borrowers have met their amortization payments. I am going to read to you the letter that I have from Mr. V. R. McHale, chief examiner of the Federal Farm Loan Bureau:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, February 4, 1928.

Hon. FELIX CORDOVA DAVILA,
House of Representatives, Washington, D. C.

DEAR MR. DAVILA: In accordance with your request, I am pleased to give you some statistics regarding the loans made by the Porto Rico branch of the Federal Land Bank of Baltimore.

The branch was established in 1922, and up to December 31, 1927, has made 3,972 loans, amounting to $11,693,000. One hundred and ten of these loans, amounting to $293,700, have since been paid off and retired, and borrowers have paid $739,374.21 on principal, leaving 3,862 loans outstanding as of December 31, 1927, aggregating $10,659,925.79. During the year 1927 the net increase in mortgage loans in Porto Rico amounted to 663 loans, aggregating $1,483,240.58. The report of December 31 shows delinquent semiannual installments of $28,311.47.

The borrowers have taken stock in the bank to the extent of $569,965, which is in accordance with the provisions of the farm loan act. On this stock the Federal Land Bank of Baltimore paid a 6 per cent dividend in 1927.

During the five years that the Porto Rico branch has been in operation the Baltimore bank has not had to foreclose or otherwise acquire title to a single farm in Porto Rico.

Yours very truly,

V. R. MCHALE, *Chief Examiner.*

This legislation is approved and asked for by the manager of the branch of the Federal land bank at San Juan, P. R., has been thoroughly investigated by the Federal land bank at Baltimore, and has also been approved by the Federal Farm Loan Bureau, as shown by the following letter addressed to Chairman McFADDEN, of the Committee on Banking and Currency:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, April 5, 1928.

Hon. LOUIS T. MCFADDEN,
House of Representatives.

DEAR MR. MCFADDEN: You wrote to me on March 12, 1928, with reference to the proposal to increase to $25,000 the amount which may be loaned to any one borrower by the branch of the Federal Land Bank of Baltimore in Porto Rico. At that time one of the board's representatives was in Porto Rico, and it seemed desirable to await his return before expressing any opinion concerning the proposal. After canvassing the matter with him and obtaining the views of the Federal Land Bank of Baltimore, the board has reached the conclusion that it would be desirable to increase the loan limit in Porto Rico to $25,000. The Federal land banks in this country, as you know, are authorized to lend not exceeding $25,000 to any one borrower, and the proposed change would place the Porto Rico branch on a parity with the other banks so far as loan limit is concerned.

Very truly yours,

EUGENE MEYER, *Farm Loan Commissioner.*

This proposal has also been indorsed by the people of Porto Rico through Governor Towner, the Chamber of Commerce of Porto Rico, the Association of Agriculturists, the treasurer, and the commissioner of agriculture and labor.

Our farmers are very badly in need of money. In many cases the sum of $10,000 is not enough to meet their needs; therefore they are unable to cultivate all the available land and to obtain a reasonable balance which will enable them to support their families and live a decent life.

The rate of interest in the absence of an agreement is 6 per cent, but it can be extended by contract to 12 per cent. Within this limit it is lawful to discount bills and notes and other similar obligations.

A farmer in Porto Rico with 5, 10, 20, and even 200 acres of land in the mountains is a poor fellow who has at times to work in the sugar-cane plantations, while the fruit of his poor and badly conditioned plantation ripens.

For the distribution of credit we have commercial banks which lend money at 9 per cent interest for a term varying from 3 to 4 months.

The increase of the loans from $10,000 to $25,000 will not cost a cent to the United States and will be very valuable to the farmers in Porto Rico. As I have said before, the system is working very well in the island, and the officer in charge of the bank in Porto Rico has recommended this increase.

This legislation is very badly needed in my country, and I hope it will have the indorsement of this Congress. I have no quarrel with the people who are opposed to this measure; I respect their position, but I hope the majority here will consider this as good legislation and will give their approval to it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Porto Rico has expired.

Mr. STEAGALL. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLACK]. [Prolonged applause, the Members rising.]

Mr. BLACK of Texas. Mr. Speaker, this will probably be my last speech in the House of Representatives before retiring March 4, and I want to express my gratitude to every Member of the House for the many evidences of good will which I have received. I yield to no man in fondness for the Delegate from Porto Rico [Mr. DAVILA], but in voting upon this bill we are not voting on the Delegate from Porto Rico. If we were, I dare say

we would all vote "aye" [applause]; but we are voting upon a very important measure and not an individual.

When the Federal farm loan act was originally enacted I dare say that everyone will admit that it was the intention of the Congress to extend the provisions of the act only to continental United States, but later on Congress in its wisdom has seen fit to extend the benefits of the act to the island of Porto Rico and the Territory of Alaska within certain limitations.

The present law limits any one individual loan in these Territories to $10,000. The House Committee on Banking and Currency——

Mr. MANSFIELD. I thought the limit was $15,000.

Mr. BLACK of Texas. I am coming to the $15,000 provision now.

The Committee on Banking and Currency of the House at the present session agreed upon a bill to extend the loan limit in Porto Rico and Alaska to $15,000 for any one loan, and that bill went to the Senate. The Senate has amended it, extending the loan limit to $25,000, and the motion now before the House is to agree to the Senate amendment.

I am opposed to the motion. I think the House ought to bear in mind that the success of the Federal farm-loan system depends upon one thing, and that is ability to market its bonds to the investing public at reasonable rates of interest.

On account of the high rates of interest that now prevail in the money market, the marketing of bonds is very considerably depressed. It is more or less difficult now for the farm-loan system to market its bonds at the low rate of intereest that is necessary in order to operate the system for the benefit of the farmer borrowers, and the more we increase the loan limit the greater the amount of bonds that have to be marketed, and therefore the reason I oppose the Senate amendment and insist that we adhere to the House provision is because I think it would be exceedingly unwise at this date to do anything that might affect adversely the marketability of the Federal farm-loan bonds, and I hope the amendment will not be agreed to. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, ordinarily I would agree with the suggestion just made by the gentleman from Texas [Mr. BLACK], that perhaps $15,000 would be the prudent limit to place on loans of this character at this time, but we must take the parliamentary situation into consideration. We are confronted now with either accepting the Senate bill and sending it to the President for signature or else having the bill lost in a maze of proposed legislation which will fail of passage in the last hours of the Congress.

I do not think we are taking any undue risks or chances in increasing the loan limit. We are not decreasing the margin required or the proper valuation of the property. The same proportionate amount of margin and security and all the safeguards will be required for a $25,000 loan as is now required for a $10,000 loan. The law in this respect is not changed.

Now, gentlemen, we have an unusual situation in Porto Rico. We have a crisis in Porto Rico, the result of the hurricane of a few months ago. There is universal unemployment throughout the island. I get these facts not from any statistics, I get them from the thousands of Porto Ricans who live in my district and who know of the unemployment and the dire need of the people of the island for work. The good folks in my district know from their own dear ones down on the island the need to rehabilitate all the farms on the island.

We passed a Porto Rican relief bill, and the appropriation for that relief is in the first deficiency bill, which has not yet returned from the Senate. That law provides for loans to individuals. A farm owned by anyone else but an individual can not obtain a loan under the provisions of the Porto Rican relief legislation. I am sure no one in this House will say that I am at all concerned about the big corporations. The big sugar corporations can get all the money they need right in New York City. This bill is not for them. I am in this instance concerned about the question of unemployment in Porto Rico. If these farms that have suffered by reason of this hurricane can not be financed, we can not meet the unemployment situation in Porto Rico, and that is why I am so anxious to see this bill approved by the House at this time.

Everyone knows that when a crisis exists such as we have in Porto Rico at this time, the loan sharks take advantage of the situation by exacting high bonuses and high rates of interest. We must go to the rescue of the owners of these farms to provide loans at a reasonable rate of interest in order that the people of Porto Rico may reassume ordinary employment. This is one reason I am willing to take a chance and adopt the Senate amendment; and if we do not do that at this time, we will have no relief in respect of the loans and there will be great danger that the appropriation under the Porto Rican relief bill will be lost in the first deficiency bill. [Applause.]

Mr. STEAGALL. Mr. Speaker and Members of the House, I want to take this occasion to express my approbation and my thanks to the membership of the House for the splendid tribute to my colleague on the Committee on Banking and Currency, the gentleman from Texas [Mr. BLACK]. [Applause.] He has probably made, this afternoon, the last address that he will make during his present service in this House. I know that I speak the sentiment of every Member on both sides of the House, without regard to party affiliations, in saying that he is one of the ablest, one of the most courageous, and one of the most valuable Members who ever sat in the Congress of the United States. [Applause.]

The gentleman from New York [Mr. LAGUARDIA], who just preceded me, says that we should pass this legislation now before us on account of the peculiar parliamentary situation which exists—that on account of the fact that we are approaching adjournment, we must take this measure as passed by the Senate or nothing. The gentleman's contention is hardly justified when it is remembered that weeks and weeks ago the Senate passed a separate bill in which a provision was incorporated raising the maximum limit of loans in the land banks of Porto Rico and Alaska from $10,000 to $25,000. The House, weeks and weeks ago, passed a bill, with the approval of the majority of the Committee on Banking and Currency, raising the maximum limit to $15,000. I would not criticize the chairman of our committee or any member of the committee who does not happen to view the question as I do. But, in reply to the suggestion of the gentleman from New York [Mr. LAGUARDIA], I will say that there is no reason why this House should not have sent the bill to conference long ago; why we should not have made an effort to work out the differences between the Senate and the House, and to have undertaken to secure the approval of the bill passed by the House raising the maximum limit on loans to $15,000.

But instead of attempting to have a conference and adjusting the differences and permitting the matter to take the usual course, the chairman killed time in an effort to substitute the Senate bill without effort to work out an agreement which would meet the views of the members of the Banking and Currency Committee and the Members of the House who were in favor of the bill reported by the Banking and Currency Committee.

Now, my friends, this is an important change in the Federal farm loan law. I hope you Members on this side of the aisle, who represent agricultural districts and who are interested in the Federal farm-loan system, notwithstanding the fact that you are members of the majority party, will give this matter your serious attention before you vote to make this serious change in the provisions of the law, a change that strikes at the basic principles upon which the system was framed and a change which, I firmly believe, will prove harmful and destructive.

Let us see what was contemplated by the framers of the act. The basis of the Federal farm loan act was the provision which permitted borrowers to assemble and market their securities. We were attempting to foster the interest of the small landowner, the small farmer, and the man who wanted to become a landowner and build an independent home and rear a family. With this idea of aiding the farmer of small means we put the maximum limit on loans at $10,000. Later we raised the limit for borrowers in the United States, and the committee reported a bill to raise the maximum limit in Porto Rico and Alaska to $15,000; and we were assured that that amount of increase would be accepted and end the matter. But I want to ask you, considering the question from the standpoint of the principle involved, what right has a farmer worth $100,000, or who has assets in farm and equipment amounting to something like $100,000, to come to the Government and ask for a subsidy from the Government as basis for credit upon which to borrow money? That is what you are doing if you raise the limit to $25,000, because the bonds of the land banks are exempt from taxation; and a farmer would own about $100,000 in order to borrow $25,000. That is about the way it works out in a practical proposition. There is no justification for it in principle, and it is an unjustifiable thing to do.

You who have kept up with the operation of the Federal land banks know the difficulties that have been encountered. The legislation was fought by established farm-loan institutions and by banks in general. It was necessary to throw all possible safeguards around their management and to adopt conservative methods on every hand in order to command the confidence of the investing public and secure a market for the bonds. The value of the system depends on obtaining lowered interest rates for loans to farmers, and interest rates rest upon the rates at

which the bonds of the banks can be marketed. The system has accomplished enormous savings in interest to the farmers of the country and will continue to do so if all are only wise enough to hold down the system within conservative limits.

Only last year or the year before complaints on the part of certain officials of the administration led to a complete change in the personnel of the Federal Farm Loan Board. I do not say this action was justified by any defects in the manner of operating or conducting these banks, but is enough to cause caution now in making any far-reaching change in the law.

If we had started out with this system, with provisions allowing loans to the amount of $25,000 to individual borrowers, as it will be if this legislation is passed and it had not been interrupted by the Supreme Court decision which terminated operation for a time during the period of inflation in land values, I do not believe there is a student of the Federal land-bank system of this country who would not say that long ago we would have destroyed the usefulness of these banks. It ought not to be done.

Here is the way the land-bank system works: The borrowers get together and pool their assets. The farmers of this country own the banks. Each borrower pays 5 per cent of his loan as subscription for stock and the banks issue bonds for twenty times the amount of capital. Every Federal land bank is responsible for the bonds of all of the other Federal land banks, and we have already had trouble with some of the banks because of delinquencies on loans—more trouble than I would like to discuss publicly. It is not always prudent to discuss the inside affairs of the delicate business of banking and those things that enter into the consideration of banking—credit and operation depending upon the confidence of investors. The bank at Spokane, Wash., that will have to handle the loans in Alaska if we adopt this amendment has already had its difficulties along with others of the banks that make up the 12 land banks of the country.

That bank had enormous losses there which, under the provisions of the law creating joint liability on the part of the entire membership of the system for all bonds issued, had to be absorbed by the other banks. This is being worked out successfully, and certainly this bank at Spokane should not be allowed to conduct branch operations in Alaska with the latitude or laws which this bill allows. The land-bank system of this country is the method by which all the farmers of the country enter into a sort of partnership, a cooperative system for obtaining credit on lands. I want to ask each Member here, Do the farmers of your State want to enter into a credit partnership with the farmers of Alaska or Porto Rico? I submit that question to your good judgment. My friends, it ought not to be done.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. LINTHICUM. What is the limit in the United States proper?

Mr. STEAGALL. The limit in the United States has been raised to $25,000, and I will say that it was done over my protest and my humble opposition and I think against the better judgment of those who have been students of the banking system. But that is very different from extending it to the people of Alaska and the people of Porto Rico. Conditions are entirely different. These people can not be brought into the plan of cooperation which rests upon community spirit and community interests. There is nothing in the land-bank system that justifies any contention that this benefit should be extended to anybody on the score of sympathy or for the relief of distressed conditions that obtain. We passed an act for the relief of the storm-stricken people of Porto Rico. We appropriated $8,000,000 to help them over the losses and destruction occasioned by their great disaster. That incident discloses the danger of this measure which would put those unfortunate people into the system set up and owned by our farmers and depress the bonds that regulate the interest that is to be paid by borrowers in this country. Already the market for bonds of the land banks has been depressed, and, no doubt, in part on account of this proposed legislation.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. BRAND of Georgia. What per cent of the poor people of Porto Rico, if the gentleman knows, would get any benefit of this increase?

Mr. STEAGALL. I do not know how to furnish an estimate. I would not say that none of the farmers there who are deserving would benefit by the passage of this act, but I am afraid the greater share of the benefits would go to investors and capitalists, many of them outsiders.

Mr. BRAND of Georgia. As a matter of fact, the natives of Porto Rico will get practically no benefits from these big loans.

Mr. STEAGALL. I am afraid that is substantially true.

Mr. BROWNE. I understand the gentleman to make the statement that the bonds of one bank were guaranteed by the bonds of another.

Mr. STEAGALL. The bonds of each Federal land bank are guaranteed by all the Federal land banks.

Mr. BROWNE. If that is so, why in the market are the bonds of some banks higher than the bonds of other banks?

Mr. STEAGALL. The gentleman is mistaken. The credits of the individual banks are at par, and the bonds of the system are all one, so far as security and market value go. It is a cooperative system and can only be preserved by adhering to the principles of cooperation. I beg you not to take the destructive step which we take if we adopt the Senate amendment. [Applause.]

Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, this is purely a matter of business, and business for the farmers of the United States. As has just been stated, each bank of the system guarantees the bonds of all the other banks, and when there are losses in one of the banks, those losses have to be absorbed by all of the banks, and the banks are owned by the farmers, who have borrowed, and they have over $60,000,000 of stock in the hands of the farmers to-day. If you were to look behind the scenes, you would find that the losses that have been sustained have been losses in those banks where the loan limit was very large. I remember when we went through the institutions three years ago the banks that had the smallest average loans had the smallest losses in the aggregate, and that was the bank in New Orleans. We raised the limit in the United States, I think imprudently, to $25,000. The result has been, of course, that the average of the loan limits has been increased and the result is that a year and a half ago you had a reorganization down here in the Federal Farm Loan Board, because there was trouble everywhere. The trouble arose from the excess loans that had been made, because of this large limit, and with a prudent and financially strong management they are gradually getting back to the normal that they should always maintain, and now the proposition is that we increase this limit to $25,000 in Porto Rico and Alaska. The Banking and Currency Committee of the House decided against that proposition, but did concede up to $15,000, and we thought that was enough. How much does a man have to have in order to get a $25,000 loan? His property has got to be appraised at $50,000.

That reminds me of a very aristocratic young man, who did not have anything but a wife and four children, who applied to one of the old hard-headed bankers in my town for a loan of $1,000. The banker said to him, "Have you any real-estate security to put up?" The young man answered, "No, sir." The banker asked him, "Have you any bonds or other securities?" The young man answered, "No, sir." The banker asked, "Have you any personal property?" The young man answered, "I have my household and kitchen furniture." The banker asked, "Have you any farming land?" The young man answered, "No, sir." Then the banker said, "I am sorry I can not accommodate you, since you have none of those things." The young man answered, "If I had why should I want a loan?"

Gentlemen, you are preparing here to open the door for a further exploitation of the farm land-bank system, for a further infringement upon the value of the farmers' interest in the new farm land-bank system, by loading them up with loans in Porto Rico and in Alaska which will fritter away the value of the stock which belongs to the farmers, for which they have paid. Our committee did not think it proper, and I ask you to sustain the committee in so thinking. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. McFADDEN] to concur in the Senate amendment.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. STEVENSON. A division, Mr. Speaker.

The SPEAKER. A division is called for. As many as favor concurrence in the amendment will rise and stand until they are counted.

The committee divided; and there were—ayes 198, noes 52.

So the Senate amendment was concurred in.

On motion of Mr. McFADDEN, a motion to reconsider the last vote was laid on the table.

MUSCLE SHOALS

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Muscle Shoals and all legislation in reference thereto during this Congress, and on immigration and all legislation passed in reference thereto.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, the problem of Muscle Shoals has always been considered by Congress as a nitrogen problem and not as a power problem. It was to solve a nitrogen problem which arose in time of national peril that the great investment at Muscle Shoals was inaugurated by Congress, and it was in the effort to solve this nitrogen problem that the development has been so far completed. Muscle Shoals was built to furnish a supply of nitrogen that in time of war could be used in the manufacture of explosives and in time of peace that could be used in the manufacture of fertilizer. On the solution offered in the Madden bill (H. R. 8305), which embodies the acceptance of the offer of the American Cyanamid Co. to lease the Muscle Shoals properties, this problem has been very satisfactorily met.

The problem of an adequate domestic nitrogen supply is a double one. In time of war, for munitions manufacture, nitrogen must be immediately available in large quantities; cost is a matter of secondary consideration. The prime requisites of a solution to this phase of the problem are a production adequate to meet our munitions requirements, and that no time shall be lost before such quantities can be produced. In time of peace, for use in the manufacture of fertilizer, the cost of the nitrogen becomes the essence of the problem. The American farmer does not need additional quantities of nitrogen at present prices. If that were the problem he would simply buy more nitrate of soda from Chile, or he would absorb the entire domestic production of ammonium sulphate. To solve the fertilizer nitrogen problem the farmer must be furnished with a cheaper nitrogen and then this cheaper nitrogen must be combined with other plant foods into a suitable fertilizer material. And, further, to best secure these results it is necessary that those plant foods shall be combined into a fertilizer material containing 40 to 60 per cent of plant food rather than into low-grade materials containing 12 to 14 per cent, such as are now prevalent. One of the great needs of agriculture to-day is a cheaper and higher grade fertilizer.

To secure the production of such fertilizer some one must manufacture them. The present fertilizer industry has not chosen to keep abreast of development in this field, and not only is opposed to Muscle Shoals being used for this purpose but it is also advocating, through a 20 per cent ad valorem duty in the new tariff act, to keep out such high-grade fertilizers as are manufactured abroad. Muscle Shoals should be used to serve the whole people and not lie idle because its operation will hurt this industry or embarrass some other group. Progress invariably means embarrassment and loss to those who will not or do not keep abreast of her advance.

Both phases of this problem have been cared for by the terms of the proposal embodied in the Madden bill, which embodies the acceptance of the offer made by the American Cyanamid Co. for Muscle Shoals. In time of war the leased properties in whole or in part are subject to the needs of the Government. During times of peace the active operation in the production of fertilizer of the nitrogen-fixation plant keeps it instantly ready for use in time of war. Instead of bearing the cost of guarding, maintenance, and depreciation on an idle plant, sure to become obsolete, the Government has at no expense an active, operating plant, kept abreast of development in the art, ready for instant use. In addition the actual plant for the manufacture of high explosives, though not used in the production of fertilizer, is maintained, free of cost to the Government, ready to produce its full capacity of explosives.

In considering the second phase of the problem—cheaper nitrogen for agriculture—there is a report from a special study on Muscle Shoals which has never been successfully refuted. The Muscle Shoals inquiry appointed by President Coolidge in 1925 found that concentrated fertilizer could be manufactured at Muscle Shoals, using the cyanamide process for the fixation of nitrogen, and that these concentrated fertilizers, suitable for use by the farmer, could be shipped to a central point in each of 23 States at a delivered cost that would save an average of 43.4 per cent on what the same materials were costing the farmer at that time. These 23 States use about 90 per cent of the fertilizer now consumed in the United States. To refute the statement that Muscle Shoals fertilizer could not be shipped any great distance it is sufficient to point out that the saving in the State of Maine was 45.5 per cent, which was 1.4 per cent greater than the saving in Alabama. If Muscle Shoals can be leased to a responsible private corporation that will make such fertilizer, with provisions to safeguard the interest of the farmer, the lease should be accepted at once and this great plant be put to work in the interest of agriculture in her time of need.

Such a lease to a responsible company is embodied in H. R. 8305, which was introduced and supported by the late Hon. Martin B. Madden, chairman of the Appropriations Committee of the House, and still bears his name. Reported too late in the session for action by this Congress, it is to be hoped that the American Cyanamid Co. will keep this offer alive by submitting it to the Seventy-first Congress when it convenes. Of course, delay and obstruction have been placed in the way of the acceptance of this offer. Of course, attacks are made on its provisions, doubts are cast upon ironclad guarantees, misleading statements as to power available and interest paid are issued to be broadcast over the country as they have been in the past. Such tactics finally discouraged Henry Ford and he withdrew his offer. It is the hope of the opposition that the Cyanamid Co. will withdraw their offer.

The offer of Mr. Ford was subjected to the same form of attack, largely sponsored by the same authorities, as the attack on this offer which is embodied in the report submitted to the House on February 25 by Mr. MORIN. Though not called or marked as a minority report, it should be so marked. There were 11 votes cast in favor of reporting the bill to the House at a meeting of the committee that all members knew was to be held, and 11 is a majority of 21. There were only two votes cast against the bill.

Five charges against the bill are made by the retiring chairman of the committee. The first is that national defense does not justify additional expenditure at Muscle Shoals. No one has ever contended that national defense did, but sound engineering achievement does require these expenditures. A completed navigation program requires that construction of Dam No. 3. Both primary power at Muscle Shoals and at every other dam below Cove Creek Reservoir is nearly doubled by the construction of that feature of the lease. The Government is presumably as interested in navigation on the Tennessee as it is on the Ohio. Without constructing Dam No. 3 no navigation improvement is secured through the Muscle Shoals stretch of the river. Since the Government can under this offer build these dams and secure 4 per cent on their cost less only nominal amounts in the entirety charged off to navigation and war-time costs and in addition receive payments into a retirement fund that continued will pay back all the cost. Why not build them? Does the Government get 4 per cent on any part of the cost of navigation dams in the Ohio River? Does the Government get 4 per cent on the cost of the great irrigation dams of the West?

Second. Mr. MORIN in his minority report charges that there is no guaranty to make fertilizer and that production could cease in the early period of the lease, leaving the power in the control of the company. This is the same old story. It was held that Mr. Ford did not guarantee to make fertilizer. It is also contended that there are cheaper methods available. This has been argued since 1916, when the first action on Muscle Shoals was taken by Congress, but we are still buying the controlling amount of our nitrogen from Chile, still paying Chile her export duty, and the farmer is still hindered by high-cost nitrogen. But the offer does contain a definite guaranty to make fertilizer and in quantities sufficient to alarm the present fertilizer industry. As fast as the material can be marketed—and the entire distribution is placed in the hands of the farmer board—the company must step up its production of fertilizer until it is containing at least 50,000 tons of nitrogen annually. This amount is contingent upon the Government's carrying out its part in building Cove Creek Dam. This amount of fertilizer is equivalent to 325,000 tons of nitrate of soda and in nitrogen content to 2,500,000 tons of the kind of fertilizer the cotton farmer is offered to-day.

Consider for a moment the plain business figures with regard to the alleged ability of the company to shut down fertilizer manufacture and make money on the power. Even in the first few years of the lease this is impossible. The first guaranty of the company is:

> Before the expiration of the second year the lessee will * * * and will build on the lands of the lessor, the necessary phosphoric acid and ammonium phosphate plants to produce annually a quantity of such concentrated fertilizer containing not less than 10,000 net tons of fixed nitrogen and not less than 40,000 net tons of plant food.

This is an obligation to build a plant. The initial requirement regarding the productive capacity of the first unit, therefore, involves an investment of around $10,000,000, upon which there must be written off not less than 10 per cent per annum. This is an obsolescence and depreciation charge. It is unreasonable to suppose that the investment charge would be less than 6 per cent. To shut down this plant would result in a loss by the lessee of 16 per cent on its investment, or $1,600,000 a year. In these early stages of operation the only power available will be 78,000 primary horsepower as determined by the Army engineers at Dam No. 2, together with such secondary power as may be made primary by the use of the steam plant. This steam plant, the capacity of which must be increased to 120,000 horsepower by a unit to be installed at the cost of the

lessee, would make available, with the water power, a total of about 200,000 continuous horsepower.

The cost of this power to the lessee, made up of rents to the Government, operating expenses of the hydroelectric station and intermittent operation of the steam plant, stand-by charges on the steam plant, and other items, is estimated by the Army engineers as about $17 per horsepower per year. To add to this cost $1,600,000 per annum brings the cost to $25 per horsepower-year. How unprofitable such a cost would prove is shown by the fact that large blocks of power in the Niagara district, where a great market for power has been established, can be obtained for $25 per horsepower-year. It will probably be a long time before power from Muscle Shoals can command any such price. These facts explode the fallacy of the arguments as to power subsidy—since the company is paying what the power is worth—and also as to the millions to be made from power by stopping the manufacture of fertilizer.

But what is it that alarms the fertilizer industry if this offer does not mean fertilizer production? Mr. Charles J. Brand, executive secretary of the National Fertilizer Association, appeared before the Committee on Military Affairs and testified as follows:

> Therefore we are now being possessed of a normal amount of self-interest concerned with any proposition, such as that before the committee, which promises to inject an additional production, I believe, as Mr. Bell stated in his testimony Saturday, of something like 2,000,000 tons into an already saturated market.

Again under questioning this representative of the fertilizer industry, and a good representative he is for them, stated:

> I think if nitrate plant No. 2 were operated by private capital, particularly the enterprise that is now being considered, which is an efficient and capable corporation able to carry out its engagements, they could certainly manufacture fertilizer much to the discomfiture of the existing industry. They are not people who talk through their hats; they are people who perform.

Now, we are possessed of the facts. The operation of Muscle Shoals by the American Cyanamid Co. will make a better, cheaper fertilizer, and that is just the use to which Muscle Shoals should be put. The farmer needs that cheaper, better fertilizer to meet present conditions more than any other group needs any service that Muscle Shoals can perform.

The amounts of payment under this lease have also been attacked, but fortunately these payments have been analyzed dispassionately by our former chairman of the Appropriations Committee of the House, Martin B. Madden. He made, just before his death, a final answer to all objections to the terms of payment under the offer of the American Cyanamid Co. He showed conclusively that the interest payments alone during the 50-year lease period would amount to a total of $177,740,480. This is an average annual interest of $3,554,810, which is slightly over 4 per cent on the Government's average investment for water-power development. The Madden statement is set out in the hearings before the Military Affairs Committee and I invite your careful consideration of it.

A WORD ON THE MUCH-DISCUSSED RECAPTURE PROVISION

This provision was put into the offer solely upon the insistence of the committee in seeking to make the fertilizer guaranty more binding. It certainly does not weaken the guaranty to manufacture which was already in the bill, since this recapture provision is in addition to and not in place of the old guaranty.

As a means of taking back the property under the conditions set out it is a fair and equable provision, but the company undertakes certain obligations, as above set out, in regard to the manufacture of fertilizer, and failure to carry out these obligations is a violation of the lease and the Government can recover this property.

In conclusion I wish to invite the careful reading of the hearings had before the Military Affairs Committee covering a period of several weeks just previous to reporting out the bill. The questions which the different members of the committee propounded to Mr. Bell, president of the Cyanamid Co., and his answers thereto are very informing and give, perhaps, the clearest explanation and interpretation of the Cyanamid proposal that can be found, and which the Madden bill seeks congressional authority to accept.

I have attempted here only to call attention to the offer of the Cyanamid Co. because I think it important that the Members of the incoming Congress acquaint themselves with all the terms of this offer, and it is my belief that it presents the best and the only private offer for utilizing the Muscle Shoals plant in the interest of the American farmer. It is encouraging to know that a majority of the members of the Military Affairs Committee made a favorable report on the offer and are interested in having it continued, so that the Seventy-first Congress may have an opportunity of passing on the same.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted service certificates, and for other purposes; and

H. R. 17122. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 5094) entitled "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 349. An act to supplement the naturalization laws, and for other purposes;

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 5995. An act for the relief of John F. O'Neil;

H. R. 6698. An act for the relief of William C. Schmitt;

H. R. 6705. An act for the relief of Clotilda Freund;

H. R. 7174. An act granting compensation to William T. Ring;

H. R. 8401. An act for the relief of Jackson Mattson;

H. R. 8691. An act for the relief of Helen Gray;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy;

H. R. 10321. An act for the relief of B. P. Stricklin;

H. R. 10431. An act to amend section 101 of the Judicial Code, as amended;

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 13440. An act for the relief of Howard P. Milligan;

H. R. 13734. An act for the relief of James McGourty;

H. R. 13801. An act for the relief of John Bowie;

H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 14583. An act for the relief of A. Brizard (Inc.);

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia";

H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth;

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes;

H. R. 16089. An act for the relief of Elizabeth Quineriy Cummings;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project;

H. R. 16342. An act for the relief of Clyde H. Tavenner;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16839. An act to provide for investigation of sites suitable for the establishment of a naval airship base;

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 17007. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.;

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes;

H. R. 17060. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;

H. R. 17101. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; and

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5332. An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5730. An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458);

S. 5758. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa; and

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and S. A. Heydeck;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

H. R. 3537. An act for the relief of William F. Goode;

H. R. 3677. An act for the relief of F. M. Gray, jr., Co.;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 4029. An act for the relief of Maude A. Sanger;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4611. An act for the relief of Marion M. Clark;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 5341. An act for the relief of Staunton Brick Co.;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 7230. An act for the relief of Charles L. Dewey;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, and administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10045. An act for the relief of Robert S. Ament;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11500. An act for the relief of Ella Mae Rinks;

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 12650. An act for the relief of John F. Fleming;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

H. R. 13260. An act for the relief of Josiah Harden;

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 14242. An act for the relief of Everett A. Dougherty;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14873. An act for the relief of Chesley P. Key;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15220. An act for the relief of Francis X. Callahan;

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the Commissioners of the County of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States, and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers, all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16406. An act to repeal the provisions of law granting a pension to Anne E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16431. An act extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;

H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Keelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16985. An act authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and for other legislation limiting the annual per capita cost in Indian schools;

H. J. Res. 368. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements;

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; and

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

EXTENSION OF REMARKS

RESOLUTIONS REGARDING UNEMPLOYMENT IN ST. LOUIS, MO.

Mr. COCHRAN of Missouri. Mr. Speaker, a resolution adopted by the Central Trades and Labor Union of St. Louis, Mo., in reference to unemployment has just been brought to my attention. I have known that the unemployment situation in my home city has been serious, but I am rather alarmed by the conditions revealed in this resolution. I have been asked to call this matter to the attention of the Congress, and I therefore take the opportunity under leave to print granted me to incorporate the resolution as part of my remarks. I am personally acquainted with Mrs. Mary Ryder, William J. Fitzmaurice, W. G. Gibbons, and J. F. Altheide, who presented the resolution, and can assure you that before placing their names on any document they would be in possession of facts which would prevent anyone disputing their views.

My mail has clearly indicated that tens of thousands of our citizens are really in distress and unable to secure the necessities of life for their families, due to their inability to secure work.

It seems to me the Congress of the United States should meet this situation before it reaches a more advanced stage. We have authorized the construction of and appropriated money for large building programs. If all the work contemplated by the Government was started at once, it would go a long way to alleviate those who the resolution state are not only suffering but are unwillingly idle.

Under this great public-building program hundreds of millions are at the disposal of the building commission. As an example of the delay in prosecuting this work, let me cite the condition in St. Louis. The Congress has authorized and appropriated the money for a new public building in St. Louis. The building commission agrees an emergency exists. This money was placed in their hands in May, 1928, and up to this time no agreement has been reached as to where the new building is to be located. When this new building is constructed, provided it is not placed on the present site, then the old Federal building will be sold and a modern building erected on that block of ground. The two projects will mean an expenditure of from twelve to fifteen million dollars. Surely the commission can advance no sound reason for not selecting a site. It is true there has been a difference of opinion as to where the new Government building should be located, but when Congress passed the present public building law it removed politics from the building program, and this commission should now decide, with the information it has at hand, where to place the building and start construction without further delay.

Then you have the hospital building program of the Veterans' Bureau. The projects have been authorized and millions appropriated to start immediate construction. It was last spring that these projects were assured by the action of Congress. Nevertheless, you find few buildings started, and in many instances the sites have not been chosen. There is no excuse for such delay. The Director of the Veterans' Bureau admits additional beds are needed in the district which includes St. Louis. Money has been set aside and is available to build an addition to the hospital at Excelsior Springs, Mo. Nearly a million is ready for this purpose. Are they spending it? No. They say it will be July, 1931, or after before that project is completed. Why not start it now? It is admitted it is needed, the money is available, and the proper legislation enacted.

The War Department is authorized to spend millions for improvements at Army posts. This work should be started at once.

Rivers and harbors are to be improved. Flood-control work is to go on. Why not speed up the programs if a thorough investigation discloses the unemployment situation is as alarming as this resolution insists it is.

If every Member of Congress will make a survey in his district between now and the time the special session is called, information will be available from the entire country on unemployment. It is a problem that must be solved, and the Congress is in a position to solve it by speeding up projects already authorized and advancing additional funds for other work which has been agreed upon but not started.

The Government has an annual rental bill that is astonishing. Our Government is a permanent institution and there is no sound argument why it should not own the buildings it occupies for its agencies. Statistics will show that people who lease post-office buildings to the Government are permitted a rental paying anywhere from 15 to 22 per cent on their investment. While the contracts are for 10 years, there are specific provisions which enable the Government to secure a release any time it is desired. The Government can borrow money for as low as 4 per cent. Would it not be good business to pass legislation which would enable the Government to borrow a sufficient amount to construct buildings? The amount now being paid in rentals would be almost sufficient to pay the interest.

The resolution adopted by the Central Trades and Labor Union of St. Louis, an organization affiliated with the American

Federation of Labor, sent to me by the secretary of the organization, Mr. David Kreyling, is as follows:

Whereas distress caused by unemployment is becoming so alarming that the Government itself realizes that some remedy must be administered to remedy the cause, but the slow winter months drag on without any immediate action being taken to relieve the situation; and

Whereas one or two things could be done to alleviate the suffering of those who are unwillingly idle. First, the Government could be petitioned to start the many projects necessary for the progress of the State and Nation. Roads, Government institutions, and the much-needed flood prevention would all furnish work to millions who are desperately appealing for work. Those who possess great wealth could render this country a great service by seeing to it that every brain and muscle in this country has constant remunerative employment. Whenever the people of a nation are unwillingly idle some plan should be devised so that this enforced idleness would disappear; and

Whereas unless this depression were caused by a flood, famine, or war no wise government should fail to discover and remedy the condition; such a condition is bound to cause distress and the breeding of criminal impulses and revolutionary ideas. Trade unions have created more or less contentment for the workers of the organized crafts, but are not unmindful of the suffering of the millions of unorganized workers: Therefore be it

Resolved, That we, the delegates here assembled, do recommend that this body send a communication to our Representatives in Congress asking them to propose some relief measure to abolish if possible the enforced idleness of millions of men and women who are being displaced from honest employment through various causes and to start some agitation among all right-thinking people to promote enterprises that will give to these American people the right to earn a livelihood; be it further

Resolved, That a copy of this resolution be sent to the executive council of the American federation asking them to aid in a nation-wide agitation along this line.

MARY E. RYDER.
WM. J. FITZMAURICE.
W. J. GIBBONS,
J. F. ALTHEIDE.

SENATE JOINT RESOLUTION 9

Mr. HOUSTON of Hawaii. Mr. Speaker, this resolution by its phraseology refers only to the insular possession; it does not refer to the incorporated Territories of the United States, that has always been my understanding. Then it does not refer to the Territories has been stated by the gentleman from New York [Mr. SNELL], who brought the bill up by resolution. But further evidence is to be found in the fact, as stated, that the matter was referred to the House Committee on Insular Affairs and was by them reported; it was not referred to the House Committee on the Territories, which never has passed on the matter.

We in Hawaii are particularly jealous of our status as an incorporated Territory. It is because of that status that we share not only the privileges but also the financial responsibilities of the Government. The Constitution is applicable to the Territories but not to the possessions. Since the establishment of the Interior Department, the Territories of the United States have been under the administration of that department, under such jurisdiction they have been erected into States, and the remaining two should be careful that no change should now come which might affect their prospects of joining the sisterhood of free States. We have no objections to the possessions being placed under this administration.

But because Hawaii happens to be an island community confusion frequently exists as to our relations with the country. Even departments of the Government insist on classifying us for statistical purposes as foreign. By reason of the Federal reserve bank regulations, our bank checks are classed as foreign business. Foreign postage often appears on letters for Hawaii; invoices and custom declarations are prepared by commercial firms on shipments to Honolulu. We have to be everlastingly on the lookout to see that bills of general application do not discriminate against us, even though our organic acts state that they always apply unless locally inapplicable. Only recently we found that in the public buildings program of the Sixty-ninth Congress, section 4, which was a Senate amendment, provided for the mandatory construction of two post offices in each State, and Hawaii was left out probably because of confusion.

Therefore I insist that further confusion be not invited by such action on the part of this House as will join us with the possessions in this investigation. We are always classed with the States when revenue matters are considered, and with them I feel we must stay.

FARM RELIEF

Mr. McFADDEN. Mr. Speaker, the present session of Congress is drawing to a close. A new national administration is about to assume the responsibilities of government. Among the first acts of the new administration will be the convening in special session of the Seventy-first Congress for the purpose of considering a revision of the tariff and farm relief legislation—two problems of major importance to the citizens of this country and particularly so to the farmers of the country.

As one Member of the Congress that will deal with this subject I feel an equal responsibility with every other Member to do my part and be as helpful as possible in a proper solution of these two problems. I am, therefore, taking this opportunity of expressing my view of farm relief, with the hope that it may clear away some of the fog obscuring correct viewpoint of the several basic problems involved. Having been elected as the nominee of both parties, it is probable there would be little effort made to read politics into any remarks I might make on this subject. Having myself long been a farm owner and operator, I have tried the metal of my viewpoints in the fire of actual personal experience. Being a farmer undoubtedly adds to the sincerity of my desire to help in all ways, and at the same time is probably responsible for my deep appreciation of La Rochefoucauld's—

Philosophy triumphs easily over ills past and ills to come, but present ills triumph over philosophy.

As farmers are beset with present ills, seemingly something more effective than plausible philosophy is needed. The public needs correct information and the farmers require workable plans.

There has unfortunately arisen a fog and hence a false viewpoint as to the locus of farm depression. The greater part of our population now resides in cities, and are not investors or interested in farming, and their knowledge of farming and farming conditions is gained largely from newspaper reports of farmer meetings, congressional inquiries, magazine articles, and so forth. These news reports and articles, as well as many of the debates in Congress, too frequently lead one to the conclusion that farming is an enterprise located in the West; that therefore all agitation concerning plans for farm relief should be born in the West where farming is, and that the industrial East is not concerned. As one fairly well-informed city resident of my State puts it:

Of course, Pennsylvania is the keystone State of the manufacturing industry. If the industries of Pennsylvania were undergoing a depression, we would not look to the West for a remedy.

Such remarks by intelligent citizens clearly indicate there must be a wider publicity as to the location and extent of agriculture, and of the importance of agriculture in the East as compared with agriculture in the West, and of the interdependence of industry generally and agriculture.

Farm depression is not a sectional but a national problem. It directly concerns every Eastern State, not only because, as has been frequently pointed out, our farmers are big purchasers of manufactured products, but also and particularly because the East is an important farming section—how important may be definitely illustrated by comparing my so-called "Keystone manufacturing State" with any of the so-called western agricultural States. Let us take Oklahoma, Nebraska, Kansas, Idaho, and Montana. There are more farms in Pennsylvania than in any one of these States. The percentage of renters in Pennsylvania is less than in any of these States, being less than one-third of that of Oklahoma and little more than one-third of that of Nebraska, Kansas, or Iowa. The total farm population of Pennsylvania is over one and one-half times that of Nebraska, over five times that of Idaho or Montana, and within a few thousand of that so-called greatest of all agricultural States, Iowa. In Pennsylvania we have a farm population of over 910,000 people. When the 1925 census was taken, it was found Pennsylvanians paid annually more in money wages for farm help than Nebraska; and for the man who concludes that this may have resulted from a lack of use of machinery, it is interesting to note that the same census found there were more tractors in Pennsylvania than in Nebraska; that there were nearly 20,000 tractors on Pennsylvania farms as compared with approximately 2,000 in Idaho, 6,600 in Montana, and less than 11,000 in Oklahoma. And to the man whose conception is that these western farms are great consumers of farm feed, it is interesting to note that Pennsylvania's expenditure of over $43,500,000 for feed was within less than $6,000,000 of Iowa's expenditure, Iowa being the greatest of the "feed States"; that Pennsylvania's expenditure for feed was over eight times that of Idaho, over twelve times that of Montana, nearly one and one-half times that of Kansas, about $11,000,000 more than that of Nebraska, and nearly three times that of Oklahoma; that the approximately 27,000 silos in Pennsylvania exceeded even Iowa's approximately 21,000; was over five times that of Kansas, nearly

thirteen times that of Nebraska, about thirty times that of Idaho, over sixty times that of Oklahoma, and over seventy times that of Montana. The Pennsylvania farm-property value exceeds that of Oklahoma by over one-quarter billion of dollars, and is over three times that of Idaho, and nearly three times that of Montana; that the total value of implements and machinery on the Pennsylvania farms exceeds by approximately $30,000,000 the total value of implements and machinery on the Oklahoma or Idaho farms; is nearly twice the value of implements and machinery on the farms of that so-called greatest machinery farm State, Montana. Another prevalent idea is that the East is depleted of livestock; that the livestock of this country is all in the Western States, and yet the 1925 census values of livestock on farms gives Pennsylvania approximately $150,000,000; Idaho $52,000,000; Montana $89,000,000; and Oklahoma $102,000,000. There are nearly twice as many horses in Pennsylvania as Idaho, over seven times as many mules, over twice as many cattle, over seven times as many dairy cows, three times as many swine, and over eight times as many chickens. In Pennsylvania we have nearly seven times as many sheep as they have in Oklahoma, and we raise twice as many bushels of wheat as Iowa, and twice as many tons of hay as Oklahoma, and very approximately the same number of tons as Idaho and Montana put together. Pennsylvania raises over twice as many bushels of white potatoes as Idaho, so often referred to as a great white potato producer; nearly four times as many bushels as Nebraska, over five times as many bushels as Kansas, and twenty times as many bushels as Oklahoma. Pennsylvania produces over twice as much wool as Kansas, one and one-half times as much as Nebraska, and nearly eight times as much as Oklahoma; produces nearly ten times as many eggs as Idaho, and twice as many as Oklahoma or Nebraska. Our total of land mortgages on Pennsylvania farms is approximately $90,000,000, exceeding that of Oklahoma by approximately $15,000,000. In fact, our mortgage-debt average in Pennsylvania, per farm-land acre, is over twice that of the mortgage-debt average per acre on Oklahoma farm lands; is greater than the Nebraska, Kansas, or Idaho average, and nearly four times the mortgage-debt average per farm acre in Montana; and, as heretofore pointed out, this Pennsylvania debt is on farms where the tenancy is less than in any of these other States.

With these facts confronting him, can anyone say that this typical great eastern so-called industrial State of Pennsylvania is not interested in farming? That it is not concerned in farm products prices, or in farm property, or in farm depression?

Similar comparisons may be made for New York and other northeastern, eastern, and southeastern States.

Thus, no matter what may be the angle of one's view, it is erroneous to look upon farming as western. It is national, and farm depression directly affects the East as well as the West. The farm problem is eastern, western, northern, southern! I repeat, it is national.

On the other hand, there is the substance of fact in the expression, "the industrial East." The territory east of the Mississippi River and north of the Ohio River plus Pennsylvania, New Jersey, and New England States, comprises about 12 per cent of the area of the United States, and nearly half the population, producing 70 per cent of the value of manufactured products. The whole section west of the Mississippi River contains less than a third of the total population and about 69 per cent of the area of our country, although it produces approximately a half only of our principal grain crops. The idea that farming is somewhere in the West may have originated in the days of Horace Greeley's advice to young men. The fixed idea that industry is permanently in the East undoubtedly arose in New England long before that time. True, unless proper reciprocity in exchange of commodities and other economic factors can be impressed and maintained, industry will move. Thus, the gristmills some time ago changed their headquarters to the Northwest, and many of the tanneries have long since moved away from the East, and so we are now told that St. Louis instead of Boston is our greatest boot and shoe producer; and the spindles of Lowell are gradually shutting down and their counterparts are beginning to hum in the South nearer the source of supply, until it has come to pass there are a greater number of spindles operating in the South than in the North and the East combined.

The success of this industrial East was founded upon consumption of its products supported by farming. It can be sustained only through continuance of farmer support. These farmer owners and farm workers have always supplied the base by expending their billions of net income for nonagricultural products. Our soils are so good, and on the average of climatic and other conditions are so favorable to production, and the American farmer is so efficient that notwithstanding his having been given an unequal chance in the economic struggle throughout several decades, he has continued to produce annually billions of dollars of new wealth and to have expended the bulk of his net results for nonagricultural necessities, largely products of manufacturing. The domestic market is as all-important for manufacturing as it is for farming. The value of our whole nonagricultural exports are less than $3,000,000,000, and in the whole list no one manufacturing line exports even as much as 20 per cent of its output except rosin, turpentine, motor cycles, copper, typewriters, kerosene and lubricating oil, locomotives, and sewing machines. The biggest value item is automobiles and parts, the 1927 value being over $825,000,000. Big figure, but such total is only 11.3 per cent of total domestic output. Manufacturing is dependent, even as agriculture, on this known constant home market.

The exchange of commodities in this home market between these two great fields of human activity is supported and facilitated by free trade between our 48 States. On last analysis, where the test becomes the gaining of enough bread to give strength to work to-day to get bread for strength to work to-morrow, agriculture is far less dependent on manufacturing than is manufacturing on agriculture. Under any analysis, however, prosperity can be based only on recognition of the interdependence of the two fields, and continuance of volume in interchange at production costs plus profit must be predicated on an economic balance of the purchasing power of the dollar, whether in possession of a member of the one class or the other.

Whenever in our history there has been a farm depression, there has followed an industrial depression. There is an interim or lag between the farm depression and the consequent industrial depression. Heretofore the depth of a farm depression has shown less deeply in the curve of industrial depression than it will this time, because of the borrowing power of the farmers in the past—namely, borrowing power during period of adjustment. This time it is different. It may be a proper premise upon which this time to prophesy real depth in a following industrial depression when we observe that this farming depression comes at a time when the farmer has exhausted his credit. His total debt at the outbreak of the World War was approximately three and one-half billion dollars. It is now estimated by those most competent to fix upon a total at approximately $10,000,000,000 additional. It was clearly proven at the time of the congressional agricultural investigation in 1921 that under then existing conditions, which, as we shall see, have not been eliminated, farming as a whole was a losing enterprise. It so remains. If, then, the farmer can not receive from the sale of his products a profit on his labor and investment, and if his borrowing power and credit have been exhausted, his purchasing power must rapidly become nil; and as that fast-approaching time arrives, unless prevented by adoption of successful remediel plans, industries must curtail production, which means decreasing pay rolls and unemployment. That man is ignorant or economically mad who conceives national prosperity may be sustained upon sale of manufactured products purchased only by industry owners and dealers and their workmen. Such condition is the equivalent of two Crusoes trading pennies on the desert island, and reflects the picture of the village wherein all the inhabitants made a living and profit, each by taking in the washing of the other. Primarily wealth is in the soil, and the producer of it is the farmer. This wealth production is new annually—a result of cooperation of rain, sun, soil, and man. If the farmers' purchases come out of the base, the foundation of prosperity is so weakened as to crumble and the superstructure of all other activities falls to the ground. Thus it comes about that not less than 90 per cent of the total consumption of our industries' products will be destroyed exactly in proportion to the degree this country permits agriculture to be destroyed. In creating primary wealth, all else than farming (mining of precious metals alone excepted) is superstructure.

I have mentioned the element of time involved, the so-called "lag factor." It is largely because of this that the full power of the present calamity has not yet been driven home to the manufacturer, factory pay-roll worker, merchant, artisan, urban laborer, and city dwellers generally. No installment-payment plan or other scheme of mortgaging the future will avail the manufacturer in an attempt to keep running with "prosperity on paper," once the slack in this lag-factor element is taken up. There is fog as to the seriousness of this situation. This fog should be promptly dispelled. The city wage earner should be advised truthfully as to this existing condition which so concerns his future; and the investor, manufacturer, merchant, and

all city dwellers should not defer working diligently now to assist in evolving a solution.

I hope these views will prove convincing that the problem of farm relief is not only not western or southern, eastern or northern, even from the angle of farming alone considered, but also national from the viewpoint of the economic-welfare status of every citizen, no matter where his residence or what his occupation.

The mental attitude of those who are unmindful in the city must change while together all of us carefully consider this national problem. Now is not the time to think lightly of farming in terms of some memory impression of "a hick comedian," a cackling hen, a squealing pig, or a mooing cow. There are social and spiritual values involved having directly to do with the character of our Nation and the perpetuity of our Government. These ultimate considerations are beyond doubt of greater weight than the bald economics of the situation, but a greater city audience can now be reached and urged to action by an "economics appeal."

A large class of city dwellers now enjoying "spotted prosperity" have the popular "economics fever" in a form which some not inappropriately dub "cipher fever." They think in big figures, mainly composed of many ciphers. All right; let them conceive of the six and a quarter million farms as one great unit, comprising nearly a billion acres, with a half under the plough—such investment having a written-down valuation under the last census of something over $67,000,000,000, a shrinkage of $20,000,000,000 in value since 1920. The estimated gross value of its crops and animal products for that last census year was over $16,800,000,000, with net total of over $13,000,000,000 after deducting crops fed to livestock and reservations for seed. Let them think of the farm population as nearly 30,000,000 of our citizenry. Let them consider that in 1911 agriculture, with 24 per cent of the working population, received 17 per cent of the national income, but with its workers (principally on account of farm depression) deserting the farms for the city at the rate of over a million per year, agriculture had remaining by 1921, 22 per cent only of our working population and received 10½ per cent only of our annual income—notwithstanding those that remained in the country produced under favorable climatic conditions a greater tonnage crop. Let them ponder the facts that the range of farm prices for farm products has been for the past seven years from 10 to 30 per cent lower than before the war, compared with general price levels; that the annual return per farmer for labor and management for the years 1920 to 1925 was $613; that while in purchasing power the selling price of his products has been decreased, his wages for farm help, his interest on debts, his building costs, and the costs of his living have been greatly increased, and his taxes are about two and one-half times their pre-war level; that with 1913–14 "farm value" as the base, prices for farm products have been lower than those of nonagricultural products for nearly every year in the past forty; that after this long, unequal, economic pull, this last postwar deflation abruptly and directly affected more acutely his raw products than it did manufactured and processed products; that the capsheaf to his shock of despair was added by action under the Esch-Cummings Act whereby the level of freight rates on 50 representative farm products arose to a point of over 50 per cent above the 1913 level, and this at a time when he was being confronted with decreasing prices, so that the market was a "buyers' market" (as in any event, a farmers' market almost invariably is), causing him to absorb this total freight increase—a position from which he has never been able to extricate himself. Let them know this freight increase resulted in the farmers paying approximately a billion dollar freight bill last year; that although such farm products were approximately 11 per cent only of the total volume of freight, the farmers were called upon to pay and did pay to the railways 19⅞ per cent of the total freight revenues of all the railroads of this country. Add to the foregoing the freight bill arising through the farmers' patronage of the city, being the freight bill of this approximately 30,000,000 farm population on city goods purchased by an annual expenditure of nearly all its net cash income of several billion dollars, and the importance of the farmer to the transportation of this country begins to become apparent. It is charged by intelligent and responsible citizen-farmers that the fixing of these rates on their outgoing products was one step urged by the Federal Reserve Board upon the Interstate Commerce Commission to hasten deflation after the extraordinary inflation consequent upon the Treasury Department's policy in promoting the sale of the low interest-bearing Victory Liberty loan. As there is a soul of truth in this, the thought arises that it is particularly appropriate all bankers join now with other city dwellers to evolve proper and sufficient remedies which may be equitably applied.

All city dwellers should also know the facts about price levels and the purchasing power of the farmer's dollar. Let them, for example, consider the index numbers on farm prices for farm products (not so-called "wholesale prices" but "farm prices") in comparison with index numbers for prices for commodities the farmer must have to survive, and also in comparison with union-labor wages. With 1910–1914 at 100 as a base, the average index for the seven years 1921–1927 for "farm prices" was 132; for "commodities bought by farmer for family maintenance," 162; for "wages paid by farmer to hired labor," 162; for "building materials for other than house," 160; for "farm machinery," 158. Taking May 15, 1913, as a base at 100, the average index for same seven years for union labor was 227. The "cost of living in cities" index average was 174.

This should assist the urban dweller in making comparison. Divide 227 by 174, and we have 130, i. e., the union laborer if paid in city-living necessities has been receiving 130 during the past seven years against the 100 he received in 1913. Divide "farm prices" (132) by "commodities bought by farmer for family maintenance" (162), and we have a little less than 81.5, i. e., in comparison with his 1910–1914 situation, the farmer's dollar during the past seven years has averaged less than 82 cents in purchasing power for his family maintenance. Note there is nearly a 50-point range of difference in these contrasted positions. There has been no end of printer's ink wasted in picking out brief periods here and there, or a commodity here and there, as basis for issuing statements and reports purporting to show return of agricultural prosperity. Here and there a representative farmer charges there was politics in some of this. Not a little of it has been ignorance. Farm prices have been at a long-sustained sublevel. Slight temporary gains have always been offset. Unless effective remedies are applied, general agricultural disaster impends, and no one can foresee the bottom of farm products' prices. On the 15th of last month, after temporary gain, the index of farm prices was again down to 133—practically at the point of the seven years' average of 1921–1927. While this is the farm-price condition, the Department of Labor is announcing a rise in its weighted price index, which covers 550 commodities, and announces advance in its index covering "city prices of food." The city dweller is entitled to such comfort as he can get from consideration of such positions. There is no hope for the farmer in present data. His business is still a losing business. His dollar remains in purchasing power a shrunken 82 cents. The actual price index averages, based on the authorized published index numbers for the seven years mentioned, I have given above. He who runs may read.

Mr. Speaker, these fogs must be dispelled—the fog as to the location of farming and from whence comes the demand for relief and what national spread will there be in relief if obtained, and the fog as to whose duty it is to evolve proper plans which may be inaugurated and result in salvation of this basic wealth-producing activity.

Farm relief of to-day is national relief of to-morrow! The spread of any relief granted will be nation-wide. Manufacturing, transportation, and industry generally could not long survive the decease of farming. They can not long succeed when farming is beset with economic disease. There is interdependence between the city and the country and the transportation link which connects them. To the extent present manufacturing and transportation prosperity has been builded upon the existing unbalanced economic conditions which peonize the farmer and strangle his investment, it will prove false and fleeting. Delay in solution carries penalties to the city dweller—whether banker, investor, manufacturer, employer, employee, or laborer.

Mr. Speaker, the fogs obscuring correct viewpoint of farm relief do not lie over cities only. There are "foggy spots" in the country. For example, there is the so-called "chronic kicker" who complains that legislative bodies enact laws innumerable for manufacturing and other city industry but pay no attention to agriculture. A survey of the Federal and State laws would quickly convince any reviewer that the legislative doctor has always responded to the call of the farmer patient, and has rightly or wrongly always agreed with the patient that he was sick. The pills prescribed were the "quantity laws" enacted. The error was failure to accomplish proper diagnosis before using the prescription pad. Retrospection discloses the patient has been given great quantities of pills, not a few of which were the wrong kind.

Time will not permit substantiation of this position by review of each of these very many laws, but the whole situation may be illustrated by (a) citing, as example of "quantity," a partial list of laws relating to agriculture, and some administrative activities thereunder, and (b) citing, as example of insufficient

completeness and lack of quality in law and administration thereunder, acts relating to transportation and credit.

Within my time limit I may mention a few only of the quantity legislative acts which with honest intent and hope we have passed with the idea of assisting the farmer. We have authorized the doing of almost everything any reputedly sane farmer has suggested, even to the making of surveys to determine how many little pigs our sows would farrow next year, and the calves our cows would drop, although without any similar census authorized as to prospective advance in population through births of children to indicate probable increase in bulk consumption of fluid milk by the route of the baby's bottle. As indicating we have been busy, but with no criticism as to results obtained by not a few of these activities, I recall we now have surveys to determine well in advance total production of ensuing harvests; studies innumerable of how best to make the farmers cooperate; the giving of counsel to cooperative boards of directors and managers; the proceeding, as we shall see, to compel the farmers to organize for particular purposes; analyses of up-to-date accounting systems for farmers' use; studies of the extension of markets at home and abroad; prediction of market prices; tariffs against agricultural imports; the market news by telegraph and radio; study of innumerable production problems, and prevention of pests and plant and animal diseases; the selection of seeds; the promotion of good sires in animal breeding; the employment of no end of specialists and technical advisers in the Agricultural Department here in Washington, in experiment stations, extension service, weather bureau, dairy industry, animal industry, plant industry, and Forest Service work, and in the Bureau of Chemistry and Soils; and in the study of by-products, and in the tasks undertaken by the Bureau of Biological Survey, the Bureau of Entomology, the Bureau of Public Roads, the Bureau of Agricultural Economics, the Bureau of Home Economics, and Bureau of Plant Quarantine and Control, the Bureau of Grain Futures Administration, Bureau of Food Administration, and so forth. These technical specialists alone comprise an army of approximately 30,000 people.

In the matter of the tariff, we gave the farmers in 1922 practically what they asked for. The American Farm Bureau Federation Weekly News Letter for September 21, 1922, said:

> Agriculture has obtained duties on almost every commodity on which it desired a tariff, and the rates are in most instances as high as was requested.

Moreover, the farmer was given the advantage, as were others, of the flexibility clause in that tariff, under which the Tariff Commission might investigate and recommend 50 per cent increases in duty. It is reported that the Tariff Commission has given more than half its time since 1922 to study of costs of production of farm products here and abroad, with the purpose in view of giving the farmers any additional increases justified. Wheat, butter, and some other farm products have benefited by increases made by this method.

The packer and stockyards act, the rural free delivery act, Federal aid for good roads, exemption in organization from the penalties of the Sherman Antitrust Act, through the Clayton Act and Capper-Volstead Act, and no end of other legislation has been enacted fairly promptly in response to farmer demand.

In brief, the farmer does not lack in the present status of laws "quantity" legislation, but may require more "quality" legislation, as I hope my later analysis of some such quantity legislation will clearly indicate.

As to necessity of amplification of existing laws and correction and extension of administrative service thereunder, I suggested analysis of present situation in transportation and credit. For decades, the Congress and all State legislatures proceeded on the theory that the farmer would prosper if supplied with sufficient and efficient transportation and abundant credit. The patient, too frequently represented by some uncle, usually diagnosed his own case, and the legislative doctor rolled the transportation or farm-credit pill. Thus, it was largely because of the farmers' repeated representations of freight-rate discriminations that we passed the interstate commerce act of 1887.

The chief object was to prohibit unjust and unreasonable charges. We strengthened it with the Elkins Act of 1903 and the Hepburn Act of 1906. As the patient was still complaining, we endeavored in the Esch-Cummins Act of 1920 to increase the dosage by setting before the commission a pattern or standard of reasonableness—a general guide. We deprived the railroads of their old competitive rights, but said that rates should be so adjusted that carriers as a whole or as rate groups might earn up to 6 per cent on the value of their property under honest, efficient, and economic management and with reasonable expenditures for maintenance of way, structures, and equipment. The 6 per cent earning was not to be charged on the outstanding securities but on the value of the property, and excess earnings were to be recaptured by the Government. There was to be no new issue of stocks or bonds without consent of the commission. Consolidation and pooling might be had only with the consent and under the direction of the commission. It seemed that at last the doctor had rolled a transportation pill worthy his learned reputation. The ailing patient was highly hopeful as he swallowed it. To make sure of the effectiveness of the pill, the doctor left his assistant, the commission, in charge of the case. What he was to do within the limitations prescribed was clearly set-out. What has been the result? The pains and aches which the patient originally had have been magnified, and although his good neighbors, including the President of the United States, have been scolding the commission and demanding action for a period of more than five years last past, nothing has resulted.

We have seen that the horizontal raises in 1920 in freight rates on the farmer's commodities, put into effect at a time his markets were declining, were wholly absorbed by him, and still remain his burden; that the level of these rates on 50 representative farm products arose to a point of over 50 per cent above the 1913 level; and that he furnished in 1927 something over 11 per cent of the total tonnage of railway freight in the United States and paid for its transportation nearly 20 per cent of the total gross income of the railways of the United States. As an illustration, by the index method, of these raises, let us take a typical cotton haul, from Tarboro, N. C., to Norfolk, Va. With freight rate obtaining in 1913 as our 100 base, this transportation rate arose to index of 262 in 1921, remained at 250 from 1922 to 1925, and has been at 240 since that date. And this is on cotton for export. It may be the fog on this point will the more quickly be lifted by stating that the rate raises in question have consumed a much greater quantity of the farmers' products than before the war. The New York Agricultural Experiment Station gives as an example the following: A farmer shipping potatoes in 1917 paid 4.9 pounds out of each 100 pounds for freight; after the raise, in 1921, he paid 18.3 pounds out of each 100 pounds. Some think the extent of the injury may best of all be driven home to the attention by stating proportions of wholesale prices of commodities consumed by transportation costs. They cite, for example, some of the results of the studies of Samuel Fraser and R. A. Phillips for the International Apple Shippers' Association of Rochester, N. Y., and for the Western Fruit Jobbers' Association of America. Their studies embodied the rates on 9,476 actual shipments of fruits and vegetables. Expressing the freight costs in percentage of wholesale price (not "farm value"), the results were: Boxed apples, 36.23 per cent; watermelons, 44.89 per cent; Maine potatoes, 35.15 per cent; Texas onions, 46.91 per cent; California lettuce, 47.15 per cent; Florida citrus, 26.64 per cent; Texas cabbage, 75.12 per cent. On 355 cars of northern potatoes, with average haul of only 250 miles, the freight consumed 20.15 per cent of the total wholesale prices obtained for the commodity. The inaptness of such percentage comparisons as to perishable rates lies in the ability of the railways to demonstrate by an equal number of contra illustrations much less percentages—that is, no matter who makes the study in a spirit of judicial investigation to arrive at a fair average, there can always be set up a less percentage table by a transportation-market expert. This comes about because of the great fluctuations in perishable markets. The railways' bureau of economics is thus placed in position to say that price fluctuations in perishables are usually several times freight rate from point of production to usual market; and hence, the railway economists argue, "the cost of transportation, as reflected by freight rate, is a secondary factor in those processes of distribution that control the price of the perishable." Specious argument to the unwise or the unthinking for maintenance of present rates! Remove the fog, tell the public the facts about our present pernicious perishables marketing system, and they will readily understand that the glut of to-day at a given market, yielding the farmer's fancy pack practically no price, may be the dearth of to-morrow in the same market, yielding an unstandardized pack of medium-quality product a comparatively high price! And it is behind such existing variations arising in this wholly uneconomic marketing system the railways would hide with the false defense heretofore noted, would canonize their existing unjustifiably high perishables freight rates by asserting they are less than the range of wrongful extreme fluctuations in price of these commodities due to the most inequitable and unholy marketing system on earth! Such subterfuge argument, printed and scattered throughout the land by the railways, is an indication of the extremity to which they are being pushed, and is also a good reflection of the

unchanged opinion of the railways that the farmer remains unintelligent.

No end of similar examples—that is, rates similar to those heretofore cited on cotton—can be given, not only for other farm staples but also for farm perishables, and not only for domestic delivery of farm staples but also when destined for export. My colleague, Mr. GARBER, of Oklahoma, pointed out in a speech in this House on May 17 last no end of comparisons showing injustice in high and preferential rates obtaining and which affect farmers of the Great Plains States, and rightly insisted there should be promptly formulated a correct basis of preferential rates for farm staples for exportation, comparable with preferentials on freight haul long given to manufactured products for exportation, and that such remedy would go far toward the solution of the problem of our exportable products surpluses.

The fog concerning the actual working out in practice of this "quantity legislation" of the past, in its relation to present exorbitant freight-haul prices on farm products, should be dispelled.

The public utility commissions of some of the States are beginning to enunciate new bases to quicken procedure. This should be notice to the railways that it is as incumbent upon them as upon the shippers to seek prompt, definite, equitable readjustments of rates by firm and proper action of the Interstate Commerce Commission. The Massachusetts Department of Public Utilities has recommended the obviation of valuation difficulties by compelling each company to negotiate a contract with the State fixing a valuation approximately at the amount actually paid in by investors and agreeing in the future to accept the commission's regulations as to rates, without appeal to the courts, provided such regulation does not prevent the payment of fair dividends, tending to keep the stock on a wholly unwatered basis at par value.

Assuming the Government acted aright, largely in response to farmers' demands, in undertaking Federal regulation of our great interstate transportation facilities, then must we not now admit there is good foundation for the present charge by the farmers that the Government has to date proven inefficient in its stewardship relating to such regulation? It is insufficient answer, so far as this charge against the Government is concerned, that the Interstate Commerce Commission should be excused for its nonaction on the ground of its having been overloaded with other duties under many other acts of Congress. If Congress does not properly set up machinery to accomplish effectively the results it imposes by law upon the commission to obtain, nevertheless the penalty of its neglect should not continue to be borne by the most unfortunate class in our present economic unbalancing. If under existing laws the commission assumes its rate-fixing duties are limited to adjustments by decisions of issues in specific contests which arise on complaints for hearing, then let us proceed to specify more clearly and definitely its functions and duties in this regard and specifically charge it with performance and accomplishment within a specified time limit, definitely stating that one reason for its existence and the first purpose of its creation, and its first duty, was and is properly to adjust rates which strangle agriculture; not to stab agriculture in the back with exorbitant rates of its own making. As it is now popular for legislative bodies to make declarations of public policy, maybe it is time for the Congress to serve notice on behalf of the injured and suffering farmers that their funeral oration shall not in any event be an unholy freight-rate schedule born of the suggestion of one great bureau to another to carry out a delayed policy of deflation.

Let us not mince words or beg the question. The farmers charge this Government with creating these schedules under which they can not survive. Let us give them fair opportunity and restore their confidence in the justness of this Government by declaring this confiscating freight-rate schedule a bastard child. And if it be argued that under existing laws due consideration of a proper rate structure can not be had until valuations can be fixed, let us determine by effective legislation that the railroads shall be compelled, within a fixed limit of time, to make definite sworn representations as to the exact unwatered cash investment there is in their respective utilities; and, reserving the right further to investigate into the contents of these sworn representations, let us demand that the commission shall tentatively use such bases of investment as direct guides in considering proper earnings in relation to a freight-rate structure builded upon a fair interpretation of the well-known rule of "what the traffic will bear and continue to flow in volume."

If it be said that such legislation is preemptory or has in it any element of confiscation, then let us debate it from alpha to omega, each Representative being heard throughout this land, so that the people may judge as to the quality of his trusteeship in the handling of their legislative affairs through a government of equal opportunity to all. Let all fog be dispelled as to the factor which farmer patronage has in relation to railroad and industrial life generally. Let the investor in railway stocks and securities come to know all the facts, and he will no longer feel secure through the further attempt in maintaining railway income through economic peonizing of the farmer, upon whose prosperity depends in final analysis the total tonnage haul of this country.

This railway freight situation is just one of many uneconomic conditions which in practice have resulted from legislation lacking in completeness and "quality" enacted in response largely to farmer demand. He wanted sufficient and efficient transportation. We gave it to him, but under conditions so much more favorable to other industries as to prove a death knell to his farming investment. It is no defense to state that the railways of the United States have the lowest capitalization per mile of any railways in the world, pay the highest wages to their employees of any railways in the world, and out of the lowest rates per mile of any railways in the world. Granted that this status be true, the inequities of the distribution of the quantitative sources of income of these railways are apparent and must be adjusted if agriculture is to survive, which in effect is saying if manufacturing and industries generally are to survive; yes, if the railways themselves would survive.

I am not a so-called "antirailway man." Railways and railway investment must have fair treatment; but I know that fair treatment in earnings for the railways need not involve unfair treatment by confiscatory freight rates to farmers. Every sensible capitalist in the great railway industry must on reflection realize that no officer of his road works harder against its best interests than the one who works exclusively for it. This is another case of not seeing the forest for the trees. Farm depression and farm relief are broadgauge railway questions, and the Congress needs now the helpful suggestions for solution which should be forthcoming from all, including the railways.

The other thing which, as I have stated, the farmer so long demanded was credit. They first wanted long-time rural credit and we passed the Federal farm loan act of 1916. As one of the results of the investigation made by the Joint Agricultural Commission of Congress in 1921, the farmers' demand for intermediate credit, i. e., for a period of not less than six months nor more than three years, was met by the Congress passing the agricultural credits act of 1923. Under the Federal reserve act of 1914, with its amendments, the Federal reserve bank was, upon the indorsement of its member banks, to discount notes, drafts, and bills of exchange issued or drawn for agricultural purposes or the proceeds of which were to be used for such purposes—the Federal Reserve Board to determine or define the character of the paper thus eligible for discount within the meaning of the act; but notes, drafts, and bills thus admitted to discount were to have a maturity at time of discount of not more than 90 days. It was, however, further provided that any Federal reserve bank might discount an acceptance, indorsed by at least one member bank, provided such acceptance was drawn for an agricultural purpose, secured at the time of acceptance by warehouse receipts or other such documents conveying or securing title covering regularly marketable staples, such acceptances to have maturity at time of discount of not more than six months' sight. There was a further provision that upon the indorsement of any of its member banks any Federal reserve bank might, subject to regulations and limitation to be prescribed by the Federal Reserve Board, discount notes, drafts, and bills of exchange issued or drawn for an agriculture purpose or based upon livestock and having a maturity, at the time of discount, not exceeding nine months; and that such paper might be offered as collateral security for the issuance of Federal reserve notes if the maturities did not exceed six months, and also if these maturities did exceed six months, provided they were secured by warehouse receipts or other such negotiable documents conveying or securing title to marketable staple agricultural products or by chattel mortgage on livestock which was being fattened for market.

It was undoubtedly thought by the public and by the majority of the Members of the Congress that with the passage of the agricultural credits act provision had at last been made for the extension of all classes of credit required by the farmers. The doctor had rolled the credit pill for his farmer patient. It was at least evident there had been quantity legislation. In order that we may correctly determine whether or not this dosage was efficacious, i. e., whether this legislation was complete and of good quality so far as development and prosperity of agriculture are concerned, let us a little further describe the machinery and then examine some figures and facts. It must be remembered at all times that the advantage thought to be obtained by

these laws was, as stated in the Federal farm loan act, "to provide capital for agricultural development, to create standard forms of investment based upon farm mortgages, to equalize rates of interest on farm loans," and as stated in the agricultural credits act, "to provide additional credit facilities for the agricultural and livestock industries of the United States." Under the Federal farm loan act 12 Federal land banks were set up and the capital was subscribed by the Government. These banks were under the management of the Federal Farm Loan Board, which was authorized to grant charters for the joint-stock banks, which were to engage in the same business as the Federal land banks. In retrospect this semiduplication was probably not worth while. The Federal land banks were to make no loans except through so-called national farm-loan associations, which were to be created by methods prescribed, or through so-called agents, being banks or trust companies chartered by the State wherein they operated. To no one borrower were these Federal land banks to lend more than $25,000, with preference expressed for the borrowers of $10,000 or less. The joint-stock banks did not have this limitation. Both sets of banks were limited to loans not exceeding 50 per cent of the value of the land mortgaged and 20 per cent of the value of permanent insured improvements thereon, such values to be ascertained by methods of appraisal. The action of each Federal land bank was confined to its bank district. The action of the joint-stock bank was confined to its State and adjoining States.

The purposes for which the borrowed money could be expended were specifically set forth when the loan was made of the Federal land banks, but the joint-stock land banks could lend for other purposes than those specified as limiting Federal land banks. The Federal land banks could lend only to persons who at the time were engaged, or within a brief time thereafter were to be engaged, in the cultivation of the farm mortgaged. There was no such specific limitation placed upon the lending of the joint-stock banks. Both sets of banks were to offer to the public tax-exempt bonds based upon their mortgage holdings. The Government made no subscription to the capital of the joint-stock banks. The Government's subscription of capital to the Federal land banks, to a total of approximately $9,000,000, has to date been paid down to approximately $439,000 by deductions from earnings. As under the act, these Federal land banks could increase their capital indefinitely, there really was no limit to the amount of this long-time farm-land credit. On September 30, 1928, the combined capital stock of the Federal land banks was over $64,000,000, and of this total nearly $63,000,000 was owned by national farm-loan associations as against approximately $750,000 owned by borrowers through the State banks acting as agents of these Federal land banks. As above stated, the Government's investment is now something over $400,000 only. To understand how it came about that these farmer associations now own practically all the capital of the Federal land banks, it should be explained that by a provision of the act a borrower was and is always required to devote 5 per cent of the sum borrowed to purchasing shares of the capital stock of these Federal land banks, and that upon his making such purchase it was and is required that his shares be put up as collateral, and it was and is further specified that when the debtor pays his debt the amount he has been required to pay for his shares is returned to him, and thereupon his shares of such capital stock are canceled. Thus he is made to become a stockholder, and 5 per cent of the capital he borrows is never delivered over to him although he pays a fixed rate of interest on it and is given as an offset problematical earnings on such stock during the period of time he is permitted to hold it. In fact, there was a provision in the act that this stock could be retired at par at the will of the bank. Therefore, without his consent, if ever the earnings on his temporary stock holding should equal or exceed the interest he was being charged upon this money, which he was never permitted to use, these Federal land banks could reverse the position as to liabilities and give the farmer the heavy end of the load. The result in operation of this grinding out and then cancelling stock, with its never being in the farmers' possession except as above noted, is that the Federal Farm Loan Board is the bank. They have always run the whole affair. They are responsible for all that has taken place. This condition of authority and control is likewise true as to the intermediate credit banks, and nearly equally true as to the joint-stock banks.

There can be no doubt of the good intent of the Congress generally to assist the farmers by the creation of this long-term farm credit and intermediate credit. The query is what has been the actual results obtained under these acts with the machinery which the Congress set up for their operation? The farmers are complaining about these banks. Have they just cause?

Both sets of land banks—the Federal land banks and the joint-stock banks—had operated a decade down to the end of 1927. The record discloses that during that period the Federal land banks closed 448,958 farm loans in the aggregate amount of $1,365,060,822, on 80,539,490 acres, with Federal land banks' appraised value of $3,783,649,222. This shows that on their combined appraised values of lands and buildings, the lendings of these banks totaled less than 28 per cent of their own valuations. During the same period the joint-stock land banks made 114,800 farm loans, in the amount of $790,304,655, on 32,347,000 acres, with their appraised valuation thereon of $2,049,244,265. This shows that the lendings to the farmers of these joint-stock land banks was on an average basis of less than 26 per cent of such bank's own valuations. Such data begin to throw light on the farmers' assertion that as this governmental machinery has been at work, it has been successful in using the farmers' assets to create an ever-increasing quantity of attractive tax-exempt bonds for the wealthy investing public, but has resulted in driving from the farm-lending field all the Scotch and old-line farm lending companies who had long served the individual or unorganized farmers, and has spread a very low first mortgage over the great area of more than 110,000,000 productive acres. Moreover, they assert it is now evident the machinery was set up more to promote cooperatives and cooperative borrowing than to relieve the great mass composed of these unorganized individual farmers. As to this contention, it is true the act itself specifically directs the Federal Farm Loan Board to prepare bulletins and to distribute same through the Department of Agriculture and to agricultural journals and farmers' organizations, setting forth the principles and advantages of amortized Federal farm loans and the protection offered debtors under the act, and instructing farmers how to organize and conduct farm loan associations, and generally to disseminate information for the further instruction of farmers regarding methods and principles of cooperative credit and cooperative organization. Also the act sets up the method whereby prospective farm borrowers may join together to form a so-called national farm loan association and prescribes no loans shall be made except to such national farm loan associations for its members or through State banks as agents of the Federal land banks where, after a time, it appears that no such national farm loan associations will be formed. However, to an agent bank is allowed by the act up to one-half of 1 per cent per annum upon the principal of all loans through it received and approved by the Federal farm loan bank—the actual expenses of appraisal of land, examining and certifying the title, and making, securing, and recording the mortgage papers being, of course, added to the principal of the loan. The unorganized or independent farmer who approaches any such so-called agent bank of the Federal land banks soon learns that before the Federal land banks will accept his paper, even though the appraisal and other conditions precedent are wholly satisfactory, such agent bank negotiating the loan must indorse same and become liable for the payment thereof, and for any default by the mortgagor, under the same terms and under the same penalties as if the loan had been made by such agent as principal. In other words, this independent farmer not being in a sufficiently important position of influence to induce this local State bank, even if it should be recognized as an agent of the Federal land bank, to become his guarantor by indorsement, and thereby under the act and Federal land bank rulings become the principal in case of default, can make no loan. He is denied by the very terms of the act itself from procuring under any circumstances any credit relief directly from this governmental agency. Under these circumstances he considers himself fortunate if even the local agent bank is willing to accommodate (?) him by approving "as agent" so foolishly small a loan in comparison with values as that negligible responsibility only is placed on such local bank.

By this method of mistreatment, in comparison with what is offered under the act to cooperatives, the independent or unorganized farmers, although far outnumbering cooperatives, have to date succeeded in borrowing about 8 per cent only of the total outstanding loan advances of these Federal land loan banks. If the independent farmer is not so fortunate as to find other farmers in his community who also wish to borrow and have acceptable security upon which to borrow, and are sufficient in number to meet the requirements of the act, and are willing to assume the personal financial responsibilities which come with the indorsement of paper to be created by the National Farm Loan Association, then he is in the position of a citizen who has paid his tax and otherwise loyally supported his Government, and has security and collateral of the kind which it specifies as sufficient for the borrowing of funds from one of its instrumentalities known as the Federal

farm loan bank, and although in dire need of the use of such credit, he can not attain unto it because of the endless red tape and impossible conditions precedent—conditions set up by the act itself more in response to the prevailing miscapitalization for public use of the word "cooperative" than to common sense, having in mind that government is for greatest good of greatest number with equal opportunity to all.

Again, witness how this machinery operates disastrously to affect the farm-land investment of the farmers as a whole, whether or not having any direct or indirect relation to this set of Government banks, when in a period of extraordinary deflation, the farmers face a great emergency! If read with right intent, this act, as all others having to do with farm relief, should be interpreted to mean the machinery set up under it would at all times so act as to assist in stabilizing the farmer's business and investments. When we say "to provide capital for agricultural development, to create standard forms of investment based upon farm mortgages, to equalize rates of interest upon farm loans," and so forth, the farmer's contention is correct that we have expressed our purpose to assist him. When could such purpose be put to a greater test than when he is met with such an emergency as the recent deflation in farm values? If any agency of the Government had power to be influential at such a time in stabilizing farm-land values, it was this set of Government banks. They knew that due to not fault of the farmers themselves, but to unbalanced economic conditions following the World War, as was clearly shown at the hearings of the Joint Agricultural Investigation Committee in 1921, and the abruptness with which the deflation was set in motion, in part at least, through governmental agencies, there were no buyers for farm lands; and yet the Federal land board retained its policy of compelling the Federal land banks to charge off all real estate as and when acquired, except the Federal land bank of Spokane, which was permitted under certain conditions to include real estate in its assets. The farmers maintain not only that this practice, together with publicity given it, was a material factor in the further deflation of farm values, but also and particularly that such practice so affected the balance sheets of these Federal land banks that the officers thereof, in order to make a good paper showing, were forced to sell these lands. They further contend that one of the promised advantages of the enactment of the Federal farm loan act was to be prevention of unnecessary deflation of the farmer's permanent investment—that is, his land; that the land banks were empowered to hold the land for a number of years if necessary, and that no interest rate or depreciation was set; that these land banks were, therefore, in much better position to hold than were the commercial banks or insurance companies; that the appraisals of the Federal land banks, as we have seen, were always so extremely conservative that eventual loss could not possibly have taken place unless the whole country went into actual bankruptcy; that these banks dumped their land on the sluggish, deflated, and declining farm-land market at a time when deplorably low prices prevailed, and that thereby a further and horizontal deflation took place which was wholly unjustified. They cite as an example that one of these land banks sent to the auction block in one batch, parcels of land worth well over a million dollars, and received therefor three hundred and odd thousand dollars only.

As is pointed out by one critic, the indirect economic loss to the community and to the country through such actions by the Federal land banks was much more serious than the direct loss to these banks, because values of securities behind all good farm loans were accordingly affected and reduced and the equities of farmers in no way related to Federal land bank loans were thus written down or wiped out. The farmers contend there is great unbalance in the economics of the situation when such conditions as those just described can obtain and yet at the same time bonds based on their mortgages can be sold bearing 4 per cent interest. Was it because the average security was overample that at a time of great deflation the Federal land banks could afford to continue this charge-off policy in defiance of the spirit of the farm loan act? The farmers have a right to ask how it comes about that in the United States under our Federal farm loan system the advancements as loans are little more than 25 per cent on valuation, whereas in England, for example, under her loan system the advancements as loans are up to two-thirds of valuations under appraisals, and even then the rate of interest charged there is less than here? Anyway, they ask, is it worth consideration now whether or not any American farm borrower is assisted in the long run by being placed in a position to borrow at low interest rates up to a small proportion only of even these banks' appraisals of his holdings through a management so overconservative in lending as that it can and does write off all lands acquired and dump large blocks of same at auction on a highly deflating land market in such times as agriculture has been and is experiencing, thus everywhere shrinking or wiping out equities over and above these low loan values?

And the zest with which this governmental agency continues to hold down the farm-land market price is indicated by its 1927 report in this language:

> The board is urging all banks to see that their real estate sales departments are functioning efficiently and that their activities are directed intelligently.

Judging by the past, this language simply means that they will use all their acquired lands in such a way as to keep down market values for all farm lands. Even if they had not foreclosed and sold these lands, the policy of instituting unnecessarily at such a time numberless actions to foreclose, heralded in the news of the day all over the land, was wholly unjustified. It is not conceivable how this power of publicity, coupled with the market action of dumping lands, could have been used more disastrously abruptly to deflate farm-land prices. Several hundred cases in the southern Minnesota district, and more in the Durham (N. C.) district, involving about $3,000,000 in Minnesota and something less in North Carolina, and many suits in every district, were the order of the day. It is no defense to cite that after a time many of these foreclosures were dismissed. The publicity itself at such a time did incalculable harm. It is enough knowledge on which to base a conclusion that such precipitate action was wholly unwarranted when we know that the Federal land banks as a whole were sound, whether or not they ever realized a dollar on all the loans involved in all these then delinquent borrowers' transactions. The quantity of land involved in these failures and the total value thereof were small in comparison with the greatness of this institution and its assets. Hence the methods used by these governmental banking agencies and the time chosen to use them were both highly inappropriate, giving an outstanding exhibition of wrong use of governmental position further to unbalance economic conditions already very adversely affecting the destinies of American agriculturists.

And now it is intimated that the Federal Farm Loan Board thinks it is about time to reappraise the lands under its mortgages. In other words, when the farmer has been struggling for the past seven years under his production dollar having an average 81 cents purchasing power for his nonagricultural necessities, and with his land values still greatly overdeflated, largely due to the acts of these land banks, the Federal Farm Loan Board may order reappraisal of lands on basis of their present earning power! Earning power is the basis of appraisement fixed by the act.

Let us digress for a moment. The finding by any governmental agency is a guide and pattern for all. For example, when the Federal Trade Commission found on behalf of the complaining consuming public that 10 cents was a maximum price per pound which the Raisin Growers' Association of California could charge, notwithstanding it was then offering and receiving at auction for larger than usual tonnage blocks of its product as high as 15 cents, it stamped these growers as unfair in their dealings. I do not say that was the intent. I assert that was the result. The members of that great cooperative thereupon abandoned their contracts, and the association failed. With the help of the financiers of San Francisco and Los Angeles a new association was formed along lines acclaimed as most modern and under what was reputed to be efficient management; but Uncle Sam had said in effect by this finding that these raisin growers had been unfair in their price demands for their product, and the new association has never prospered and there are growing indications of its giving up the ghost, even though this Government, through the instrumentality of the intermediate credit banks, has lent this cooperative up to approximately $6,000,000.

Compare this result of governmental activity in cooperative affairs, and its far-reaching effects on the welfare of one community in one State, with the deflating influence of the above-recited actions of these sectionally scattered Federal land banks on land prices all over the United States! And how about reappraisal? Is there not much ground for the farmers asserting that not in a decade will farm-land prices recover from blows already received, even if parity for their dollar is quickly established and no reappraisement before that time is undertaken? Are we to continue to remain so far aloof from the activities of these governmental banking agencies, reputedly created to assist in farm relief, that now in the time of the farmers' great distress, we would witness, without objection, any such reappraisal? Shall we thus permit the fixing farm-land prices for the different parts of the whole United States and for a decade to come, on appraisals based on present earnings, under

what is on all sides admittedly a wholly unbalanced condition, which must be remedied if the prosperity of not only agriculture but also the whole country is to be vouchsafed?

I believe the farmers are entitled to have the fog removed from this whole Federal land-banking situation; that they are right in their contention the purpose of the original act was to open credit directly to them at a price to be determined by open bidding and not private underwriting of their bond offerings as has been the practice of the Federal Farm Loan Board from the beginning; that they are right in their contention their ownership of stock should no longer remain a fiction but be recognized as a fact, they having paid $63,000,000 for it, and the Government's stock holding now amounting to only a little over $400,000. Shall we set up a credit organization like these Federal land banks for farmers' relief, compel them to buy nearly all its stock but allow them to assume no responsibility or have any authority, and then so manipulate the machinery as not to permit these farmer owners to save themselves, protect their families and their property?

As has been stated, the purpose of the agricultural credits act was to create an outlet for farmers' paper of not less than six months nor more than three years maturity. The limit of bond issuance by the Federal land banks was placed at twenty times the capital and surplus; of the joint-stock banks, fifteen times the capital and surplus. The Federal intermediate-credit banks were authorized to borrow money and to issue and sell collateral trust debentures or other similar obligations up to ten times the amount of paid-up capital and surplus. The paid-up capital stock of each such intermediate bank was $5,000,000; that is, $60,000,000 total for all these banks. The Government subscribed for the stock. One-half the earnings of these banks was to be paid to the United States Treasury until this capital was returned. The Government had to date of last report paid in $25,000,000 of this capital, and approximately $2,000,000 had already been paid back from earnings. These Federal intermediate-credit banks, the same as the joint-stock banks, were placed under the Federal Farm Loan Board. The policy of this one board controls all these governmental agencies in agricultural banking activities, save and except the short commercial paper which, as we have seen, can be handled under the limitations of the Federal reserve act by the Federal reserve banks. These intermediate-credit banks have power under the act to discount for or purchase from any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural producers organized under the laws of any State, and/or any other Federal intermediate-credit bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation, the proceeds of which have been advanced or used in the first instance for any agricultural purpose, or for raising, breeding, fattening, or marketing of livestock; also to make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing, or producing and marketing, staple agricultural products or livestock, if the notes or other such obligations representing such loans are secured by warehouse receipts, and/or shipping documents covering such products, and/or mortgages on livestock; provided that no such loan or advance shall exceed 75 per cent of the market value of the products covered by such warehouse receipts, and/or shipping documents, or of the livestock covered by such mortgages. The rates of interest and discount are such as prevail with the Federal Farm Loan Board.

Here again in this act we find the Government engaged in compelling the farmer to join some prescribed association in order that he may achieve any credit standing later. I wish to say more about this thread, which for some time past we find running all through agricultural legislation, setting-up "something more for the unorganized farmer to shoot at," something for him to join if he is fortunate enough to be so situated that he can; but if he is not, then no matter what his land holdings or crops position, penalizing him by not recognizing his values as security for anything, not even enough to buy mother the new dress or to send Anne to school. At this point it is sufficient to state that under this intermediate credits act there is no provision made for credit extension to the unorganized or individual farmer, even though he has harvested and placed his crop in a Government-licensed or other warehouse regarded as safe by these governmental banking agencies, but there is special and complete provision for the making of direct loans to the organized farmers. And the result has been what? The total credit by direct loans has flowed to and been used solely by a minority of producers desiring credit whose production is a small part of total production. Moreover, under this act relief by lending has been offered in certain instances and locations only, particularly in the highly specialized commodity production communities. The diversified-products farmer has had no chance. The farmer unorganized or individual is by the act itself denied any loan, no matter what his collateral. Let us examine one of the recent statements of the Federal Land Board relating to these intermediate banks. On December 31, 1927, these direct loans, all to cooperative associations, totaled about $32,000,000, divided as follows: Tobacco cooperative associations, about four and a quarter million dollars; cotton, nearly fifteen millions; wheat, about two and a half millions; raisins, about six millions; canned fruits and vegetables, about eleven hundred thousand dollars; rice, nearly two millions; dried fruits, about half a million; wool, about four hundred thousand; and the balance divided between beans, alfalfa seed, red-top seed, and honey. The geography of these loans discloses how in practice the speciality cooperatives in highly specialized commodity production are the only beneficiaries of this intermediate system. The quick extreme illustration is the northeastern United States, with Springfield, Mass., as the bank's headquarters, and $50,000 loans outstanding; and the Berkeley Intermediate Bank, serving in the California district, with approximately $8,400,000.

In 35 States banks had rediscounted some agricultural paper of some kind, the total amounting to approximately $44,000,000; but only approximately ten millions of this was other than livestock paper of incorporated livestock loan companies. Therefore this class of paper acceptable for discount shows big balances in livestock specialty sections, such as over $5,400,000 to western Texas cattle, $1,300,000 to New Mexico cattle, over $2,100,000 to Arizona cattle. Even Idaho's combined livestock discounts stood at over $1,000,000, but Pennsylvania livestock owners did not have a penny. We have seen that Pennsylvania has twice as many horses as Idaho, over seven times as many mules, over twice as many cattle, over seven times as many dairy cows, three times as many swine, and over eight times as many chickens! Why can not the farmer of Pennsylvania, New York, Massachusetts, Virginia, the Carolinas, Georgia, New Hampshire, and so forth, reach out and attain unto this discount advantage? The answer is that he is unorganized as incorporated livestock companies. The bulk and value of his livestock holdings may exceed those of farmers in the States receiving the benefit, but there the holdings are concentrated in a specialty business, while here the holdings are largely made up of small "ownings" by individual farmers engaged in diversified farming. For the same reason such States as Massachusetts, New York, and Pennsylvania have never had a direct loan in the history of the bank. Connecticut had a specialty it could organize (tobacco), and it borrowed twenty-three millions; and Kentucky, Virginia, and the Carolinas tobacco men could do the same—Kentucky getting about $68,000,000, Virginia about $60,000,000, North Carolina $11,000,000, and South Carolina over $19,000,000 from organization of the intermediate bank to end of 1927.

I have probably reviewed enough facts to illustrate that this set of Federal banks functions for credit relief for specialty farmers only, and chiefly only in single commodity highly specializing communities. It furnishes relief to a particular class of the whole class needing relief. Under administration it is a good example of government of unequal opportunity.

One of the big reasons urged for the enactment of the agricultural credits act by the Sixty-seventh Congress was the reported inability of local banks to handle the situation, but after such enactment local banks created and ever since have handled less agricultural paper of kind discountable with Federal intermediate banks. In brief, they immediately adopted the viewpoint that Uncle Sam had gone into banking and was bidding to handle a class of paper which was full of detail for them, and hence somewhat troublesome, and so they would let Uncle Sam do it; but best of all, if they promoted Uncle Sam's business they would avoid indorsement liability on all this class of paper. The whole result is that so far as the individual and unorganized farmer is concerned, operations under this agricultural credits act has put his local bank farther from him and less available for his use.

In brief, operations under the act do not, mainly because of limitations set forth in the act itself, give general credit relief or equal opportunity to members of the distressed class to procure it or benefit by it. I shall later refer to this situation in discussing the proposed use of cooperative organizations as mediums for making available or distributing farm relief.

So much by way of my promised analysis of Federal transportation and Federal agricultural credits legislation enacted at request of different farmers' organizations representing themselves as representing "the farmers" and, of course, the best interests of the farmers of this country—that is, farming as a whole. It would appear to be about time that those in majority in numbers and producing the bulk in tonnage and value of our farm products should be protected in farm-relief

legislation and in administration under it; in brief, that all in like distress be given equal opportunity to qualify in fact so as to share the benefits, whether white or black, Jew or Gentile, wheat farmer or potato raiser, organized or unorganized.

It seems illogical to devote time to discussion of anything else until causes and effects in this farm crisis are fully understood, but there is again danger of a big crop of "quantity" instead of "quality" agricultural legislation. Judging by the methods used in the past to produce such results, it behooves some of us not logically to stick too long by the task of insisting that at all times the public must first be advised of the causes and effects before being asked to evolve the remedy, but early to discern purposes and to weigh leadership and to point out results should the mechanisms proposed for rendering aid be used. In any event, there is danger that study and analysis of causes and effects of farm depression and logical plans for relief will be curtailed, if not eliminated, by the blinding utopias promised under the workings of money or credit distributions through conceived mechanisms for the application of farm relief. There is already voluminous prattle as to these mechanisms. I am not confident this early prattle is not an echo of this generation's ostentatious superdevotion to service, which Chesterton so pointedly distinguishes as idolatry of the intermediate to the oblivion of the ultimate, and which another noted writer has characterized as possessing many elements of fraud against the public's good. There is on every hand evidence of eager willingness to put the aid (so far as dollars may be deemed an element in aid) into motion. There is a strong tendency to standardize the aid to fit some pet conception of mechanism for application of aid. There is no end of talk about rendering the service and the machinery by which this *rendering* is to be accomplished. Following the same trend which was responsible for such quantity legislation as the transportation and credit acts we have analyzed, this talk of mechanisms centers around "cooperatives."

Before analyzing cooperatives at some length, let us understand the more general requisites which any proper relief will demand in such mechanisms. We may only generalize because until such proper relief shall have been determined upon no details of any mechanisms should be promoted.

If I know anything about the composite character of American farmers, it is that they would not set out with any plan to take funds from the Federal Treasury under any scheme for expenditure thereof, which (as even less than deep study would show) on its very face at the outset contemplates in the aggregate losses only. If this is correct, several contemplated plans, including as mechanisms for operation so-called gigantic and federated cooperatives, should not be adopted. If by "farmers" one means the majority of the men who own farms and who do the farm work and produce the bulk of farm crops, whether measured by tonnage or value, then farmers are against limiting relief to or application of relief through cooperative associations, whether existing voluntarily or forced into existence by legislation, because by any such plan these independent farmers receive no relief; because by such plan and through such mechanisms a classified minority only of the class in distress will again be favored. We must not avoid the intricacies which may beset the obtaining of universality of application of the remedy or remedies we finally conceive to be best. Above all, we must not again avoid such difficulty by hiding behind a false picture created in part by our past legislative actions promoting cooperative associations as adaptable and useful in applying aid, whether in the nature of credit or improved facilities. This error of the past has arisen chiefly by traveling the easier route of conceiving a mechanism and then fitting the aid to it.

The plan and the mechanism for its application must this time not result in extending credit only to single-crop communities raising storable staples or livestock. That may be all right for the Porto Rico coffee raisers, giving them use of $3,000,000 in the first 30 months of lending to them, but this time the independent unorganized farmers—that is, the majority of the distressed class—must be recognized.

The majority will always be thus unorganized for reasons appearing as we later discuss in detail cooperative associations. Anyway, if the Government were to cease this endless setting-up of patterns of cooperatives and limiting service to members of such patterns, and were to make aid available to all voluntarily created cooperative associations, still the application would be to the minority only of farmers. Moreover, as so many cooperatives have purposes other than marketing, as many objects as the hairs on one's head, it does not happen that it is just to compel the individual farmer to join any cooperative in order to qualify as a citizen to whom credit facilities granted other farmers should be extended. It is no more fair to compel such citizen to join some cooperative with objects or plans in which he does not believe than it would be to compel a Republican, in order to gain this or that relief for his family, to join Tammany. It is not surprising that the Federal Trade Commission in a recent review of conditions discovered some so-called marketing cooperative associations composed of very limited memberships of chief landowners of special commodity communities, which associations would not admit others to membership but some of which handled on their own ideas of what was an equitable charge the "outside production." This angle of so-called cooperation is not to be unexpected. This situation only the further illustrates the necessity of not limiting the application of relief by the limitations of mechanisms adopted to make it available or usable.

In thinking of plans, and later of mechanisms for working them out, we must continually keep in mind (a) that a Government "of the people, by the people, and for the people" can never afford to adopt a relief plan which creates credit facilities or otherwise extends aid to a part only of the whole class in distress; (b) that under all circumstances, there must be equal opportunity for all; (c) that no matter how seductive the word "cooperative" may be, the Congress should not hide behind it to avoid whatever intricate problems there may be in the universal equitable distribution to all farmers of any credit or other national aid finally given.

Now, let use understand what is meant by "cooperative association," how it came about so many were formed in past 10 or 12 years, what work these associations can and what work they can not successfully undertake, as shown by their history, and generally their late past and present status.

About World War time, the word "cooperative" became contagious. You may remember the old saying, "Greek meets Greek—a restaurant"! Well, about the time of the great postwar deflation, it might almost be said (but only as to particular sections of our country), "farmer meets farmer—a cooperative"!

The usual method remaining for a farmer to adopt in case of distress is to increase his production per acre. All the census data clearly demonstrate the agriculturist has kept pace with the industrialist in output efficiency per worker—that is, the farmer has done so in all the lines of farming which adapt themselves to machinery aid, being particularly the grain staples. This relief which had long been the farmer's self-aid in times of distress—that is, the increase of his per acre production—would have always led eventually to overproduction and low price. It so happened that in answer to this country's call of patriotism, farmers at war time plowed up not a little of their 600,000,000 acres of meadow and woodlots and planted same to the staples. Wheat acreage increased 67 per cent in two years, cotton 53 per cent in four years. Therefore, when postwar deflation came upon us in 1920, this country's total production of staples was greater than ever before and far beyond the domestic requirements of our population. At first a market for the surplus could be had abroad, because, although Europe was battered, the Allies still had approximately two and one-half billion dollars of our money lent for war purposes which they had not expended for war purposes. Therefore, they yet had purchasing funds.

During the war period these ally nations had fed well both their military and civilian populations—that is, the consumption per capita of staples had been large. As the two and one-half billion dollars dwindled, and as these nations swung back into field work and foodstuff production, they also began consuming per capita less of these American-grown staple-food products, and also in their purchases here they began specifying substitutes. Thus cheaper bread grains began taking the place of wheat. Farming is a biological rather than a manufacturing business. Once the farmer has gone into production on an increased scale, equipping for so doing by proper machinery, animals, and so forth, he can not rapidly, even if he would, forsake the capital outlay in his improved acres, write down his inventories, and shut off production. To do so would bring him immediately face to face with bankruptcy. There is even an absolute limitation upon his dismissal of employees. The average farm of the United States contains approximately 145 acres, and its workers are the head of the household and his family. That pay roll can not be discharged. Hence, at a time following his having made his increased capital investment patriotically to meet the demands of the Government for quantity and his having submitted to Government price fixing on his products, he found himself in debt on a decreasing price market but with ever-increasing costs for his necessities, and has ever since followed his old plan of attempting to relieve himself by producing still larger quantities—resulting unavoidably in surpluses, mainly in the staples. These surpluses being thrown

upon world markets have, with the rest of the world's surplus, in turn tended to fix for him a lower price on the domestic market.

When the crisis of the deflation of 1920 came upon him, coupled with the unconscionable rise in his freight rates, he concluded that the prices for his product must somehow be raised. He knew the retail or consumers' prices were high, but he knew his farm prices were low. He decided he was entitled to a part of the brokerage of the existing marketing system. They talked it "in two's" over the fence, then in small congregations in the district schoolhouse, and then in general community gatherings at the village or county seat. Times were hard with them. Prices asked them for their necessities were high. With 1910–1914 as a 100 base, the farmer's dollar was worth 75 cents in 1921, namely the index price of necessities he purchased was 156 and of the products which he marketed was 116. His dollar was worth even less, because in these compilations of data whereupon index prices are fixed on farmers' products, many wholesale marketing prices are frequently used. There is a big difference between "farm value" and "wholesale market price" of farm products. When these hard times came upon them the farmers did not begin organizing to decrease the prices of the non-agricultural necessities they required but to increase the prices of their own products' offerings. For example, they did not organize to manufacture farm machinery, although on the 1910–1914 basis of 100 its index was 175. They did not strike against these prices asked them for their necessities. They only asked, and have continued only to ask, to be permitted to play in a fair game, where there is approximate equality in the purchasing power of the dollar, whether it be in the pocket of the manufacturer, earned through his investment and business, or in the pocket of the farmer, earned through his investment and business. How would they raise the farm value of their products? The suggestions were and are innumerable. The "Try-somethings" are beginning to outnumber the "Do-nothings"; and, with the "Try-somethings," the conservatives are rapidly gaining control.

Permit me to digress for a moment to say something about a few of the things the "Try-somethings" have in mind as worthy of adoption. The "Conservative Try-somethings" would undertake that only which can be done and which would assist in creating a real improvement in the situation. They would remove fogs and enact quality legislation; would make political relief incident to lasting actual farm relief. Thus, whether or not it is so-called good politics, they would remove or greatly modify the horizontal increases in freight rates imposed in 1920 on the farmers' products and insist that proper differentials on freight-haul charges on farmers' products to ports for export must be established in the rate structure. They would increase the tariffs on agricultural imports. They would eliminate further Government subsidized competition from all proposed arid and swamp land reclamation areas. They would increase in number our definitions of standards relating to farm products, and would broadly and definitely strengthen inspection operations for grading under such standards for cer-rolling or other demands. Concerning this all-important step will greatly assist in creating a correct type of marketing system for the farmers to the benefit of both producers and consumers. To the end that private capital may be logically induced to carry on a most necessary function of our country's activities—fair marketing in lines where it does not now exist—they would give assurance that it will not meet up with competition from United States Treasury funds brought forth as subsidies, low interest-bearing advancements without definite hope of repayment, or what not, in response to political or log-rolling, or other demands. Concerning this all-important step of proposed reform of the present marketing system, we have had enough of academic discussion. The facts are well known. The marketing of farm staples as a whole is being fairly economically done. The marketing of the perishable fruits and vegetables has been and is in deplorable condition.

The need is for impressing a proper facility or facilities into the trade channel—one so powerful in its workings as that upon its being adopted for use, all actual economies or so many as may possibly be had will follow—a utility of such strength as to impel avoidance of waste by the producer at point of production and shipping, proper packaging and loading, elimination of waste in transportation; one which will supply a nation-wide offering to a nation-wide demand, expressing itself definitely continuously, thus giving the widest possible domestic market, with price being fixed by a free working out of the price-influencing factors of the equation of supply and demand. Such ideal must not remain mere talk. Either it can or it can not be promptly attained. The "Conservative Try-somethings" assert that it can. They say remove the fogs which are hiding the true outlines and aspects of this farm relief problem. Arouse the brains of the industrial captains of this country to the realization that even their own selfish interests demand this solution, and that if the workable plan for it is brought forth and installed by capital, the Government will not use its legislative or bureaucratic powers or Federal Treasury funds in hampering its workings. Then the plan will be promptly evolved and installed. Above all, private capital thus to be invested must be assured it will not have the Government in business as a competitor; that the Government will remain in its place in regulating interstate commerce; will not engage in buying or selling, directly or indirectly, the products which enter into and comprise such commerce except, of course, to the extent required for use or consumption by its own direct departmental activities. If the Congress thus defines the position of this Government, it will reduce useless confusion of endless debate, which is little less than disturbance, to a definite issue for enlightened discussion, and action will follow. This should do more for practical farm relief than any other possible present step.

Now to return to my discussion of cooperatives and cooperative aims. For many decades, the farmers have tried in vain to change and improve the fundamentals underlying the marketing system. They have not succeeded. To-day the system is practically the same as obtained for a long period before the war. As I have stated, the marketing of perishables has long been and remains most uneconomic. The marketing of staples has for a long time been and is now fairly economic, and it is doubtful if in any event further economies will be impressed by introduction through cooperatives of new or additional middlemen for staples handling, whether or not such cooperatives are sustained by Government financing.

One of the objects cooperative associations assert must be obtained is control of "flow to market." They claim such control is necessary to establish "orderly marketing" and to maintain "price level." In our farm staples marketing, the flow to market channels does not control, and at least much of the time does not even influence price. Size of known carry-over plus crop estimates, with reliable preseason measuring of world demands, determines the price level before harvest and dumping. Let us prove it with cotton and wheat data. Cotton-marketing data are compiled not to fit the calendar year but the cotton marketing year extending from June to June. The so-called dumpage months are October, November, December, and January. Taking New Orleans price for middling spot cotton and the story is as follows: In 1905 the low level was June to September, with price increasing rapidly as delivery season began; in 1909, the price increased very rapidly from October to February; in 1910, the average price during dumping season was well toward the top level; in 1912, an abrupt rise began in October, and it held at or near the high mark throughout the dumping season; in 1913, the same situation was repeated; in 1915 there was a rise all during the months from October to February. Some claim that the war conditions make the following few years more or less uninterpretable in a general market study. I venture the opinion the analysis of prices then obtaining only confirms that even during war conditions the equation of world supply and demand still rules so absolutely that dumpage is not a factor. Anyway, and for what it is worth, it can be said that the high peak of 1916 was within this dumping period; that in 1917 there was "a low" in August and September but a sharp rise from October to February; that in 1918 there was a recession but "the low" was after February; that in 1919, the so-called great rise, being above the 30-cent mark, began about opening of and continued all the way through the dumping season. The so-called great fall began in May, 1919, and continued abruptly from a peak of over 40 cents to about 11 cents in March, 1921—a level which it held more or less generally until July, 1921. In 1922 the market began to rise at the beginning of and continued to rise throughout the dumping season. In 1923, October to February takes in all the high level and peak prices of that cotton marketing year. In 1924 the market stopped dropping at beginning of dumping season and continued to rise until February. The whole 1925 market year saw general persistent decline, with the low spot at the end. The November price was 18 cents. A year later the price was under 11 cents. The quantity flow to market during the dumping season was below the average. The declining price was, of course, nothing more or less than an expression of the price factors in the equation of world supply and demand—by far the most important of which are, as above stated, known carry-over supply plus crop estimate plus estimated use demands. Whether peace or war obtains, these factors are so nearly accurately known before the picking season is begun that the price range is set thereby and the world begins buying on such data, each purchasing when and

at the price level at which he can use the product advantageously in his judgment for his purposes.

The Bureau of Agriculture's crop reporting board's July first estimate of cotton crop in the period 1915–1926 was 87 per cent correct against final ginnings. The percentage of accuracy increases with each month. Its December estimates for the period 1915–1926 reached 97 per cent accuracy. Time and again in Crops and Markets, the Agricultural Department's price reporter, we read sentences similar to this one:

> The more recent crumbling of prices is reported to have been due to more favorable weather throughout the Cotton Belt, leading to further increased estimates of production for the crop.

All the fog concerning dumping of farm staples and irregularity or regularity of flow of chief farm staples to market as being factors in fixing price of these world commodities should be cleared away forever.

The mere withholding or storing a part of these farm staples crops does not affect world prices based on supply in existence plus crop estimates plus forecast use demands. The buying world knows the holding can not continue. Even if it could and did, the result would be to raise the price for other producers than ourselves or to drive our world customers to use of substitutes.

Now, as to grain, it has time and again been proven that terminal storage is already so sufficient that dumping of grain has little or no effect on price. Thus when the farmers became frightened by the 1924 campaign speeches and dumped over 140,000,000 bushels of wheat on the primary United States markets over and above the usual big September and October flow, being by far the largest receipts in history for both Chicago and Duluth, the market rose in Chicago from the July price of $1.20 to the November price of $1.55. Nor do statistics support the contention that storage charges are high. For a period of 41 years the total spread between high and low months—including, of course, all storage and carrying charges over eight months' period annually—was 11 cents per bushel at Duluth; and in Chicago, over a 43-year period, with even longer average carrying and storage period annually, such total spread between high and low month was only 9 cents. Nor is there in the aggregate a lack of grain storage capacity. Grain storage is now built up to the amazing total of over a billion bushels, whereas the largest amount actually stored during any one period, which was under the United States Grain Corporation control, was 480,000,000 bushels. About 750,000,000 bushels of this billion bushels storage is in the country—that is, not in either the so-called primary markets like Chicago, Duluth, Kansas City, Omaha, and so forth, or the so-called secondary markets like Buffalo, Baltimore, Cincinnati, Philadelphia, Indianapolis, and so forth.

As dumpage neither controls nor usually influences domestic price, so also United States surplus does not control domestic price but only tends to lower that price to the extent that such domestic surplus is a part of the world surplus. We have been exporting wheat for over a hundred years. We have always raised a surplus. It is a world market commodity and it has never been disposed of by withholding and it never will be. A poorly advised Government may undertake it through some cooperative or other agency it creates; but, if so, the people will pay the bill. No one will win; all will lose. Flow of a world commodity into a market can not be more properly guided than by response to price, and any United States storage against natural world flow will only result in increased price for the time being for producers of other countries.

Our world-wise exporters have at their command not only all the data which any surplus corporation set up by the Government will have (unless our Government in an endeavor to support its creature abandons its time-honored policy of promptly distributing its market information), but also have the knowledge and experience which their life work has brought to them. In all the discussion, no one has arisen to say that the exporters of farm staples have made big profits in the actual handling and exporting of grain. It is a world market. Competition is too keen to admit large brokerage. True, grain exporters, because of early knowledge of world production conditions and their ability to interpret such data not infrequently make fortunes by speculation in futures. The setting up by the Government of a surplus corporation will not alter this condition. Futures trading has been legalized. New legislation may eventually change this somewhat; may limit futures trading to hedging by licensed or other legitimate dealers as distinguished from speculators; may confine the total of "future trades" at an exchange to some number of times "the spot" or actual goods traded in. If a big surplus and export corporation were to be set up by the Government, as several western wheat-State legislators advise, would they permit its use of future trading "to hedge losses" which its market experts would advise otherwise must follow? These are the men who would entirely destroy futures trading. I believe it may be somewhat limited, to the benefit of all, but "hedging" has a place in the rightful operation of millers and others. If it had been better understood by the farmer-shippers and shipping pools, they could have used it much more universally to their benefit. The world data as to staples, as far as the Government has them, are available at any time to all of us. If we would speculate in futures, as distinguished from hedging, it might be well for us first to engage for a lifetime in grain dealing and exportation. That would be a good preparatory course.

Is it sensible activity for this Government to induce or impel groups of farmers to go into so-called farming cooperatives whose business it is to pool, withhold, store, and export—that is, in brief, to put these farmers against the hardest trading game in the world? The old days of grain-buying monopolies and "corners" are gone; legislated out of existence. Except for embargoes and tariffs, there is a free world market. Neither this Government nor any instrumentality by it created can control it. If, in a given year, the world supply, including our surplus, is so large that there is an unusual world oversupply, then the price of our export will be very low, whether or not the Government, directly or indirectly, undertakes the handling of it.

It is the high-cost producer who is most penalized by surpluses. The consuming public is interested in surpluses. The consuming public is interested in supporting the bulk-line producers of farm staples, not the producer who is so unfortunately situated that for the economic welfare of the public he should go out of business because in normal times and under balanced economic conditions his costs of production would prohibit his success. The thinking farmers want no new governmental machinery created to support at their expense and to the detriment of the consumers' interests these producers whose situation under normal conditions would be hopeless. We must either reduce the cost of producing the surplus, which in part should be accomplished by proper transportation rates and establishment of proper differentials on haul charges to ports for export, or without doing anything permit world prices on these export staple commodities to control, so far as may be, the acreage devoted to their raising. In 1914 our production of wheat was 763,000,000 bushels, and we exported 19.1 per cent. In 1927 our production was 37,000,000 bushels less than in 1923, but nevertheless had only been reduced to 831,000,000 bushels. Because of world supply-and-demand conditions, and nothing else, we were fortunate enough to export 26 per cent of this.

I repeat, there is absolutely no reason for anyone to believe that a surplus corporation, or any other agency which this Government can set up, will affect the world price level of this product raised so generally throughout the world. Therefore, if an attempt is to be made yearly to designate how much of each variety and grade is necessary for domestic consumption, with the balance to be regarded as surplus, and such surplus is to be handled by Government agencies, then the farmers and all should know (a) that the Government is entering into a business which at the outset contemplates loss in handling, from the viewpoint of domestic price levels hoped to be sustained by segregating such surplus for export sale; (b) that in order to set up fictitious earnings for any surplus corporation, an assumed base price must be annually set below the world price actually obtainable; (c) that if Government Treasury funds or usable Government credit is to be advanced to such a corporation, to be repaid from earnings (?), these earnings must be of the character described; (d) that false earnings may supply temporary political capital but such bogus dollars do not pass current long, and somebody (under several contemplated plans, it would be the United States Treasury) must pay the bill; (e) that no plan has yet been evolved whereby the bill for the loss on the part exported will be met by those who benefit by any higher domestic price hoped to be sustained on the part domestically consumed; (f) that the conception of inducing or compelling all wheat producers to join any cooperative or any surplus-control pool is a fancy on paper and will so remain as long as those outside the pool may enjoy the benefit, if any, of such pooling, without the liabilities of the back charge or assessment which it has been proposed shall be made, directly or indirectly, against the cooperative or pool members; (g) that the adoption of any such surplus export cooperative idea, as a domestic price-level raiser, carries with it at the outset the burden resulting from continuing to sustain those growers who produce at costs above the production costs of bulk-line producers—that is, who produce at a cost above the cost of those who produce, say, 85 per cent of total yield; (h) that these high-production-cost

growers (whose yield is, say, 15 per cent of the total) can remain unpenalized outside the pool and mostly survive, thus always adding to the penalty of those within the pool; (i) that over the next 10-year period, 15 per cent of total domestic production will probably equal total exported quantity; (j) that reason as one may, he must eventually conclude pooling and withholding for price fixing, even if temporarily successful (which in these world products, it will not be) would only lead to a surplus within and outside the pool, which has always meant and will always mean financial destruction of the pool.

In clearly recognizing the urgent necessity for farm relief, let us not be carried away by any temporary popularity of any plan for aid not founded on recognition of and proper weight-giving to all the facts. There is no place in such serious work for "an enthusiasm for an enthusiasm." Because a few, or even if many, honest but not fully informed men enthusiastically promote an idea, let us not evince an enthusiasm for their enthusiasm but let us at least distinguish ourselves by carefully examining and weighing for ourselves all the facts, data, and information available, and with such enlightenment, let us arrive at our own conclusions and our own enthusiasms.

In marketing the staples, cooperative associations too frequently offer as an inducement to the farmers to join that they will increase facilities and create wider market and thus produce better prices; but world-wide trading posts and exchanges, together with ample domestic storage, has stabilized staples prices as far as facilities and wide market can do so. Save and except as affected by voluminous speculative futures trading, the variations in price of farm staples have long been normal reflections of the price-fixing factors of the equation of supply and demand, and in my opinion no Federal legislative panacea will be found which over any considerable period of time will greatly improve these conditions surrounding farm staples marketing; that is, improve price conditions at the marketing end. The compelling of boards of trade and exchanges properly to regulate futures trading may be an important matter which can be legislatively handled now. The creation of any surplus or exporting corporation would not in and of itself assist in this matter.

Any legislation designed to support price in defiance of factors reflecting a normal expression of the equation of supply and demand must eventually fail. The staples "surplus and export cooperative" advocates should not camouflage.

In the improvement which is taking place at the production end of marketing, much remains to be done. In this sphere of action cooperatives may properly function to the great benefit of the farming and livestock industry. This sphere has to do with right seed, right sires, right cleaning or processing, right packaging, proper loading, and so forth. This is the so-called sociological sphere of cooperatives. It is in this sphere that agricultural colleges, county agents, Government bureaus for dissemination of agricultural knowledge, and other similar instructing forces can synchronize and work effectively. In this sphere of action legislative assistance has been given and much more can be given to the farmers. The most worthwhile practical legislative aid has been the setting forth of proper definitions of standards and grades thereunder, to the end that by reference thereto the farmer can define his product by description in words recognized by the Government as proper in trading. To remove possibility of the farmer's not properly grading his product under such definitions of standards and grades thereunder, legislation has already provided that Government inspectors may be employed by the producers to effect such grading and to certify thereto. Thus the farmer's offers to the market may now be specific; i. e., he can offer carefully described and properly, authoritatively certified products. While we have by legislation heretofore outlined this inspection plan and made, the service available here and there, through joint action with several States, there is yet much to be done before this advantage to the producer is correctly universally applied. As the working of this plan now stands, it is really a State inspection bearing general approval of the Government. This is insufficient. The market objects to the results, specifying great lack of uniformity in grading and corresponding certification. The market wants Federal inspection uninfluenced by local conditions before it will give its full confidence and cooperation to the plan. Certification will command producer patronage at producer's expense only to the extent that it creates advantages in the market. It is increasingly evident that in this inspection grading service applicable to farmers' products involved in interstate commerce, the Government must function as a wholly independent agency, applying knowledge through competent graders wholly beyond the influences of local State conditions.

Here, then, is a case where fog in the market can be dispelled, and the Government can greatly assist by further legislation and administration thereunder to facilitate and stabilize the farmer's business without itself going into business. At the request of the contemplating vendor it can, at his expense, look with unprejudiced eyes at his product and certify as to its grade. For a good and quick illustration of the value of standardized definitions we have but to remember the cotton situation. For 40 years the trade had been attempting, without Government legislative aid, to standardize the product. At the end of that time the issue of standardization of cotton was in a worse condition than in the beginning. Liverpool, which was the cotton-buying center, was establishing all grades for the world, and in doing so was fixing upon grades which differed materially in many respects from usual American market grades. Moreover, Liverpool complicated the situation by fixing upon three standards for American cotton before its grading thereunder began, namely, a standard known as "American standard," another known as "Gulf standard," and another known as "Texas standard." Under the cotton standards act, during the eight years extending from 1914 to 1922, United States standards for American cotton came into general use and were impressed for all cotton trading in America; and now, for all practical purposes, these United States grades have been adopted by all foreign exchanges and are known as "universal cotton standards." I do not think so well of the American standards act of 1916, as to the grains, believing that we can do more legislatively and administratively to the benefit of the farmers in the matter of grain classifications; that is, I believe we can in Government grading more nearly fix the actual milling grade; that in our definitions for standards and grades we can incorporate more of the factors which enter into the millers' determination of grade values. As to grain grading, past legislation is satisfactory to the dealers. As the matter now stands the Grain Dealers National Association wrote the President's Agricultural Commission on January 22, 1925, that "United States grades are now as standard and uniform as any standard grades in the world." The dealers are satisfied; the farmers are not.

It is to be noted that beneficial standardization acts, and inspection thereunder, apply to the product whether in the hands of the so-called independent farmer or a cooperative association or others. This is important. The benefit is directly general.

When the fashion of forming cooperatives came upon us, the legislatures of the various States became busy making declarations of public policy in the attempt to do away with the antitrust and monopoly laws as affecting farmers' organizations. At first, the courts, even in such great agricultural States as Iowa, remained firm in the old-time rules of law applicable to the situation, but now all are concluding that if the legislatures thus announce public policy, they will follow it so far as possible. The Federal Government gave impetus to this reputed reform by the Capper Act. However, fog remains. The public is confused in its conclusions. It seemingly regards the confirmation of exemption in organizing as equivalent to exemption in operating, even to the extent of recognition of pooling and withholding for price fixing. The consuming public should not be frightened or take positions against the farmer or fail to assist in finding the remedy because of these recent legislative declarations of public policy and court decisions relating thereto. As against monopoly and price fixing, the consumers are protected not only by the whole history of the common law but by the reservations in the Capper Act itself. Moreover, the Federal Trade Commission act remains a guaranty to the consuming public against extortion. It is not the consumers who should be frightened. It is the farmers who should beware and not be misled. They are prone to regard the exemptions extended to them regarding organizing as the equivalent of approval of monopoly—pooling of products and right to fix price. There can be no doubt that in times like these even our courts go far in an endeavor to assist by finding this or that as "not unduly influencing the price," but this very elasticity in decreeing is a warning that when the shoe is on the other foot, the farmer will find a shrinkage in judicial liberality.

We have seen how it was when in 1920 the actions of the California Associated Raisin Cooperative tended to fix high price. That was just before deflation. Times were good. Let us remember the facts. These raisin growers raised their price to about 15 cents. The Federal Trade Commission made investigation. The raisin men proved the public was willing to pay the price by offering at public auction in New York City larger than usual blocks and obtaining a bid-up price equal to or a little greater than what the association had been asking. From the cooperative's viewpoint this was a complete defense. From the viewpoint of the Government, expressed through the findings of the Trade Commission, it was no defense whatever,

and this association was enjoined from charging more than 10 cents per pound. Also, it is to be remembered that in that case the cooperative was enjoined from—

agreeing, combining, or conspiring, either among its members or with others, to limit, restrict, or lessen the supply of raisins or to curtail or decrease production thereof.

Whenever a wave of enthusiasm for organization goes over this country, it will be found the organizers use many "catch phrases," supposedly descriptive of something good which it is the object of the organization to attain or of something bad of which it will always be guiltless. In this farm crisis and cooperative wave, the agricultural papers, the literature of the Agricultural Department of the Government, and even the decrees of our courts are filled with repetition of such slogans as "orderly marketing," "limited monopoly," "no undue enhancement of prices," and so forth. The printing presses of the agricultural colleges of the different States and of the State legislatures and of Government departments here at Washington and the typewriters of the lawyers throughout the land have been kept busy during the past few years in setting forth no end of arguments in an endeavor to show that "withholding for orderly marketing" may be accomplished "without pooling" in the sense that has been prohibited from the old English days until the present time. There is to be a beneficent restraint of trade!

Is there not much ruse in all this? Would not in the end much greater benefit result, and more effective remedial measures be the more quickly had, if farmers like myself, whose products are handled by cooperatives, came forward and frankly and fearlessly set forth the whole unvarnished truth to the consuming American public? Said that in "marketing cooperatives" the real object which induces membership and holds the association together is to gain the highest price possible, and that while there may be a distinction between "highest price possible" and "a fixed price," nevertheless it has from time to time been the judgment of American farmers here and there, that neither could be obtained without pooling and withholding, and that in doing so they always tried their level best to fix a high price, and only came down when either the association was bankrupt or their members' clamor for cash overcame initial enthusiasm to make the buyers "pay plenty." I believe we should further fearlessly and frankly state that we appreciate the efforts of the Government departments, the Federal Reserve Board, and others, in their brave approaches to attempt to create and define a distinction between "withholding for highest price" and "withholding for fixing price," but let us at same time tell them honestly that we do not know what in practice that difference is, and it is very evident from their attempts at definition that they too are lost in the twilight zone, if any there be, separating the two conditions. Let us admit that so beset with attractiveness is this eternal hope of ability to fix prices that were the power ours we would fix them at a level which would give us at least a fair and just return on our investment and for our labor and for the proper support of our families and the education of our children, and also for luxuries for our families up to the same high standard now obtaining with the American people generally, farmers alone excepted.

As matters now stand, the farmers are not pursuing such frank course but are struggling to gain a fair economic position by relying on clever lawyers to draw instruments, and on moral and political power with courts, and by similar methods adopted in their approaches to Government departments and to the Federal reserve and other bureaus. Out of sympathy for their position, the Federal departments and bureaus have been assuming judicial authority, announcing almost daily decisions which may be momentarily somewhat helpful but are not authoritative. Thus, for example, we find the great Federal Reserve Board approving of advances made for the purpose of "withholding for orderly marketing" but stating that it would not approve loans for "withholding for price fixing." Can not the farmer see that he can not build stability into his financial status by relying on such bureaucratic decisions as this? Can not he understand that if prosperous times were ever to come to him, influences innumerable would be brought to bear upon the Federal reserve to declare advances which were once classed as lawful because the use thereof was for "withholding for orderly marketing" as nothing more than "withholding for price fixing"? Are the farmers of this country in their dire dilemma ready thus to have their business booted about? Are they ready to become spaniels at the heel of interpretation of their affairs by bureaus and departments? Are they ready to have public utility character impressed on their business, and this in such a way as to lead the public tentatively to consent that price fixing is all right if done by the ruling of some official or bureau but all wrong if done by the farmers themselves? Is the Government itself ready, at this stage in its history, to adopt price fixing on food products, directly or indirectly, by bureaucratic acts rather than abide for the protection of its people on limitations as fixed from time to time by the decrees of its courts? Price fixing is never right. My advice to both producers and consumers is to cling for protection to the courts. Place no reliance for future prosperity on bureau rulings. Stop running after bureaus for decisions. Stop importuning your legislative representatives to create more bureaus. Go ahead. Our courts are operating. They are the safeguard of all our people in the application of law to changing social conditions. The Congress and State legislatures, being so directly responsible to the people, may be depended upon to reflect by declaration latest public policy. The courts will adopt such declarations as binding on them just as far as they can and yet foster and maintain justice. No declaration by the Congress or State legislatures permitting monopoly for price fixing of food products will be sustained by them. No bureaucratic ruling tending to permit such condition will be effective over any period of time.

If the object of a marketing cooperative is price fixing, then there is the germ of death in its very creation, because, as we have seen, any high price obtained at any time by pooling a farm product only leads to surplus production within as well as outside the pool, thus bringing destruction of the pool and the price. The longer the life of the pool and the greater its control of price during its existence, the greater the horizontal decline in price and the greater the calamity when its existence inevitably ends. There is no place in our social structure for price fixing—not even for price determination save and except in response to the unyielding exactions of the law of supply and demand. All realize, of course, that the operation of such law is mainly reflected in price levels, expressive of the price of the mass of a grade or class, and that the owner of a product which is a component part of such mass has every right and should bargain to obtain the best price possible for his product of the grade or class. Even if under any conceived federated or other combination cooperative, a pooling for bargaining or marketing should take place of all of a product, then the price level for the mass of any grade or class would not rise because of such single control. The single control would have no effect on supply and demand. It would deny existence of bargaining power to the owners of component parts of the mass. Unless the Government itself is going into the business of buying and selling, the consumers may object to prices at any time by demanding Federal investigation, so that even if the proponents of many of these relief plans are sincere in their desire to lend United States Treasury funds to cooperatives of their own patterning, so that, as they assert, a high domestic price level may be sustained, it should be known by all in advance that thereby supply and demand will not be frightened into abdicating their world thrones. And it must not be forgotten that even if the Government itself were to purchase the commodity and fix the domestic price, it can not control the use of substitutes unless we are to destroy all private investment and industry, enlist all under Army regulations, compel capital and labor to produce, and divide arbitrarily all that is produced. Let us not be so foolish as to force pooling by legislation.

In any event, consumers are in the majority, and as long as consumption and price are related they will have the last say. Were we thus to endeavor to legislate economics, injecting false hopes and then supporting them with the people's money, we would have taken a first step in a policy which if pursued to its logical end would not only disrupt our whole social structure but also would bankrupt the Nation.

We must not be misled by evasions produced by the clever lawyers to the effect that pooling and withholding is not for purposes of price fixing but for "orderly marketing." If by "orderly marketing" they mean "marketing the commodity at the right time and place, in the right quantity and quality," then with farm staples approximately nearest approach to "orderly marketing" already exists. The improvements suggested have to do with improved definitions for standards and grades and with regulations as to mixing grades, and with fixing some limit on trading in futures. Because of the nature of staples, their standardization, ample storage facilities, exchanges, future trading, and world market, we have seen that disorder in flow to market is not a price-determining factor. "Orderly marketing" is "a catch phrase" when applied to farm staples. It is applicable only to perishables.

Let us look this matter squarely in the face. Price control and price fixing are Siamese twins. Take away from cooperative marketing associations the express hope of its members that through cooperative effort their respective organizations will control the price of the commodities respectively handled and these associations would disappear as "marketing cooperatives."

Now is the time for frankness. Aid is needed in correcting the unbalanced condition. Let us avoid evasions. Cooperatives should now admit that uniform noncompetitive prices are generally discriminatory prices; that monopolistic power begins as limitation of competition is born. Stop talking about federating cooperatives and thus controlling first all or even nearly all of a particular commodity and second further federating and thus controlling all farm products. Such talk arises from stories of big profits through mass production in manufacturing—so-called "big business" in industrial production.

To the extent that cooperatives can induce reduction of production costs by working in the sociological sphere of educating its members to use right seeds, right sires, right methods of seed-bed preparation, fertilization, spraying, cultivation, harvesting, culling, packaging and car loading, and to the full extent these right acts have to do with marketing, their marketing field is open to them and they should occupy it, and the Congress and all legislative bodies should assist in every way possible. However, whether the farmer cooperative, through a representative, goes, or the farmer, as an individual, goes into our present markets to sell his product, he is as a man apart. When the car door is sealed and the shipment begins to roll, the destiny of his season's toil, represented by that shipment, is in other hands than his own. If the product is staples, he will get, as we have seen, a terminal price which reflects fairly correctly the general domestic or world price. His going to market would not change that. If his product is a perishable, his guess or the country assembler's guess of where to ship and what he will get is just as good as any cooperative's guess, because he is several freight days away from market, and under the present marketing system, with no perishables market exchanges in operation, and storage being impossible for any length of time, and with a glut of to-day in any market probably being a dearth of to-morrow in same market, no one knows what he will receive, if anything, as net proceeds. There is much improvement necessary and possible, but the plan therefor should include helping all, whether cooperative or independent. Herein above I have expressed the views of the "Conservative Try-somethings" as to what is needed and how it can be had.

I am a hearty supporter of Mr. Hoover's declaration:

> It is false liberalism that interprets itself into the Government operation of commercial business. Every step of bureaucratizing of business in our country poisons the very roots of liberalism—that is, political equality, free speech, free assembly, free press, and equality of opportunity.

The marketing of farm products is commercial business. It is false liberalism which interprets itself into the marketing of farm products. The business must not be bureaucratized.

The Government can and should serve a useful purpose by announcing definitely that private capital, which will come forward and assist in solving the marketing difficulties of farmers-cooperatives and independents alike—so all in distress will have equal opportunity to gain relief—will neither now nor later meet up with Government competition in business. Until this declaration of public policy is definitely announced by the Congress, private capital will busy itself in other fields of endeavor. The farmers need this help of private capital now. It is too much to hope that private capital will assist cooperatives, as such, in marketing. In certain highly specialized commodity-producing communities, bankers' pools may assist over a temporary "hump," but when the Government went into the farm-banking business, private banking quit it just as far as possible; and because, as we have seen, the Government has to date made a poor job of general relief through its banking; farm-credit distress is still with us. The appeal to private capital must be for installation of a plan which will help the unorganized farmer as well as the cooperative, and on equal terms.

A few facts, as disclosed by the latest Government full review of cooperative statistical data in 1925, will suffice to illustrate why relief to cooperatives, even if given to all cooperatives, would not be general relief to the farmers. Two-thirds of total business handled by cooperative associations cover only the items of grain, dairy products, and livestock. All but 26.7 per cent of all cooperative associations, which have to do with marketing, operate in 12 States only. According to the study of the Federal Trade Commission, completed during the past year, figures repeatedly given crediting cooperatives with marketing bulk of wheat are misleading because they include all wheat delivered to so-called farmers' elevators, which have to do with assembling, but from which each patron's delivery is handled separately. It finds that the data of the many state-wide wheat-pool associations, which had to do with marketing in bulk, show in no season they handled more than 3.4 per cent of the country's total production. Dairying is the biggest cooperative field of endeavor, nearly 20 per cent of total membership of cooperatives being engaged in that activity. About 15 per cent of total cooperative membership is in livestock shipping associations. Tobacco was well represented until recently all the big tobacco cooperatives failed. Thus, also, have the big Minnesota Potato Growers' Exchange and the big Maine Potato Growers' Exchange recently failed. The Equity Cooperative Exchange, United States Grain Growers, the Grain Marketing Co., being all large grain cooperatives, and most of the State wheat pools have failed. Some of the large dairying cooperatives have failed. In fact, the list of failures of big cooperatives in recent years is a long one.

There are some significant findings by the Federal Trade Commission, scattered here and there through its report, such as—

> If the association had confined its activities to centers or districts where a large volume was produced, the overhead and expense of distribution per case would have been materially reduced and sales would have been effected to better advantage.

The foregoing was in explanation of the failure of a cooperative. Then, in speaking of successful cooperatives, we read in the report:

> There are many others also, but the outstanding feature of their success, aside from efficient management, is that they confine their activities to small areas and to localities where the farmers specialize. * * *

These findings reflect my view that the limitations on successful cooperation in producing, standardizing, and preparing for market are particularly climatological and geographical. Big geography soon spells defeat for cooperatives. Special climate insures specialties in food production, induces community specialization, lays the basis for cooperation in production. However, the only advantage to date wrought for themselves by cooperatives in marketing work have been at the production, standardizing, and packaging end—that is, at the farm end.

By advertising specialties and by dealer service a specialty group may pull through the present marketing system and to the retailers' shelves more of its product and cause it to be continually displayed in an attractive manner, and thus increase sales by displacing other farmers' productions, which would otherwise be used, but in the existing wholesale and jobbers' marketing system itself—that is, in the market place—cooperatives have accomplished practically nothing toward much needed economic reforms. In the staples system, as we have seen, there is little of value to accomplish. In all the markets they have tried adding men to the wholesale market place, but the sales returns have not been improved. That is because the system as it exists has always been stronger than any reform ideas these associations have had plus the messengers they sent to Garcia. In total marketing costs to members or patrons, the Federal Trade Commission found few lines where the cooperative total charge was less than independent dealer's charge. All in all, the more one studies the situation, the more it is evident that there are many reasons, among them great diversified farming interests and the large unspecialized producing communities, why cooperative organizations will never include the majority of farmers, and why a broadly geographically spread commodity cooperative is doomed to fail, and why even a state-wide cooperative handling a commodity production of different grades (that is, where the separate sections of the State, due to marked differences in soil or climate or whatnot raise different qualities of the same commodity) is covering too large a field to insure longevity. It really looks as if man's ingenuity in combining growers and endeavoring to hold them together in large-scale marketing units would be baffled by these perplexities of nature and conditions. For these reasons, and many others above mentioned, it appears "we farmers" in any event may as well stick by our guns and continue to look for security for our investment and parity for our dollar by fighting, among other things, any monopoly wherever and whenever its head appears, instead of putting forth any endeavor ourselves to approach monopoly by circumscribing legitimate competition between our producers of different commodities or appreciably different qualities of same commodity produced at widely distant localities under different soil and climatic conditions.

A strong issue in the last presidential campaign was: Shall the Government own and operate any business in competition with its citizens? So far as this issue was dominant, the people voted it should not. Our incoming President may be relied on to carry out that mandate. Any dream that the Government is going into the business of buying and selling farm products, directly or indirectly, must be forever forsaken. As farmers, then, our hope for improvement in marketing (that is, marketing at the city end of the business) lies in encouraging investors to come to our aid by installing proper facilities and by nation-

wide operation thereof. We have seen that they stand ready when wholly assured of no Government competition. As such further and final assurance to private capital, I believe the unequivocal declaration by the Congress of this public policy in regard to private business is the first most effective step when can be taken for farm relief.

I recommend to the serious consideration of all, the policies and proposals of the "Conservative Try-somethings." Let us do now what can be done. Then there will be plenty of time in which to talk over dreams and all that can not be done.

Have we now cleared away some of the fog obscuring correct viewpoint as to (a) location of farming and farm depression; (b) where aid is needed and by whom; (c) who is and who should be interested in farm relief; (d) the present relation of farming to industry generally; (e) the actual position of the farmer during past seven years in comparison with our city citizens' position; (f) the treatment our farmers have received at the hands of some Government agencies, including the Interstate Commerce Commission and the Federal Farm Loan Board; (g) the logical propriety of tracing effects back to causes and evolving the remedy before endlessly discussing the machinery for application of aid; (h) the inequality resulting in the past from Government promotion of cooperatives and confining possibility of relief to members thereof; (i) the farmers having obtained in the past no end of "quantity legislation" and the need for "quality legislation," and why some past so-called relief legislation was ineffectual in operation; (j) probable results of forcing commodity pooling by continuing legislatively to create machinery for "withholding"; (k) the sufficiency of present farm staples marketing system and the insufficiency of present farm perishables marketing system; (l) the facts as to "flow to market" not affecting price of staples, and the folly of promoting a gigantic or any surplus control or export corporation for farm staples; (m) the extent of exemption of cooperatives from antitrust, monopoly, and restraint of trade laws; (n) the present status of cooperative marketing associations and what they have failed to accomplish; (o) the success and importance of cooperative work at the farm end of the business; (p) the climatological and geographical factors preventing realization of the scheme of federating for control and sale of all or nearly all of any one commodity, much less all or nearly all of all commodities; (q) the unfairness of the Government promoting so-called cooperatives which, under prescribed conditions precedent, can at best represent a small part only of the whole class in distress, and then proffering credit or other aid through such cooperatives to such part only of the class; (r) the necessity of putting credit or other aid extended through governmental agencies within reach of every distressed member of the class—that is, for example, not reducing freight rates for members of certain cooperatives only but equally for all farmers in same geographical situation, which illustration is not far-fetched in applicability when we recall that under the operations of the Federal farm loan system the individual or unorganized farmer with all-sufficient collateral is denied relief while certain specified cooperatives with like collateral may and do obtain it; (s) Government staying out of commercial business, and so declaring as a public policy, thus assuring private capital, which would come to aid in this situation, that it will not meet up with Government competition backed by Federal Treasury money; (t) the absolute necessity for balancing the present wholly unbalanced relationship between farming and industry generally, and some of the vital things not to do and several of the vital things to do to accomplish this, and how to go about procuring them.

CARL SCHURZ

Mr. COCHRAN of Missouri. Mr. Speaker, 100 years ago, March 2, Carl Schurz was born in Liblar, near Cologne, Germany. Following the revolution of 1848, in which he played a prominent part, he found it necessary to leave his native country.

In later years Mr. Schurz became a resident of Missouri and, among the names of the many illustrious men who have served my State in the United States Senate, will be found that of Carl Schurz. His period of service extended from March 4, 1869, until March 3, 1875. He did not seek reelection but two years later became Secretary of the Interior in the Cabinet of President Hayes, remaining in that position for four years.

Throughout the country the one hundredth anniversary of his birth is being celebrated.

Mr. Carlos Hurd, a writer of note, member of the staff of the St. Louis Post-Dispatch, is the author of a most interesting article concerning this man who played such a prominent part in our history which, under leave granted, I include in my remarks:

CENTENARY OF CARL SCHURZ, GERMAN EXILE WHO ADVISED UNITED STATES PRESIDENTS

By Carlos F. Hurd, of the Post-Dispatch staff

Carl Schurz, adopted American, man without a party, civil-service reformer, anti-imperialist, Senator and Cabinet member, counselor and critic of presidents, will be commemorated widely in the next few days. To-morrow is the centenary of his birth, which was at Liblar, Prussia, March 2, 1829. He died in New York in May, 1906.

Gatherings in 30 cities will be held in honor of the soldier, statesman, and editor who became a resident of St. Louis in 1867, and represented Missouri in the United States Senate from 1869 to 1875.

The chief observance here will be a dinner at Hotel Jefferson Tuesday night, March 12, arranged by the Steuben Society in conjunction with other organizations. Speakers will be Richard Einsiedel, managing editor of the Westliche Post, which Schurz once directed; Oscar W. Burg, head of the Steuben Society; Luther Ely Smith, attorney and student of history; Edgar R. Rombauer, attorney and son of an intimate associate of Schurz, and Richard Bartholdt, former Congressman.

GENERAL IN UNION ARMY

As a youth of 19, Carl Schurz took part in the German revolutionary movement of 1848, and with others of the forty-eighters was compelled to flee to Switzerland. He returned to Germany secretly in 1850, and aided in the escape of a comrade, Gottfried Kinkel, from the fortress of Spandau. In Paris he was a newspaper correspondent, and in London he was a teacher, before he came to the United States in 1852, settling first in Milwaukee. For his activity in the campaign of 1860, he was made minister to Spain by President Lincoln, but he resigned to join the Union Army, in which he became a major general, having important part in the Chancellorsville, Gettysburg, and Chattanooga engagements.

After the close of the Civil War, Schurz was delegated by President Johnson to investigate conditions in the States of the late Confederacy. His report, made public in December, 1866, soon became a powerful weapon of the Republican congressional majority against Johnson's southern policy. Schurz held that national control of the Southern States was necessary, and that the Government should announce its purpose to continue such control until free labor should be fully developed and firmly established in the South. He said the negro should have the ballot, and that negro suffrage should be made a condition precedent to readmitting the Southern States to the Union.

DIFFERED WITH GENERAL GRANT

Schurz's report was much less favorable to the South than one made about the same time by Gen. U. S. Grant, who made a brief tour of four Southern States, and who reported that, though "small garrisons" might be needed for a time, the South had accepted the results of the war in good faith. Within a few years, the positions of Schurz and Grant on the southern question were nearly reversed, and Schurz became a champion of the South and an opponent of the military control maintained by Grant as President.

Newspaper work in Washington, as correspondent of Horace Greeley's New York Tribune, and in Detroit, where he founded the Post, preceded the coming of Schurz to St. Louis. His St. Louis career has been described by the late Denton J. Snider, philosopher and writer of books, himself a newcomer in St. Louis in the period after the war.

"Undoubtedly," Snider wrote, "the German element of the city had prepared the way for him, inasmuch as he at once became a chief editor of the Westliche Post, then probably the most influential German newspaper of the country. This step was only preparatory to the greater ambition, namely, the Missouri Senatorship, which was foreseen to lie in the hands of the Germans, could they but find the proper man.

TO UNITED STATES SENATE IN 1869

"He was elected Senator by the Missouri Legislature in 1869, and his six-year term was the highest fulfillment of himself as well as of the German era of St. Louis. He was then 40 years old, at his best intellectually and physically. He never quite got rid of a German accent, though he improved much; he would still Teutonize strongly certain words like 'poobleek.' His English ran correct and fluent enough, but when it came to the more subtle figures of poetry, he could not command them from their first gushing sources. Still I am inclined to think that the most wonderful and lasting part of his career was Schurz the orator.

"And he always gave a genuine moral uplift, not very congenial with practical politics, even if in his own career he turned now and then a surprising political somersault. For with all his moralism, he could round a sharp corner in a pinch. But nobody ever justly thought him corrupt or only a timeserver, even when he served time a little.

"Schurz said that he acquired his mastery of oratorical English chiefly from the Letters of Junius; I hold this deeply characteristic of Schurz. Junius is the English classic of invective and malediction, with which Schurz had too much affinity. Junius only intensified in Schurz a mental quality of which nature had given him more than

enough. He was an innate fault finder; he confesses to a natural love of contention.

BROKE UP HIS OWN PARTY

"In Missouri his was the hand that shivered into fragments his own party which had elected him Senator, and so completely did it fall asunder that it could not again for a generation win a victory in the State. He was right in opposing disfranchisement, which ought never to have been enacted, certainly not in the way it was. Missouri had shown herself overwhelmingly loyal to the Union from the start without disfranchisement, which thus could have no true meaning outside of hatred and corruption.

"Accordingly Schurz, the German interloper, as he was often called, soon fell out with the old leaders who had sustained the battle of emancipation, and of the Union, Governor Brown, General Blair, the hero of Camp Jackson, and especially his fellow Senator, Charles D. Drake. Well might the returned Confederates erect to Schurz a monument, for through him they, a decided minority, won political control of the State, and kept it for decades. To be sure, he cut his own throat in the process, a feat which he succeeded in performing more than once; and he witnessed his own triumphant selfnegation when he was succeeded in 1875 by Cockrell, a former Confederate General.

LOOKED LIKE NEW ENGLANDER

"Schurz was often the lofty stimulating moralist, but he could drop back into the platitudinous moralizer, especially when hard pushed for a stop-gap to fill out some vacancy in his oratory. From this side of him came his sympathy with New England, mental and even physical, for to me Schurz looked more like a Yankee than a typical German, being meager-fleshed, thin-faced, and with a glance of Puritanic severity almost cutting from behind those blue-eyed spectacles of his. He never appeared to me the burly Teuton, still less the jolly Rhinelander given over to infinite gustation and imbibition, though Schurz was from the Rhine, and could brighten up in praise of its Johannisberger and its other appetitive delicacies."

In the Senate, Schurz became a leader of the moderate Republicans in opposing some coercive measures proposed for the South, and he had a part in defeating a plan for keeping a minority State government in power in Georgia. He joined the Republican majority in supporting legislation for the enforcement of the fourteenth and fifteenth amendments. He voted against legislation to suppress the Ku-Klux Klan, on constitutional grounds and those of policy. He favored universal amnesty.

In 1870 Schurz headed what became known as the Liberal Republican movement in Missouri, which demanded the removal of war disabilities. This movement elected B. Gratz Brown governor. It became the basis of the national Liberal Republican convention of 1872 in Cincinnati, which nominated Horace Greeley for President. Joseph Pulitzer, an active figure in the Missouri Liberal Republican movement, was one of the secretaries of the Cincinnati convention, held six years before he founded the Post-Dispatch.

RÔLE IN 1872 CONVENTION

Schurz was made president of the convention, a position in which he exercised comparatively little influence on the nominations. He favored Charles Francis Adams for the presidential nomination, and frowned on the slogan, "Anybody to beat Grant," as a paltry and unworthy expression. The convention nominated Greeley and Governor Brown, who were later indorsed by the Democracy, and were overwhelmingly defeated by Grant and Wilson. A feature of the campaign was Thomas Nast's famous cartoon series in Harper's Weekly in which Greeley's bucolic whiskers and Schurz's sharp features and spectacles were prominent. Brown was never caricatured by Nast as a person. He was represented by a tag, bearing his name, attached to Greeley's coat tails.

The presidential year of 1876, the year following Schurz's retirement from the Senate, found him back in the councils of the Republican Party, working for the nomination of Benjamin H. Bristow and against James G. Blaine. When Rutherford B. Hayes was nominated, Schurz urged him to strong commitments for sound money, civil-service reform, and restoration of local self-government in the South. Hayes's response was sufficiently satisfactory to make Schurz his earnest supporter.

Schurz expressed lack of confidence in the Democratic nominee, Samuel J. Tilden. He counseled a just settlement of the Tilden-Hayes election contest, and he approved and defended the settlement made by the Electoral Commission. He advised Hayes as to a full list of Cabinet appointments, and himself accepted the post of Secretary of the Interior.

CONSTANT FIGHT IN OFFICE

He found service in this department, as he described it later, "a constant fight with the sharks that surround the Indian Bureau, the Land Office, the Pension and Patent Offices." He was obliged to engage in controversy with Mrs. Helen Hunt Jackson and other friends of the Indians, who demanded the return of the Poncas from Indian Territory to Dakota, whence they had been removed under the Grant administration. Schurz held that, whatever wrongs the Poncas had suffered, no good would be done by returning them to Dakota, where they would be in danger of attack by their old enemies, the warlike Sioux.

He had not remained a Missourian long after leaving the Senate. New York was his home much of the time thereafter. Through the 1880 campaign he remained in the Republican camp, opposing the Grant third-term movement, supporting Garfield vigorously, and giving him much advice, one detail of which was that Garfield should not let Chauncey Ives Filley of St. Louis have any part in his administration. After leaving the Cabinet, he was for several years editor of the New York Evening Post, and contended in its columns for civil service reform to remedy the abuses of the spoils system. Legislation establishing this reform was first enacted by Congress in the middle of the Garfield-Arthur administration.

Schurz endeavored to prevent the nomination of Blaine for President in 1884, and became a supporter of Grover Cleveland. His speeches in the campaign were detailed recitals of the charges that Blaine, as Speaker of the House, had been gainfully connected with railroad enterprises depending on congressional favor.

Schurz stuck to Cleveland in the 1888 and 1892 campaigns, and continued to advise him, particularly as to the upholding of civil service reform. The issue of imperialism, against which Schurz had contended when President Grant proposed to annex Santo Domingo, appeared again in the proposals for attaching the Hawaiian Islands to this Nation. Schurz uttered many warnings against Hawaiian annexation, and Cleveland used his official power to retard it, although the popular desire increasingly favored it.

When the Bland-Teller free-silver forces captured the Democratic Party in the mid-nineties, Schurz's allegiance to the principle of sound money drove him back into the Republican Party. His speech in Chicago was probably the most widely circulated of the McKinley campaign literature. The conclusion of this speech was especially picturesque:

"Mr. Bryan has a taste for scriptural illustration. He will remember how Christ was taken up on a high mountain, and was promised all the glories of the world if he would fall down and worship the devil. He will also remember what Christ answered. So the tempter now takes the American people up the mountain and says, 'I will take from you half of your debts if you will worship me.' But brave old 'Uncle Sam' rises up in all his dignity, manly pride, and honest wrath, and speaks in thunder tones, 'Get thee behind me, Satan. For it is written that thou shalt worship the God of truth, honor, and righteousness, and Him alone shalt thou serve.' This will be the voice of the American people on the 3d of November."

The issue of imperialism soon came between Schurz and President McKinley, and Schurz opposed the administration's policy in many speeches and articles. In 1900 he first favored an independent Republican nomination as a means of beating McKinley, and when this plan failed, he was driven to support Bryan, though toward the end of the campaign he had no hope that McKinley's reelection could be prevented.

Because of Theodore Roosevelt's attitude on imperialism and his "exceptionally bellicose temperament," Schurz refused to support him for Governor of New York in 1898, although they had been fellow crusaders for civil service reform. In 1904, the last campaign of Schurz's life, he backed Judge Parker against Roosevelt.

One of the last letters was written to President Roosevelt in September, 1905, to congratulate him on his successful negotiation of peace between Russia and Japan, which Schurz termed "one of the most meritorious and brilliant achievements of our age." Roosevelt could not resist the temptation to reply that if he had been "one of the conventional type of peace advocates," he could not have rendered this service. Schurz wrote him again, not so much to keep up the argument as to suggest that the President take action to bring about an international agreement for limitation of armaments.

AMERICAN ARCHEOLOGISTS FIND WEALTH OF HISTORICAL EVIDENCE IN NEW MEXICO

Mr. MORROW. Mr. Speaker, under consent given to extend my remarks I desire to insert in the RECORD an article published in the Washington Star under date of December 29, 1928, entitled "America's Archeology Worth Bragging About—Discoveries in New Mexico Show Ceramic Work of 400 B. C.—Every State Has Prehistoric Remains."

As this article applies directly to my State of New Mexico and is of great historic value in the study of archeology, I am desirous that the same be inserted in the CONGRESSIONAL RECORD.

[From the Washington Star, December 30, 1928]

AMERICA'S ARCHEOLOGY WORTH BRAGGING ABOUT—DISCOVERIES IN NEW MEXICO SHOW CERAMIC WORK OF 400 B. C.—EVERY STATE HAS PREHISTORIC REMAINS

By Ralph V. D. Magoffin

The perennial joke of Rome shows no tendency to die. Nearly every tourist follows the dictum, "Wait and see the Colosseum by moonlight"—all those visitors who, touristwise, have not interlunarily fitted to go down to see the Colosseum by moonlight. The guides then spread their sayings over Rome. About 90 per cent of all the tourists, be they from France, Germany, England, or America, all say, or are said to have

said, "Yes, the Colosseum is weirdly beautiful, but how much more wonderful it would all be if only they had the same moon here that we have at home!" That is the true spirit at all events of what is known popularly as the "patriotic brag."

Many are the stories that are current of what Americans traveling abroad have said in exuberant praise of things in this country. Perhaps the best one, with "reverse English," is that told of the German professor of geology who visited this country some years ago. He was shown many things and had them explained to him fulsomely. But when he walked out from El Tovar to the edge of the Grand Canyon, he lost his power of expression for a time. When he could speak, he said, "Well, here is something that not even an American can exaggerate."

BRAGGING CALLED GENERAL

Now we do not brag any more about our things than foreigners do about theirs. It is only that most of us can not talk in his own language on equal terms with a foreigner. But those who can say that he talks just as much about money as we do, the only difference being that he talks of it in smaller denominations. He stresses the scenery of his own country more than we ours, and when it comes to comment on the superior cultural, historic, and artistic glories which his country possesses over that of any other, then, really, we can not hold a candle to him.

Perhaps there is one stage more than others, however, from which we have allowed ourselves to be "backed off the boards." That is the stage on which archeology has played its part. There is a reason for it. We came into the field of scientific archeology centuries later than did certain of the European countries. Besides that, the ancient dead were much more numerous in India, Mesopotamia and the Mediterranean area than they were over here, and having had there a more or less continued population more of the ancient monuments and artifacts remained there than here.

But the most pertinent fact is that the peoples who now live on the same sites or in the same general localities claim to be, as they in some part are, the descendants of the earlier peoples and the heirs of their civilizations. We do not claim to be either the descendants or the heirs of Western Hemisphere autochthons, because we do not yet know whether there were any, or of Mayan Aztec, mound builder or Indian aborigines. Therefore we have not an equal amount at stake, and we have not had to defend atrocities, inhumanities, or even the peculiarities of our local forebears.

BEGIN TO STUDY INDIANS.

We have begun, however, to realize that there are in this Western Hemisphere antiquities of civilizations that go back centuries farther than we had ever supposed. It seems to have been the Germans who first waked us up to the fact. It was nearly 75 years ago that their professors and students of antiquity began to study the American Indian.

The splendid example of Indian basketry, pottery, weapons, artifacts, and skeletal remains which the Germans obtained in this country and took back to Berlin and other places gave to Germany a museum of American archeology better than anything there was here. It took years of hard work before the scientists of the Smithsonian Institution forged ahead with the collection which outranked all others.

American archeology began here, as might be expected, gradually, accidentally, fortuitously. Our early colonists tried rather to avoid the Indian arrowheads than to hunt for them. But, as the red man diminished in numbers before the white man, he gained more than proportionately in sentiment; or, to put it badly, as the Indian gave up taking the scalp lock, he gained a halo. Arrowheads, as they were ploughed up, became the nucleus of thousands of private collections, many of which have now been concentrated in local museums.

SPECIMENS IN MANY STATES.

The mounds and earthworks in South Carolina, Kentucky, Ohio, Wisconsin, and Minnesota became objects of archeological and historical study and the thousands of bone, flint, shell, pearl, red sandstone, copper, and polished stone artifacts of useful or ornamental styles were collected, compared, tabulated, published, and localized.

The potholes in the rocks of the Susquehanna, the marks on the walls of caves in the Ozarks, the burials in the mounds of southern Illinois, the serpentine and other animal shapes of low mounds in hundreds of Midwestern localities came in for their share of private, then local, then popular interest.

The Spaniard overran Mexico and Peru before we were ready to start west of the Alleghenies. He seized all the gold in sight, and even made long marches up into New Mexico and thereabouts hunting for the fabled gold of the Seven Cities of Cibola. But he was worse off than Goethe, who walked in Rome over the ancient forum without knowing it.

The Spaniard not only did not know he was marching over the graves and monuments of bygone civilization, but he did not care. But now, we have begun to know it, and we care a great deal. It might easily be forgiven if we began to "talk much bigger" than we do about the splendid remains of the early inhabitants of this hemisphere.

RICH FINDS IN MEXICO

There is plenty of room for pride in the fine pyramids, the wonderful decorative relief carvings, the artistic beauty of the turquoise mosaics; in the perfect naturalism of carved animal forms and the meticulous skill of the workmen who made thousands of miniature gods and figurines in clay, stone, and gold, with which the culture sites of the pre-Aztec Mayas in Yucatan and Guatemala abound.

Here the fine work of late by Morley, Morris, and others under the Carnegie Institution, of Washington, should come in for more than a meed of praise. The four great tomes issued a few weeks ago by the Government of Mexico as its contribution to the Twenty-third International Congress of Americanists, which met in New York, have illustrations of the monumental remains in Mexico that are nothing short of astounding.

There are prehistoric remains in every one of the States. In many States there are archeological societies which have helped to gather the local antiquities into museums. It is, however, in the Southwest that lie buried the greatest reservoirs of America's prehistory. It was this dimly apprehended fact that led the Archeological Institute of America more than 20 years ago to found its School of American Archeology at Santa Fe, in the heart of the region of American antiquities.

From that school as a center, under the wise and able direction of Dr. Edgar L. Hewett, now also the head of the department of archeology and anthropology in the University of New Mexico, explorations have marked numberless future sites for work, and excavations have laid bare many early pueblos. In this work many of our universities and schools have also engaged, among which the work of Harvard and Phillips Andover particularly, under Kidder, and of the University of Minnesota deserve special mention.

The most remarkable of the prehistoric cliff-dwelling sites in this country are in the side canyons of the Mancos River in southwestern Colorado. Hundreds of these interesting villages are inside the limits of the 49,126 acres which have been set aside by the Government as the Mesa Verde National Park. The names of Bandelier and W. H. Holmes, for many years Chief of the Bureau of Ethnology, are linked forever with the early days of scientific work in the sites of the cliff dwellers.

The other type of prehistoric sites, which are many times more numerous than the cliff dwellings, is the pueblo, a large-scale community house. New Mexico and Arizona are full of them. They dot the tops of innumerable mesas; they line the side valleys and canyons of the Rio Grande; there are hundreds in the great Pajarito Plateau on which the Santa Fe is situated.

DATE BACK CENTURIES

The Hopi villages, Pueblo Bonito and Chettro Ketl in Chaco Canyon, Gran Quivira and the Rito de los Frijoles, to single some out of many, are the real things, and they date back centuries before such tourist show places as Puye and Taos.

The same question arises in connection with the excavation of ancient culture sites in our Southwest as did, and to some extent still does, arise in the Mediterranean, Near and Far East, prehistoric centers. How old are they, and how does one know?

The protagonists of the Maya culture in Yucatan now have certain dates that reach back before the birth of Christ. So have the excavators in the pueblo sites in New Mexico. The dates of the former are arrived at by the deciphering of the Maya chronological inscriptions; those of the latter by comparative ceramics.

It has come to be the most widely admitted fact in archeological discovery that the finds of pottery, both whole and in shreds, give the most exact chronological yardstick that science knows. It comes much closer in its figures than does geology, and it reaches back centuries and millennia before there was writing of any kind.

EXCAVATION IN NEW MEXICO

An account of a single excavation, choosing one out of many, ought to do more to explain and clarify the methods and results of a dig on United States soil than any amount of argument. By good chance such an excavation was conducted last summer in the Mimbres Valley in southwestern New Mexico. It was done by a joint expedition of the University of Minnesota, under Prof. Albert E. Jenks, and the School of American Research at Santa Fe, under Wesley Bradfield.

That part of the work which dealt with the chronological data from pottery was under the charge of Mr. Bradfield, perhaps now the leading authority in this country on ceramic chronology.

The School of American Research is particularly well equipped to do singly or in a joint enterprise such an American excavation. Director Hewett is the best all-around American archeologist we have, and he has also the necessary knowledge of a comparative kind gained in actual work and surveys in the foreign fields of Mesopotamia, Palestine, Egypt, Africa, Greece, and Italy. In Kenneth M. Chapman the school at Santa Fe has the best expert on the art and decorative side of ceramics and in Wesley Bradfield the leading authority on chronological ceramic data, based on provenience, technique, and material.

DIG IN CAMERON CREEK AREA

The site dug last summer in the Cameron Creek district of the Mimbres Valley is an extraordinary one. It is remote enough to have

remained virtually untouched, although from the ruins one can see Fort Bayard in the distance outlined in white against the base of the mountain range.

Naturally, the rooms nearest the surface were of the later periods. At first one might wonder why some of these later period surface rooms were so clearly marked out as ceremonial rooms, coming, as one likely would, from cliff dwellings or pueblos where the ceremonial kivas (or rooms) were underground and at a lower level than the living rooms.

But when one is taken into an underground pitroom where objects of a ceremonial character, that proved its use, were found, and is shown the prior, older entrance when that pitroom was used as a living room, the transition from house to ceremonial use, as the levels of the pueblo rise, begins to grow clear.

Cameron Creek, which runs through the Mimbres Valley, shows considerable erosion below the recently excavated pueblo. The south end of the pueblo was recognized by the thousands of wall stones which had been carried away by the creek when in flood. When the excavation began, it was found that virtually nothing remained of the surface houses except the foundations. What had not been carried away by the water had been taken, after the abandonment of the surface rooms, for the construction of other rooms toward the north.

DISCOVERS ANCIENT GRAVE

There happened to be about 50 or more visitors the day the first pit-burial was found. It was under the floor of a pitroom of the middle or early middle period of the pueblo. It was the grave of an adult woman. On the bone of her left arm above the elbow were four shell bracelets. Long strings of beads and two beautifully carved bracelets of shell came to light at the bottom of the pit to the right of the skull. Four broken bowls and pots were on the floor of the room at the right.

The bowls were broken, as was expected. In the graves and tombs in the Mediterranean area the pottery buried with the dead is usually found unbroken. In the American pueblos, after the body was buried face downward and in a contracted kneeling or crouching position, a large bowl was purposely broken down over the head and shoulders, and the other bowls, for the most part, were either broken or had a hole punched in them. It took nearly four hours to excavate the small pit grave just described, because the fine gravel had to be scooped or dusted up very carefully and then every cupful of it sifted.

ASHES IN FIRE PITS

The second level was found about 7 feet below the surface. The rooms were much deeper and the work of excavation, therefore, necessarily was much slower than in the surface rooms. Some of the hardest work was experienced in clearing out the rooms at the south end of the West House mound. Most of July was passed in this section of the pueblo. In one of the latest used rooms the fire pits were found still full of ashes. The floor was covered with scattered pottery. The stubs of the posts which had been used to hold up the roof were also brought to light.

Late in July two of the students from the University of Minnesota were assigned to the excavation of a certain room which gave evidence of having been an abandoned storeroom. These students had the luck of the week. They came upon a real nest of skeletons, 19 in all, all with bowls over their heads in the usual fashion. The bodies had been buried in this abandoned room during the course of several centuries. Many of the bodies had been buried with their necklaces of shell beads, and about half were still wearing their shell bracelets on the bones of their arms, in every case on the left arm.

REVEAL THOUSANDS OF RELICS

Mr. Bradfield was fortunate in one of his earlier finds, in 1925, in the Cameron Creek district. He found what seemed to be a stone slab. This, when freed, was found to be very thin and to be the cover of a jar, or olla, of the early corrugated type, the rim of which was exactly 1 inch above the floor level. It had been used as a storage bin.

The bowls and sherds found in this Cameron Creek excavation in the Mimbres will run into the thousands. But more important is the fact that in them Mr. Bradfield has obtained practically a complete ceramic line running back as far as the beginning of the Christian era. Most of the bowls are of the black and white type, the type in which the Pueblo Indians outdid the better-known Greek artists. Many are of polychrome ware. The paintings show many interesting life forms, and the highly developed linear, circular, zigzag, and geometric designs which were later than the life forms.

One painting of a date early in the Christian era is of a hunter carrying in a deer which he has killed. Another gives a faithful picture of the now nearly extinct Rocky Mountain spotted quail. Another, and one of the most interesting, is of a rabbit inside the curve of the new moon. The "Rabbit in the Moon" is a fairy tale still current in the pueblos to-day.

RESULTS OF EXCAVATION

The main facts which form the excavation last summer in the Mimbres Valley-Cameron Creek dig are the following:

(1) The pottery shows the highest development of design known in the American Southwest.

(2) The pottery extends over a period that exceeds 2,000 years from the early experimental stages of ceramics, probably inside the horizon of "Basket Maker 3" (Kidder) to the time of the abandonment of the pueblo.

(3) The development of room and house from the upper floor levels with upright posts and brush walls down through the circular and rectangular underground pitrooms tallies with the chronology of the pottery.

(4) The proof is found of the beginning of the communal room in the underground circular house, which extended then to the rectangular underground ceremonial room, which was entered through the roof.

BURIALS UNDER FLOORS

(5) Burials were found only under the floors of rooms occupied in the middle period.

(6) The shell bracelets and many of the shells for beads, identified as provenient in the Gulf of California, prove early commercial connections with the West and South.

(7) The remains of corn, squash, and beans found in storage ollas, or in caches, give some of the foods of the Pueblo Indians in the Mimbres.

(8) The skeletons give an average height of the early inhabitants as from 6 feet 5 inches to 5 feet 7 inches.

(9) No European articles were found in the upper levels of the pueblo. Therefore the site had been abandoned before the arrival of the Spaniards in the sixteenth century.

The evidence throws the earliest ceramic pieces back to a date approximately 400 B. C. Surely this excavation is an important piece of early American scientific work. Too much credit can not be given to the joint expedition of 1928 in the Mimbres Valley of New Mexico of the University of Minnesota under Professor Jenks and the Archeological Institute's School of American Research under the able hands of Wesley Bradfield.

BUTTER SUBSTITUTES AND THE TARIFF

Mr. SELVIG. Mr. Speaker and Members of the House, the Committee on Agriculture on May 11, 1928, reported favorably H. R. 10958, a bill to amend the definition of oleomargarine to impose a tax on butter substitutes. There was no minority report filed. On February 21, 1929, after a hearing held on January 18, 1929, the Committee on Rules favorably reported this bill to the House (H. Res. 333, Rept. 2625).

It is apparent at this stage of the session, when appropriation bills and conference reports have the right of way, that this important bill will not come before the House for action, due to the inevitable jam at the close of the session.

This is a source of great regret to the many Members who desired that the House should express its judgment regarding it during the present session of Congress.

It is a misfortune that this bill has not been considered by the membership of the House and voted upon. It simply postpones the day when there must be an end to the intolerable situation which confronts both the dairy interests of the country and the consumers as well.

Mr. Speaker, I desire briefly to explain this bill and to point out to the farmers of the United States the menace to them of the increasing importations of vegetable oils. I do this now in order to urge consideration of this important measure as a part of the farm-relief program to be taken up at the special session to be called early in April. This bill should be included as a part of that program.

PURPOSE OF H. R. 10958

Now, Mr. Speaker, what does H. R. 10958 propose to accomplish? Let me answer that question. This bill merely extends the definition of oleomargarine. It simply brings in under the scope of the oleomargarine act passed 43 years ago products colored in the semblance of butter. It merely includes such new products which scientific knowledge has invented which have been introduced into the markets of the country since the original oleomargarine law was passed.

The reason for urging the enactment of this bill is because the courts have ruled that the so-called cooking compounds do not come under the present provisions of that law. This bill simply adds to the regular oleomargarine law, broadens the present law, to protect the consumers and producers of butter against another substitute.

BUTTER SUBSTITUTES

It is generally admitted that these nut margarines, these so-called cooking compounds, are made in imitation of butter or in semblance of butter. Ample evidence in support of this contention was presented in the hearings both before the Agricultural Committee and the Rules Committee.

Even the opponents of this bill do not contend that these nut margarines are as good as butter. It is admitted that they are made largely from coconut oil, for the most part imported from the Philippine Islands duty free.

Nobody contends that they contain the health-giving vitamins that set butter apart as a food in a class by itself. If this be true, why should not these products be classed as oleomargarine?

The deceptiveness of the product is obvious to all. This deceptiveness is such that even an expert can not determine from appearance, taste, or odor the difference between butter, oleomargarine, and the nut-margarine product under discussion this afternoon.

Why do they try to imitate butter? This is one question that has not been satisfactorily answered by the opponents of this legislation.

If it is the honest interest of the manufacturers to have these nut margarines used as a shortening product, why do they in every way try to have them imitate butter?

Lard and shortening products sell at 11 or 12 cents per pound. They contain only about 1 per cent of moisture. The substitutes, which the bill recommended by the Agricultural Committee would classify as oleomargarine, are not sold as a shortening, which sells at 11 or 12 cents per pound, but are made to look and taste like butter in order to command a better price.

BILL RECOMMENDED BY COMMITTEE

Many, if not all, of the Members of this House are sincerely and vitally concerned with the welfare of our farmers. I am not going to make a speech on the general subject of farm relief now, but I want to point out that the distinguished members of the great Agricultural Committee of this House, after giving this bill full consideration, recommend it to pass. The members of that committee can well be called the guardians of the agricultural interests of our country. No one who is interested in the most important problem confronting the United States, which, as I have frequently reiterated before this body, is the agricultural problem, needs to apologize for trying to safeguard this vital interest. He should be proud to give his support to every legitimate measure for the benefit of that great industry.

To safeguard the dairy industry and to aid agriculture demands that these nut margarines should be classed under the law as oleomargarine. They are manufactured by the same identical process as butter. They are sold as a substitute for butter. What justification is there for permitting them to remain outside that law?

Why should the farmers of the United States submit to having the legitimate products of agriculture come into unfair competition with the product of foreign vegetable oils?

MUST SAFEGUARD DAIRYING

The dairying industry of the United States must be safeguarded. It is one of the most important sources of the Nation's agricultural income. In many regions it is the only branch of farming that yields anything like a favorable return upon time, capital, and labor invested.

The nut-margarine business strikes a body blow at dairying. The welfare of our Nation depends upon safeguarding the dairy industry. Dairying, unlike many other branches of farming, conserves soil fertility. Wise statesmanship will increasingly stress this point.

We must not lose sight of the fact that butter and milk are superior foods, indispensable for children. The vitamins in these foods are necessities. We are not thinking simply dollars and cents in urging that favorable consideration be given this measure. To my mind we touch upon a vital problem of our country's welfare.

Representatives of all the principal national farm organizations testified in favor of giving our dairy farmers this protection. Evidence was presented which showed not only the widespread distribution of these so-called cooking compounds sold in semblance of butter, but that there has been a tremendous increase in their production.

VEGETABLE-OIL IMPORTATIONS

We are facing a condition, not a theory. Imports of vegetable oils amounting in value to at least $150,000,000 this year are in direct competition with our livestock producers.

These are conservative figures. Coconut-oil production in the Philippines now runs around 1,000,000,000 pounds per year. More than half—530,000,000 pounds—in 1928 was shipped into the United States, replacing American farm-produced oils and fats.

The significant fact in this connection is that the so-called cooking compounds are manufactured principally from vegetable oils imported free of duty.

With both parties pledged to support relief for agriculture, the provisions of this bill should be considered and adopted during the special session.

This bill will aid our farmers. No one who has given it thought and study can deny that fact.

Congress and the new administration have an unprecedented opportunity of making 1929 an outstanding year from the standpoint of rehabilitating agriculture. To have 1929 go into history as a great year for the farmers would redound to the permanent credit and record both of the Seventy-first Congress and of the administration under the leadership of President Hoover.

To enact this bill as a part of a more comprehensive farm program will be a noteworthy step. It should be done.

TARIFF REVISION NEEDED

Promised tariff revision in the interests of the farmers is to be undertaken at the special session, in addition to the beginning, at least, of the solution of the much-vexed farm surplus problem. Something ought, also, to be done to lower the transportation rates on agricultural products. The further development of our inland waterways should be fostered. All of these measures are vital and should be given consideration.

These are all important phases of the farm problem. They are worthy of our best efforts for their solution. I shall not at this time discuss all of these problems, but wish to present in somewhat greater detail the menace of the increasing imports of vegetable oils.

The acquisition of the Philippine Islands 30 years ago, a close student of our agricultural industry recently said, is costing the American farmers at least $150,000,000 this year. These figures are conservative. Others say that the real cost is several times that much.

PHILIPPINE IMPORTS

I stated a few minutes ago that coconut-oil production in the Philippines now runs around 1,000,000,000 pounds per year, and that half of this is shipped into the United States. In this country coconut oil replaces American farm-produced oils and fats, pound for pound, and forces the higher-priced American products out of the United States into the cheaper foreign trade. This coconut oil goes principally to the soap and oleomargarine manufacturers and thus competes with the producers of lard, butter, cottonseed, soy beans, peanuts, flax, and even, to some extent, with corn.

Of the 575,000,000 pounds imported in 1927, 88 per cent came from the Philippines.

How does this vast importation affect the American farmers? One had but to listen to the testimony presented before the Ways and Mean Committee to learn of this. All the witnesses were agreed that bringing 575,000,000 pounds of vegetable oils into the country simply takes away the market from 575,000,000 pounds of oils and fats produced on American farms, or almost 10 per cent of all the farm oils and fats in the United States.

As was stated in a recent study of this problem, the native who harvests cocoanuts in the jungles of Luzon is thus a considerable factor in holding down prices of hogs in the Middle West, of soy beans in Illinois and North Carolina, of cotton and peanuts in the South, of flax in the Northwest, and of dairy products all over the United States. At least 75 per cent of all the farmers in the Nation are affected in a substantial way by this form of competition.

VEGETABLE OIL IMPORTS ARE INCREASING

What will happen in 5, 10, or 15 years hence? The producers of the country have a right to ask this question. This we know: The Philippine coconut industry is expanding at a tremendous rate. It is estimated that within five years the Philippine coconut-oil production will be above 1,600,000,000 pounds and above 2,000,000,000 pounds by 1939. Something must be done to stop this flood of oil.

The tariff on vegetable oil will be of no avail unless it is applied to oil coming from the Philippines, as well as to oil produced in foreign countries. This was emphasized in the tariff speech which I gave on May 6, 1928. It is the most important single point in the entire range of the farm-tariff situation.

What is the situation with respect to the total production of fats and oils in the United States? A recent study by Mr. Herman Steen, which appeared in Wallace's Farmer, gives interesting information on this point. I quote:

> In 1927 American farmers produced 7,643,000,000 pounds of all fats and oils.

The importations into the United States of vegetable oils in 1927 included 575,000,000 pounds of coconut oil and 478,000,000 pounds of other vegetable oils. They came in because they are produced by cheap labor, principally from the Tropics. Our exports of lard during the same year amounted to 702,000,000 pounds. This was sold in a market that tends to be lower than our domestic market.

TARIFF PROTECTION NEEDED

In my testimony before the Ways and Means Committee on the agricultural tariff schedules I stated:

The American farmer can not compete with imported agricultural products created through cheap foreign labor and lower standards of living, nor can he compete in foreign markets for the sale of his products at world price levels arising out of foreign-production standards and foreign-buying power.

Tariff protection is the key to the situation. The imposition of tariff duties is an essential requirement in rounding out our protective-tariff policy to include all competitive agricultural imports.

I will place in the RECORD the principles which are offered as suggestions in formulating a protective-tariff policy for the benefit of agriculture. These are quoted from my testimony presented to the Ways and Means Committee on January 24, 1929:

PRINCIPLES PERTAINING TO PROTECTION FOR AGRICULTURE

1. The fundamental reason why increased duties are requested for these agricultural products is to preserve the American market for American products.

2. The increases in duties are asked for in order to place agricultural products on a basis of parity with industry. A general increase in all of the tariff schedules included in our present tariff act will nullify benefits to the farmers in case the farmers' costs of production and living expenses are thereby materially increased. Consideration should be given to present duties which greatly increase the farmers' costs in order to reduce them or to eliminate them.

3. The increases recommended in this presentation have for their purpose the vitally important policy of giving adequate protection to those branches of the agricultural industry which make for more extensive diversification.

4. In granting increased protection to the livestock and dairy farmers the policy of conservation of soil fertility is supported.

5. It will be observed that increased duties are recommended in some schedules where the imports are small in proportion to the domestic production. These imports, even though limited, unduly disturb the price level to a far greater extent than their volume would justify.

6. Increasing the duties on farm products which are now on a domestic basis will be of direct benefit to the producers as this will tend to divert production from the so-called "surplus" crops and thereby effect an improvement in the foreign markets for the surplus which is now sold abroad. It has been well said that the much discussed surplus does not come chiefly from American farms. We import our surplus.

7. Agriculture is now more desperately faced with foreign importations than is industry. Capital furnished by United States financiers is invested in foreign lands, where, with the cheap labor available, it is used to increase the annual production of competitive agricultural commodities which find their way into the United States.

8. An agricultural tariff policy should be formulated which will encourage the domestic production of commodities to supply our needs instead of depending upon foreign countries for competitive imports.

9. Such a policy should recognize that imports of competitive agricultural products displace millions of acres of lands, which in turn displace thousands of farmers.

10. Such a policy should encourage the replacing of imported farm products with native products as far as possible. This would tend to draw increased quantities of raw materials from our American farmers.

11. The American farmer can not compete with imported agricultural products created through cheap foreign labor and lower standards of living, nor can he compete in foreign markets for the sale of his products at world price levels arising out of foreign-production standards and foreign-buying power.

12. In agriculture, production can not be controlled. A wise governmental policy can, however, encourage changes in the trends of production. Such a policy should be put forth to give protection to those agricultural products which in the long run it would be to the interests of our country to produce enough of to meet domestic needs.

These principles, if followed in the forthcoming tariff bill, will assist in rehabilitating agriculture.

Again coming back to the vegetable-oils importations, about one-third of these importations is animal and fish oils and fats, including lard, tallow, fish oil, and whale oil. The total comes to 2,781,000,000 pounds, about 2,000,000,000 of which is lard.

The second group is vegetable oil, totaling 2,766,000,000 pounds. Cottonseed oil makes up about two-thirds of this and the balance is soy-bean oil, linseed oil, peanut oil, corn oil, and a few minor kinds like sunflower-seed oil.

OVER 1,000,000,000 POUNDS IMPORTED

I quote again from the study made by Mr. Steen:

The net result of all this commerce in the various oils is that 1,053,000,000 pounds of foreign and Philippine vegetable oils are brought into the United States. They come in because they are produced with cheap native labor in Asia and Africa and produced under conditions of living lower than have ever been tolerated in North America. At the same time, Americans have been obliged to export 979,000,000 pounds of fats and oils (702,000,000 pounds of which is lard), mostly to Europe, where it sells in a market which tends to be lower than the American market. Nevertheless, the export surplus determines the price for the whole American output, and so the prices of American farm products which are used for fats and oils are determined by cheap oriental labor at one end of the line and by a cheap European market at the other.

FARMERS ARE VITALLY INTERESTED

The farm organizations and spokesmen for agriculture generally are demanding that fats and oils be dealt with as a unit in the forthcoming tariff legislation. This is necessary on account of the ease in substituting one oil for another in the various industries.

In 1927 the import figures reported by the Department of Commerce tell us that the United States imported more than $147,000,000 worth of vegetable oil, and that the average duty paid was slightly over 4 per cent. The free admission of coconut oil from the Philippine Islands cut the average ad valorem equivalent of the duty to that low rate.

The agricultural interests are vitally interested in H. R. 10958. They are also tremendously concerned in what the Ways and Means Committee and Congress will do during the next few months with regard to the tariff.

Congress will, I am sure, seek to accord to that great industry every consideration and aid. The farm groups presented a strong case before the committee. They were given sympathetic consideration. Many practical difficulties must be met and overcome, but with a will to give real and substantial help to agriculture a way will be found to do it.

NORTHERN PACIFIC LAND GRANTS

Mr. COLTON. Mr. Speaker, by the act of July 2, 1864, and the joint resolution of May 31, 1870, Congress granted certain public lands to the Northern Pacific Railroad Co. to aid in the construction of a railroad from Lake Superior to Puget Sound.

On February 27, 1929, the House passed H. R. 17212, to amend the act of July 2, 1864, and the resolution of May 31, 1870, to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Co., or its successor, the Northern Pacific Railway Co., and to direct the institution and prosecution of proceedings looking to the adjustment of the Northern Pacific land grants, and for other purposes.

I should like to incorporate in the RECORD a copy of H. R. 17212 as it was reported to the House and a copy of House Report No. 2628 that was prepared to accompany the bill. The bill and the report were prepared by the joint committee of Congress appointed to investigate the Northern Pacific land grants under the resolution June 5, 1924.

H. R. 17212, as it was reported to the House, is as follows:

A bill (H. R. 17212) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes

Whereas by act of Congress of July 2, 1864 (13 Stat. L. 365), and by joint resolution of Congress adopted on May 31, 1870 (16 Stat. L. 378), public lands of the United States were granted to the Northern Pacific Railroad Co. to aid in the construction of certain railroad and telegraph lines therein specified, which grants were made and accepted upon certain conditions therein expressed, and which granting acts contained covenants relating to the disposition by said Northern Pacific Railroad Co. of certain of the lands therein granted; and

Whereas the said Northern Pacific Railroad Co., and its successor, the Northern Pacific Railway Co., have failed to comply with the conditions of said grants, and have failed to perform the covenants of said grants relative to the disposition of certain lands therein granted; and

Whereas the said grants have not been fully adjusted, and the Northern Pacific Railroad Co. and/or its successor, the Northern Pacific Railway Co., are asserting the right to select lands within the indemnity limits of said grants to satisfy a claimed deficiency, and, among others, controversies have arisen between the United States and said companies respecting the construction, operation, and effect of said grants as to whether, through fraud or through misapprehension as to the proper construction of such grants, or otherwise, lands have been wrongfully patented or certified to one or both of said companies, and as to what the rights of the United States and said companies, and those claiming under them are with respect to such lands, and as to the amount, if any, of lands to which said companies may be entitled in satisfaction of said grants, and the claims of said companies, or either of them, of the

right to select additional lands within the indemnity limits, constitute a cloud upon the title of the United States to such lands; and

Whereas Congress in the passage of said act of July 2, 1864, reserved the right to add to, alter, amend, or repeal said act, and in the adoption of said joint resolution of May 31, 1870, reserved the right to alter or amend said joint resolution at any time, having due regard for the rights of said company: Therefore

Be it enacted, etc., That any and all lands within the indemnity limits of the land grants made by Congress to the Northern Pacific Railroad Co. under the act of July 2, 1864, and the resolution of May 31, 1870, which, on June 5, 1924, were embraced within the exterior boundaries of any national forest or other Government reservation and which, in the event of a deficiency in the said land grants to the Northern Pacific Railroad Co. upon the dates of the withdrawals of the said indemnity lands for governmental purposes, would be, or were, available to the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., by indemnity selection or otherwise in satisfaction of such deficiency in said land grants, are hereby taken out of and removed from the operation of the said land grants, and are hereby retained by the United States as part and parcel of the Government reservations wherein they are situate, relieved and freed from all claims, if any exist, which the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., may have to acquire the said lands by indemnity selection or otherwise in satisfaction of the said land grants: *Provided*, That for any or all of the aforesaid indemnity lands hereby retained by the United States under this act the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, shall be entitled to and shall receive compensation from the United States to the extent and in the amounts, if any, the courts hold that compensation is due from the United States.

SEC. 2. That all of the unsatisfied indemnity selection rights, if any exist, claimed by the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, or by any grantee or assignee of either or both, together with all claims to additional lands under and by virtue of the land grants contained in the act of July 2, 1864, and resolution of May 31, 1870, or any other acts of Congress supplemental or relating thereto, are hereby declared forfeited to the United States.

SEC. 3. The rights reserved to the United States in the act of July 2, 1864, to add to, alter, amend, or repeal said act, and in the resolution of May 31, 1870, to alter or amend said resolution, are not to be considered as fully exercised, waived, or destroyed by this act or the exercise of the authority conferred hereby; and the passage of this act shall not be construed as in anywise evidencing the purpose or intention of Congress to depart from the policy of the United States expressed in the resolution of May 31, 1870, relative to the disposition of granted lands by said grantee, and the right is hereby reserved to the United States to, at any time, enact further legislation relating thereto.

SEC. 4. The provisions of this act shall not be construed as affecting the present title of the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., or any subsidiary of either or both, in the right of way of said road or lands actually used in good faith by the Northern Pacific Railway Co. in the operation of said road.

SEC. 5. The Attorney General is hereby authorized and directed forthwith to institute and prosecute such suit or suits as may, in his judgment, be required to remove the cloud cast upon the title to lands belonging to the United States as a result of the claim of said companies, and to have all said controversies and disputes respecting the operation and effect of said grants, and actions taken under them, judicially determined, and a full accounting had between the United States and said companies, and a determination made of the extent, if any, to which the said companies, or either of them, may be entitled to have patented to them additional lands of the United States in satisfaction of said grants, and as to whether either of the said companies is lawfully entitled to all or any part of the lands within the indemnity limits for which patents have not issued, and the extent to which the United States may be entitled to recover lands wrongfully patented or certified. In the judicial proceedings contemplated by this act there shall be presented, and the court or courts shall consider, make findings relating to, and determine to what extent the terms, conditions, and covenants, expressed or implied, in said granting acts have been performed by the United States and by the Northern Pacific Railroad Co. or its successors, including the legal effect of the foreclosure of any and all mortgages which said Northern Pacific Railroad Co. claims to have placed on said granted lands by virtue of authority conferred in the said resolution of May 31, 1870, and the extent to which said proceedings and foreclosures meet the requirements of said resolution with respect to the disposition of said granted lands, and relative to what lands, if any, have been wrongfully or erroneously patented or certified to said companies, or either of them, as the result of fraud, mistake of law or fact, or through legislative or administrative misapprehension as to the proper construction of said grants or acts supplemental or relating thereto, or otherwise, and the United States and the Northern Pacific Railroad Co., or the Northern Pacific Railway Co., or any other proper person, shall be entitled to have heard and determined by the court all questions of law and fact, and all other claims and matters which may be germane to a full and complete adjudication of the respective rights of the United States and said companies, or their successors in interest under said act of July 2, 1864, and said joint resolution of May 31, 1870, and in other acts or resolutions supplemental thereto, and all other questions of law and fact presented to the joint congressional committee appointed under authority of the joint resolution of Congress of June 5, 1924 (43 Stat. p. 461), notwithstanding that such matters may not be specifically mentioned in this enactment.

SEC. 6. All lands received by the Northern Pacific Railroad Co. or its successors, the Northern Pacific Railway Co., under said grants or acts of Congress supplemental or relating thereto which have not been earned, but which have been for any reason erroneously credited or patented to either of said companies, or its or their successors, shall be fully accounted for by said companies, either by restitution of the land itself, where the said lands have not passed into the hands of innocent purchasers for value, or otherwise, in accordance with the findings and decrees of the courts. In fixing the amount, if any, the said companies are entitled to receive on account of the retention by the United States of indemnity lands within national forests and other Government reservations, as by this enactment provided, the court shall determine the full value of the interest which may be rightfully claimed by said companies, or either of them, in said lands under the terms of said grants, and shall determine what quantities in lands or values said companies have received in excess of the full amounts they were entitled to receive, either as a result of breaches of the terms, conditions, or covenants, either expressed or implied, of said granting acts by said companies, or either of them, or through mistake of law or fact, or through misapprehension as to the proper construction of said grants, or as a result of fraud, or otherwise, and said excess lands and values, if any, shall be charged against said companies in the judgments and decrees of said court. To carry out this enactment the court may render such judgments and decrees as law and equity may require.

SEC. 7. The suit, or suits, herein authorized shall be brought in a district court of the United States for some district within the States of Wisconsin, Minnesota, North Dakota, Montana, Idaho, Washington, or Oregon, and may be consolidated with any other actions now pending between the same parties in the same court involving the subject matter, and any such court shall in any such suit have jurisdiction to hear and determine all matters and things submitted to it in pursuance of the provisions of this act, and in any such suit brought by the Attorney General hereunder any persons having an interest in or lien upon any lands included in the lands claimed by the United States, or by said companies, or any interest in the proceeds or avails thereof may be made parties. On filing the complaint in such cause, writs of subpœna may be issued by the court against any parties defendant, which writs shall run into any districts and shall be served, as any other like process, by the respective marshals of such districts. The judgment, or judgments, which may be rendered in said district court shall be subject to review on appeal by the United States circuit court of appeals for the circuit which includes the district in which the suit is brought, and the judgment, or judgments, of such United States circuit court of appeals shall be reviewable by the Supreme Court of the United States, as in other cases. Any case begun in accordance with this act shall be expedited in every way, and be assigned for hearing at the earliest practicable day in any court in which it may be pending. Congress shall be given a reasonable time, which shall be fixed by the court, within which it may enact such legislation and appropriate such sums of money as may be necessary to meet the requirements of any final judgment resulting by reason of the litigation herein provided for.

SEC. 8. It shall be the duty of the Attorney General to report to the Congress of the United States any final determinations rendered in such suit or proceedings, and the Attorney General, the Secretary of the Interior, and the Secretary of Agriculture shall thereafter submit to Congress recommendations for the enactment of such legislation, if any, as may be deemed by them to be desirable in the interests of the United States in connection with the execution of said decree or otherwise.

SEC. 9. That the Secretary of the Interior is hereby directed to withhold his approval of the adjustment of the Northern Pacific land grants under the act of July 2, 1864, and the joint resolution of May 31, 1870, and other acts relating thereto; and he is also hereby directed to withhold the issuance of any further patents and muniments of title under said act and the said resolution, or any legislative enactments supplemental thereto, or connected therewith, until the suit or suits contemplated by this act shall have been finally determined: *Provided*, That this act shall not prevent the adjudication of any claims arising under the public land laws where the claimants are not seeking title through the grants to the Northern Pacific Railroad Co., or its successors, or any acts in modification thereof or supplemental thereto.

House Report No. 2628 is as follows:

[H. Rept. No. 2628, 70th Cong., 2d sess.]

NORTHERN PACIFIC LAND GRANTS

Mr. COLTON, from the Joint Congressional Committee to Investigate Northern Pacific Railroad Land Grants, submitted the following report (to accompany H. R. 17212):

The joint congressional committee appointed to investigate Northern Pacific land grants submitted the following report to accompany H. R. 17212, to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co. or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes, with the recommendation that it do pass without amendment.

On February 23, 1924, the Hon. Calvin Coolidge, President of the United States, called the attention of the chairman of the Public Lands Committee of the House of Representatives to the fact that the Northern Pacific Railway Co. was asserting claims to large areas of valuable timberland within the national forests to satisfy a claimed deficiency in the land grant made by the act of July 2, 1864 (13 Stat. 365), and the joint resolution of May 31, 1870 (16 Stat. 378); that the loss of public title to resources which had been protected and developed for many years at public cost was threatened, and that the grants had not been fully adjusted.

The President advised that certain statements contained in a letter from the Secretary of Agriculture raised serious questions as to the extent to which the railroad company may have obtained undue benefits from the grant and also as to the extent of its compliance with the obligations imposed upon it by the legislation which conferred the grants. He further stated that he believed these questions should be fully determined before a final settlement of the matter is effected and before further public lands were patented to the company, and recommended that the entire matter receive the attention of Congress, and that such action be taken as would look to the fullest protection of the public interests concerned. After preliminary hearings, held by the Public Lands Committee of the House, Congress adopted the resolution approved June 5, 1924 (43 Stat. 461), by virtue of which your committee was appointed. This committee was "empowered and directed to make a thorough and complete investigation of the land grants of the Northern Pacific Railroad Co. and its successor, the Northern Pacific Railway Co., under the act of July 2, 1864 (13 Stat. 365), and the joint resolution of May 31, 1870 (16 Stat. 378), and any further acts of Congress supplemental thereto or connected therewith, and the facts and the law pertaining thereto and arising therefrom, and to report to Congress its conclusions and recommendations based thereon." By joint resolution approved May 28, 1928, this committee was given leave to report at any time, by bill or otherwise.

Extensive hearings have been had, at which representatives of the Department of Agriculture, the Department of the Interior, and the Northern Pacific Railway Co. were present. The privilege of calling and examining witnesses and being heard in argument was extended to all interested persons. A number of witnesses have been called and examined and legal representatives of the governmental departments and of the company have been heard on the propositions of law and facts involved. Your committee has made a detailed study of all the circumstances and facts connected with the points raised in this controversy and the law applicable thereto. Ninety-four days of hearings have been held and proceedings covering over 5,500 pages have been printed.

The record shows that by the act of July 2, 1864, and the resolution of May 31, 1870, a vast area of the public domain was granted to the Northern Pacific Railroad Co. to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound; that the grants contain certain terms, conditions, and covenants imposing certain obligations upon the United States and upon the company; that these obligations have not been fully complied with by the company; that the company has already received upwards of 35,000,000 acres of land under the grants concerning part of which controversies have arisen; that questions of fact and of law have arisen from time to time in the administration of the grants; that the Northern Pacific Railway Co. now claims that a large deficiency in the grants still exists, and further claims the right to satisfy the deficiency by the selection of lands within national forests and other Government reservations within the indemnity limits of the grants; that large sums of public money have been expended during the past 25 years on the lands within these national forests and other Government reservations, which lands the company claims the right to select; that the public interests require that these lands be retained by the United States; that it is desirable that a speedy and final adjustment of the grants be had; that the decision of the courts be obtained on the controverted questions of law and fact, and that the respective rights of the United States and the Northern Pacific Railroad Co. and/or its successor, the Northern Pacific Railway Co., be fully and finally established.

We are presenting with this report a bill under which it is contemplated that proper proceedings shall be instituted by the Attorney General of the United States to procure a final and complete determination of the respective rights of the United States and the Northern Pacific Railway Co. to the end that the grants shall be finally adjusted and the interests of the United States and the grantee shall be fully protected. We are convinced that such legislation is necessary to protect the interests of the United States and to determine the issues involved.

The provisions of the bill may be summarized, in general, as follows:

By the first section all lands, surveyed or unsurveyed, within the indemnity limits of the grants and within the exterior boundaries of national forest and other Government reservations are removed from the operation of the land grants and retained by the United States as part of the reservations within which they are situate, relieved and freed from all claims, if any exist, which the Northern Pacific Railroad Co. or its successor, the Northern Pacific Railway Co., may have to acquire them as indemnity selections or otherwise, and provision is made that the railroad company or its successor shall be entitled to be compensated to the extent and in the amounts, if any, the courts hold compensation is due.

By section 2 all unsatisfied indemnity selection rights, if any exist, claimed by the company, or its successor, together with all claims to additional lands by virtue of the grants are declared forfeited. (The committee having considered all the facts and circumstances believes that this limited forfeiture is justified.)

Section 3 retains for the United States the right to enact additional legislation on the subject.

Section 4 provides that the act shall not be construed as affecting the present title of the company or its successors in the right of way, acquired under the grants, or lands actually used in good faith by the Northern Pacific Railway Co. in the operation of its road, such as lands used for depots, station buildings, work shops, machine shops, switches, side tracks, and water stations.

Section 5 directs the Attorney General to institute proceedings to accomplish the objects mentioned therein and in the act in its entirety.

Section 6 requires that an accounting be had and authorizes the rendering of such judgments and decrees as law and equity may require.

Section 7 relates to the fixing of jurisdiction and to matters of procedure.

Section 8 makes it the duty of the Attorney General to report to Congress any final determinations rendered in the proceedings and requires the Attorney General, the Secretary of the Interior, and the Secretary of Agriculture to submit to Congress such recommendations for the enactment of legislation, if any, as they deem desirable in the interests of the United States in connection with the execution of said judgments and decrees, or otherwise.

By section 9 the Secretary of the Interior is directed to withhold his approval of the adjustment of the grants and related acts, and to withhold the issuance of further patents or muniments of title under the grants, and under acts supplemental thereto until the proceedings contemplated by this act have been finally determined, provided that the act shall not prevent the adjudication of any claims arising under the public land laws where the claimants are not seeking title thereto under the grants to the Northern Pacific Railroad Co. or its successor, or under any acts in modification thereof or supplemental thereto.

Your committee, in making the foregoing summary of the purposes of the various sections of the bill, does not intend that the summary shall be taken as limiting or restricting their meaning as more fully set out and reflected in the bill itself.

The committee unanimously recommends that the bill be passed.

Respectfully submitted.

DON B. COLTON, *Chairman.*	HENRY F. ASHURST.
WESLEY L. JONES.	CHAS. E. WINTER.
PETER NORBECK.	F. D. LETTS.
FREDERIC M. SACKETT.	WM. J. DRIVER.
JOHN B. KENDRICK.	SAM B. HILL.

The congressional investigation of the Northern Pacific land grants had its inception in the right asserted by the Northern Pacific Railway Co., the successor of the Northern Pacific Railroad Co., to select or otherwise acquire certain national-forest lands in satisfaction of the land grants.

In 1904 certain lands within the indemnity limits of the Northern Pacific land grants were withdrawn by the United States for national-forest purposes under the then prevailing construction of the law that such withdrawals were valid as against the grantee railroad company and its successor. The Northern Pacific Railway Co. contended that the Government could not make these withdrawals in the face of an unsatisfied deficiency in the acreage of the land grants. In litigation that grew out of the controversy the Supreme Court held (256 U. S. 51) that the Government could not make the withdrawals if the withdrawn lands were needed to make up the acreage the railroad company was entitled to receive under the granting acts. The Supreme Court held, however, that the figures before it were inadequate for the purpose of determining whether a shortage existed in the land grants and, in effect, returned the case to the Interior Department for a recount of the acreage.

At this point the Forest Service of the Agriculture Department entered the case, suggesting that if proper deductions were made a deficiency would not be found to exist in the acreage of the grants. The Forest Service suggested that the Northern Pacific Railroad Co. had failed to comply with certain of its obligations under the granting acts and that through collusive land sales, erroneous construction of the law, and otherwise the grantee railroad company and its successor had received acres and values in excess of what they were entitled to under the land grants. The Forest Service also suggested that the land grants were subject to forfeiture.

Following a consideration of the matters presented by the Forest Service, the Secretary of the Interior held that the previous tentative adjustment figures were 1,200,000 too high in favor of the Northern Pacific, left certain other questions open for further consideration, and stated that Congress alone was authorized to act upon certain other questions presented to him by the Forest Service.

By joint letter of February 12, 1924, addressed to the Hon. N. J. Sinnott, chairman of the Public Lands Committee of the House, Secretaries Wallace and Work recommended a congressional investigation of the Northern Pacific land grants. President Coolidge, by letter of February 23, 1924, made a similar recommendation to Mr. Sinnott.

Following preliminary hearings held before the House Committee on the Public Lands and the Senate Committee on Public Lands and Surveys, Congress passed the joint resolution of June 5, 1924, providing for an investigation of the Northern Pacific land grants by a joint committee of Congress, the committee to be made up of five members of the Senate and five members of the House.

Your committee appointed under the resolution June 5, 1924, of which I have the honor to be the chairman, has held hearings in this matter, which is an involved and important one. The record as it now appears consists of over 5,500 printed pages.

The testimony taken at the hearings shows that the Northern Pacific Railroad Co., or its successor, the Northern Pacific Railway Co., has not made a full compliance with the obligations, expressed and implied, that were contained in the act of July 2, 1864, and the resolution of May 1, 1870.

Your committee is of the opinion that the grantee railroad company and its successor are not now entitled to the same compensation from the United States they would have been entitled to receive had they made a full and complete compliance with the obligations that were contained in the act of July 2, 1864, and the resolution of May 1, 1870, and which the grantee railroad company obligated itself to perform.

Likewise, your committee is of the opinion that the grantee railroad company or its successor should not now be permitted to profit under the land grants at the expense of the United States through transactions that were collusive, fraudulent, or otherwise illegal. The testimony taken at the hearings shows that there were such transactions. Your committee is of the opinion that the grantee railroad company or its successor is not entitled to any further lands from the United States.

It was, therefore, the unanimous opinion of your committee that the enactment of H. R. 17212 is necessary for the proper protection of the interests of the United States. The bill if enacted will permit the United States to go into the courts on a comprehensive basis and at the same time it will afford the grantee railroad company or its successor an opportunity to be fully heard in support of such contentions as it may desire to make in opposition to any position taken by the United States in the court proceedings.

Under the first section of H. R. 17212 the United States retains title to the lands within the national forests and other Government reservations that might be subject to acquisition by the Northern Pacific Railway Co., in the event it should be found that there is an unsatisfied deficiency in the acreage of the grants. The section removes these lands from the operation of the grants and provides that the railroad company shall be entitled to compensation in the event the courts find that compensation is due from the United States. This action is taken under the power reserved by Congress to repeal, alter, or amend the grants. As yet an unsatisfied deficiency has not been found to exist in the land grants. Should it be found that there is no deficiency in the acreage of the grants, these reserved lands may be held by the United States without making compensation therefor. The national forest lands are integral parts of the reservations in which they are located, and public policy requires that title to these lands be retained by the United States, even though payment has to be made for them.

Section 2 declares a forfeiture by the United States of the unsatisfied indemnity selection rights, if any exist, which are held by the grantee, Northern Pacific Railroad Co., or its successor, the Northern Pacific Railway Co. The forfeiture does not affect any land to which title has passed from the United States. The extent of the forfeiture of the unsatisfied indemnity rights is necessarily dependent upon what the courts hold the grantee railroad company or its successor is entitled to receive under the granting acts. Since the decision of the Supreme Court in Two hundred and fifty-sixth United States, 51, the Secretary of the Interior has held that the Northern Pacific Railway Co. has been credited with approximately 1,200,000 acres over and above what it is entitled to receive. This deduction and the acreage covered by several other major points, as yet not finally decided, will be directly reflected in the amount of the forfeiture covered by this section.

Under the act of July 2, 1864, as amended, the Northern Pacific Railroad Co. was required to complete its railroad by July 4, 1879. This date has never been extended by Congress. A special provision covering the construction of the railroad between Portland, Oreg., and the western terminus of the road (later fixed at Tacoma) was contained in the resolution of May 31, 1870. Of the Northern Pacific Railroad covered by the act of July 4, 1864, and the resolution of May 31, 1870, approximately 530 miles were constructed within the time limits prescribed by Congress, 1,507 miles were constructed out of time and in violation of the provisions of the congressional enactment, and approximately 215 miles of the main-line railroad—the section between Wallula, Wash., and Portland, Oreg.—have never been constructed. The minimum requirement that not less than 100 miles of railroad be completed each year, as required by the act of July 1, 1868, was violated by the grantee company in that there was a cessation of railroad construction from approximately 1874 to 1879.

The requirement that the railroad be completed within the time limit prescribed by Congress was a condition subsequent. The failure of the grantee railroad company to complete the railroad within the time limit prescribed constituted a breach of this condition subsequent and rendered the grant subject to forfeiture by Congress. This feature of the case was dealt with at length in the proceedings before your committee, by counsel for the Government and for the Northern Pacific Railway Co., the contention being made for the railway company that any right the United States may have had to declare a forfeiture had been waived.

In the Oregon and California land-grant case (238 U. S. 393) the question of waiver was raised, but the Supreme Court rejected the contention of the railroad, stating:

> We may observe again that the acts of Congress are laws as well as grants and have the constancy of laws as well as their command and are operative and obligatory until repealed. This comment applies to and answers all the other contentions of the railroad company based on waiver, acquiescence, and estoppel, and even to the defenses of laches and the statute of limitations. The laws which are urged as giving such defenses and as taking away or modifying the remedies under review have no application. It would extend this opinion too much to enter upon their discussion.

The Supreme Court again considered the Oregon and California land-grant case. In referring (243 U. S. 549) to the earlier decision in Two hundred and thirty-eighth United States and the land grants, the court said:

> And we gave emphasis to them as laws and the necessity of obedience to them as such, the remission of their obligation to be obtained "through appeal to Congress" and not by an evasion of them or a defiance of them.

Your committee having in mind that the granting acts to the Northern Pacific Railroad Co. were laws as well as grants were unanimously of the opinion that Congress now has the right to declare the forfeiture provided by section 2 of H. R. 17212 and that such a forfeiture, by reason of the facts as disclosed at the hearings, should be declared. In this connection it should be borne in mind that any forfeiture declared by Congress is subject to review in the courts if the grantee railroad company or its successor desires to contest the forfeiture.

In arriving at the conclusion that the forfeiture should be declared, your committee was influenced by, among other things: (a) The failure of the grantee company to construct the railroad within the time specified and otherwise, as required by the granting acts; (b) the fraudulent and illegal mineral classifications under the act of February 26, 1895; (c) the collusive sales of the granted lands in violation of and in evasion of the provisions of the resolution of May 31, 1870, in connection with the foreclosure of the mortgages coincident with the 1875 and the 1896 reorganizations of the Northern Pacific Railroad Co.

The United States was not a party to any of these proceedings: (d) The failure of the Northern Pacific Railroad Co. to

dispose of any of the granted lands through settlement and preemption after July 4, 1884, as required by the resolution of May 31, 1870; (e) the benefits obtained by the Northern Pacific Railroad Co. through the illegal withdrawals on general route and through the illegal withdrawals of indemnity lands; (f) the disposition of the capital stock of the Northern Pacific Railroad Co. under the original interests agreements in violation of section 10 of the act of July 2, 1864; (g) the issuance of the capital stock before and after the 1875 reorganization, without compensation being made therefor; (h) the illegal disposition of granted lands for preferred stock and the illegal cancellation of the preferred stock; (i) the laches of the Northern Pacific Railroad Co. in making indemnity selections while lands were available; (k) the affiliated land and construction companies; (l) the additional values received by the grantee or its successor under supplemental acts of Congress. These propositions were given weight, singly and collectively, by your committee in arriving at the conclusion that the forfeiture covered by section 2 of H. R. 17212 be declared.

Section 3 provides that the right to alter or amend the act of July 2, 1864, and the resolution of May 31, 1870, is not to be considered as fully exercised, waived, or destroyed by the act or evidencing on the part of Congress to depart from the policy expressed in the resolution of May 31, 1870, relative to the disposition of the granted lands.

Section 4 protects in the railway company its right of way or lands used in good faith in the operation of the railroad.

Section 5 directs the Attorney General to institute suit to accomplish the objects mentioned therein and in the act in its entirety.

Section 6 requires that an accounting be had and authorizes the rendering of such judgments and decrees as equity may require.

Section 7 relates to the fixing of jurisdiction and to matters of procedure.

Section 8 makes it the duty of the Attorney General to report to Congress any final determinations in the proceedings and requires the Attorney General, the Secretary of the Interior, and the Secretary of Agriculture to submit to Congress such recommendations for the enactment of legislation they may deem desirable in the interests of the United States in connection with judgments, decrees, or otherwise.

Section 9 suspends the adjustment of the grants and withholds the issuance of patents until the suit or suits contemplated by the act have been finally determined.

In concluding these remarks in connection with H. R. 17212, I desire to point out that shortly after the conclusion of the taking of testimony by your committee an analysis was made of the record of the hearings by the Department of Justice. On February 8, 1928, a memorandum was transmitted to your committee by the Attorney General. This memorandum states that grantee railroad company and its successor have received under the grants many thousands of acres of land that they have not earned and are not entitled to, besides additional value. The memorandum holds that the right of forfeiture exists in the United States.

I may say for anyone who has not had an opportunity to familiarize himself with the case by reading the entire record that a résumé may be found in parts 9 to 14, inclusive, wherein the briefs and digest are printed.

MEANING OF INDIAN TRIBE NAMES

Mr. TAYLOR of Colorado. Mr. Speaker, the Interior Department appropriations subcommittee, of which I am a member, in conducting its very extensive hearings, personal investigations in the various States, and consideration of the conditions, needs, and rights of the vast number of Indian tribes throughout the country, are confronted annually with a large and interesting variety of Indian names. Members of Congress have been using and trying to pronounce these names in legislation and in the preparation and consideration of the Interior Department appropriation bill for a hundred years or more. The appropriations of money and the conditions upon which these appropriations, aggregating many millions of dollars, are made constitute a very large and important part of that bill. The committee members and Members of Congress use those names year in and year out without ever knowing what the names mean or signify or from whence they came.

In our hearings upon this year's bill it occurred to me that it would be at least interesting, and possibly historically important and instructive, to give the House and the country, as far as possible, the origin, meaning, and signification of all these Indian names contained in this very large annual supply bill.

With that object in view I requested the Bureau of American Ethnology to take this bill (H. R. 15089) and make a research as to all of the Indian names that it contains and give us the result of their investigation.

That bureau has just completed that research and furnished me that information, and I insert it herewith as a part of my remarks:

MEANINGS OF INDIAN TRIBE NAMES

The tribe was everywhere distinguished by the Indians and each Indian language has one or more names for the tribe of its speakers and also for surrounding tribes, some of which may be several hundred miles away. The Indian languages vary in that some of them have a special word for tribe, whereas others merely press the word for people into service as a designation for tribe. Thus, in the Mohave language of California and Arizona, the terms for tribe is sitimulva, while the word for people is pi'ipach. But in the Karuk language of northern California the word 'ara'r is made to serve both for tribe and people.

Where there is more than one name for a tribe it appears that we can distinguish between real or proper names and nicknames. Some of these nicknames have become much used, even to the suppression of the old tribal names. We find nicknames such as redlegs, yampa eaters, loose jaws, tough mouths, protruding bellies, snake eaters, and many others. The real old names of the tribes frequently have obscure etymology. Thus the word Mohave apparently means "they crossed over," but to the ordinary Indian it is nothing but a name.

The names of tribes, as well as the languages generally, had havoc played with them when the country was overrun by Europeans. The social organization of the Indians was broken up and a great majority of the tribe names went out of use, being forgotten completely or supplanted by names given by some other tribe or from the Spanish, French, or English languages. It happens, therefore, that at this late day the investigator is often unable to obtain the names of tribes, the word for people being naturally offered as a substitute. But wherever the situation can be thoroughly probed, it is found that earlier generations had their tribe names, and used them in number and with nicety. Where the more proper designation of a tribe could not be obtained, the word for people has sometimes been forced into ethnological literature, as, for instance, in the case of the Wintun of northern California.

Historical manuscripts often come to the rescue in revealing earlier names of tribes, and a study of the subject should include a complete list of the mentionings by the earliest and later writers.

No general treatise on the tribe names of the United States has ever been prepared, but such a work would serve two purposes. It would give the history of the nomenclature of the tribe, which would everywhere be of special local interest, and it would place together materials which would be the basis of a general study of tribal naming. Only by such a comprehensive work can we arrive at an understanding of the method of designating peoples and a determination of the descriptive or other character of the names applied.

ACOMA

People of readiness. From Hak'u, the native name of Acoma Pueblo, and meaning readiness, preparedness; plus -ma, people.

APACHE

Men, warriors. From Yuman ipach, plural of ipa, man, warrior.

ARAPAHOE

Trader. From Pawnee tirapihu, one who trades.

BANNOCK

From Panaiti, the name of the Bannocks for their own tribe, of meaning unknown to them. The "p" is as in Spanish, being unaspirated, sounding halfway like a "b," and was taken of into English as "b." The "ck" of the English form is a mishearing for "t."

BELKNAP

A British family name in origin, according to one etymology meaning bell boy, from bell plus knap, boy.

CHEMAWA

Etymology unknown.

CHEROKEE

Cave people. From Choctaw chiluk, cave, plus -ki, people. The etymology is corroborated by the Iriquois name for the Cherokee, Oyata' gehronoñ', meaning inhabitants of the cave country.

CHICKASAW

Rebel. The name of the tribe is said by the Chickasaws themselves to mean rebel, although the etymology of the parts of the word remain obscure.

CHIPPEWA

Pucker by roasting. From odjib, to pucker, plus ubway, to roast. Why the name was applied remains obscure.

CHOCTAW

River Indians. From hahcha, river, the ordinary Choctaw word for river, plus -ta, at. It is supposed that a group of Choctaw living on the Pearl River, Miss., first had this name applied to them as a tribal designation.

COEUR D'ALENE

Awl heart. From French coeur, heart, plus alene, awl. It is not known why this curious name was applied; a study of early sources does not reveal the reason.

COMANCHE

Etymology unknown. The Shoshoni form is according to Gebow, 1868, "Caw-mainsh."

CREEK

This English name applied to the tribe at first referred to the Indians living on the Ocmulgee River, Ga., which was termed "Chisee Creek," and later they were spoken of merely as the Creek Indians.

CROW

This is a translation of the French name for the tribe, which is corbeau, crow. The French name in turn is a translation of Absároke, name of the Crow Tribe in their own language, and meaning, it is said, crow people.

EUCHEE

More commonly spelled Yuchi. In the language of the Yuchi this word means "there," and is said to have been applied as a nickname because the Indians answer "yuchi" when asked where they came from.

EUFAULA

Etymology unknown. This is the name of a Creek town near Talladega, Ala. It is evidently the old name of the town, and we have spellings of it from the eighteenth century, e. g., Euphalau in Alcedo, Diccionario Geografico, 1787.

FLATHEAD

So called from the custom of tying a board to the top of the cradle so that it presses on and flattens the parietal region of the baby's head.

FOX

Translation of wagosh, meaning red fox, the name of one of the Fox clans in the native language.

GILA

Etymology unknown. It is first used by Benavides, 1630, in the spelling Xila. It is supposed to be the name of an Apache village west of Socorro, N. Mex.

HOPI

From Hopitö Shinömö, meaning quiet people. The tribe was earlier known as Moqui, and still is known by that name among those using the Spanish language in the Southwest.

IGNACIO

A Spanish personal name applied to the town of this name in southern Colorado.

JICARILLA

Little basket. This is the diminutive of Spanish jícara, applied to both a wooden tray and a basket. It appears that the name jicarilla was applied to the great dome-shaped peak of that name in north-central New Mexico, and that from that place name it was extended to apply to the Apaches who lived in the region. The name was evidently applied to the peak because of its resemblance to a wooden pan or basket.

KESHENA

Etymology unknown. This Wisconsin place name is evidently of Ojibway origin, but a study of Baraga's Ojibway dictionary does not reveal its meaning.

KIOWA

From the native name of the tribe Kaegua, of unknown meaning to the oldest living Indians. Sometimes they are called for short in the native language Gua.

KLAMATH

People. By a curious corruption from maklaks, people, Indians, the Klamath Indians' own name for themselves. The name is also applied to the river, and loosely to all the tribes on the river.

KOOTENAI

Meaning unknown. From Kutonaqa, one of the names applied to the tribe in the native language.

LAC DU FLAMBEAU

Torch lake. From French lac, lake, and flambeau, torch; also applied to a taper.

LAGUNA

Lake. The ordinary Spanish word for lake. There is a dry lake bed southwest of the pueblo which gave to it the name of Kawaika, meaning lake place, translated into Spanish as Laguna. Many myths cluster about this ancient lake.

LAPWAI

Etymology unknown.

MACKINAC

Turtle. From Ojibway makinâk, turtle.

MENOMINEE

Good seed people, referring to the wild rice. From menominiwok, from meno, good, plus min, wild rice; also seed, plus -iwok, plural ending.

MESCALERO

Mescal person. This is a Spanish term referring to the use as food by these Indians of the mescal or Spanish bayonet, the plants of which were cut before they flowered and were roasted in a pit, furnishing a sugary, tough-fibered food of dark-brown color.

NAMBE

Mound of earth. This meaning has been determined through information obtained from the old cacique of Nambe, now deceased, who remembered the meaning of the name in the most satisfactory way.

NAVAJO

Large field. From the Tewa nava, field that is sown, garden, plus -yo, big. The tribe was so called because they had large fields in their canyons, and the Spanish at Santa Fe adopted it from the near-by Tewa.

OMAHA

Those going against the wind or current. This name was etymologized by Miss Fletcher with satisfaction.

ONIGUM

Etymology unknown.

ORAIBI

Meaning unknown. The native name for the village is Urayvi, the first two syllables having no known meaning, and -vi meaning at.

OSAGE

Meaning unknown. From Wazhazhe, native name of the tribe, and transmitted to the English through the French language.

PAIUTE

Meaning unknown. Probably the first syllable means water, though it is also used as a prefix meaning large.

PAPAGO

Bean people. From papah, bean, plus ootam, people. These Indians had beans of several kinds since prehistoric times.

PAWNEE

Horn. From the native name pariki, horn, referring to a way of stiffening the scalplock with grease so that it stood up like a horn.

PIMA

No. The native adverb meaning no was applied by the Spanish as a nickname for the tribe.

PONCA

Meaning unknown. From Panka, name of the tribe in its own and neighboring languages that are closely related.

POTAWATOMIE

People of the place of fire, referring to these Indians having dwelt at one time (1616) at a place called "at the fire" located on the west shore of Lake Huron. From potawatamink, fire at people.

PUEBLO

Town. A Spanish term meaning town, and also applied to the villages of Indians in California which are now not called pueblos.

PUYALLUP

Meaning unknown. From Pualupamish, native name of the tribe.

QUAPAW

Downstream people. From Ugakhpa, downstream people, in the native language.

SANDIA

Watermelon. A Spanish word meaning watermelon, derived from Arabic, in which language it means mellon of Sind, the name of western India.

SAN FELIPE

Saint Philip. The name means lover of horses in Greek.

SANTA ANA

Saint Anne. The name means grace, being derived from Hebrew hanna, meaning grace, favor, as in Yo-hannan, grace of God.

SANTO DOMINGO

Saint Dominic. The name means pertaining to the Lord in Latin.

SAN XAVIER

Saint Javier. Named for Saint Francis of Javier, a place name in the province of Navarre, Spain.

SEMINOLE

Separatist, runaway. From Creek Simanole.

SENECA

Place of the stone. From Oneniute'ronnon, people of the standing rock, evidently referring to a place name.

SEQUOYAH

Etymology unknown. An old Cherokee personal name, the meaning of which is not known to the oldest living Cherokees.

SIOUX

Snake. Shortened from Nadoweisiw, Ojibway name applied to them and meaning snake Indians, which has much the force of enemy Indians.

SHONSHONI

Probably meaning snake Indians. The Cheyenne term for the Comanche, who are practically identical with the Shonshoni, is Shishinoatshitaneo, snake people, whence evidently the name Shonshoni.

SPOKANE

Etymology unknown. From Smahumenaish, native name of the tribe, the m being pronounced halfway like a p and the h giving rise to the k.

TAOS

Apparently from Tewa Thawi'i, which seems to mean gap where they live.

TAHLEQUAH

Etymology unknown. From Talikwa, name of the place in the Cherokee language.

TAHOLA

Etymology unkown.

TESUQUE

Dry grass place where there are spots. From Tathu ge in the native language, from ta, grass, plus thu, spotted, plus ge, at.

TOHATCHI

Etymology unknown.

TOMAH

Etymology unknown. Apparently Ojibway language, but no such word in Ojibway sources that are available.

UINTAH

Meaning unknown. From Uintats, native name.

UNCOMPAHGRE

Red lake. From the native name Anka-pagōtsi.

UTE

Etymology unkown. Apparently from Spanish Yuta, which is in turn from some Indian source, but attempts to investigate the source have proved futile.

YAKIMA

Runaway. From the native term Yakima, meaning runaway.

YUMA

Etymology unknown. One of the most baffling of Indian tribe names, apparently taken into Spanish from some Indian language, but now thought to be only a Spanish name by surviving Indians.

ZUNI

Meaning unknown. From Kweresan Sunyitsi, old Kweresan name for the Zuni Tribe.

OKEFENOKEE OBSERVATIONS

Mr. LANKFORD. Mr. Speaker, I have just finished reading, the second time, the history of the Okefenokee Swamp, by McQueen and Mizell. It is a very interesting narrative and any one interested in the great swamp would do well to read it.

In their introduction the authors say that "Mr. Mizell furnished most of the data and Mr. McQueen wrote it up and the result is this little volume." It goes as containing the true history of the great Okefenokee Swamp, the real wonder spot of the Southeast.

It is the earnest desire that this little effort will aid in some small way the movement now on foot to have this place set apart by the Federal Government as one of the national game and bird sanctuaries. It should be done.

I quite agree with these authors, the National Government should either set this wonderful section apart as a national game and bird sanctuary or as a national park. There are now pending in Congress bills for both purposes.

I was reared only a few miles north of this great swamp and have always been deeply interested in this wonderland. This interest grows as time passes and I learn more of its beauties and mysteries.

NAME

Okefenokee means trembling earth. Like all other Indian names, it has gradually evolved from a word sounding something similar to the present name but spelled very differently. The word Potomac, for instance, was, even in George Washington's time, spelled Pawtawmack. Okefenokee on some of the old maps of Georgia was spelled Ekanfinaka, while in Whites Historical Collection of Georgia, printed in 1854, the name is spelled "E-fi-no-cau," from "Ecunnau," meaning earth, and "finocau," meaning quivering, making the Indian word quivering earth.

This name was given to the swamp because there are sections where one, by stamping his foot, can easily make the earth quiver or tremble for quite a distance. The name is truly descriptive of the place.

AGE

Here is a wonderful field for the geologist. He may study and theorize and learn much of this section, but, as is ever the case, he must at last leave the great problem without a final solution. The quivering earth only hints at the unsolved mysteries of the past. Now, here is a section of swamp, of lakes, of islands, and of forest. Long before the white man came there must have been a large lake filled with islands on a plateau, on a promontory or even on an island itself, for the surrounding country is even now lower than the Okefenokee.

PLATEAU

The Okefenokee is the end of a ridge or plateau extending from the mountains almost to the sea. It operates as a divide from the Alleghenies to the Florida Peninsula, sending the rivers on the east side to the Atlantic and on the west side to the Gulf. Geologists tell us that this entire section was once the bottom of the ocean. If this is true and this section arose from the sea, then the Okefenokee must have appeared first.

FABLED ATLANTIS

What a wonderful field for the archæologist. On the numerous islands are mounds built by a race which the Indians say preceded them. Skeletons from these ancient tombs of the past disclose that a race of giants once made their homes here. Their pottery, tools, and weapons show a high degree of workmanship not credited to the Seminoles or to any of the Creek Nation. Did the Okefenokee arise from the sea or was it a part of the fabled Atlantis which we are told sank into the Atlantic, and are these islands, lakes, and forest a remnant of that unknown past? Does the Okefenokee hold in its bosom part of that unknown and fabled land? Is it with all of its flowers, birds, lakes, rivers, trees, and everlasting beauty only an abandoned and forgotten garden of the giants of the past?

RIVERS

No river flows into the Okefenokee. A few small streams enter it, principally from the north. Two rivers flow out of it. Each of these—the Suwanee and the St. Marys—after flowing out of the swamp flow partly around the swamp before changing their course for the sea. The Satilla River, rising to the north of the Okefenokee, flows some distance directly toward the swamp, then changes its course, and flows nearly half around it before finally changing its course eastward to the Atlantic. The Ocmulgee rises in north Georgia and for nearly half the distance across the State flows directly toward the Okefenokee until within about 50 miles of the swamp, then changes its course and begins to flow around the swamp. It maintains this circular course until it joins the Oconee, and then the Altamaha proceeds on the circular course to the sea. This all demonstrates that the Okefenokee, although a level plateau and near the Atlantic, is much higher than the surrounding country.

RABIE SWAMP

About 25 miles northwest of the Okefenokee and on the same divide or elevation is a swamp much smaller, though in many particulars as interesting as the great swamp. This interesting section is known as Rabie Swamp and covers some 12 or 15 square miles in the northern part of Clinch County. Suwannoochee Creek flows out of Rabie on the southwest side and proceeds on the west side of the divide in the direction of the Okefenokee, but joins the Suwanee River near the great swamp, and thus enters the Gulf of Mexico. Red Bluff Creek flows out of Rabie on the eastern side and finally finds its way to the Atlantic through the Satilla River.

THE RIDGEWAY

There is a very interesting formation in Rabie swamp known as the Ridgeway. Along the edge of the swamp for some distance on the east side is a bank of snow-white sand, which enters the swamp at Bethany Primitive Baptist (Rabie) Church and emerges from the swamp some 7 miles from the church. It enters the swamp near the point where the Suwannoochee leaves the swamp in its course toward the Gulf and comes out of the swamp near the point where Redbluff Creek leaves the swamp in its journey to the Atlantic Ocean. Both of these streams, though, flow out of the swamp on the same side of the Ridgeway, which is entirely on the Atlantic side of the swamp. The Ridgeway is about 10 miles in length, about 7 miles of which is in the swamp, is about 300 feet wide, is practically straight, and has rather deep ponds, sloughs, or lakes on either side. Geologists have told me that the Ridgeway is very probably an old shore line where the Atlantic's waves once rolled.

PEOPLE OF OKEFENOKEE SECTION

A few magazine writers and others have seen proper to criticize the folks living in and near the great Okefenokee. I

gladly join my good friends, Messrs. A. S. McQueen and Hamp Mizell, authors of the History of the Okefenokee Swamp, in their defense of the splendid citizenry of the Okefenokee section. I was raised among these good people and utter the truth when I say there are no truer, more honest, more upright people on earth. I taught school a few miles north of the great swamp, lived in the homes of these good people, and learned to love them for their real worth. There is a patriotism, a love of country, and a love of folks here which I have never seen excelled elsewhere and which is evidenced by these good people often sacrificing their own welfare and comfort for the sake of others. Every one of them will cheerfully act the Good Samaritan whenever opportunity presents itself. It is not in their hearts to pass the sick, needy, or hungry, even when by lending a helping hand they ofttimes deprive themselves of some of the comforts of life. If we can keep our citizenship one-half as pure, as patriotic, and as noble as are these people, our Government will last as long as time shall endure.

These good people moved to this section of Georgia in the early days in order that they might enjoy the wonderful climate and have the benefit of thousands of wild game and fish in the wonderful streams and lakes. I know this caused my ancestors on both sides to adopt this section as their home. My grandfather Lankford lived in his humble home on the banks of Red Bluff Creek, which I mentioned heretofore as flowing out of Rabie on its course to the Atlantic. After my father was born on Red Bluff Creek, my grandfather Lankford moved to Berrien County, but settled on the banks of the Alapaha River. Then he moved to Florida and lived a while on the banks of the Steinhatchee River. He later came back to Georgia and settled near the edge of Rabie Swamp, where he died. Every time he moved he settled near a river or great swamp. My grandfather Monk, on my mother's side, after being sheriff of Lowndes County and living near the Withlacoochee River, moved to Clinch County and settled on the Suwannoochee Creek, near where Du Pont, Ga., is now located. He married my grandmother, Mahala Rice, daughter of John Guess Rice, who in 1830 had moved from near Bethsaida, or Bethesda Primitive Baptist Church, in old Barnwell district, South Carolina, to the banks of the same Suwannoochee Creek. My mother was born here, near the Suwannoochee Creek and within a short distance from the present Atlantic Coast Line right of way. While she was still a small girl the railroad was built through my grandfather's field, and he, preferring the quiet of the primeval forest, moved about 7 miles farther north away from the railroad and settled on the headwaters of the same Suwannoochee Creek, near a small swamp, about 3 miles in circumference, known then and now as Devils Bay.

These good people selected homes near these streams and swamps because it was a goodly land. I know these people and I know these streams and the wonderful fishing grounds in these swamps.

There is a splendid lake in Suwannoochee Creek near Du Pont which bears the name of my grandfather Rice. Within less than a mile of where I was born on the Devils Bay is a swamp commonly called the Old Flats, covering several square miles, in which are many most splendid lakes where fish still abound. There is one lake in particular that I remember well, known as the Ab Lake, which got its name from my good old friend Mr. Abner Sirmans, who lived near by in the earlier days. When a boy I delighted to tramp for hours through these most interesting swamps. I ofttimes wish I could be a boy again and enjoy once again these delights. One can not live in the great woods near nature and nature's God and become little and mean. Out in the woods among the trees the birds sing sweeter, the flowers bloom prettier, and the stars at night shine brighter. Here are the trees, the streams, the lakes, and a sky not seen elsewhere. Out in the woods are men and women and God.

CHURCHES AND SCHOOLS

If you wish to determine the character of a man, ascertain and measure his love for children, for his mother, and for his God. If you wish to know of the weakness or greatness of a people, study their schools and their churches.

The people of the Okefenokee region not only have a most splendid school system in every community but have given their children splendid school advantages for many, many years past.

I have said so much about swamp sections, let me tell of one school in the midst of these swamps. I refer to Camp Creek School, located on the creek which obtained its name because the early settlers camped there while making war upon the Indians. This school is within a mile of my old home in Clinch County. There are large swamps close by, and not a single foot of cultivated land can be seen from this little plank schoolhouse. It matters not what direction one may look, he sees a creek, a swamp, or a pond. No other house is in sight. This does not mean that no folks live in the neighborhood. Just across the creek, behind the bays and ponds, on every hand are as good people as ever lived anywhere. Here are people who are willing to sacrifice all they have to give their boys and girls a chance. Here are the homes where fathers and mothers lived 30 years ago who said they would give their children a chance. From that school within 30 years have gone out dozens of teachers to teach in other schools, hundreds of boys and girls to make successful men and women, 7 or 8 lawyers, 4 or 5 physicians, a dozen or more county officials, 4 State representatives, 3 State senators, 1 assistant State school superintendent, 1 solicitor general, 3 judges of the superior court, and 1 Member of Congress.

Not only do these people show their merit by their schools but also by their churches. Ofttimes their church buildings are modest, but there is evident on every hand a devotion and a genuineness of worship not seen in buildings of more pretentious architecture.

Probably more people in this section belong to the Primitive Baptist faith than to any other. This faith has predominated ever since the white man first settled near the great swamp and in the counties near the Okefenokee.

My people before me were all Primitive Baptist. I was raised in a Primitive Baptist community, and first attended church at Bethany Primitive Baptist (Rabie) Church. A half dozen or more Primitive Baptist preachers are relatives of mine. I do not belong to this church, but I feel more at home with these people than in any other church. I am sure that no people with such a faith, with such an honesty of purpose, and with such a nobleness of character as these people have will ever fail to measure up to the very highest standards of citizenship.

I heard a story some time ago which illustrates rather fully just how I feel about these good people. The story is that a man dreamed that he died and went to heaven. Upon his arrival at the great white throne he found a large gathering of all the other denominations, such as Methodist, Missionary Baptist, Presbyterians, and so on, but found no Primitive Baptist. He wondered why this was. He then wandered over the hill and found a crowd of Primitive Baptists off there by themselves having a good time. Still his wonder grew, so he finally came back and said, "St. Peter, I want you to tell me one thing, please. I want to know why you let that crowd of Primitive Baptists stay off there by themselves." St. Peter said, "I don't mind telling you. They are the only folks I can trust off by themselves."

FIRST SETTLEMENTS ON STREAMS

Not only did these people first settle near the streams, lakes, and waterways but this has been the custom of all immigrants. The first English settlement in the United States was on James River. The first in Georgia was on the Savannah River. History is full of the early settlement of river and ocean fronts. Robert E. Lee was born on the banks of the Potomac. George Washington made his home at Mount Vernon on the Potomac. Lee lived until the Civil War at his Arlington home on the Potomac. In fact, practically all the large cities are on large rivers or splendid harbors near the sea.

OKEFENOKEE INDIANS

The Indians made their homes in the Okefenokee section long before the coming of the white man. They left their mounds everywhere. They evidently waged fierce and sanguinary conflicts along the rivers and creeks of this section. When plowing as a boy I turned up scores of Indian arrowheads and other flint and stone implements of these aborigines. They were so numerous until we passed them without pausing to save them.

Those familiar with the customs of the American Indian tell me that the abundance of arrowheads at any one place indicates that a battle was once waged there. The Indian while hunting wild game does not lose his arrow, but retrieves it after it is shot. They are too hard to make to be thrown away with each effort to kill game. In battle ofttimes the owner is killed and then again there is not time left to regain each arrow, and many are finally lost. Many battles must have been waged by these people along the Suwannoochee, the Suwannee, and even in and near Devils Bay, Rabie and Okefenokee Swamps. Here was a primeval forest of great pine, oak, cypress, and magnolia, in the shade of which the Indian fought his battles and lived. This was his home. The names of two rivers, the Alapaha and the Altamaha, mean homeland or abiding place.

FLOWERS AND BIRDS

Flowers bloom in abundance everywhere. In this short statement I must content myself with leaving to some future time a more complete description of the flora and many other most

interesting features of the Okefenokee and the near-by sections. I do want to mention the birds of this section and quote from McQueen and Mizell's History of the Okefenokee, as follows:

Scientists who have visited the swamp estimate that there are about 85 species of birds in this wonder spot during the summer months and about 90 during the winter; these range from the lordly eagle, great sand-hill crane, heron, American plumed egret, about nine different species of wild duck, various water fowls, from the cormorant or water turkey, Indian pullet, baldheaded gannet, and the smaller water fowl down to the didapper duck and all the different small species of birds common to this section, including the bobwhites, snipe, plover, etc. In the outlying sections and on the outlying islands the magnificent wild turkey is still to be found.

A volume could be written about each of these, and then there is other wild game life equally as interesting.

ISLANDS AND LAKES

There are about 30 islands which have been honored with names and hundreds of smaller ones as yet unnamed. The section is a veritable land of lakes, each of which is most interesting.

MARSHES OR PRAIRIES

There are hundreds of prairies or marshes ranging from an acre in size to Grand and Chase Prairies three and a half miles wide and five miles long. These prairies are open, level tracts covered with subtropical flowers and water plants. They are very beautiful. One noted visitor in speaking of Chase Prairie described it as "one of the most remarkable landscapes in the world."

FARM RELIEF

Mr. LANKFORD. Mr. Speaker, several Senators and Members of the House have asked me to furnish them a brief written statement concerning the plan and purposes of my bill, H. R. 77, for farm relief. I am very happy to comply with these requests, and feel that by availing myself of the general privilege of making extensions in the RECORD, I may at this time make a contribution to the solution of the farm problem. I am therefore discussing very briefly the purpose and plan of my bill.

The purpose of my bill is to provide for the farmers the economic independence enjoyed by other businesses and enterprises.

My plan is to offer the farmers the very best possible governmental assistance, provided the farmers themselves will effectively organize and by voluntary contract control production and marketing, thus eliminating the overproduction evil. I would offer them help so wonderful as to cause them to easily see that they would not at all be entitled to the relief without effective organization on their part, thus causing them to organize gladly. I would help them organize so as to become recipients of the great benefits offered them, and thus bring about mutual arrangements under which the Government would be doing only that which the farmer can not now do for himself and the farmer be doing all that he can do without governmental aid, a program which when fully installed will make the farmers of the Nation independent and able to manage their own affairs without further or future aid from their Government. In its last analysis my plan seeks to effect a voluntary organization of the farmers so thorough and efficient as to make the farmers masters of their own fortune and not in any sense longer dependent upon governmental assistance. Now for the details or mechanics of my plan.

The bill is patterned after the War Finance Corporation act, the first sections being identical with that act, except that the bill proposes to create the farmers' finance corporation rather than the War Finance Corporation. This corporation is to be authorized to make loans through the banks of the Nation, much the same as the War Finance Corporation, directly to the producers of basic agricultural commodities. The loans are to bear 4 per cent interest, be made for the full amount of the average price of the commodity for the last 10 years, with the commodity as the sole and only collateral, with maturity postponed until the sale of the commodity, and without any right on the part of the farmers' corporation to collect any part of the loan not repaid by the sale of the commodity. Thus the farmer will in effect be receiving as a part of the sale price of his commodity an amount equal to the average price for which he usually sells the commodity, thereby establishing the average price of the commodity as the minimum price of the same.

It takes two to make a contract, and no one could expect a Government-owned corporation to be required by Congress to render so great a benefit to the farmers without them agreeing to do something on their part to make the corporation secure in the loans made. There should be and must be a mutuality of contract, with a good and sufficient consideration flowing, and to flow between the farmers, the bank through which they are to get their loans, and the farmers' finance corporation.

Therefore the bill provides that before any of the loans mentioned are made farmers planting 75 per cent of the acreage of cotton, for instance, grown in the United States shall have signed and abided by contracts with each other, with their banks, and with the corporation, agreeing and obligating themselves that the cotton advisory council be authorized to control within reasonable limits the acreage planted, so as to hold production within reasonable bounds, and that the farmer will not sell any of the particular basic commodity without express authority from the advisory council. Briefly stated, by my plan Congress would simply propose to the farmers that if they would by mutual contracts control their production and marketing, then the farmers' finance corporation would by loans enable the farmers to name within reason the selling price of the products of their own toil.

The farmer would be required to hold his product off the market until it could be sold for enough to repay the loan, all charges, such as storage, insurance, interest, and so forth, and such an additional amount to the farmer as would remain from the sale of the commodity at a fair price. The farmer would be able to hold his products, for he could borrow at a very low rate of interest the reasonable value of his product. The farmer would contract to curtail his production, providing his friends decided it best for him to do so, on condition that all farmers make a similar reduction, and provided he received more for the lesser amount produced than he would if he produced without limit. My bill provides simply that the Government make an offer to the farmers to help them solve their great farm problem, provided the farmers contract to control the great overproduction and surplus menace.

All other farm relief bills are either silent as to the all-important factor of production control or seek through penalties or other equally vicious methods to control production. This plan seeks to control production and marketing by the voluntary act of the farmer entered into as a part and parcel of the farm-relief scheme itself. All other bills dodge to a great extent this vital feature of the surplus-production control. My bill recognizes this as the heart of the farm-relief plan, and deals with it in a way that must be effective if operation is secured under the scheme. There can be no effective farm relief without effective production and marketing control.

Just as surely as we elevate prices without some sort of control of production, just so surely will the farmers themselves plant more corn and more cotton and more wheat and produce more and bring about the greater production. In other words, any bill which fails to have within it a proper control of production has failure written on its pages.

It will be observed that my bill provides a most excellent referendum and recall. Unless 75 per cent of the acreage of the commodity is under contracts signed by the farmers themselves, the law will not become operative as to the particular commodity. Then, again, the contracts are made for only one year, and if the plan proves unsatisfactory to the farmers they can refuse to renew and thus cause the plan to become inoperative as to the particular commodity.

After the bill is passed the cotton producers may cause it to become operative as to cotton and the producers of other commodities may refuse and vice versa.

My bill is not contrary to any other farm-relief plan, such as the McNary-Haugen plan or the debenture plan, and may be passed along with any other bill or bills and leave the farmers to determine whether they will operate under my plan or under some other.

I have endeavored to make definite the duties of the officials in charge of the farmers' finance corporation so as to eliminate red tape and uncertainties.

I have provided a plan for the selection of the members of the various commodity councils which I believe is constitutional, and which authorizes the governors of the commodity-producing States to make the appointments of the members of the council.

In conclusion let me say that in my humble judgment my bill would put the control of the farmer's great problem in the hands of his friends, not his enemies; would help the farmer directly and not indirectly; would provide a complete solution of the overproduction problem; would enable the farmer, within reasonable bounds, to name the price of his own commodity; and for the first time would put him on a parity with other enterprises and industries.

IMMIGRATION AND THE NATIONAL ORIGIN CLAUSE

Mr. COCHRAN of Missouri. Mr. Speaker, a group of Members repeatedly send statements to the country, not based upon actual facts, which, when read by one not fully informed, conveys the impression that there are in this Congress many men who, if given an opportunity, would destroy our present immigration law. I have heard many Members discuss the immigra-

tion problem both on the floor and in the cloakrooms, but I do not know of one man in this body who is not in favor of our present restricted immigration policy. It is folly to assert or intimate that certain Members seek to lower the bars and flood the country with aliens.

Restriction of immigration is a necessity, is so recognized by every right-thinking person in this country, native and foreign born alike; and to my way of thinking the day will never come when our present policy will be abandoned. It is here to stay. As conditions demand the Congress probably will make changes such as further restricting immigration or requiring stricter supervision along the Mexican and Canadian borders, but it is unthinkable that any group of men now serving in Congress seek to destroy existing laws. Such statements should be ignored and are made solely from the standpoint of political expediency.

We have in this country to-day several million of our citizens out of employment. In some parts of the country the people are suffering, being actually in want. Knowing such a condition to exist, it would be the height of folly to even think of increasing the present quota. If any change is made, it will be in the direction of more stringent restrictions rather than a more liberal policy.

The national-origins provision of the immigration act of 1924 deals solely with allocation of the quota. It does not provide that additional aliens over the present quota number can enter this country. The Secretaries of State, Labor, and Commerce who attempted to figure out the national origins of the people of the United States have made three reports, admit that neither is authentic, but complying with the request of the President submit the figures as the best possible conclusion that could be arrived at. All three reports differ as to figures. The Census Bureau, or rather officials charged with the work of submitting figures in reference to national origins, admitted they juggled the statistics and said they did so because they had no scientific basis and had to do so to satisfy all the national elements.

The main opposition to this clause is based upon arguments that official records are so incomplete that no estimate can be made that can be defended, nor will any Government agency accept the responsibility of stating that the estimate can be taken as being even reasonably correct. For this reason President Coolidge twice asked the Congress to postpone the national-origin provision, and now we are quietly told that the action at the eleventh hour for further postponement is at the request of Mr. Hoover. Both candidates for President at the last election declared in opposition to this clause.

As the report says, the people hold the opinion if any action is taken in reference to immigration it should be toward reduction of quota and that they are not concerned as to allocation. If such be the case why cause great dissatisfaction among our citizens of German and Irish decent by reducing the quotas of those two countries. If this clause is not postponed, Germany will lose 26,319 of its present quota; Irish Free State, 11,140; while Great Britain will gain 21,887, giving it a quota of 65,894, over double the quota of any other foreign country.

The German and Irish immigrants have been powerful factors in the development of this country. They have been as desirable as immigrants from any other nation. There is no reason to doubt but that those who come in the future from Germany and the Irish Free State will be of the same caliber as their countrymen and women who have preceded them.

Our immigration laws should be strictly enforced. Only those of good character, sound physically and mentally, should be allowed to enter. Provisions should be made to extend our border patrol.

In conclusion I desire to express the hope that those who in the past have been inclined to broadcast the opinion that there are Members of Congress who seek to undermine the present immigration laws will find some other method to rehabilitate themselves among their constituents. The people need have no fear that our restricted immigration policy will be disturbed.

HON. F. B. SWANK

Mr. RAYBURN. Mr. Speaker, under leave to extend my remarks in the RECORD I can not let the opportunity pass without saying a few words of the character and the service of Hon. F. B. SWANK, of Oklahoma. Since he has been a Member of Congress he has labored diligently and unceasingly to serve his constituents and the general good of the whole country. He has been one of the outstanding members of the Committee on Agriculture of the House of Representatives who has labored through all the years of depression in agriculture to bring forth some laws that would aid and better the conditions of the farming classes. He is not only the friend of the farmers but he is the friend of every legitimate interest in his district, in his State, and in the country. We who are left here regret his going and feel that in his defeat his State and the country have lost a faithful and efficient Representative.

THE CHOPTANK RIVER BRIDGE BETWEEN DORCHESTER AND TALBOT COUNTIES IN THE STATE OF MARYLAND

Mr. GOLDSBOROUGH. Mr. Speaker, I am very glad that H. R. 16349, introduced by me, and providing for the erection of a bridge between Dorchester and Talbot Counties, near Cambridge, Md., has passed both the House and Senate without a dissenting vote, has been signed by the President, and become a law.

This bridge has been greatly needed by the people of these two counties for many years, and will contribute greatly to the convenience, to the prosperity, and to the happiness of both counties.

As will be seen from inspection of the law providing for this bridge, the interests of the people have been safeguarded in every way.

It has been said that bridges are the arteries of business and social communication. I am certain, Mr. Speaker, this bridge will be another evidence of the truth of that saying.

PORTO RICO AND ITS RELATIONS WITH THE UNITED STATES

Mr. DAVILA. Mr. Speaker, Porto Rico and its relations with the United States will be a subject of constant discussion until the status of the island is definitely settled. This uncertainty of our status is cause for dissatisfaction and unrest among the people of Porto Rico, who do not know yet what their future will be after 31 years of American occupation. The peculiarity of our position was graphically described in an editorial of the Washington Post under date of June 23, 1924, in the following words: "What the ultimate status of Porto Rico will be is a matter still lying in the capacious laps of the gods." There is no exaggeration in these words. In spite of our efforts to obtain a satisfactory solution of this problem of paramount importance to us, the definition of our status is a matter still lying in the capacious laps of the gods. No attention has been paid by the people of the United States to our repeated appeals for the clarification of our status. No progress has been made toward this end since 1898, when the American Army took possession of our country. The peculiar position in which we are placed furnishes grounds for different and conflicting views regarding our relations with the mainland.

Now that a revision in the tariff is contemplated, there has been an attempt to discriminate against Porto Rico by some organizations and individuals who seem to be entirely ignorant of the obligations and responsibilities assumed by the United States since the day of taking possession of our island.

No one less than the representative of the American Farm Bureau Federation has appeared before the Ways and Means Committee of the House asking that Porto Rico be treated as a foreign nation on tariff matters. The Legislatures of the States of Wisconsin and Wyoming have adopted resolutions indorsing the American Farm Bureau Federation in its efforts to secure adequate protection for domestic sugar and to limit the free entry of Porto Rican and Philippine sugar into the United States. Even the Delegate from Hawaii, an Asiatic Territory of the United States, has said that Porto Rico is an insular possession and that the term "domestic sugar" in its reference in the law is effective only for the mainland of the United States and the Territory of Hawaii.

I have the highest regard for the people of Hawaii, and it is unfortunate that its Delegate has assumed this position in his attempt to discriminate against Porto Rico for the simple reason that we are called an insular possession and Hawaii is an incorporated Territory. Mr. Speaker, in spite of the singularity of our status, we prefer "the capacious laps of the gods" to the classification of a Territory like Hawaii, facing the uncertainty of ever becoming a State of the Union. We have ideals and aspirations and we will be knocking at the doors of the American Congress until we secure for Porto Rico a position superior to the status of a Territory and not inferior to the status of a State of the Union.

Had the Delegate from Hawaii appeared before the Ways and Means Committee to argue that the sugar from Hawaii is domestic I would have joined him in his efforts to defend the interests of his country. But as he went further than that I am compelled to challenge his statement that our sugar is not domestic.

I am unable to understand how the people of Porto Rico can be American citizens and the products of Porto Rico foreign. I would like to know if this country has more of a legal and moral obligation toward Hawaii because it is a Territory than

toward Porto Rico because we are called an insular possession. Both countries are under the same flag and under the jurisdiction of the same Nation.

Mr. Speaker, there are more things in common between the people of Porto Rico and the continent than between the people of Hawaii and the United States. We are American citizens as the Hawaiians, but we have not the amalgamation of races which is present in Hawaii nor the amazing number of aliens residing in that Territory. Our population, according to the last American census, was 72 per cent white against 28 per cent colored. Unlike Hawaii, we are Americans by birth and by nature, as we are an integral part of the American Hemisphere. We are but a few hundred miles from the mainland, while Hawaii is a distant Territory, thousands of miles away from the continent. We occupy a very important position in the Caribbean Sea, and our commercial relations are almost exclusively with this country. It is for this reason that I have stated that we have more things in common with the United States than Hawaii. Our sugar is even more domestic than the sugar of Hawaii.

The Delegate from Hawaii states that there is a tariff of 5 cents a pound on coffee imported into Porto Rico and that is payable into the island treasury. This is not so. A provision to that effect was contained in our first organic act, but was eliminated many years ago.

We do not attempt to draw any distinction between us and the Filipinos just because we are Americans and they are not. Any discrimination against the Filipinos will be unfair and unjust. As American citizens and as Porto Ricans, we want this country to extend the same protection to all the people under the American flag. We approach you on a basis of equality, as your fellow citizens, firm in our aspiration to secure a decent status which will make us happy in our relations with the United States.

We are in perfect accord with the statement made by the ex-Governor of the Philippine Islands and now Secretary of State, Hon. Henry L. Stimson, when he says:

> No words can adequately express the depths of my feeling on that subject (the proposal to restrict tariff-free Philippine sugar), because the attempt to restrict freedom of trade between the islands and the United States represents about the worst possible backward step that could be taken in American policy. It would be going back to those old doctrines of colonial relations of 300 years ago, which held that the colonies of a country existed solely for the benefit of the mother country and could be exploited at will by that country. It would mean going back to a doctrine which caused the withering up throughout the centuries of the flourishing colonies of Portugal and Spain and would have done it for Great Britain if it had not been for the American revolution.
>
> Now, I can not believe that any such backward step will be taken by America to-day. The American flag stands not only for individual freedom but for freedom of trade for all people under that flag; and so long as we retain these islands under that flag we are in duty bound to give them the advantages of trade with the home country. Not only would it be wrong to do otherwise, but how foolish would it be from the standpoint of American policy.

The statement made by the representative of the American Farm Bureau Federation was received in Porto Rico with marks of disapproval. The farmers' association of the island lost no time in voicing their protest in the following cablegram sent to the said representative:

> United Press cablegram published locally says you submitted memorandum of American Farm Bureau Federation to Ways and Means Committee, asking that Porto Rico be considered as a foreign country, together with Cuba and the Philippines, for tariff purposes.
>
> The 1,500,000 inhabitants of this island are American citizens who have always demonstrated their loyalty to the Nation, ranking number one in fulfilling their duties as such citizens, specially when most needed, as it happened when America entered the World War. Interests of 50,000 farmers and 1,000,000 rural population of this island are exactly the same as those of American farmery. We import $90,000,000 annually of American goods, the largest part being represented by American farm products. For these we have to pay domestic prices governed by natural protective policy. Our principal agricultural products are sugar, coffee, tobacco, and fruits. For the last five crop years we have had to sell our sugar at great loss, as market prices have ruled below cost of production. Our coffee enjoys no protection at all. Tobacco sells even lower than protective tariff. Fruits have to fight unjust competition of cheap product not grown under American flag. American Farm Bureau Federation, through President Thompson, pledged itself to assist Porto Rico farmers in securing relief legislation. Tarif revision for protection of agriculture is much-needed relief. As we have been encouraged to affiliate our organization to American Farm Bureau Federation, we feel that our farming interests should be considered by you as of the same standing as any other American farming interests. May we ask for rectification of the injustice done to this 1,500,000 of your fellow citizens? Kindly present same to House Ways and Means Committee.

Similar messages and letters were received by me from numerous citizens, organizations, and societies of the island.

Mr. Speaker, it is inconsistent with the American sense of equality and justice to ask that Porto Rico be considered as a foreign nation for tariff purposes and an insular possession of the United States for other purposes. The position taken by the representative of the American Farm Bureau Federation is untenable. We have to be one thing or the other, a part of the United States with all the rights, privileges, and immunities as are enjoyed by American citizens or a foreign nation with the liberty and freedom enjoyed by all the independent countries in the world.

Porto Rico came under the jurisdiction of the United States by virtue of the treaty of peace of 1899 between the United States and Spain. The people of Porto Rico had no hand in the adoption of this treaty. It was imposed upon them. Under the provisions of our present organic act enacted in 1917, the Porto Ricans were made citizens of the United States, and as such we are entitled to the same treatment as is accorded the citizens of the several States of the Union.

Of all the outlying territories and possessions, Porto Rico is the biggest consumer of products of continental United States.

In matters of the tariff, Porto Rico must accept and be governed by the laws of the United States and we have not the right to fix our own tariff rates.

The cost of living in Porto Rico is as high as in the United States and nearly all the necessities are imported from this country.

We contend that Porto Rican products are as American as the products of any State of the Union, and the Congress should protect American industry, American interests, and American citizens with equal justice to all and special privilege to none.

We in Porto Rico have not forgotten the words of General Miles contained in his proclamation after landing in the island when he said that—

> We have come to bring protection, not only to yourselves but to your property, to promote your prosperity and bestow upon you the immunities and blessings of the liberal institutions of our Government.

To leave Porto Rico without protection, when we have no power to fix our own tariff rates, would be unfair, unjust, and would bring ruin to our people, converting them into economic slaves. Would this be consistent with the noble utterance mentioned above?

I feel confident that the American people are not in accord with such views as expressed by the representative of the American Farm Bureau Federation, and I am certain that the sound judgment and common sense of Congress will never heed his advice.

This country can not escape the obligations and responsibilities assumed at the time Porto Rico was transferred from Spanish to American sovereignty, and as long as we remain under the American flag we are entitled to the same rights, privileges, and immunities as are enjoyed by any other community under the flag.

This is the only possible conception of our rights in our relations with the United States. We have, therefore, in the performance of our duty, requested the Committee on Ways and Means that our products be given the same protection as is accorded the products of this country, of which we are a part. We have asked for an increase in the tariff rates on sugar, oranges, grapefruit, pineapples, and coconuts.

Porto Rico should not be denied this tariff protection, as she is buying from the United States merchandise and agricultural products to the amount of over $86,000,000 annually; and she can not buy from any other country on account of the tariff wall. The American producers find in Porto Rico a sale for his product at prices protected by this tariff wall; logically the Porto Rican producer should also be able to sell his product in the United States on the same reciprocable basis.

Porto Rico, an American community, has to-day no other steamship connection with the United States than American bottoms. Porto Rico is under the coastwise shipping law, and therefore obliged to use only American steamers for transporting her products at higher freight rates than she would have to pay foreign steamers. If we take also this into consideration, I do not see why Congress should not give us due protection. Porto Rico, being one of the best commercial clients of the United States, her demand should find echo in Congress; and much more now, after having suffered so much on account of the unfortunate hurricane of September 13, 1928.

We have also asked for a tariff on coffee; and while we have been persistent in this request, we have been unable to persuade the Congress of the necessity and justice of this legisla-

tion. Before the American occupation our coffee had free entry and was sold in Spain, where it commanded a high price. As a result of the change of sovereignty, the Spanish market was lost and the Porto Rican coffee growers faced, and are still facing, after 31 years of American occupation, a ruinous state, which has been emphasized by the complete failure of Congress to provide adequate protection to this Porto Rican industry. For the losses we have sustained in this regard we have not received adequate compensation as yet.

In order to realize the justice of our request it is well to bear in mind the lack of reciprocity in the tariff relations between Porto Rico and the mainland. This can be proved beyond any doubt. According to a report of the Chamber of Commerce of the United States, just published, Alaska, in 1927, consumed in the United States $35,604,000; the Philippines, $69,521,000; Hawaii, $79,666,000; and Porto Rico, $86,319,000. These figures show the amount we spend in this country. We pay, therefore, the tariff on the articles we consume, bought in the United States, especially rice and dried fish.

The United States imports annually about 1,500,000,000 pounds of coffee, which is admitted free of duty. A duty of 5 cents a pound on coffee would produce for the United States Treasury an income of $75,000,000 a year and give protection to this industry in Porto Rico and the 300,000 people depending on it. It will enable land in Porto Rico to be profitably cultivated, and which land is essential for the support of our teeming population.

As I have said above, the lot of these people since annexation has been a hard one, and there is no hope of relief, for with the exception of their native fruits and coffee the staple food of these poor people is dried fish and rice, both of which have been increased in price as a result of the increased protection granted them.

Let us consider the lot of these poor people who eke out a mere existence in the highland of Porto Rico with that of the fishermen and farmers of the United States. When the rice industry was pleading for protection from Asiatic competition which threatened to exterminate it, a special plea was made for the preservation of the Porto Rican market. In fact the value of the Porto Rican market was set forth by rice interests in the following terms:

> The price of rice in Porto Rico is one of the most important factors governing its purchase by the natives, who are not connoisseurs of high-grade rice but buy it in large quantities only for its food value, therefore purchasing it at the cheapest possible price. The difference in value of three-quarters of 1 per cent per pound before mentioned as expressing the difference in quality between our rice and the Asiatic products would not be sufficient inducement for the Porto Rican laborer to buy American rice. At the earliest possible moment, after the price difference between the American-cleaned rice delivered and the Asiatic rice delivered in Porto Rico exceeds 1 per cent per pound—the present tariff protection—we will expect keen competition and underselling in Porto Rico. This is a good and dependable market for 10 per cent to 15 per cent of our production, or roughly, 1,200,000 to 1,700,000 packets.

That plea has been answered. The Porto Rican market has been preserved for the American rice farmer, but the Porto Rican coffee farmer is paying an increased tariff of 100 per cent on the rice with which he feeds his family without in turn receiving any compensation from the bill. What that means can readily be understood when it is recalled that rice is the staff of life of the Porto Rican, even as wheat is the staff of life of the continental American. And whereas the consumption of rice on the mainland has until recently been about 5 pounds per capita, in Porto Rico the consumption has been over 110 pounds per capita.

The duty on rice is 2 cents per pound. We imported in the fiscal year ending June 30, 1927, from the United States 174,479,054 pounds of rice, worth $8,149,443.

The 2 cents duty represents a burden on the "poor man's breakfast" of $3,489,581.08. The same applies to wheat, flour, codfish, beans, pork, lard, corn, and other articles of general consumption, and to wearing apparel and building materials.

It does not seem reasonable to make the Porto Rican "poor man's breakfast" pay tribute to growers in the States, especially when the cheap coffee from Brazil is allowed to compete, free of duty, with our superior product in order not to burden the American "poor man's breakfast." The result has been an enormous decrease in the production of coffee, which was once our main crop. And, what is worse, foreign coffee is invading our island, free of duty, to compete with the native berry in the local market as Porto Rican coffee.

The argument that a duty on coffee should not be levied because it is the "poor man's breakfast" is not convincing. Coffee is sold at a high margin of profit above the import price. The removal of a tariff on coffee in 1873 did not reduce the cost of coffee to the consumer. A duty of 5 cents per pound, instead of being paid by the consumer, will be absorbed by the jobber, the roaster, and the middleman. We should not forget the fact that when coffee was placed on the free list in this country in 1873 an export tax on coffee was levied in Brazil. Why should coffee be excluded from the effects of the tariff when practically all other food products that are as necessary receive tariff protection?

A duty of no less than 5 cents per pound on all foreign coffee imported into the United States should be levied, for the following reasons:

First. This duty will probably not affect the consumer, as it will be absorbed by the middleman.

Second. It will stimulate the maintenance of the small farm and create the small, independent farmer.

Third. It will give employment in Porto Rico to more than 300,000 people and will contribute to relieve the hardships caused by overpopulation in an island of 3,435 square miles and inhabited by nearly 1,500,000 souls.

Fourth. Because of the ruinous condition of the industry, which dates from the time of the American occupation, when we lost the Spanish market, and it is only fair that some compensation will be afforded to the coffee producers of the island.

Fifth. Because the high cost of living in Porto Rico is due principally to the high tariff paid by Porto Ricans on the commodities from the United States consumed by them, such as rice and dried fish; and in just reciprocity protection should be given to the only industry chiefly owned by Porto Ricans, and which employs a great number of laborers the year around.

Sixth. It will enable land in Porto Rico to be profitably cultivated, and which land is essential for the support of our teeming population.

Seventh. It would be the most effective way for the permanent rehabilitation of the coffee growers who suffered most severely as a result of the hurricane of last September, which almost totally destroyed their plantations.

Eighth. Because the Porto Rican coffee is one of the best in the world, and the development of this American industry in Porto Rican territory would not only be the salvation of the smaller farmer, but a credit to the United States as well.

Ninth. Because it would produce to the United States Treasury an income of $75,000,000 annually.

I hope I have made myself clear. We are far from criticizing Congress for increasing the duty on rice and dried fish, and thereby preserving the standard of living of the American farmers and fishermen, but we are asking that we be treated with a sense of reciprocity, and that as long as we are bound to pay the high tariff on the commodities we consume, the Porto Rican coffee growers should be granted due protection not merely to change their standard of living but to protect and sustain their very lives.

I have spoken at length on coffee, because this commodity is on the free list, and on account of the distressing condition of the coffee growers, but this does not mean that we are less interested in obtaining an increase on other products. The fruit growers, who are also in a very critical condition, deserve additional protection. The necessity of an increase of the tariff on fruits was amply argued by growers from Porto Rico who appeared before the Committee on Ways and Means.

I wish to state, in closing, that if adequate protection is provided to all these products, Congress will not only impart due justice to our farmers, but will also promote their welfare and future prosperity.

BRIDGES

Mr. ROBSION of Kentucky. Mr. Speaker, the House and Senate have just passed the bill giving to the State Highway Commission of Kentucky the right to construct a toll bridge at Maysville, Ky. Some days ago a like right was given to construct a toll bridge at Carrollton, Ky., and rights were given to the State highway commission to construct or extend the time of constructing 10 bridges over the Cumberland and Tennessee Rivers at various points in Kentucky. I wish to thank the Speaker, the leaders, and other Members of the House for granting these rights.

The cities, counties, States, and the Federal Government are spending each year more than a billion dollars for the construction and maintenance of highways. We are far behind in the construction of highway bridges. At this time it appears that many of the cities, counties, and States are unable to provide the revenues necessary to construct bridges that are now greatly in demand to facilitate travel along the highways that have been built and are being built, and this has created a lively interest in the building of toll bridges.

The slow processes of the ferryboat can no longer serve the needs of travel and commerce. We must have more bridges and

have them now. Those interested in the construction of toll bridges have been very active in trying to secure the rights to construct these bridges. The question arises, In what way can the interest of the public be best served? After the States and the Federal Government have spent billions of dollars in constructing free highways, must the traveling public then be confronted with intolerable and excessive tolls at bridges in order to use these free highways?

These toll bridges are being constructed by private interests, mainly to serve the interests of private individuals, companies, and corporations. They are not due any criticism. It is merely a business proposition with them. However, we public officials charged with looking after the public interest must look at the problem from a different angle. If the public interest is to be considered, these toll bridges must be constructed, owned, and operated by the public in the interest of the public. If private interests construct the bridges and if tolls are to be collected by private interests, we may rest assured that it will cost the public more, because the charges of the promoter, the officers, and others interested in the corporation, salaries, and so forth, must be considered, and after it is constructed we may expect it to remain a toll bridge as long as possible; while, on the other hand, if the toll bridges are constructed, owned, and controlled by the public, they will cost less and they will be made free as soon as possible.

Everywhere we are confronted with the oppression of high tolls and excessive cost to the traveling public on account of privately owned toll bridges. Any community that permits a private toll bridge to be built may expect to have no end of trouble over the question of what is the fair and reasonable cost of construction, maintenance, and upkeep, and the fair and reasonable tolls to be charged. It seems to us that there can be no argument against the public keeping these important public-service utilities in their own hands and it ought to need no argument to keep us from turning them over to private individuals and corporations. No one favors our permitting private individuals or corporations to build our highways, fix the matter of cost, tolls, and so forth.

The public issues bonds and levies taxes on gasoline and collects licenses in order to raise the money to build roads. We may not be able to do this in building a bridge, but the next best thing is to let the State, county, or city build a bridge and issue bonds against the tolls of the bridge, and thereby avoid all unnecessary costs, profits, salaries, and keep the control in the hands of the public. I strongly favor this policy not only for the people of Kentucky but for the Nation. We are deeply interested in having fair treatment for the traveling public throughout the country.

In my own State we have one privately owned toll bridge that earns each year many times its initial cost. It was built when we had no through highway and to serve such vehicles as buggies and wagons, but in the last few years the Federal Government and the States have built a great transcontinental highway reaching from Canada to the Gulf, and sometimes more than 2,000 cars are forced to pass over this bridge and pay toll in a single day. We have other bridges earning enormous profits. The States and the Federal Government have made gold mines out of these bridges.

Recently a permit was granted by Congress to a private concern to build a toll bridge at Maysville. At that time I understand the impression was made that the State of Kentucky could not and would not construct the bridge, but when it was made to appear to Congress that the State of Kentucky desired to build this bridge and would build it, the House and Senate promptly granted the State Highway Commission of Kentucky this authority. The governor and State highway commission are strongly opposed to privately owned and controlled toll bridges and urged me to introduce the bills for Maysville and other bridges.

Some days ago in debate the impression was made that my colleague, Hon. FRED VINSON, who represents the Maysville district, had given to the committee that had this bill in charge the information that the State of Kentucky could not and would not construct this bridge. I have investigated this matter carefully, and I am satisfied that Mr. VINSON gave to the committee no such information, and when I approached Congressman VINSON and expressed my purpose to introduce a bill granting the State highway commission the right to build a bridge at Maysville he promptly responded that he thought the State ought to build the bridge if it desires, and would do so; and I wish further to state that Congressman VINSON gave my bill for the Maysville bridge his active and earnest support. Mr. VINSON and the other Members of the House and Senate from Kentucky, I think, have been all along of one mind—that the State of Kentucky should build, own, operate, and control the bridges built, not only within our borders but across the rivers bordering on Kentucky.

I desire to call to the attention of the Congress and the country an illuminating statement made in writing on February 21, 1929, to me by the Hon. Thomas MacDonald, Chief of the Federal Bureau of Roads. Mr. MacDonald is one of the best-informed men on the road and bridge question in this country or in any other country. Of course, he prefers to see free bridges everywhere, but where the cities, counties, and States do not have the revenues available for the construction of these bridges he favors their construction by the cities, counties, or States and revenue bonds issued against the tolls. Mr. MacDonald has no interest to serve except the welfare of the people of the Nation. His statement is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., February 21, 1929.

Hon. JOHN M. ROBSION,
House of Representatives.

MY DEAR MR. ROBSION: In response to your request for a statement as to the position of the Bureau of Public Roads upon the matter of toll bridges, I welcome the opportunity to make very clear both the position and the reasons which substantiate it.

We do not oppose public toll bridges. We support strongly the building of toll bridges by the public where funds are not available for the building of free bridges or the construction would be too long deferred. We favor the building of public toll bridges upon the basis of revenue bonds. It is not necessary for the public to issue bonds to be paid from property taxes or to place one cent of property other than the bridge itself and its earnings behind such bonds in order to finance a public toll bridge. This is a development of only the past few years in this country, although the plan has been long and widely used abroad by the public to finance public improvements. The interest and the bonds are retired from the earnings of the bridge or the public utility itself, and not one cent of property tax is obligated; the bonds are not a debt in the sense of the constitutional meaning of indebtedness against the State or municipality which uses this plan.

Some of the best investment bankers prefer to finance the public rather than private companies, and the public can borrow on the basis of revenue bonds at an equal or less rate than can a private individual or a private company. The public does not have promotion charges, is not in the business to make a profit, and therefore can build and operate at a less cost than can a private company, and as soon as the bridge is paid for out of earnings it becomes a free bridge.

We are strongly opposed to private toll bridges on any part of the public highway system. We have become more strongly opposed since through inquiry we have developed the fact that in every way possible the cost to the public has been increased beyond any reasonable amount—through promotion, organization, discount, noncompetitive contracts, and overcapitalization.

We have instances and can give the figures for capitalization in excess of 100 per cent of the original cost of the bridge, and the public is expected not only to put the money into the securities on the basis of the excess capitalization, but it is also expected to pay tolls in order to pay profits on the basis of the excess capitalization.

The authorizations which have been granted by Congress do not provide adequate protection to the public in financing, in the plans and specifications, in supervision of construction, or in the operation of the structures.

The States are moving rapidly to pass laws which will permit them to build toll bridges on the basis of revenue bonds. This plan will not increase the taxes upon property, and will not increase the bonded indebtedness, the bridge service will be rendered at a less toll rate than private companies would demand, and in a relatively short time the property will be owned by the public and can be operated without tolls or at a very nominal cost. The revenues from the automobile registrations and gas taxes are increasing very rapidly, so that in fact the public is now demanding tolls from every user of the highways.

The highway officials of the Federal Government and of the States are opposed to the granting of further authorizations, either Federal or local, for private toll bridges. All we request is a reasonable time to get the necessary State legislation to build any bridge which ought to be built. Many of the franchises which are being asked for by private concerns can not support the investment from the earnings, and the failures will destroy the confidence of investors in this type of securities to the extent that the public will not be able to finance needed structures which have a potential earning capacity sufficient to make them sound projects.

It must be remembered that after the promoter has taken his commissions he is no longer interested in the structure. It is the public which pays and continues to pay.

Very truly yours,

THOS. H. MACDONALD,
Chief of Bureau.

HIGH SPOTS OF FIVE YEARS IN CONGRESS

Mr. VINSON of Kentucky. Mr. Speaker, it has been my custom to make a report to my constituency of my work in Congress, legislative and otherwise. I have desired to acquaint them with my service here. I felt that I was their Representative and was willing to inform them of my position upon the various issues presented.

There may be some who would be critical of such action upon the part of a Representative in Congress. I think that it is a proper thing to do. I have served in Congress five years, during which time I have endeavored to serve the best interests of my district, State, and Nation. I am perfectly willing that my record votes may be broadcast and my nonrecord votes be made known.

In presenting the high spots of my service as a Representative I will deal shortly and succinctly with my committee work and my position on the issues presented. I will refer to some of the matters which I have discussed upon the floor. I intend to treat of other work done, in nature departmental.

COMMITTEE WORK

In the first place, many people have a misconception of the manner in which Congress conducts itself. One might think that legislation was initiated and prepared on the floor. However, the work in the main is done in the committees. The assignments which come to a Member of Congress determine to a great extent the nature of the work in which he becomes a specialist. The seniority rule is applied on the committees and is generally called into play in granting of assignments. That is not altogether the yardstick. The ability and qualifications of the Member enter into the equation. But, in any event, it is a new world. It is a tremendous task to become acquainted with any considerable number of the 435 Members of the House. The Government actually has an investment in a Member. It is rare that striking dividends are declared in the work of a Member until he has served many terms.

In entering Congress on January 31, 1924, to fill out the unexpired term of my predecessor, Hon. W. J. Fields, I was sworn in before the certificate of election had reached me. I was immediately assigned to three committees—Pensions, Public Lands, and Flood Control. I hopped into the work, actively participated in the hearings before the Public Lands Committee involving the Northern Pacific Railroad Co. land grants. In reality this is a lawsuit involving among other things 3,000,000 acres of wonderful timbered lands. All told it is a matter involving fifty to a hundred million dollars. The committee reported out a resolution calling for a complete inquiry into all these transactions. A special committee was appointed and it has progressed well toward its final action.

While on this committee, Public Lands, the matter of public parks in the eastern section of this country was referred to us. The Shenandoah Valley and the Big Smoky projects were the ones under discussion. The first step was to secure the authorization for a survey of these projects. On the day that our committee acted upon this bill the committee in executive session was good enough to accept an amendment offered by me including Mammoth Cave, in Kentucky, in this survey. An increased appropriation was authorized to cover this expense. The committee was very generous with me in that there had been no hearings upon the Mammoth Cave item, and certain bureau heads had reported against its feasibility as a national park. I can truly say that if this authorization had not been secured Mammoth Cave as a national park could never be an existing fact.

On the Pensions Committee we had jurisdiction of Spanish-American War pensions, not only general legislation but special acts relative thereto. I worked assiduously and participated in reporting to the House what is nationally known as the Bursum bill, which carried substantial increases for both the Spanish and Civil War veterans, their widows and children. From the time I entered the Congress I have given of my time and strength unstintingly to further the cause of all veterans.

MILITARY AFFAIRS COMMITTEE

At the beginning of the Sixty-ninth Congress, the Democratic members of the Ways and Means Committee, constituting our committee on committees, were good enough to select me as a member of a major committee. They placed me upon Military Affairs, where I served my first full term in Congress. There is no committee in Congress where there is more work done than in this committee. I informed the chairman and our ranking member that I wanted to work and they placed me upon five subcommittees that engaged my every moment. I was assigned to the subcommittees on aviation, promotion and retirement, relief of World War veterans, relief of Civil War veterans, and national military homes.

The Military Affairs Committee in the Sixty-ninth Congress faced some most important legislation. One of the most far-reaching bills considered by it was that creating a department of national defense, which would have consolidated all defense matters under a single department head. Hearings were held upon this important measure for days and days. Witnesses with every viewpoint appeared before our committee. When the roll call reached me the vote was 10 to 9 against the change. I was the youngest member on the committee in point of service. I voted for the single department of national defense. The chairman then cast his vote against it and the measure failed in committee by a vote of 11 to 10.

At that time there was considerable criticism relative to the air strength of our Army. Apparently it had fallen below par. It was my privilege to participate actively in the preparation of the 5-year Air Corps program, insuring increased air strength both in aircraft and in personnel.

I was made happy in being selected as the fifth member of the subcommittee which, in conjunction with a similar subcommittee from the Naval Affairs Committee, reported and passed modern legislation respecting the procurement of aircraft and designs therefor. In the ordinary course of events, the subcommittees are composed of three Republicans and two Democrats. In this instance FRANK JAMES, of Michigan, than whom there is no squarer shooter, desiring to have me serve on this committee, so designated me despite the fact that it caused our subcommittee to be constituted of three Democrats and two Republicans.

I appreciated his confidence and trust. It goes without saying that there was no politics involved in the action of the subcommittee. It was a most painstaking task, involving real legal attainments, and real results have flowed from our work.

In our committee work we not only developed an aircraft program, but we developed an Army housing program, which has gone forward with tremendous strides. There was an increase in the Army ration resulting from our efforts and considerable impetus given to recognition of aircraft by the creation of the three air secretaryships in the Departments of War, Navy, and Commerce.

APPROPRIATIONS COMMITTEE

In the Seventieth Congress I was signally honored by the Democratic members of the Ways and Means Committee in assigning me to the Committee on Appropriations—one of the Big Four. In the olden days committees had both legislative and appropriative power, but for many years now all general appropriative power is lodged in the Committee on Appropriations. It is the largest committee in Congress and one of the most powerful. I am truly grateful for this recognition and honor, which has been shared only by nine other Kentuckians. I have endeavored to show my appreciation in the effort to do the job assigned to me as my friends would have it done.

Upon becoming a member of this committee I was assigned to the subcommittee appropriating money for the independent offices of the Government. This includes—

Veterans' Bureau, Interstate Commerce Commission, Federal Power Commission, Federal Trade Commission, Federal Tariff Commission, Federal Radio Commission, General Accounting Office, executive offices, Shipping Board, Board of Tax Appeals, Board of Mediation (Labor Board), Bureau of Efficiency, Smithsonian Institution, White House, public buildings and public parks, Battle Monuments Commission, Civil Service Commission, Employees' Compensation Commission, National Advisory Committee for Aeronautics, and some seven other important activities.

The Veterans' Bureau item alone this year carried more than $500,000,000. In it this year was the initial appropriation for the Veterans' Bureau hospital for Kentucky.

In each session of the present Congress I have rendered a somewhat full report of the activities of this committee rendering an accounting of my stewardship to the House.

In all of my committee work I have endeavored to acquaint myself with the subject matter under our jurisdiction and to hold up my end of the singletree in the duties devolving upon us.

I desire to express genuine appreciation for the splendid manner in which I have been treated by those senior to me in ability and service.

SIXTY-EIGHTH CONGRESS

In this Congress I supported certain measures on the floor of the House by speeches, among which are the following:

Tax reduction bill: Speech made about two weeks after entering the service.

Soldiers' bonus bill: I supported this measure—One of three members who gave vocal expressions for a cash bonus.

Restrictive immigration act: The real one. It was during the debate on this bill that I voiced my love for old Kentucky, endeavoring to depict its worth in the face of criticism hurled at it by those who knew it not.

Tax-exempt securities: I spoke in opposition to the constitutional amendment repealing tax-exempt securities. Subsequent events have conclusively demonstrated the correctness of this position.

In addition to the measures upon which I spoke, there were many opportunities for me to express my views as your Representative. In addition to the measures heretofore referred to, I voted for and supported the following legislation:

Additional rural routes and Ford offer to lease Muscle Shoals; increase of Coast Guard for prohibition enforcement; the International Narcotic Drug Conference; Air Service investigation; to abolish Tariff Commission; reduction of parcel-post charge; farm relief bill; Federal aid road bill; Federal cooperative marketing board; blackleg vaccine amendment; Howell-Barkley bill (two days and two nights); soldiers' bonus (over presidential veto); Officers Reserve Corps item; to make Lincoln's Birthday a legal holiday in District of Columbia; and increased-subsistence item in Soldiers' Home.

I opposed and voted against—

Government fixing rents in the District of Columbia; deferring Japanese exclusion; shipping firearms through the mail; the delegation of the power to the Treasury and Post Office Departments to control public buildings; $15,000,000 Arlington Memorial Bridge; and a Federal license for hunters.

SIXTY-NINTH CONGRESS

I supported with speeches the following legislation:

Five-year aircraft program; aircraft procurement board (which I introduced); Army housing program; Army remount service; veterans' hospital in Kentucky; and procurement legislation liberalizing status of designers and laws of aircraft procurement.

I opposed with speech the Italian debt settlement.

I voted for and supported legislation—

Permitting 150 Members to move to discharge committee (Crisp amendment); tax reduction; Federal-aid road bill; increase rural mail routes; deportation of criminal aliens; Mammoth Cave National Park; railway labor bill; increase Spanish-American pensions; farm relief; three air secretaries; metal-clad airship; cooperative marketing bill; and World War veterans' act.

I opposed and voted against the following legislation:

French debt settlement; purchase Cape Cod Canal; diverting water on Great Lakes (Supreme Court upheld our position); medicinal spirits bill; postponing national origins (immigration); and creating a czar of the air.

SEVENTIETH CONGRESS

I supported with speeches the following legislation:

Reconditioning coal boats ($1,000,000 first session, $1,500,000 second session); road and bridge relief ($1,894,000); veterans' hospital in Kentucky ($1,100,000); independent offices appropriation bill (first session); Tom Cats (national champions, Ashland High School basket-ball team); Federal Trade Commission; against lame-duck session of Congress; independent offices appropriation bill (second session); and making Lincoln's birthplace a national shrine.

I voted for and supported the following legislation:

Tax reduction; equitable allocation of radio privileges; farm relief; Federal-aid road bill; fourth-class postmasters bill; disabled emergency officers' bill; Muscle Shoals; Boulder Dam; World War veterans' act; $24,000,000 prohibition enforcement; and Jones bill increasing penalty for prohibition violation.

I opposed postponing the putting into effect of the national-origins plan to restrict further immigration.

GENERAL STATEMENT

In my service here I have never failed to be on the job many days before the gavel sounded, and have always stayed until after the final adjournment of the session. My record will disclose that I never dodged any issue. I never ducked a vote. I have faithfully attended committee meetings and the work on the floor.

In tax-reduction measures I have endeavored to voice the sentiment of my district for an equitable allocation of the burden. I supported the theory that the smaller-tax payer should bear no more heavy burden proportionately than the larger ones. I voted to eliminate the so-called nuisance taxes, among which is the automobile tax.

My record toward all the veterans of our country is an open book. In committee, on the floor, and off the floor no one has had their interests more at heart. It has been a genuine pleasure for me to support legislation looking toward the betterment of conditions in the lives of veterans, their widows and children. With a united delegation, I was active in four sessions fighting to bring a veterans' hospital to Kentucky. This was only accomplished after several years' effort.

Originally a separate bill providing for a veterans' hospital in Kentucky was reported from the committee over the opposition of the committee chairman. No action was permitted to be had upon it on the floor. At the next session a blanket authorization bill was considered in the committee. The amount necessary to construct a hospital in Kentucky was added for that purpose, but in the report of the committee it would have been easy to have misinterpreted the language relative thereto. At this point I addressed the House, setting forth the purpose of the committee and the legislative intent to construct a hospital for mental and nervous diseases in an area not otherwise supplied with hospital facilities, the center of which was Kentucky. This bill passed the House, but failed of passage in the Senate on account of a filibuster.

Undaunted, we kept up the fight. In the next session I again addressed the House calling attention to the conditions which obtained and the necessity for this hospital. Again the committee reported out a bill with stronger language in the report, assuring this beneficent work for our soldiers.

During the hearings the committee was gracious enough to permit me to interrogate General Hines, Director of the Veterans' Bureau, relative to the Kentucky situation. He assured the committee that he was not opposing the construction of the hospital in Kentucky; that his survey did not include a hospital, but that it was a matter for Congress to determine. The fight in the committee upon this item rose to such temperature that the chairman of the subcommittee resigned rather than report the bill including Kentucky to the House. That gracious gentlewoman from Massachusetts [Mrs. ROGERS], to whom the soldiery of America will ever be indebted, reported the bill. It passed the House and the Senate and became law. At the first opportunity this session we carried in our appropriation bill the initial appropriation for the institution of this activity. Unless one is acquainted with the topography of the area of which Kentucky is the center; unless one is acquainted with the people who reside within that circle, he may not be able to appreciate the crying need of this much-needed institution. A united delegation made it possible for this work to have been accomplished. It was secured without the approval of General Hines and without the O. K. of the Budget. Congress responded to the needs of our soldiery. It is a genuine satisfaction, near and dear to my heart, to have been able to play my part in the securing of this institution which, throughout the years, will alleviate the suffering of our soldier boys, my comrades.

COAL BOATS

In the first session of the Seventieth Congress, while our appropriation bill was being considered, an amendment carrying $1,000,000 for the reconditioning of vessels to carry coal in export trade was added to the bill. This was the initial appropriation for this character of service. It was accepted by the chairman of our subcommittee without any hearings upon the item. The appropriation was made available July 1 of this year, but for reasons best known to themselves, the Shipping Board failed to push this activity, and a fair trial of it has not been had.

In our appropriation bill this session an item of $1,500,000 was agreed to in committee, together with a reappropriation of all moneys available for this activity at the end of the present fiscal year. This will permit expenditure of approximately $1,900,000 during the next fiscal year in the reconditioning and operating of coal-carrying vessels to the East Indies, the Mediterranean, and South American ports.

My speech upon this matter, very important to all coal-producing sections, shows the feasibility of the activity and the tremendous benefit that may accrue therefrom. There are many million tons of coal in the trade that we can reach. With return cargoes there will not be considerable loss, much below the average loss for other commodities transported by the Shipping Board vessels. And if the coal-carrying railroads are enabled to grant a preferential rate for export coal a splendid market may be opened to this languishing industry. I might add that the amendment this year also was without the approval of the Shipping Board or the Budget. I was glad to find myself in position to assist in this meritorious effort to benefit the coal industry.

ROAD AND BRIDGE RELIEF

I consider the work which I performed upon this item to be the best effort of my congressional career. The appropriation of $1,894,000 was secured in the first session of the Seventieth Congress. At the time the remarks made by me give the history of this undertaking. A most devastating flood catastrophe occurred in Kentucky in the spring of 1927. Roads and bridges

damaged, together with other property damage, mounted into the millions. The counties in eastern Kentucky suffering had constitutional limitations as well as financial inability to replace, repair, and restore the roads and bridges to preflood condition. There was no precedent for Federal relief. Without going into detail, it suffices to say that this money was appropriated, which, matched by a similar amount from the State, should have brought about complete restoration of these roads and bridges ere this. This fight occupied several months, and I can say with pardonable modesty that I was in the forefront of the battle. My heart runs over with the warmth of joy when I anticipate the benefits that will come to those now living in the flood area and to persons yet unborn resulting from this effort.

Many people think that a public official serves merely for the salary. That is far from true. The salary is necessary to those of us who use it for support, but the greatest reward that comes to any faithful public servant is the knowledge that his work is well done; that his efforts will benefit the people; that his labor will make better the land in which we live and perpetuate the institutions of which we are so proud.

In our tenure of office we have handled literally thousands of requests requiring contact with the Veterans' Bureau, Pension Bureau, War Department, Navy Department, Commerce Department, Labor Department, State Department, Interior Department, and all the other departments and activities of the Government. A Member of Congress becomes very versatile in the work before him after he has seen several years of service. In matters of compensation, insurance, and pensions secured in the departments, in the bureaus, and by special acts of Congress the sum total secured by us will exceed more than a half million dollars. We have devoted hours and days in the cause of the disabled veterans of our land. Knowledge of the law is of tremendous help in all departmental matters. Energy is likewise a requisite. We are willing for our district to speak relative to the manner in which we have handled all correspondence and requests which have reached our office.

In addition to the secretarial assistance furnished by the Government, I have spent at least $5,000 of my own money for additional stenographic and clerical hire. With the largest district in the State and the knowledge that I desired to serve, a heavy burden in this respect was heaped upon me. I performed this service with a smile.

MY LAST DAY IN CONGRESS

I spent a most unusual last day in Congress. I can not say that all the work was done on that day, but I will recite what was brought to final culmination on that last day:

A Spanish-American War veteran was secured total disability.

Two Civil War veterans were secured $90 per month.

The father of a World War veteran secured $10,000 insurance. It had been in controversy for three years. It had been before the director three times, with two adverse findings. It was meritorious, and after months of attention a successful conclusion was reached.

In the Post Office Department we secured the suspension of the order for further investigation in which the post-office service at Carlisle, Ky., would have been curtailed. We stated frankly to the department our views relative to the proposed action which had been ordered and they kindly suspended the order which would have inconvenienced the patrons of this office.

A bill granting a right to the State highway commission to construct a bridge at Maysville, Ky., made a successful trip through the Congress.

An additional item for $130,500 for rural sanitation, carried in the second deficiency bill, was retained. Kentucky will receive $47,000, which insures the continuance of the public health unit in the counties of the flooded area for the next fiscal year.

In the afternoon and at night I attended the sessions of the House, adding a word to the debate on the World War veterans' bill, pointing out the fact that the peak of mental and nervous disease cases would not be reached until 1947 and that proper hospital facilities must be afforded all veterans. The last words I uttered on the floor of Congress were in respect to this item and an inquiry relative to the status of the rural sanitation item.

My last vote was against the further postponing of the national origins plan in restricting immigration. It was a vote in favor of restriction.

BRIDGE BILLS

Representing a district along the Big Sandy and the Ohio Rivers, I have been interested in water transportation and its development. To my mind it is one of the real hopes of the future. I collaborated with the author of the recapture clause which is placed in all bridge legislation. The bridge crossing the Big Sandy River at Catlettsburg, Ky., carries the first recapture clause ever inserted in a bill in Congress. It was a far-reaching step, protective of the public.

I piloted two bridge bills for Ashland, Ky., through the House on the same day. I assisted in the passage of two bridge bills at Maysville, Ky., on the same day; in a subsequent Congress both bills again passed the House and passed the Senate. At this session extension bills for these companies were again passed through the House and the Senate and became law. It is the policy of Congress to pass as many bills as there are good-faith permittees.

The Federal Government does not desire to create a monopoly. The right to construct is open to all. I sponsored and secured the passage of a bridge bill for Augusta, Ky., at the last session and an extension for its construction at this session. I introduced the bill under which the bridge at South Portsmouth, Ky., was constructed.

Relative to the bridge situation at Maysville, we have labored faithfully in an endeavor to secure all congressional requisites for the construction of this bridge. Our sole purpose has been to assist in this worthy cause, which would be of tremendous benefit to this entire section.

The extension of the post office at Ashland was advocated by me before the interdepartmental committee of the Treasury and the Post Office Departments. The inclusion of this extension in their report recommending expenditure of $80,000 in this work assures this much-needed improvement.

CONCLUSION

There are hundreds of items concerning which we would be glad to call your attention, as they would demonstrate our efforts here. We believe that the legislative record of a Member, together with all the other services performed, paint a very vivid picture of the man and his purposes. I have labored faithfully in your service. In retiring from office it is not my purpose to relinquish interest in public affairs.

I trust that this short report will meet with your approval. I have given you the best I had in stock. I turn back to you a commission unsullied and unstained.

PROHIBITION

Mr. BEERS. Mr. Speaker, our present prohibition laws were not the result of hasty action, but were the product of more than 100 years of discussion, agitation, and education. Before the eighteenth amendment was enacted 32 of the 48 States had passed prohibition laws of their own. We have heard much discussion in the attempt to create prejudice against the prohibition law by saying the people were never allowed to vote upon it.

Prohibition had been a major issue in every congressional and legislative election for years before its adoption, and the Congressmen who voted to submit it and the legislators who voted to ratify it had, in all cases, been elected with a distinct mandate from their constituents on the prohibition issue. "In this country the will of the people expressed at the ballot box creates the duty of the citizens upon the subject voted upon." You will recall that the eighteenth amendment has in it five provisions referring to the manufacture, sale, importation, exportation, and transportation of intoxicating liquor for beverage purposes. The Jones bill deals with these five items which the eighteenth amendment prohibits. One of the penalties which is quite generally used and which these bills affect is section 29, a portion of which is:

> Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000 or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000, and be imprisoned not less than one month nor more than five years.

According to the Jones bill, the maximum penalty would be increased to $10,000 or imprisonment for five years or both. The object of this legislation is to increase the maximum penalty in order that adequate punishment may be meted out to one who is commercializing the traffic in intoxicating liquors, and does not affect the small offender. Take, for example, the man who is in the business of diverting industrial alcohol from its rightful use and converting it to a beverage—the profit made in such a transaction might run into thousands of dollars. The fine of $1,000 would mean little to him, a second offense of $2,000 little more, but would he not begin to think and reason with the thought of a probable five years' imprisonment and a $10,000 fine?

Every person who sells liquor does it solely and only because some one will pay a price high enough to make a profit sufficient to offset the chance of detection, conviction, and punishment. Therefore it appears to me that since we believe in the enforcement of the laws of the land that we ought to provide penalties commensurate with the offense. The penalty should be suffi-

cient to deter not only the defendant, but others, from committing a similar offense.

Lawlessness did not originate with the eighteenth amendment. There is much less violation of the liquor law to-day than we have had in America for 100 years. Property that was engaged in the manufacture and sale of liquor is now used for other purposes. People who used to be engaged in the selling of liquor are now employed in other trades. We now hear more about one bootlegger with a single bottle of whisky than we ever heard of a hundred wide-open saloons plying their trade day and night. We admit prohibition has not been 100 per cent effective, but let any man walk down the streets of any city or town in America and compare the conditions existing now with the day of the old licensed saloon, and judge for himself if the same amount of drinking is apparent as before prohibition. Drunken men have practically disappeared from the streets of American cities and towns. Recent reports show that from 75 to 80 per cent of our bootleggers are foreigners. Congress recently passed a law which makes it possible to deport all unnaturalized bootleggers. The Jones bill will aid in getting rid of this undesirable class of foreigners. We should aim to pass laws which would give every possible protection to the foreigner who makes an effort to be a hundred per cent American citizen, but we should provide an easy channel to deport all who will not pledge allegiance to the American flag and abide by the laws of our beloved country.

IMMIGRATION AND NATURALIZATION LEGISLATION

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen of the House, under leave given me to extend my remarks in the RECORD, I desire to submit information relative to progress made by the Seventieth Congress in the perfection of the immigration and naturalization laws.

It will be appreciated that the development of the restrictive policy in immigration legislation has been a slow and tedious process.

EXCLUSION OF UNDESIRABLES BY CLASSES

The first great step toward limitation of immigration was the immigration act of 1907, which provided more thoroughly than ever before for the exclusion of undesirable persons and authorized an investigation by the Dillingham Commission. The Dillingham Commission traveled widely, conducted extensive hearings, and published its findings in 41 volumes in 1910. As a result of its work there developed the Burnett Immigration Act of 1917, which amounted to a revision and a clarification of the act of 1907, providing more accurately and perfectly for the exclusion and expulsion of undesirables. Both of these acts were exclusion statutes. That is to say, they set up no limitation, numerical or other, but named particular classes of persons to be denied the privilege of admission and to be deported if found within the country. The act of 1917 also contained the noted literacy test, adding the illiterate to other classes of excludable persons.

THE TEMPORARY QUOTA ACT OF 1921

The world unrest at the conclusion of the Great War was responsible for a further development of the restrictive policy. All Europe was unsettled and anxious to escape the burden of postwar reconstruction. There was not room or opportunity in the United States for all who desired to come here. In response to the demands of a public aghast at the prospect of an overwhelming mass migration, Congress passed the first numerical restriction act, the quota act of 1921. This was a temporary measure, quite unsatisfactory in many of its aspects, but one which in part accomplished the result for which it was devised. For the first time in the history of the world a definite limit to the total of permissible immigration was set. Likewise, for the first time there began to permeate the American consciousness the sound idea that American standards of living can not be maintained, American institutions can not be expected to continue, if in every generation new millions of foreign-born persons must be tutored in American principles.

PERMANENT NUMERICAL LIMITATION

The immigration act of 1924 was the logical development of the temporary quota act of 1921. I shall not discuss it at this time, except to say that in providing permanent authority for a numerical limitation of immigration it definitely established a new policy in the governance of the United States, wiping out the old theory that America was intended by Providence to be the asylum for the overflow populations of the rest of the world, and setting up the valid and reasonable intention of the Congress and the people that in so far as possible this great country shall be conserved for the posterity of those now here. This does not mean that all immigrants shall be denied admission or that we intend or desire that a Chinese wall shall be erected around the borders of our country. It does mean that we ought—indeed, we must—reduce the incoming stream to a mere brooklet, in order that those recently come and those hereafter to be admitted may in some degree approach an appreciation of American institutions by the slow and tedious process of assimilation.

The first three or four years after the enactment of the immigration act of 1924 was a time of testing. Numerous criticisms were leveled at the statute. Some inequities were discovered. Although its provisions for the most part were and are precise and reasonable, some details appeared worthy of correction.

RELIEF FOR WORLD WAR VETERANS

The only important amendment made during the Sixty-ninth Congress was a temporary relaxation of restrictions for the benefit of aliens who served in the American military or naval forces during the World War, and who found themselves deferred by the numerical limitation. This was the act of May 26, 1926, which was operative for but one year, and which facilitated the admission to the United States of some 6,000 ex-service men, their wives and children. This act also, for a period of two years, reestablished the short form of naturalization for ex-service men, relieving them of certain formalities in the acquisition of American citizenship.

REUNION OF ALIEN FAMILIES

Efforts to perfect the nonquota and preference provisions of the immigration act of 1924, so as to expedite the reunion in the United States of foreign-born families, were carried on throughout the last session of the Sixty-eighth Congress and all of the Sixty-ninth Congress, reaching fruition at the close of the first session of the Seventieth Congress in the enactment of the Copeland-Jenkins law of May 29, 1928. Under this act nonquota status became available to the American-born woman who lost her citizenship by marriage to an alien prior to September 22, 1922, if she has since been widowed; also to the husband of an American woman citizen if married before June 1, 1928; also to the wife and unmarried child under 21 years of age of an American citizen. In addition, this act altered the preference provisions of the law. Beginning July 1, 1928, the first half of each quota became reserved for fathers and mothers of citizens, husbands of citizens—if married after May 31, 1928—and agriculturists—from countries having quotas of more than 300. The second half of each quota, plus any unused portion of the first half, became reserved for the wives and unmarried children under 21 of aliens lawfully admitted to the United States for permanent residence.

In this amendment of the preference provision a double purpose was served. First, the waiting time abroad of persons entitled to preference was shortened. Second, those whose coming would amount to the planting of new seed in this country were deferred, in some cases indefinitely. Brothers, sisters, aunts, uncles, cousins, nieces, nephews, and aliens of no relationship to persons in the United States were set aside in favor of the wives and minor children of those already here.

Experience has proven that this was not only a great relief, silencing the contentions of those who criticized the immigration act of 1924 on account of the division of alien families but also that the measure is a distinctly restrictionist act. The assignment of preference to wives and children of aliens expedites their immigration, and once here as charges upon the quotas they are not afterwards available to acquire nonquota status and thus swell the total or gross influx. Further, the deferment of other relatives means the postponement of the day when additional newcomers will plead for admission of new crops of wives and minor children.

PRESENT CONDITION OF THE QUOTAS

The Copeland-Jenkins Act has worked splendidly thus far. It has relieved innumerable cases of hardship, has proven entirely feasible from an administrative standpoint, has not increased the total immigration, has not violated the numerical limitation principle, but has contributed to the success of the Johnson-Reed Act of 1924 and confirmed the soundness of the restrictive idea. I am pleased to include as part of my remarks a table showing the status of quotas for the first six months of the current fiscal year. It will be noted that in only five countries abroad are there waiting lines of relatives who can not expect to come to the United States in a comparatively brief time. These countries are Greece, Italy, Poland, Syria, and Turkey. The quotas of all other countries are in such a situation that wives and minor children of lawfully admitted aliens may come within a reasonable time, and fathers and mothers of citizens may come even with greater promptness. Wives and minor children of American citizens, it should be observed, are permitted to come

outside the quotas. With the naturalization of a quarter of a million aliens per year, it will be seen that pressure of relatives within the quotas will grow less and less as the years pass, thus relieving the situation even in the countries where the pressure of emigration is heaviest. The table above referred to is published, as follows:

Statistical data showing quota visas issued and demand against quotas for period July 1 to December 31, 1928, inclusive:

NORTHERN AND WESTERN EUROPE

Country	Total quota 1928-29	Visas issued July 1-Dec. 31, inclusive						Balance unissued Jan. 1	Registered demand							Estimated demand Jan. 1
		First preference			Second preference (wives and children of aliens)	Non-preference	Total		First preference			Second preference (wives and children of aliens)	Total preference	Non-preference	Total registered demand	
		Relatives (principally parents of citizens)	Farmers	Total					Relatives (principally parents of citizens)	Farmers	Total					
Belgium	512	21	67	88	68	145	301	211	40	362	402	72	474	5,142	5,616	10,000
Denmark	2,789	23	798	821	147	617	1,585	1,204	25	1,365	1,390	13	1,403	12,102	13,505	15,000
France	3,954	42	130	172	262	1,803	2,237	1,717	36	52	88	172	260	4,225	4,485	4,882
Germany	51,227	103	2,665	2,768	4,185	23,018	29,971	21,256	110	276	386	552	938	26,957	27,895	44,290
Great Britain and Northern Ireland	34,007	134	474	608	4,353	10,057	15,018	18,989	92	338	430	3,370	3,800	96,631	100,431	141,260
Irish Free State	28,567	21	34	55	98	10,960	11,113	17,454	35		35	37	72	1,548	1,620	30,000
Luxemburg	100	2		2	4	50	56	44						558	558	1,000
Netherlands	1,648	18	462	480	143	328	951	697	14	6,073	6,087	15	6,102	15,695	21,797	25,000
Norway	6,453	50	1,123	1,173	813	1,841	3,827	2,626	66	1,699	1,765	1,196	2,961	35,240	38,201	68,000
Sweden	9,561	58	1,463	1,521	428	3,664	5,613	3,948	148	1,058	1,206	144	1,350	6,945	8,295	15,000
Switzerland	2,081	24	1,008	1,032	62	134	1,228	853	22	1,455	1,477	59	1,536	7,205	8,741	11,144
Total	140,899	496	8,224	8,720	10,563	52,617	71,900	68,999	588	12,678	13,266	5,630	18,896	212,248	231,144	365,576

SOUTHERN AND EASTERN EUROPE AND NEAR EAST

Albania	100	41		41	6	1	48	52	82		82	130	212	3,048	3,260	5,000
Armenia	124	3		3	2	71	76	48	7		7	1	8	148	156	156
Austria	785	31	194	225	191	51	467	318	54	650	704	478	1,182	13,000	14,182	30,000
Bulgaria	100	4		4	39	52	95	5	20		20	137	157	2,398	2,555	15,000
Czechoslovakia	3,073	988	219	1,207	526	71	1,804	1,269	772	453	1,225	3,111	4,336	24,826	29,162	250,000
Danzig	228	2		2	21	157	180	48	2		2	22	24	373	397	500
Estonia	124	4		4	15	84	103	21	3		3	39	42	2,441	2,483	5,000
Finland	471	10	125	135	73	58	266	205	42	412	454	135	589	7,896	8,485	12,485
Greece	100	42		42	44		86	14	678		678	50	728	1,500	2,228	10,000
Hungary	473	160	60	220	48	1	269	204	392	530	922	450	1,372	2,430	3,802	30,000
Italy	3,845	1,046	13	1,059	976	173	2,208	1,637	10,000		10,000		10,000		10,000	300,000
Latvia	142	33		33	29	13	75	67	80		80	277	357	6,660	7,017	50,000
Lithuania	344	117	47	164	26		190	154	230	128	358	206	564	9,400	9,964	20,000
Palestine	100	4		4		2	6	94	8		8	125	133	3,500	3,633	4,600
Persia	100	5		5	13	43	61	39	15		15	29	44	2,351	2,395	4,395
Poland	5,982	1,133	1,100	2,233	724	463	3,420	2,562	2,500	21,989	24,489	14,103	38,592	18,598	57,190	250,000
Portugal	503	4	1	5	59	175	239	264	45		45	75	120		120	20,000
Rumania	603	133	74	207	103		310	293	700	300	1,000	1,200	2,200	12,000	14,200	16,000
Russia, European and Asiatic	2,248	323	281	604	466	171	1,241	1,007	2,223	471	2,694	922	3,616	70,000	73,616	250,000
Spain	131	20		20	50	2	72	59	6		6	682	688	10,560	11,248	27,000
Syria and the Lebanon	100	38		38	24		62	38	526		526	223	749	4,500	5,249	47,000
Turkey	100	18		18	24	8	50	50	1,335		1,335	224	1,559	5,265	6,824	200,000
Yugoslavia	671	112	93	205	56	139	400	271	416	523	939	117	1,056	3,122	4,178	38,000
Total	20,447	4,271	2,207	6,478	3,515	1,735	11,728	8,719	20,136	25,456	45,592	22,736	68,328	204,016	272,344	1,585,136
Grand total	161,346	4,767	10,431	15,198	14,078	54,352	83,628	77,718	20,724	38,134	58,858	28,366	87,224	416,264	503,488	1,950,712

INCREASE OF IMMIGRANT INSPECTORS' SALARIES

Another most important enactment of the first session, Seventieth Congress, was the Reed-Jenkins law, which increased the salaries of immigrant inspectors and authorized payment of their travel expense on overseas assignment as technical advisers at American consulates. Before enactment of this measure there was a chaotic and demoralizing salary condition in the immigrant inspection service. There were 15 prevailing rates of pay running an irregular scale from $1,860 to $2,800 per annum, with an average annual salary approximating $2,100, and with no assurance of better salary conditions or even freedom from furloughs without pay upon depletion of immigration appropriations by general administrative expenses. The Reed-Jenkins Act resolved the 15 rates of pay into five salary grades, ranging from $2,100 to $3,000, and gave assurance of annual promotion to worthy and qualified officers. Under the provisions of this law in two or three years the annual average salary of immigrant inspectors will approximate $2,500, still a moderate figure for the character of the work performed. I do not know anything more important to the enforcement of immigration restriction than this.

Immigrant inspectors are the real guardians of our gates. Many of them have to know several foreign languages. They have to be thoroughly acquainted with the laws, fair and courteous in their enforcement, and available for duty at all times and in all conditions of weather. It seems to have been long overlooked in dealing with the immigration question in this country that the determination of the uncertain and hidden qualities of a human being who applies for admission to the United States obviously requires a high order of training and ability in an officer assigned to such duty. Incompetent or careless discharge of duty on the part of an immigrant inspector may permit the entrance into the United States of a criminal, anarchist, or other undesirable, and the unjust application of the immigration laws may cause the deportation or expulsion of, or undue hardship to, a deserving human being. Yet until the passage of this law by the Seventieth Congress we compensated these important public servants with a grudging hand. It is a matter of gratification to me that at last we have given them better salaries, which already have operated to improve the morale of the force and to bring forward a higher grade of applicants for appointment. I am hopeful that the survey of the field services of the Government now being conducted by the Personnel Classification Board under the provisions of the Welch Act of 1928 will develop further information which will enable Congress to provide even more adequately for the entire personnel of the Immigration Service.

CORRECTION OF DEFECTIVE ENTRY RECORDS

A measure which numerous Members of House and Senate committees had parts in preparing may be designated as the Vincent-Copeland-Schneider bill, which was signed by the President Mareh 2, 1929, and is now known as Public Law No. 962, Seventieth Congress. In part, it is a measure to authorize the making of a record nunc pro tunc in the case of an alien on whose account no record of admission to the United States for permanent residence exists, or in the case of an alien on whose account no record of admission for permanent residence can be found, if such alien shall show that he entered the country prior to the date of the enactment of the temporary quota law, June 3, 1921, has resided in the United States continuously since entry, is a person of good moral character and is not subject to deportation.

Such a record is necessary in many cases in order that certain aliens now in the country, if they desire to do so, may—

First. Journey abroad and return to the United States in non-quota status; or

Second. Petition for United States citizenship by filing the so-called "second paper" which, under the naturalization law, must be accompanied by a "certificate of arrival" not now available for lack of a record of admission for permanent residence.

While it is impossible to estimate the number of aliens affected by this statute, the total is thought to be several thousand. The principal classes to be benefited are:

First. Natives of Canada or former residents of Canada who entered the United States prior to 1917, or during the years when accurate records of entry were not made;

Second. Alien seamen who before 1921 overstayed the 60-day shore leave permitted them under the La Follette Act, have remained in the country ever since, and by operation of the statute of limitations are not now subject to deportation;

Third. Aliens on whose account the record of entry, although probably made before June 3, 1921, can not be identified; and

Fourth. Persons brought to the United States in infancy who can give no information as to the place or date of their entry.

Many patriotic and well-meaning people stood in opposition to this bill when it was under consideration in House and Senate, believing that it amounted to a reward to aliens guilty of violations of the immigration laws. Had the measure been enacted in the form in which it passed the Senate, permitting extension of benefits to certain aliens who entered between June 3, 1921, and July 1, 1924, this criticism might have been justified. However, in the form in which the measure became law, I am quite sure the relief provided was and is entirely reasonable and proper. Every Member of Congress has one or more cases in his files of worthy persons who will be relieved of distress and hardship when this act becomes effective July 1, 1929. I see no reason to believe that the law will break down the immigration act of 1924, or affect detrimentally the people of the United States, or the principle of immigration restriction. It is a mere curing of a defect in our statutes, and a preservation of equities well established and worthy of respect. Every beneficiary under it has been until now "a man without a country," desiring to remain within the United States, yet being unable to acquire American citizenship; fearing to set foot out of the country because of the mistake made or misstep taken so long ago; and willing cheerfully to pay the $20 fee which the law exacts for a clearance or correction of the record.

INCREASE OF NATURALIZATION FEES

Other features of the new law to which I have above devoted explanatory comment are worthy of even more notice. For one thing, the measure provides for a substantial increase in the cost of naturalization. For many years we have collected fees amounting to only $5 for the bestowal of American citizenship. We have permitted American naturalization to be the cheapest thing, in proportion to its real value, in all the world. The new law makes the certificate of arrival to cost $5, the declaration of intention $5, and the certificate of naturalization $10, the total cost of citizenship being $20. In addition, however, and for the first time, the new law requires a citizenship applicant to furnish photographs of himself, both upon the filing of the declaration of intention and upon the filing of the petition for naturalization. This will prove a valuable aid in elimination of fraud by permitting comparisons with photographs appearing on immigration visas.

The act of March 2, 1929, authorizes issuance of special certificates to persons acquiring citizenship through the naturalization of a parent or husband, to persons born abroad of American citizen parents, to persons who desire to obtain recognition of American citizenship in countries of their former allegiance, and to persons who prove loss or destruction of original naturalization certificates.

PROOF OF RESIDENCE IN NATURALIZATION PROCEEDINGS

A further relief provision in the new law is one which permits an alien petitioner for citizenship to prove all residence outside the county in which he resides at the time of filing his petition either by deposition or oral testimony of at least two witnesses for each place of residence. Residence within the county may be proved by the oral testimony of two witnesses for each place of residence within the county. This provision wipes out an inequality which has placed much hardship on petitioners for citizenship.

Still another provision of this law puts an end to the practice of aliens admitted for temporary residence of filing declarations of intention. Hereafter no declaration of intention may be filed unless the alien has been lawfully admitted for permanent residence.

IMPORTANT PENAL PROVISIONS ENACTED

Disposition of deportation legislation in the Seventieth Congress was a disappointment, yet there was enacted by approval of the President March 4, 1929, a measure (Public Law No. 1018, 70th Cong.) containing two most important provisions. For the first time we have provided that when an alien has been arrested and expelled from the country, if he thereafter enters or attempts to enter, he shall be guilty of a felony punishable by imprisonment or fine, or both. For the first time, likewise, we have provided that when an alien enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection, or obtains entry by a willfully false or misleading representation, or the willful concealment of a material fact, he shall be guilty of a misdemeanor punishable by imprisonment or fine, or both. These are provisions which have been needed for a long time. Thousands of aliens have violated our laws at the borders because we have had no authority to punish them, except the right to expel them again. The fixing of these penalties ought to go far toward discouraging surreptitious entries.

Another provision of this act is that which authorizes deportation of a criminal alien upon his release from prison. A controversy arose a little over a year ago as to the authority of the Secretary of Labor to deport an alien convicted of crime upon his release from prison on parole. The Governor of the State of New York held that deportation should not be effected until the termination of the sentence, whether or not the sentence was completely served. The new act clarifies this issue, providing specifically that deportation shall be effected at the beginning, rather than the ending, of the parole period.

REPATRIATION OF AMERICAN INSANE

A great assistance in the effort to effect deportation of alien undesirables is the act of March 2, 1929 (Public Law No. 935, 70th Cong.), which was introduced by me, but was not referred to the House Committee on Immigration and Naturalization. This measure authorizes the repatriation of insane Americans now or hereafter confined in Canadian hospitals. They are to be returned to the United States and cared for at St. Elizabeths Hospital, Washington, D. C., until it can be established to what State they legally belong. Enactment of this law was urged by both the State and Labor Departments, it being fully appreciated that the United States can not well request foreign governments to take back their people who are not wanted in this country, so long as the various States of our Union decline to receive American citizens who are found undesirable in other countries. We are deporting aliens at the rate of more than 1,000 a month. We ask the countries whence they came to receive them back again. It is only right that we should readmit our own citizens when other nations want to deport them. The new law will take care of this in respect of the insane.

VALIDATION OF CERTAIN DECLARATIONS OF INTENTION

Correction of a difficulty encountered in the administration of the naturalization laws is provided in the Sabath bill, Public Law No. 1011, Seventieth Congress, approved by the President March 4, 1929. In a number of cases aliens born in countries affected by changes of boundaries and transfers of territory resulting from the World War have stated the wrong sovereign when filing declarations of intention or "first papers." Courts have held declarations invalid for this cause. The Sabath Act not only validates such declarations but restates the law so that the same difficulty will not arise in the future. Under the amended provision the declarant will make no renunciation of his old allegiance until the time comes for him to petition for citizenship or "file second papers." The declaration will be in fact what the law always intended it should be—merely a statement of intention to renounce foreign allegiance.

An amendment made to the Sabath Act in the Senate and accepted by the House again renews for two years the short form of naturalization for aliens who served in American military or naval forces during the World War. Due to mistake or misunderstanding, illness in hospital, or other like difficulty, there remain a few ex-service men, foreign born, who desire to acquire American citizenship. During the World War and also during the period from 1926 to 1928 a short form of naturalization, making unnecessary the filing of a declaration of intention, was available to them. By this provision the naturalization of these aliens is facilitated.

PREFERENCE FOR CERTAIN SKILLED WORKMEN

A bill which passed the House but did not pass the Senate was one introduced by Representative FREE, H. R. 16926, which would amend the preference provisions of the immigration act of 1924, as amended, so as to facilitate the admission as quota immigrants of certain highly skilled workmen needed by Ameri-

can industries for the performance of specialized work or for the development of improved methods or processes when labor of like qualificatfons can not be found unemployed in the United States. The desirability of this improvement in the law has been recognized ever since the inception of the policy of restricting immigration by numerical limitation. The contract-labor provisions of the Burnett Immigration Act of 1917 made specific exemptions to facilitate admission of specially qualified workmen, but these exemptions became of little value when the Johnson-Reed Act of 1924 required that all aliens coming for permanent residence must obtain quota immigration visas. To partially take care of the difficulties of the matter, a few skilled workmen have been admitted as visitors outside the quotas in recent years. This has been an unsatisfactory arrangement in many respects, for, although it has permitted the temporary entry of a limited number of persons much needed in particular industries, it has included no provision for their permanent stay or for the entry of their dependents or for their acquisition of American citizenship. The Free bill, it is believed, will cure this situation. I am hopeful that it can be taken up again and passed by both branches of Congress in the Seventy-first Congress.

DEFINITION OF "VISITORS FOR BUSINESS"

Another measure passed by the House which failed of consideration in the Senate was the Box bill, H. R. 16927, which would amend the nonimmigrant provisions (sec. 3) of the immigration act of 1924 by more accurately defining conditions under which a visitor for business may be admitted. This legislation is an outgrowth of attempts to evade the numerical restriction by European-born persons residing in Canada who desire to fulfill contracts of employment in the United States or who knock at our gates for the purpose of looking for work.

It never was the intention of Congress that the term "visitor for business" should include a person entering employment or seeking to enter employment in this country. Yet a strained construction of the immigration act of 1924 read unjustifiably in conjunction with the Jay treaty of 1794 has led certain courts to hold a contrary view, as a result of which some 2,000 aliens have been admitted. The matter is now under consideration in the Supreme Court of the United States. If the court should hold a view opposite to that held by myself and other members of the House Committee on Immigration and Naturalization, I hope the Box bill will be taken up immediately on the convening of the Seventy-first Congress in order that this threatened breakdown of the law may be prevented.

"NATIONAL-ORIGIN" PROVISION

During the first session of the Seventieth Congress both House and Senate voted with practical unanimity to postpone for one year the effective date of the operation of the so-called "national-origin" provision of the immigration act of 1924. The Sixty-ninth Congress had previously done likewise, so that the new system of calculating immigration quotas, originally scheduled to become operative July 1, 1927, can not now go into effect before July 1, 1929.

The "national-origin" proposition is one of those legislative developments naturally to be expected in connection with a large and important national problem when there is confusion of counsel regarding the best or most appropriate means by which to accomplish the same or a similar end. Not dissimilar has been the variety of suggestions proposing solution of the American agricultural problem. Just as everybody agrees that farm relief in some form should be provided, so everybody agrees that numerical limitation of immigration must continue.

The quota calculation basis provided when the immigration act of 1924 passed the House of Representatives—that is, 2 per cent of the foreign born in the United States as of 1890—is a simple, direct, understandable proposition. The "national-origin" scheme adopted by the Senate and accepted in conference to become operative at a future date, while apparently fair and theortically sound, has been sharply criticized by many restrictionists because of its imperfections from a practical standpoint, its complication, and its vagueness.

I am quite agreeable to a further sharp reduction of immigration permissible within the quotas. In fact, I am convinced that additional limitations, both within and without the quotas, will be demanded by the American people within comparatively few years. Therefore I have been loath to accept the view that it is necessary for us to make effective a new and different quota calculation formula at this time. Whatever changes we make ought to be along the line of reduction, and not redistribution, of the quotas.

In the closing days of the Seventieth Congress the insistence of those who look upon the "national-origin" scheme as the sine qua non of immigration restriction prevented adoption of the Chindblom resolution to postpone the proposed new quotas for another year, which passed the House of Representatives but failed to receive consideration in the Senate. If the President, after inquiry, finds that it is mandatory upon him to issue a proclamation on the subject, there will be a new distribution of quotas effective July 1, 1929. In this event, I am of the opinion that strong efforts will be made in the Seventy-first Congress to bring about further radical changes in the allocation of quotas, and it is difficult to predict what the effect will be when various groups of Americans born abroad again undertake, as they did in 1924, to bring political pressure upon their Representatives. I am hopeful that the confusion certain to be brought about by this situation can be allayed, and that whatever further quota changes are enacted will be along the line of additional limitations rather than along the line of favors to powerful nationalistic groups within our country.

CODIFICATION OF STATUTES NEEDED

As a part of my remarks, I append a list of acts of the Seventieth Congress, both first and second sessions, affecting enforcement or administration of the immigration and naturalization laws, which I believe constitute as fine a record as has been made on any similar important legislative subject in any Congress. It must always be borne in mind that our immigration and naturalization statutes are highly technical, involved, and to the lay mind confusing. Unfortunately in some degree they resemble a patchwork, because they have been developed slowly over a long period of years by careful and conscientious public servants holding no desire unjustifiably to disturb accomplishments of the past. Because they are not easily understood, even by lawyers and students, I am hopeful that their restatement and codification can be undertaken in the near future. Meantime, the following enactments may be noted as the accomplishments of the Seventieth Congress:

Act of March 31, 1928 (Public Resolution No. 20, 70th Cong.), "Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended." (This joint resolution postponed for one year, or until July 1, 1929, the effective date of operation of the "national origin" provision of the immigration act of 1924.)

Act of April 2, 1928 (Public Law No. 234, 70th Cong.), "An act to exempt American Indians born in Canada from the operation of the immigration act of 1924." (This act established admissibility of Canadian-born Indians, clarifying the exclusion provision of the immigration act of 1924.)

Act of May 29, 1928 (Public Resolution No. 61, 70th Cong.), "Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States." (This joint resolution readjusted preference provisions of the immigration act of 1924, with a view toward reunion of families in the United States.)

Act of May 29, 1928 (Public Law No. 574, 70th Cong.), "An act to amend section 24 of the immigration act of 1917." (This act increased salaries of immigrant inspectors, provided for their classification, and authorized payment of certain travel expense.)

Act of March 2, 1929 (Public Law No. 962, 70th Cong.), "An act to supplement the naturalization laws, and for other purposes." (This act provides for issuance of nunc pro tunc certificates of arrival; forbids the making of declarations of intention by aliens temporarily admitted; corrects various inequalities in the naturalization laws; increases naturalization fees, and so forth.)

Act of March 4, 1929 (Public, No. 1011, 70th Cong.), "An act relating to declarations of intention in naturalization proceedings." (This act validates certain declarations of intention heretofore rendered invalid by mistake, and extends certain naturalization benefits to alien veterans of the World War.)

Act of March 4, 1929 (Public, No. 1018, 70th Cong.), "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law." (This act penalizes an alien arrested and deported who enters or attempts to enter after expulsion; also penalizes an alien who enters by means of certain violations of law.)

PARTIAL REPORT OF PRESIDENT COOLIDGE'S ADVISORY COMMITTEE ON VETERANS' PREFERENCE

Mr. FISH. Mr. Speaker, at the request of several of the larger veteran organizations, I am taking advantage of the opportunity at the present time to insert in the RECORD a partial report of the Advisory Committee on Veterans' Preference, appointed by President Coolidge on June 9, 1928. The report is incomplete, as it has been hurriedly drawn up for the purpose of presenting the essential facts to be published in the last available CONGRESSIONAL RECORD dealing with the Congress and administration that terminated on March 4. As soon as practicable, after the convening of the new Congress in special session on April 15, I will avail myself of the first opportunity to explain the report and the work of the President's Advisory

Committee on Veterans' Preference to the House of Representatives.

At the present time requests from individual veterans throughout the country are pouring in asking for information regarding the Executive order issued by President Coolidge on March 2, 1929, extending and liberalizing the civil-service regulations in behalf of disabled veterans of all our wars. This Executive order is as follows, and is practically identical with the unanimous recommendations of the President's Advisory Committee, composed of Hon. William T. Deming, president of the United States Civil Service Commission; Gen. Frank T. Hines, Director of the United States Veterans' Bureau; Col. John Thomas Taylor, national legislative representative of the American Legion; and Representative Hamilton Fish, jr., chairman:

EXECUTIVE ORDER

The civil-service rules are hereby amended as indicated below:

1. Examination papers shall be rated on a scale of 100, and the subjects therein shall be given such relative weights as the commission may prescribe. Honorably discharged soldiers, sailors, and marines shall have 5 points added to their earned ratings in examinations for entrance to the classified service. Applicants for entrance examination who, because of disability, are entitled either to a pension by authorization of the Bureau of Pensions or to compensation or training by the Veterans' Bureau, and widows of honorably discharged soldiers, sailors, and marines, and wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified for appointment, shall have 10 points added to their earned ratings. In examinations where experience is an element of qualifications, time spent in the military or naval service of the United States during the World War or the war with Spain, shall be credited in an applicant's ratings where the applicant's actual employment in a similar vocation to that for which he applies was temporarily interrupted by such military or naval service but was resumed after his discharge. Competitors shall be duly notified of their ratings.

Rule VI, paragraph 2, is amended to read as follows by adding the words *in italics:*

2. All competitors rated at 70 or more shall be eligible for appointment, and their names shall be placed on the proper register, according to their ratings; *but the names of disabled veterans, their wives, and the widows of honorably discharged soldiers, sailors, and marines shall be placed above all others.*

Rule XII, paragraph 5, is amended, by addition of the words *in italics*, to read as follows:

5. In harmony with statutory provisions, when reductions are being made in the force, in any part of the classified service, no employee entitled to military preference in appointment shall be discharged or dropped or reduced in rank or salary if his record is good, *or if his efficiency rating is equal to that of any employee in competition with him who is retained in the service.*

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 2, 1929.*

The United States Civil Service Commission released the following statement describing clearly and accurately the benefits of the Executive order to disabled veterans and to their widows and wives:

UNITED STATES CIVIL SERVICE COMMISSION,
WASHINGTON, D. C.

EXTENSION OF VETERAN PREFERENCE—PRESIDENT COOLIDGE SIGNED ORDER LIBERALIZING PREFERENCE RULES

WASHINGTON, D. C., March 5, 1929.—One of the last acts of President Coolidge before leaving the White House was the signing of an Executive order Saturday night amending the civil-service rules so as to make more liberal the preference allowed in appointments to the civil service under the law which provides for preference for veterans, their widows, and under certain conditions their wives.

The effects of the Executive order are as follows:

(1) The addition of 10 points to the earned rating of a disabled veteran is continued, but under the new order the names of disabled veteran eligibles are placed at the top of the list and are certified ahead of veterans not disabled and nonveterans, regardless of their ratings.

(2) Widows of veterans and wives of veterans who themselves are physically disqualified for Government employment are allowed 10 points added to their earned ratings, instead of the 5 points formerly allowed. Wives and widows of veterans who are allowed the additional 10 points will also be certified ahead of veterans not disabled and nonveterans.

(3) A Government employee entitled to preference under the law and rules is given more liberal preference in retention in the service when reduction of force becomes necessary.

This action of President Coolidge is the result of long deliberation of an advisory committee appointed by the President on June 9, 1928, for the purpose of studying veteran preference laws and rules with a view to liberalizing the prefereuces allowed, the chief purpose of the study being to make more Government positions available to disabled veterans. The advisory committee consisted of Representative Hamilton Fish, jr., chairman; Brig. Gen. Frank T. Hines, Director of the Veterans' Bureau; William C. Deming, President of the Civil Service Commission; and Col. John Thomas Taylor, representing the American Legion.

The following is the unanimous recommendation of the President's Advisory Committee on Veterans' Preference:

NOVEMBER 19, 1928.

MY DEAR MR. PRESIDENT: By Executive order dated June 9, 1928, you appointed the undersigned committee to "Study, analyze, and report on civil-service rules relating to veterans' preference," indicating that the main purpose of the committee would be to ascertain ways and means for making Government positions available for disabled veterans. The committee was also authorized to recommend to you what modifications, if any, should be made to the present Executive order relating to veterans' preference.

The committee has given careful consideration to the existing laws, civil-service rules, and the policies of the several Government departments and bureaus dealing with the question of veterans' preference. A number of public hearings have been held, in order that the committee might obtain from service organizations and other agencies interested in the matter, their views. Much information has been collected and is in the hands of the committee. After a careful study of the entire matter, the committee desires to recommend for your consideration the following, and will, of course, submit such detailed information as you may desire showing the basis for these recommendations:

1. Continue the present addition of 10 points to the rating of disabled veterans and in addition place their names at the head of eligible registers in the order of their ratings.

2. Accord similar preference to the wives of disabled veterans and the widows of veterans coming within the provisions of the preference statute of July 11, 1919.

3. That the question of preference to be accorded able-bodied veterans be given further consideration by your advisory committee.

4. Change the sentence preceding the last sentence in clause (b) of paragraph 1 of civil-service Rule VII, to read as follows:

"An appointing officer who passes over a veteran eligible and selects a nonveteran with the same or lower rating shall file with the Civil Service Commission his reasons, specifically stated, for so doing, which reasons shall be made available to the veteran upon request."

5. That in making promotions, reassignments of personnel within the departments and bureaus, that all veterans will be given consideration in accordance with their efficiency in competition with other employees; that in making separations from Government departments and bureaus, no veteran will be declared surplus, or separated from the position, or if his efficiency rating is equal to that of any other employee in competition with him and under consideration for separation at the time; strengthen the present provisions relating to efficiency ratings and demotions or separations from the service by authorizing the creation within each department or independent establishment of a board of appeals which would be empowered to review any appeal, giving impartial consideration to the facts presented, arrange for an impartial hearing if the employee so desired, and make report with recommendation to the head of the department or independent establishment. Such a board, if desired, could also hear the appeals of nonveteran employees. If this recommendation is approved, the Executive order would need to be carefully drafted in order not to trespass upon the authority granted by law to the Personnel Classification Board with respect to passing upon efficiency ratings and dismissals from the service because of such ratings.

The foregoing recommendations may be accomplished without legislation and are, therefore, within what the committee conceives to be the limitations of your order of June 9, 1928.

The committee, however, has also given consideration to a matter which is closely related to the purpose outlined in the Executive order appointing the committee; that is, the employment of veterans outside of the Federal service. The existing law contemplates that the Department of Labor, with the cooperation of the United States Veterans' Bureau, will be charged with this responsibility. The committee is of the opinion, due principally to the fact that the United States Veterans' Bureau is in closer touch with the veterans generally, that the responsibility for the employment and retention in employment of veterans outside of the Federal service, should be placed in that bureau; and if it meets with your approval, legislation will be asked authorizing such policy and directing that the necessary appropriations are obtained to carry on such duties.

We have the honor to be very respectfully,

W. C. DEMING.
FRANK T. HINES.
JOHN THOMAS TAYLOR.
WILLIAM J. DONOVAN (absent).
HAMILTON FISH, JR., *Chairman.*

Hon. CALVIN COOLIDGE,
The White House, Washington, D. C.

A true copy.

A PARTIAL REPORT OF THE HEARINGS BEFORE THE PRESIDENT'S ADVISORY COMMITTEE ON VETERAN PREFERENCE

The following-named members of the committee were present at the meetings:

Hon. Hamilton Fish, jr., chairman; Gen. Frank T. Hines; G. H. Sweet, alternate for General Hines; Hon. W. C. Deming; W. C. Vipond, alternate; Col. John Thomas Taylor.

The meeting was called to order at 10 a. m., June 20, 1928, by the chairman, pursuant to the Executive order of June 9, 1928, which reads as follows:

"There is hereby created an advisory committee whose duty will be to study, analyze, and report upon the civil-service rules relating to the veterans' preference. Its main purpose will be to ascertain ways and means for making Government positions available for the disabled veterans.

"The committee is empowered to make a survey of the positions available in the executive branch of the Federal Government and to draft recommendations to be submitted to the President not later than December 1, 1928. The report of the committee should include advice as to what modifications, if any, should be made in the present Executive order relating to such veterans' preference.

"I hereby appoint as such advisory committee Hon. Hamilton Fish, jr., Member of the House of Representatives, chairman; Hon. William T. Deming, president Civil Service Commission; Brig. Gen. Frank T. Hines, Director Veterans' Bureau; Col. William J. Donovan, Assistant Attorney General; and Lieut. Col. John Thomas Taylor.

"The respective members of the committee are empowered to designate alternates to act for them whenever necessary.

"CALVIN COOLIDGE.

"THE WHITE HOUSE, *June 9, 1928.*"

The chairman spoke as follows:

"The committee will come to order pursuant to the Executive order which has just been read. It seems to me that this Executive order affords a tremendous opportunity for constructive work in behalf of the disabled soldiers. We all know that the Government has been liberal to the disabled soldiers; we have provided compensation, hospitalization, rehabilitation, and General Hines has done splendid work in behalf of our disabled; but I think we all have to admit that we have been somewhat derelict in providing positions in the Government service for our disabled veterans, which is even more important than compensation. It is no one's fault; it has been more or less overlooked. We are all liable to blame—Congress, the Civil Service Commission, the Veterans' Bureau—and now, 10 years after the armistice, we have an opportunity, through this Executive order, to make an extensive survey and to report to the President ways and means whereby the disabled soldiers can be brought into the Government service. I have traveled a great deal abroad and am familiar with the museums there, and found that nearly all of the guards and watchmen are disabled soldiers. Here I was informed by the personnel clerk in the National Museum that only one or two disabled soldiers of the World War out of more than 300 employees, 80 per cent of whom are watchmen, are employed, and obviously something is wrong. So I think if we go at this and give it the study and the hard work that is necessary, that we can develop a constructive program to enable disabled veterans to qualify for Government positions.

"I want to be sure of the cooperation of the committee, and would like to hear from the members individually.

"General HINES. It seems to me that it would be advisable, as a matter of procedure, that we first analyze exactly what preference is given to the disabled under the existing law and under the policies of the various departments. I have had prepared for me some data along that line, not only the effects of the Executive orders which are being carried out, but the policies of the several Government departments in that regard; and it might be helpful to the members of the committee if I had additional copies prepared and turned over to you. The bureau feels probably more than any other Government agency, possibly with the exception of the Civil Service Commission, that we have a very humane interest in this matter. We have been rather careful in trying to develop a policy within the bureau and getting the cooperation of other departments, and also private corporations. When a man is down and out his only recourse is to come to the bureau for more relief. I feel that any expenditure along that line would be more than justified. A study of the Executive orders and other data indicates that the service man has quite a preference. There are two groups of ex-service men, the disabled man, such as you have just mentioned. He can not carry on because the amount of compensation, even if he is rated permanently total, is not sufficient to maintain a man and his family. That man should be placed first on the list, and a suitable place of employment should be obtained for him so he can carry on. The able-bodied service man who feels, if he is the right type of citizen, that he should carry on just the same as the other citizen, that he is entitled to some consideration as he stood the test of having served his country, but you will find in that group the desire to be left alone. In that group, however, there is a certain small set that gets out of employment from time to time. They are becoming a problem in every community where they are. There should be not only a preference on the part of the Government but on the part of the general employer, and it makes for better citizenship if they are kept employed.

"Now, when we have taken care of those two classes we are sure we are on solid ground. There is one element that should not be lost sight of, and that is the feeling that because of this preference a service man can be inefficient. We must not permit to be worked into any policy of the Government the feeling that because he has been given preference he must not make good. The man not only jeopardizes the status of his honest coworker but he breaks down the morale of the whole establishment. I have listened to the various committees and to what all of them demand in the way of preference. Well, there's a reason for limited preference, but preference does not mean preference when it comes between a test for efficiency and inefficiency. I had a test case only recently in the bureau where the man felt simply because he was ex-service, regardless of length of service and efficiency, he should have preference. That was brought about because of a misunderstanding of the intent of the Executive order. We will find there is an opportunity for constructive work, and one of the very large elements is to make known what preference means.

"So far as cooperating, I will offer, not only my personal services but anything required so far as the bureau is concerned, to bring about the proper solution of this problem. I know the President is anxious that there should be a logical, sensible policy in dealing with the employment of service men. I have an idea, however, that he feels that we must not let preference lead them to believe that efficiency can be forgotten, and there is somewhat a tendency in that direction now, and I know the committee can correct it.

"I have copies of the Executive orders and the policy of the bureau, and I had the personnel division ask other departments informally what their policies were. They differ; there is some difference. The Bureau of Engraving and Printing seems to approach nearer the policy of the Veterans' Bureau than any of the others. At the outset they follow strictly the laws. Well, of course, to do full justice to the service men you probably have to follow the laws strictly, and yet you have to go beyond that, but you are not accomplishing the full intent. I believe you will find that the other departments, while they follow the Executive orders, lack something that we should instill, and that the real interest in these fellows is keeping them employed. That is my view of the situation.

"Mr. DEMING. As president of the Civil Service Commission, and speaking for the commission and staff, we are in sympathy with the general objects of the Executive order. We wish to participate actively in the consideration of the questions involved. It seems to me that first we should analyze the Executive order and simply determine just what is expected of us; second, to determine, so far as possible, what should be done; and, next, what can be done to meet the situation. I am impressed by General Hines's suggestion that it might be worth while to endeavor to interest private employers. It is quite probable that large employers would do more for the veteran in civil life if they gave more thought to it. Here is this great body of millions of men who went to war, a large number possibly needing jobs, some in this immediate community. Why should not the private business do its share as well as the Government? In connection with another committee, this thought has occurred to me: That the primary object of the Government does not provide a job for any individual; it is to transact the Government's business in the most efficient way. Incident to that we have apportionment. I know that our body is willing to go as far as the law and regulations allow in extending assistance to the veteran. In my work it is largely administrative, but I have not attempted to be the authority of the veterans' preference. We have many technicalities, and I have thought it worth while to select Mr. Kenneth Vipond, who is assistant chief examiner, and who has been with the commission a great many years, and, I think, is the best informed on the questions of veterans' preference. I brought Mr. Vipond with me to-day in order that he may be thoroughly in touch with the situation.

"Mr. TAYLOR. I do not think there is any question at all about the desire of the veterans' organizations to have efficiency the prime object so far as jobs is concerned. That has always been our attitude. We want that; but, as a matter of fact, we have had great difficulty with the various Government heads not only in getting the men jobs but in keeping them there, in preventing any reduction in salary. As a specific instance—and this is the thing I wish we could solve—there was a boy in the Treasury Department who had been working there before the war as an expert accountant. Along came the war, and he went away and was gone two years. He came back to the Treasury. I do not think the same job, but some job that suited him. Very small salary. He was married, two children, and was starting to buy himself a house on Fifteenth Street and Florida Avenue. When he came to see me he was getting $3,100 a year; he was buying a house and supporting two children. His wife also worked when they were first married. His rating right along was between 85 and 90 per cent. Suddenly he received notice from a man over there, not a service man, that he was to be transferred to New York City at an increase in salary of $100 a year. He could not move to New York City. He

went to see the head of the department and explained to him how we was buying a house, etc.; that he could not possibly live in New York and have his family here, and he would practically lose everything he put into his house, and he just did not know what to do, and his chief gave him the choice of quitting. That was the only alternative. He came to me and I went to see the chief, and it was perfectly obvious that he did not have much sympathy with the service men. In the same department were men working and their wives working, others whose husbands worked in other departments of the Government. It seems to me it would be a very simple matter to transfer one of those married women. His record was between 85 and 90 per cent. This particular month it was cut down to 78 per cent. I do not know how it is done. He claims that after 10 years' service he is better qualified, and here his rating was reduced to such a point that he had the choice of taking a transfer or getting out. He had to take the transfer. It was delayed a month, but he had to go. We are not empowered to go into a matter of that kind, but I have cases like that every week. What's the good of talking of getting a man a job if it means almost suicide for him—as that boy was on the verge of suicide—and his boss said to me, 'We are raising his salary.' That raise amounted to $100 a year, $8 a month, to live in New York. I wish we could help that kind of a problem."

The committee agreed to draw up a letter to be sent different departments of the Government asking for the number of employees, number of veterans, number of married women, etc.

(The committee adjourned at 11 o'clock to meet the following morning at 10 o'clock.)

The meeting was called to order at 10 o'clock by the chairman. The proposed letter to department heads was read by the chairman, and General Hines suggested that a copy of the Executive order be transmitted with it. Mr. Taylor made the motion that this letter be sent to all departments; seconded by Mr. Deming. The letter reads as follows:

"Pursuant to an Executive order issued recently by President Coolidge appointing an advisory committee to analyze and report upon the civil-service rules relating to veterans' preference, and to make a survey of the positions available in the executive branch of the Federal Government for the disabled veterans, I am writing to ask you to kindly furnish me with the following information:

"Total number of men employees in your department; total number of women employees; total number of veterans; total number of veterans of the Spanish War; total number of veterans of the World War; total number of disabled veterans; total number of disabled veterans of the Spanish War; total number of disabled veterans of the World War; number of wives and husbands in your department, including other members of the family, such as mothers, fathers, sons, and daughters; number of married women who have husbands in other executive branches of the Government; total number of employees under civil-service regulations; and total number of employees not under civil service.

"Thanking you in advance for this information, I am,

"Respectfully yours,

"HAMILTON FISH, Jr.,
"Chairman President's Advisory Committee
on Veterans' Preference,
"Washington, D. C.

"Attached inclosed copy of Executive order."

Mr. Paul J. McGahan, national executive committeeman of the American Legion of the District of Columbia, appeared before the committee and read the three resolutions adopted by the special convention of the District of Columbia Department of the American Legion, held at Washington, D. C., April 11 and 12, 1928, as follows:

"Whereas on July 11, 1919, the Congress of the United States passed an act (41 Stat. 37) which provides:

"'That hereafter in making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to wives of injured soldiers, sailors, and marines, who themselves are not qualified but whose wives are qualified to hold such positions'; and

"Whereas the Attorney General of the United States, on April 13, 1920 (32 Op. A. G. 174), at the instance and request of the United States Civil Service Commission and the President, construed said act and holding it mandatory upon the appointing officers of the Government to appoint to civil-service positions those preferred by said act, using, among other, the following language:

"'The preference given by that provision is a preference over all other persons who may be eligible to appointment. No exceptions are expressed and none can be read into this act. Its provisions are mandatory and must be strictly complied with. Your question must, therefore, be answered in the negative.'

"Whereas the Civil Service Commission under existing law has no power, either directory or mandatory, to supervise appointments of employees in the civil service of the United States; and

"Whereas the preference granted by the aforesaid act of Congress is rendered ineffective by Executive Order No. 3801 issued March 3, 1923, wherein the appointing officer is permitted to pass over the name of a veteran and appoint a nonveteran by placing his reasons in his own department for so doing: Now, therefore, be it

"*Resolved*, That the American Legion, Department of the District of Columbia, petition the President of the United States to issue an Executive order repealing Executive Order No. 3801, with instructions to the Civil Service Commission and executive departments and independent establishments of the Government situated in the District of Columbia and elsewhere to administer the act of Congress of July 11, 1919, in accordance with its intent as construed by the Attorney General as aforesaid; be it further

"*Resolved*, That copies of this resolution be forwarded to the national executive committee of the American Legion, the President of the United States, the Civil Service Commission, and to every ex-service man in the Congress of the United States; and be it further

"*Resolved*, That the national executive committeeman be, and he is hereby, instructed to present this resolution for consideration of the national executive committee of the American Legion and that he do his utmost to secure favorable action by the national executive committee and the national legislative committee of the American Legion."

The method used in making efficiency ratings was discussed by Mr. McGahan and General Hines.

Mr. Harlan Wood, chairman of the veterans' preference legislation committee of the American Legion, discussed the manner of selecting appointees from the civil service registers. Acts of Congress and opinions of the Attorney General on this point were read. Contended that the act of July 11, 1919, is still in existence, and the Executive Order No. 3801 nullifies this and substitutes therefor preference of 5 and 10 points without sufficient authority, and that at the present time veterans who have passed with a passing mark should be exhausted on the register before nonservice men are selected for appointment.

(Here Mr. Vipond, assisting Mr. Deming, furnished figures to the effect that for the last fiscal year there were 48,000 preference applicants and 197,000 nonpreference applicants; 9,947 preference applicants appointed and 28,000 nonpreference; one-fourth of the appointments were preference.)

Mr. J. F. Beattie, chairman of the veterans' preference committee of the Veterans of Foreign Wars of the District of Columbia, took the stand and discussed in detail the method of making efficiency ratings. He stated the only solution of this problem was the placing of the United States Bureau of Efficiency, United States Personnel Classification Board, and the United States Workmen's Compensation Commission under the Civil Service Commission, as these three agencies have to do with personnel functions.

(Meeting adjourned at 12 o'clock.)

The meeting was called to order at 10 o'clock by the chairman, Mr. FISH.

Mr. Rowan B. Tuley, of the Post Office Department, appeared before the committee and discussed the matter of appointments in his department, stressing the physical requirements necessary. The following figures were given covering appointments in the largest cities of the United States:

SUBCLERICAL

San Francisco, out of 100 appointees, 42 had preference.

Philadelphia (large industrial city), out of 100 appointees, 14 had preference.

Chicago, out of 100 appointees, 16 had preference.

St. Louis, out of 100 appointees, 23 had preference.

New York (largest clerical force maintained here), out of 100, only 2 had military preference.

General Hines asked the reason for the low percentage of veteran appointments in New York City. Mr. Tuley was unable to give the reason; stated there may have been a considerable number who failed to qualify, but the possibilities were that the veterans in that locality either have failed in the mental test or else they were more profitably employed.

Out of 40 subclerical substitutes in the post office in Washington, 30 had military preference, the largest percentage of any city in America.

Mr. Tuley gave the following outline of the positions in the Post Office Department for the period ending May 31 of this year:

Assistant postmasters	2,700
Clerks	69,851
City letter carriers	51,278
Village letter carriers	895
Watchmen, messengers, and laborers	4,539
Substitute clerks	11,500
Substitute letter carriers	10,900
Special delivery messengers (these are personal employees of the postmaster and are not civil service; paid on fee basis)	3,500
Motor-vehicle men	3,776
Substitutes	731

There are 15,200 clerks appointed locally by postmasters and paid the sum they choose to pay them within the limits allowed by the appropriation; sometimes they pay in excess from their own means. A

majority of women are employed because they can be secured for less pay.

Mr. Tuley, in response to the chairman's question, stated that as of May 31, the employees of the Post Office Department, civil service and noncivil service, numbered 229,447, not including 40,000 rural carriers.

The chairman requested Mr. Tuley to furnish, in writing, the number of subclerical appointments made in New York from the last few eligible lists, in order that a comparison might be made.

General Pershing appeared before the committee, and spoke as follows:

"I am, of course, in entire sympathy with the idea of giving preference to the veterans of our wars. I need hardly express myself, it may be taken for granted, that I would hold such a view as that, not only because of the fact that they are veterans and have served in wars, but because, as a rule, in my opinion, they are better equipped, all other things being equal, to perform such duties than would be the average man without the experience of actual military service. I am under the decided impression, however, that, although the law provides that preference should be given these men, it has not been done. There seems to be no agency or authority which could compel the heads of bureaus or departments to make selections from such a list of men, and while I have no statistics on the subject, I know there are a great many veterans who say it is difficult to get employment, and I have myself interceded in a number of cases."

"Mr. FISH. At the present time there is a preference law which has been nullified by Executive order, and it is ignored. The only preference that is given to the disabled and other soldiers is the 5 and 10 points. As a result, the disabled soldiers are not getting positions in the Government. Their physical requirements are against them. We want to get your views with reference to a disabled man, over 50 per cent disabled, who can not live on $50 a month, whether he should be taken care of in positions in the Government service. We would like to get your views as to preference to men who are badly disabled."

"General PERSHING. I think if they are otherwise qualified under the provisions of the law to perform the duties of the position, that naturally the man with the greatest degree of disability should be given preference. The point I am trying to bring out is that there is an impression among us that while in the examinations preference is given of 5 or 10 points, in the actual selection of men there is probably no direct or guiding authority to say that such and such a man should be employed. It is left to the discretion of the bureau chiefs, and they do not comply with the law, and it seems to me there is the weakness. If, perhaps, the Civil Service Commission could be given authority to say you must take this man and that man, some one then would be placed in authority. It would do the justice to the disabled soldier that we would like to see done."

"Mr. DEMING. In your visits to foreign countries, have you had occasion to note how they treat the disabled soldier?"

"General PERSHING. I know something of what is being done in France. They have given preference there, and while we know how many disabled men there are in France, you rarely see one around on the street in want, and I know, without being able to give you the percentage, they are given a very great preference wherever it is possible. More so than with us."

"General HINES. I talked with the Governor of Pensions on that point and he told me that 80 per cent of the employees in his bureau were ex-service and veterans, and that is exceedingly high. I think the Veterans' Bureau would run pretty close to 70 per cent. I would like to ask you, General, this one question. This problem is divided into three steps, first, placing the veteran on the eligible list; second, the selection for appointment and then the preference to be given when he is in the department, or in the Government service, for promotion and that sort of thing. I wonder if you had formed any ideas as to how this preference could be given."

"General PERSHING. I had not given the matter any particular thought, but I think the minute the man is on the list, he should have first preference."

"General HINES. Would it be your idea that he head the list, and that all veterans be taken care of before nonveterans are appointed. They are rated from 100 to 60. It has been suggested that all the veterans be put at the top of the list, even the man who gets the lowest mark in any examination, and I imagine those positions change as you give new examinations; that appointments be made following the list from top to bottom, but in no case take a nonveteran until the list of veterans has been exhausted?"

"General PERSHING. I hardly know how to answer that. Of course, we would all like to see the veteran given preference; but there might be some positions which would require a very high technical knowledge for which you might not find a veteran qualified. It might not be entirely fair to put them all at the top of the list."

"Mr. TAYLOR. If he was not qualified, he would not have passed the examination."

"General PERSHING. Suppose I would want a very efficient person for this job, and I would prefer to have a man with 100 per cent than a man with 60 per cent. I should think there would be some way of equalizing that without being radical in one direction or other, and to distribute that in a list by some rule which would be fair to all."

"General HINES. I think you will find from experience that the man with the rating of 100 per cent is not the best qualified."

"General PERSHING. As I understand it, you have a probationary period anyhow, and it might be entirely safe with that understanding to place a veteran regardless of their relative rating; and if they do not make good, it could be determined at the expiration of the probationary period."

"Mr. TAYLOR. In 1919 Congress inaugurated a law for that very thing, but subsequently an Executive order was issued which in effect nullified that. The Executive order grants 5 and 10 points."

"Mr. FISH. As a matter of fact, it has been developed here that prior to the war, all veterans were given absolute preference when they qualified. To-day that is not the case at all."

"General PERSHING. You can see that this law might work to the disadvantage of the veteran and he might not have a show. The man with the mark of 100 is not always the most efficient person. I would like to say another word. I am only speaking as it comes to me, as I have not had occasion to give the matter any thought; but with your probationary provision, I should think it would be entirely safe to put all veterans at the top of the list, particularly disabled veterans."

"Mr. FISH. The Government has been fairly liberal to the able-bodied veteran and it has been developed here that 25 per cent of appointments are veterans, but there is great difficulty regarding the disabled. Can you make out any suggestion as to how we can find out how foreign governments are taking care of their disabled?"

"General PERSHING. The War Department could get it rather than the State Department."

"General HINES. We probably could get it from our agencies, but, of course, we deal mostly through the State Department. The War Department may have something on file."

"General PERSHING. It being essentially closely related to the military, it would appear that they could readily get the data, as they are interested."

"Mr. FISH. It is really a part of the military."

"Mr. TAYLOR. Our War Department has never interested itself in it, in the civilian soldier after his return, has it? That is, as far as his employment is concerned."

"General PERSHING. As far as authority is given, preference is given to the old soldier. That has been the practice in the past."

"Mr. TAYLOR. You mean retired?"

"General PERSHING. Retired or disabled. They are given consideration by officers if they have anything to say about it. I am not posted in the matter, but in closing would like to emphasize what I have said—that I am very strong in the belief and in the hope that something more may be done for the disabled veteran than has been done so far."

"Mr. FISH. You have been to the Louvre in Paris and seen the guards there. Down here at the Smithsonian and National Museum 80 per cent are guards, and out of more than 300 employees only 1 or 2 are disabled veterans."

"General PERSHING. That emphasizes the point that rather appeals to me—that there should be some central agency with interest in the matter with authority to say to bureau chiefs you must take this man."

"General HINES. You use the term 'bureau chiefs'; you mean 'bureau heads'?"

"General PERSHING. Yes. We all know that regardless of the civil-service rules and all that sort of thing, Senators and Representatives say they would like to have so-and-so appointed."

"Mr. DEMING. His name must be on a list of three."

"General PERSHING. May not be in theory."

Admiral Hughes, Chief, Bureau of Yards and Docks, Navy Department, took the stand and stated that in the Navy Department the veteran is given so much preference that sometimes it lowers the efficiency of the office.

Mr. Curtis, chief clerk, Navy Department, stated it is the intention of the Navy Department that the veteran have preference, that efficiency being equal the preference is most decided. The Navy Department has a high degree of efficiency.

Lieut. Col. U. S. Grant, 3d, in charge of public buildings and parks, took the stand, and in response to the chairman's request for information regarding the employment of retired noncommissioned officers of the Regular Army as guards, watchmen, etc., spoke as follows:

"We are maintaining and operating the Federal buildings over considerable increase in salary paid and increase in fuel for less per square foot than before the war. That could not be done unless we had a very efficient organization, unless we had built up and also reduced the number of employees to the minimum. The guards are one of the lowest-paid people and yet we get many of them. Quite a number are on the retired list of the Army. General Pershing made the suggestion that one way of accomplishing this purpose would be to make the disabled veteran certified by the Veterans' Bureau and whose record has been established by the Civil Service Commission—that is, not just anyone who comes in and says he is disabled—but if the person who was certified by the Veterans' Bureau and the commission as coming under the head of a disabled veteran could be appointed to a position regardless of his place on the list, perhaps not required that he should be appointed, as he may not be particularly fitted for the special position, if he could

be appointed I am sure the situation would change. As it is now we can not appoint him unless he is one of three certified by the commission, unless his examination mark, plus his 10 or 15 points of preference, puts him ahead of the other people."

"Mr. DEMING. You would not distribute the certificate?"

"Colonel GRANT. My idea was that the commission would certify to us three men who are at the top of the list of eligibles, and then three men who are on the list of preference, then let the administrative officer be required to pick out the preference man unless there was some reason for not doing so."

"General HINES. You limit that to the disabled man?"

"Colonel GRANT. Yes. It is not my understanding that the present system is working unsatisfactorily to the able-bodied man. I do not know the law as it stands would apply to that, but it seems to me the Government's obligation is greater to the man who is disabled. The moral obligation of the Government is quite different."

"Mr. DEMING. You think we should find some system where some special consideration could be given the disabled?"

"Colonel GRANT. Yes."

"Mr. FISH. The Civil Service Commission has informed me that at least 25 per cent of all appointments are veteran, and we can not ask much more than that."

"Colonel GRANT. I believe that preference for the disabled veteran could be given in the same manner as the Executive order which gives preference to our guard force of retired men."

"Mr. FISH. How many of these are veterans of the World War?"

"Colonel GRANT. I do not quite know, as I was not sure what the substance of this hearing was going to be."

"Mr. FISH. Do you know how many disabled soldiers?"

"Colonel GRANT. I can give you that: 353 guards to date; 263 have some sort of military preference and 87 no preference; 15 of this 87 come from the retired men of the police and fire departments who have no military preference. The guards have been getting $85 a month when they start, and there is an increase of $5 in three steps, but it is very gradual. A small percentage get that increase, about half. Under the Executive order of March 9, 1925, 143 are now on the force. My impression is they get about $50 a month retirement pay."

"Mr. FISH. What is the character of the veterans who have military service?"

"Colonel GRANT. Most satisfactory. They are particularly fitted for filling the position of guard. I feel that if you are going to put the disabled man at the head of the list, it should not be without any alternative to the appointing officer; that he should still be allowed to select the man more suitable to the job. Retired men are fitted for the position of guard, but, on the other hand, it is not suited to a disabled man. One of the main features in that reduction has been the changing of the character of the duties of the guard. Formerly we had at every main entrance of the building two guards. Some of the least important entrances had one guard. One of these guards was supposed part of the time to patrol the building, but some one had to be at each door all the time. That had its use during the war, but we have found since that that could be done away with, and now we have one man at the main entrance and then have a certain number of men patrolling the building. I think that that has increased the efficiency and the protection against fire, which in our temporary buildings is the main danger. The man who has been seriously injured can not carry on a 2-hour constant patrol. The question arises whether that can be overlooked. There are practically no positions on our guard force in which a man is not required to do a lot of walking up and down stairs. In case of fire the guard has to handle the hose and fire extinguisher, 40 or 50 pounds, and they are quite heavy; you can see a disabled man could not handle that. The physical condition of the man is quite important."

"Mr. FISH. The man who has lost one arm is apt to be in good physical condition."

"Mr. DEMING. You would not recommend a modification of the Executive order that would eliminate these retired veterans?"

"Colonel GRANT. No, sir; I think they are most valuable, and as a result we get very good service at a minimum cost to the Government. The order could be amended to make the veteran who has had over a certain amount of service come in under which the veteran with a certain disability could be appointed."

Mr. Curtis agreed with Colonel Grant's suggestion that disabled veterans head the eligible list.

(Meeting adjourned until 10 o'clock, June 27, 1928.)

The meeting was called to order by the chairman at 10 o'clock; proposed letter to the Secretary of State requesting that a special circular letter be addressed to each ambassador and minister for information relative to the action taken by foreign governments in taking care of veterans was read by the chairman. The letter reads as follows:

The honorable the SECRETARY OF STATE,
Washington, D. C.

SIR: I have the honor to invite your attention to an Executive order, copy inclosed, issued under date of June 9, 1928, by the President of the United States, creating an advisory committee whose duties will be to study, analyze, and report upon the civil-service rules relating to veterans' preference. Its main purpose will be to ascertain ways and means for making Government positions available for the disabled veterans.

It has been deemed advisable by the committee to enlist the good offices of your department with the view of ascertaining what methods are now in use by Great Britain, France, Italy, Germany, Canada, and Belgium relating to veterans' preference.

May I, therefore, on behalf of the committee, request that you will cause to be issued a special circular letter addressed to each ambassador and minister of this Government resident abroad, with specific instructions to make immediate contact, through proper channels, with such governments to secure all available information as to what steps are being taken looking to the furnishing of positions for unemployed World War veterans through civil-service preference, and particularly what preferences are given the disabled veterans to enable them to obtain employment in government service and if any special positions, such as guards in public buildings or museums, are made available for veterans or disabled veterans? The number of veterans appointed since the signing of the armistice is also desired.

Respectfully yours,

HAMILTON FISH, Jr.,
Chairman President's Advisory Committee on Veterans' Preference,
Washington, D. C.

Maj. Gen. John A. Lejeune, commandant United States Marine Corps, appeared before the committee and stated, in his opinion, Congress has been very liberal in enacting legislation for the benefit of ex-service men, but that it was the duty of the Government to find employment for men disabled in the service. General Lejeune stated that while there are several beneficial laws and regulations and civil-service rules granting preference, it does not care for a large class. He stated he had no concrete proposition to offer except that the methods of employing disabled men in the Government service should be liberalized. Agreed with the chairman's suggestion that additional preference should be given to the badly disabled soldier—i. e., those about 40 per cent; stated the Government owes a moral obligation to the badly disabled soldier; and that it would be better, in his opinion, to give him a job rather than compensation, as it increases his self-respect. Every disabled soldier should be placed in the Government service when he can do the work efficiently; of course, General Lejeune stated, we can not afford to ignore efficiency.

The Secretary of Labor, John J. Davis, appeared before the committee and made the following statement:

"We have directed, Mr. Chairman, the Director General of Employment to make every effort to secure positions, not only in the Government but with private concerns, for these disabled men, and also the chairman of the Federal Board for Vocational Training for the rehabilitation of the men in industry to try to get them positions. I have very strong convictions on it myself, and I have prepared something I would like to read to you. I want to urge the appointment of disabled men to positions in the Government service wherever they may be qualified. There are thousands of positions in the Government service which the disabled soldiers are well qualified to fill. Our people have given innumerable pledges to the effect that nothing was too good for them. In the foreign countries disabled veterans are found in government buildings in large numbers. I find them also in the private corporations; in the first-class hotels the disabled men are the ones that are operating the hotels. These disabled veterans are very good to be about, as they are reliable and trustworthy and are safe to have about the business.

"As I traveled around inspecting factories—and I did it from the Russian frontier to the north of Scotland—I found the pride of the management of that particular factory was when he pointed out and said we are caring for these men after the war with a great deal of pleasure, as we recognize the service and our promise to them before they entered the service. I urge that additional preference be granted by the civil service to badly disabled—for example, 50 per cent or above—and that every legitimate effort be made to give them positions. We should not use the "sob-sister" plan of giving them work. We should give them to understand when they take these positions they are assuming responsibilities, and emphasize to them that they must carry on the work and do it well. If we go and extend too much sympathy they think that is just what they are there for, and if we could get in the minds of the large employers that they can do the work they would be very glad to give them positions. I am very strong for the disabled man; I am for the soldier now in peace as I was in war, and we should keep all of the promises that we made."

Mr. Fish stated he would ask the committee to get up a letter calling the attention of the big employers of labor and ask them to give further consideration to the disabled men looking for work.

Mr. Davis continued:

"You should get sufficient appropriations from Congress to get one man who would specialize in this work. The President recommended an additional appropriation of $20,000 for the Employment Service, and it was agreed to in the Senate but failed in the House, and I am sure if we do that and put some real man on there that did not do anything but specialize—and not only in the Government but in private industries—we could get the disabled men jobs."

In response to the question of Mr. Edward McE. Lewis (alternate for Colonel Taylor), Secretary Davis stated he did not think the foreign countries give more benefits to their former soldiers than the industries in this country; further stated the foreign manufacturer is no different from our own; in fact, ours are friendlier; the employers of labor in this country are giving preference and some are taking back their former employees; the only difference between Europe and the United States looking after their disabled soldiers is that they are organized on the other side and we are not; Secretary Davis stated you will find a ready response from the manufacturers and the employers of this country if we get organized.

Efficiency is always kept in mind; Secretary Davis does not think the veteran himself wants a job just to get sympathy, but he wants to render service, and we must give him to understand that he must render service.

Mr. Taylor, representing the Smithsonian Institution and the National Museum, appeared before the committee and was asked how appointments were made in these institutions; was advised it was the understanding of the committee that there are 368 employees, 80 per cent of whom are guards, watchmen, etc., and that only two or three are disabled veterans of the war.

Mr. Taylor stated the committee had been misinformed; that out of 368 employees, 75 are veterans, and 80 per cent of these veterans are watchmen and laborers. Stated they follow the prescribed rules of the civil service in making appointments; that they have exhibits, collections, and things that are worth untold millions of dollars, and it is necessary to have the right kind of men to guard them; they always help the veteran if he can comply with regulations, but it is necessary to have able-bodied men. Three disabled men are employed; rendering efficient service, as far as it can be ascertained; 14 or 15 served in the Spanish war, 50 in the World War, 7 served in both.

Mr. Taylor was requested by the chairman to submit in writing just what positions could be made available for disabled soldiers.

Mr. Edwin S. Bettelheim, jr., chairman national legislative committee, Veterans of Foreign Wars, read a carefully prepared and comprehensive statement to the committee.

Mr. Harry Crews, representative of the Veterans' Association of Federal Employees, Brooklyn Navy Yard, Brooklyn, N. Y., appeared before the committee and discussed the method of efficiency ratings with particular reference to the "juggling" of ratings and cited specific instances in which employees were done an injustice. Suggested that in cases where a man's rating is slashed his superior officer be consulted with first, so he could have a chance to defend the man. Was advised by the chairman that the committee would endeavor to work something constructive along these lines, so that when a veteran is reduced he can go to some one and have his case reviewed, as is done in the Veterans' Bureau, where General Hines has established advisory boards.

Mr. Joseph F. Beattle, past former commander of the Veterans of Foreign Wars, appeared before the board and stated he was in absolute accord with the recommendations of Mr. Harlan Wood, and that he would submit his recommendations in writing; stated he was interested in the preference in rating and that, in his opinion, the one disadvantage in the rating of personnel is the 82.5 basis.

Mr. Harlan Wood again took the stand and discussed retention preference and the method of effecting efficiency ratings; stated such ratings are produced to a point to conform to the general average clause in the appropriation act rather than to mark as a matter of fact what the relative rating is; urged the abolishment of the United States Bureau of Efficiency, United States Personnel Classification Board, and the United States Employees' Compensation Commission and the transfer of these functions to the Civil Service Commission. Stated the elimination of the Bureau of Efficiency will cure all ills and save the American people thousands of dollars; set forth the primary and fundamental functions of these agencies, all of which are performing a personnel function; discussed the action of the Public Printer in releasing ex-service employees without notice in March, 1925; stated rating clerks in the Government departments in some instances do not understand veteran preference, one having told an ex-service employee he was entitled to five points preference in his efficiency rating.

(Meeting adjourned until 10 o'clock June 28, 1928.)

The meeting was called to order by the chairman at 10 o'clock.

Mr. James G. Yaden, commander of the Spanish-American War Veterans of the District of Columbia, appeared before the committee and urged that the same preference that is granted to veterans for admission to examination be granted to veterans in connection with promotions and transfer where an examination is required. Under the rules as they now exist, Mr. Yaden stated, the commissioners hold they are without authority to grant the 5 and 10 points in an examination involving a promotion or transfer. Mr. Vipond stated the civil-service rules provide for 5 and 10 points for entrance positions. The chairman stated the Civil Service Commission has complied with the regulations, but whether they could go further, he did not know; it was the duty of the committee to advise on questions of this kind. Mr. Yaden also urged that the same preference that is granted on entrance into service be taken into consideration, and this should be mandatory in any reduction in force or any dismissal whatever.

Mr. C. D. Bray, chief clerk, Alien Property Custodian, appeared before the committee and stated that 55 of their employees are under civil service and paying into the retirement fund; 130 noncivil service. Was requested to make an estimate as to the number of positions that could be filled by disabled soldiers.

Capt. W. L. Mattocks, representing the national legislative committee of the Spanish-American War Veterans, appeared before the committee and stated that he had many complaints regarding efficiency ratings, and recommended the creation of a board of appeals beyond the hiring and discharging authority of the department, an independent body, where the employee would have a chance to state his case whenever he felt he was not being treated fairly. Stated all Spanish War veterans have reached an age beyond 50, and when these men who have been with the Government over 20 years are let out in a reduction in force they may as well jump in the river so far as finding jobs is concerned; stated that in a reduction in force consideration should be given to those who have been in the service a long time.

Miss Mary McNally, secretary National Federation of Federal Employees, appeared before the committee and stated the greatest need in the Government service is the establishment of a fact-finding commission, which would have all information regarding each employee, their service in various wars, salaries, promotions, etc. This would be of value to the committee now and it would not be necessary to write out for it. It should be kept for all commissions who wish to investigate the Government service from any point of view.

Miss McNally further stated the federation always has complaints about the reduction in efficiency ratings, and stated there should be some place where an employee could go as soon as his rating drops to find out the reason for it. Stated the department should have the first chance to correct any inequality; while the present system is good, the administration is not so good; suggested an efficiency rating board within the department, and that employees be rated only in competition with others in their immediate unit, and that final review be made outside the department.

Miss McNally said the committee should find places for veterans and should investigate the tendency to place enlisted men in civilian positions and that this condition is growing; has found very little feeling between the nonpreference civil-service employee and the war veteran, but there is a great deal for those who worked at a desk during the war just as the civil-service employee without preference; also a feeling against the retired veteran drawing his pension coming back into civilian position.

Regarding the employment of whole families in the Government service, Miss McNally stated she thinks it is very unwise; has frequently found that they are not in the same family within the meaning of the law; many criticisms received, particularly during a reduction in force, developed that while they belong in the same family, they were not living under the same roof; thinks the regulation as it is now is ample; that is, not more than two in a family and a family is defined as those living under the same roof and contributing to household expenses.

The chairman requested the committee to authorize him to hold hearings in New York in regard to the Emergency Fleet Corporation, which does not come under civil service; also to hold hearings at West Point to find out the conditions there. Motion made by Mr. Lewis; seconded by Mr. Deming.

Mr. L. C. O'Brien, assistant secretary, Farm Loan Board, appeared before the committee, and stated they have approximately 80 men in the field and approximately 30 in Washington. Of the Washington force, the balance are women and most of those are stenographers and typists; only four clerical positions in Washington, and these are in the file room and are exclusively female at this time; six messengers, who have been with the board for years; some are veterans; some are wounded, but it is not known if they are drawing pensions; one disabled, not known whether he gets a pension; most of positions filled by specialists. Personnel of Farm Loan Board is exempt specifically from the operation of the civil service act by the Federal farm act. Preference is always given to ex-service men and all recent appointments have been ex-service. Force has increased from 61 to 106, but it may be possible to release some when the work falls down.

Mr. J. E. Harper, chief, division of appointments, Treasury Department, stated the Treasury Department is one of the largest departments, having between 14,000 and 15,000 employees in Washington and more than 30,000 in the field throughout the United States. In Washington, with a force of that size, Mr. Harper stated, there must be a great many positions that could be filled by disabled men; that is, a man without a leg, such as bookkeepers, general clerical work, auditors, etc. Has been policy of the chief clerk to select for the guard force men with military experience. It is necessary for the guards to be active men. They have very few places where a man could sit all day long. Deputy collectors of internal revenue are the only positions that are excepted from civil service, outside of Farm Loan Bureau, the Secretary, Assistant Secretary, and their secretaries.

The chairman suggested that an order be issued to the prohibition administrators throughout the country that in dropping employees in a reduction of force, in releasing men who have not qualified under civil

service, they retain those veterans whose marks are 55 or above, to give them a chance in case something develops.

Mr. Harper stated that while the Treasury Department has had large reductions in force, he did not recall that any person with military preference has lost his job as a result of the reduction.

The chairman cited a case of a man who would shortly appear before the committee, William R. Clements; has qualified under civil service and has been consistently refused appointment because he has arrested tuberculosis; Mr. Harper was asked if that would be held against him in the Treasury Department; stated it would not personally, but he could not say whether the man at the head of the activity would take that into consideration; further stated that in connection with all appointments, reinstatements, etc., a person must go to the public health dispensary and get a medical certificate by examination and such examination is never questioned; does not believe the Treasury Department would hold arrested tuberculosis against a person.

Mr. E. J. Skidmore, personnel officer of the Shipping Board and Fleet Corporation, appeared before the board and stated he believed his report to the committee would show a good percentage of veterans, a number disabled. When he was first appointed the force numbered 15,000 and at the present time there are only 3,800. In the reduction of force, some veterans had to be released, but they are given preference. There are 835 employees on the pay roll of the Emergency Fleet Corporation, some being men trained by the Veterans' Bureau after the war.

Mr. William R. Clements appeared before the committee and told of his inability to secure a position on account of the fact that he has arrested tuberculosis; was rehabilitated by the Veterans' Bureau as typewriter repairman, and passed the civil-service examination for this position; has only held temporary position of three months with Quartermaster Department; also employed by Office of Public Buildings and Parks in several capacities; but work was too strenuous; chairman suggested that he see Mr. Sweet and Mr. Vipond to get his case straightened out; chairman wanted the committee to know the man was turned down on account of arrested tuberculosis; Mr. Deming suggested the Government should have a coordinating employment agency to hear such cases.

The chairman asked the committee to empower him to investigate the post-office department in New York with regard to veterans' preference in New York City; motion made by Mr. Lewis; seconded by Mr. Deming.

Proposed letter to large employers of labor in the United States was read, as follows:

"GENTLEMEN: I desire to call your personal attention, and the attention of your corporation, to a matter of importance—the employment of the ex-soldiers of the World War, who were in some way handicapped by their military service so that they could not "carry on" in their pre-war occupation, and for whom there has been no armistice.

"The United States Veterans' Bureau has trained approximately 100,000 of these veterans. When the Veterans' Bureau 'rehabilitated' them, it pronounced them capable of 'carrying on' the duties of the employment objective for which they were trained.

"The Government, after rehabilitating these men, both vocationally and physically, calls upon industry to take them into employment and to do the part of good citizenship in helping the country as a whole to do its full share in standing back of the men who 'offered their all' for the cause of right and their country's welfare.

"Most of the European countries have seen fit to impose upon industry definite obligations in regard to the employment of their ex-service men, and especially the disabled ones. This obligation has generally taken the form of urging that every business establishment shall show a certain percentage of ex-soldier help.

"The United States Government, through veterans' preference, is trying to find positions for which disabled veterans are qualified in the Government service. I am writing to ask if it will not be possible for your corporation, in its large turnover of personnel each year, to utilize a certain number of these men, and in that way aid the Government to assist them to again stand on their own feet.

"The advisory committee appointed by President Coolidge has no desire to ask any corporation to place men who are not efficient and able to perform good work. I am sure you appreciate the importance of obtaining the cooperation and assistance of the large industrial companies in the United States in placing our war veterans, and more particularly our disabled veterans.

"Will you please write me your views on this matter and any suggestions you might care to submit?

"Yours very truly,

"HAMILTON FISH, Jr.,
"Chairman President's Advisory Committee on "Veterans' Preference."

Motion made by Mr. Lewis that letter be sent out; seconded by Mr. FISH.

The chairman thanked the members of the committee for their attention, attendance, and earnest cooperation.

(Meeting adjourned until a date to be announced later.)

The committee resumed its hearings on November 13, 1928. Meeting called to order at 10 o'clock by the chairman.

The committee discussed the subjects presented to them for study, namely, veterans' preference, by General Hines, including the question of an appeal board both within and without the department, question of rating and retention (General Hines's report to chairman is attached); Mr. Deming, question of disability preference; and Mr. Taylor, question of consolidation of different bureaus under Civil Service Commission, promotion, transfer, and the question of advisability of a special officer to handle employment.

The committee discussed the chart indicating the number and percentage of men and women employees in all departments and bureaus in Washington, number and percentage of veterans, number of veterans of Spanish and World War, number and percentage of disabled veterans, number of disabled veterans of Spanish and World War, number and percentage of wives, husbands, and other members of family in Government service, number and percentage of married women with husbands in Government service, total number of civil-service employees.

Mr. William L. Thomas, commander of Equality Walter Reed Post of the Veterans of Foreign Wars, stated conditions in the bureau were generally good; concurred in the view that most ills are due to the 82.5 average in efficiency ratings; discussed the method of computing same; stated the law regarding the selection of ex-service men before non-service is not generally adhered to; stated there should be some sort of a set-up to see if problem cases could not be taken care of.

Mr. Young, an ex-captain of the Army, who has been in the Government service for more than 30 years, now employed with the Personnel Classification Board, appeared before the committee and urged a clearing house so that service men could find employment. Cited his own case, and several other instances where service men walked the streets for many weeks seeking employment.

Capt. Thomas Kirby, of the Disabled American Veterans, appeared before the committee and stated the recommendations submitted by him in writing were based on the experience that all of the legislation affecting veterans is necessarily progressing, and he would not want the statements to be considered as the limit of what they would do. The recommendations affect the examination, appointment, promotion, and retention, and each one is important in itself. Captain Kirby stated he felt the committee's attitude is not only to go into the examination, but appointment, promotion, and retention in service.

Regarding the establishment of an employment agency, Captain Kirby stated he thought it should be a combination of the Department of Labor on the theory that they have more expert help to staff it, and the officers should be in the regional offices of the Veterans' Bureau on the theory that the natural contact of the veterans is with the Veterans' Bureau. He stated he thought the responsibility should be vested with the Veterans' Bureau. Regarding the division of responsibility, Captain Kirby was perfectly willing to leave that to the judgment of the director as he is more familiar with the administrative proposition. He thought of bringing Labor into it, as they are better staffed, but the great danger would be split authority. Responsibility should be with the director on the theory that this is a continuation of the rehabilitation program.

The director, General Hines, referred to that section of the World War act pertaining to the placement of rehabilitated persons in suitable and gainful occupations with the approval of the Department of Labor. General Hines stated he felt it should be suggested to Congress that that be changed to read something like this: In the placement of veterans in suitable and gainful occupations, the Secretary of Labor is authorized and directed to cooperate with the Director of the United States Veterans' Bureau.

Captain Kirby stated this would probably bring the response from Congress regarding an appropriation, but General Hines replied that we have not asked for it. The responsibility for the job should be definitely put into the Veterans' Bureau, as men naturally come here and not to the Department of Labor; and the just argument to Congress is the argument that a man out of employment seeks the bureau for hospitalization. If you keep him employed, you will have less effort in that direction, General Hines stated, particularly in getting in the hospitals where they are not so sick as to have hospital care. Captain Kirby stated that $100,000 would be more than repaid by the point brought out by the director.

Regarding the right of appeal of a man who is one of three on the register and is not selected for appointment, Captain Kirby stated he should be given a written reason and time in which to make reply; he further stated that when the civil-service registers are exhausted and the department is authorized to hold an examination within its own force for promotion, the man should be allowed the 5 and 10 point preference. Mr. Vipond advised that this preference is granted in original appointment only.

Double teaming in the departments was discussed. Captain Kirby advocated a maximum salary to be received by husband and wife; General Hines read General Order, No. 265 J, issued in his department, which has reference to the employment of members of the same family; Captain Kirby stated that employees should be dropped in instances where married women are masquerading as single, as they are falsifying public records.

Col. Rice W. Means, representing the United Spanish War Veterans, appeared before the committee and stated the fixing of an age limit by the industries of the country and by the Government is affecting the employment of Spanish War veterans, the majority of whom are over 50 years of age; recommended the issuance of an Executive order calling the attention of department heads to the fact that veterans are refused employment and discharged because of an arbitrary age limit, and that the practice should cease; further recommended that Congress express itself on this question, as it will eventually reach the World War veteran.

Table showing the percentage of veterans appointed to positions in the competitive classified service for the fiscal years indicated:

Veterans appointed

Fiscal year—	Per cent
1920	14
1921	14
1922	30
1923	34
1924	25. 9
1925	23. 3
1926	21. 6
1927	25. 65
1928	24. 3

Veterans entitled to preference constitute probably not exceeding 6 per cent of the population of the United States. They are furnishing 19 to 21 per cent of the number of applicants for civil-service examinations and are receiving the percentage of appointments shown above.

The chairman thanked the members of the committee for their loyal support and stated he was more than pleased with the results of their work.

The committee agreed to submit the report to the President for consideration and arrange for a meeting with him at a later date.

(Report submitted to the President on November 19 and meeting arranged for 11.30 a. m. Monday, November 26, 1928.)

SUPPLEMENTARY REPORT

NOVEMBER 27, 1928.

MY DEAR MR. PRESIDENT: The advisory committee appointed under Executive order of June 9, 1928, to study, analyze, and report on civil-service rules relating to veteran preference has the honor to supplement the report on November 19, 1928.

As stated in that report, the committee, in giving careful consideration to the existing laws, civil-service rules, and the policy of the several Government departments and bureaus dealing with the question of veteran preference, held a number of public hearings. At these hearings the question of the retention of certain prohibition agents, inspectors, and investigators in the Prohibition Unit of the Treasury Department until such time as the result of the civil-service examination for these positions is known was brought to the attention of the committee.

After giving the matter serious consideration, the committee recommends that an Executive order be issued as follows:

"Until the ratings have been completed of the civil-service examination closing November 20, 1928, for positions of prohibition agent, the Secretary of the Treasury is hereby authorized, in his discretion, to continue under temporary appointment those prohibition agents, inspectors, and investigators (1) who have applied for such examination, (2) who have been employed with clear records for at least two years in the prohibition service, and (3) who are entitled to military preference.

"Reinstatement may be made, in the discretion of the Secretary of the Treasury, of any preference employee herein described who was dropped from the prohibition service, without charges, subsequent to August 16, 1928."

We have the honor to be, very respectfully,

HAMILTON FISH, Jr., *Chairman.*
FRANK T. HINES.
JOHN THOMAS TAYLOR.

Hon. CALVIN COOLIDGE,
The White House, Washington, D. C.

OUR RELATIONS WITH THE REPUBLIC OF CHINA

Mr. PORTER. Mr. Speaker, it has at times been charged that the United States has not a defined and sustained foreign policy. This charge, to my mind, is without foundation. Certainly it is not true as regards dealings during recent years with the great Republic of China. Since the time, three-quarters of a century ago, when the western nations began formal international relations with China, the United States has sought to render, and has been successful in rendering, justice to China. Our country has indeed participated in the enjoyment of special rights wrested from China by other powers. Not to have done this would have been to place Americans and American trade at a great disadvantage in China without at all benefiting China. But never has the United States taken the lead in exacting concessions from that militarily helpless country. Upon the contrary, when opportunity has offered, the United States has sought to moderate the predatory demands of the other powers. Especially has this been so since the time of John Hay, when the United States became the chief agent in securing the adoption of the principle of the "open door" in China, and the prevention of the so-called "spheres of interest" from ripening into spheres of control, which might have meant the break-up of China, and, for all practical purposes, the partitioning of much of her territory among Japan and certain of the European powers.

At the time of the Boxer troubles the United States sought to moderate the excessive financial demands made by the aggrieved powers upon China. At the time of the making, in 1915, of the "twenty-one demands" by Japan upon China, the United States did what it could to aid China by sending a strong note to Japan, and never has it recognized that there was justification for the Sino-Japanese treaties which resulted from the ultimatum issued by Japan to China as a sequel to those demands.

But particularly during the last eight years has the United States demonstrated its good will toward China. By successive affirmative acts it has given its aid to that country in its efforts to obtain release from the treaty limitations that have unjustly restrained its freedom of sovereign action. And I am proud to say that in the promotion of this enlightened policy by the United States your Committee on Foreign Affairs has given all the assistance that has been within its power.

The results of the Washington conference of 1921–22, so far as China is concerned, are so well known to you that I scarcely need to review them—the termination of the Anglo-Japanese alliance, the surrender by the powers of all claims to spheres of interest in China, the clearer definition and formal treaty acceptance by the powers of the principle of the "open door" in China, the solemn pledges by the powers contained in the Root resolutions embodied in the 9-power treaty as to the manner in which in the future the powers were to deal with China, the return by Japan to China of the control of the great Province of Shantung, the birthplace of Confucius, the permission to China to increase her duties on foreign imports, and other agreements with regard to the stationing of foreign troops in China, and to wireless and cable communications with China.

Since the Washington conference the United States has continued to show its good will toward China. In 1923 I had the honor to introduce a resolution in the Congress for the remission of the balance of the Boxer indemnity, a resolution which on May 21, 1924, became a law.

The funds remitted by this resolution and the prior one of 1907 were allocated by China to the education of Chinese students in American colleges. Many of the officials of the Republic of China to-day are graduates of American institutions of learning. These graduates have an intimate knowledge of American institutions and ideals, which leads to that close understanding by each nation of the problems of the other, so necessary to the maintenance of the traditional friendship that exists between the Republic of the east and the Republic of the west.

In 1924–25 the United States was represented at the opium conference at Geneva, and in that conference the American delegation, whose head I had the honor to be, made every effort, as the records will show, to obtain an agreement upon the part of the powers which would pledge those powers, or certain of them, to cease selling opium under government auspices to Chinese and other orientals living within their several colonial possessions in the Far East, as well as to take effective steps to prevent the entrance into China of the habit-forming narcotic drugs manufactured in their own countries.

In 1927 I introduced in this House a resolution which, after various recitals by way of a preamble, read:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he hereby is, respectfully requested to enter into negotiations with duly accredited agents of the Republic of China authorized to speak for the people of China with a view to the negotiation and the drafting of a treaty or of treaties between the United States of America and the Republic of China which shall take the place of the treaties now in force between the two countries, which provide for the exercise in China of American extraterritorial or jurisdictional rights or limit her full autonomy with reference to the levying of customs dues or other taxes, or of such other treaty provisions as may be found to be unequal or nonreciprocal in character, to the end that henceforth the treaty relations between the two countries shall be upon an equitable and reciprocal basis and will be such as will in no way offend the sovereign dignity of either of the parties or place obstacles in the way of realization by either of them of their several national aspirations or the maintenance by them of their several legitimate domestic policies.

This resolution, which was favorably reported to the House by your Committee on Foreign Affairs and adopted by the House by a vote of 262 to 43, I feel justified in believing was not with-

out its influence in leading our Government to act independently of the other powers in its effort to place upon a completely satisfactory basis the relations of our country with China.

On July 25, 1928, the United States took the lead in recognizing the de jure character of the Nationalist Government of China with its headquarters at Nanking, and on February 11, 1929, ratified a treaty with China whereby the United States released China, so far as the United States was concerned, from all limitations upon its power to levy export or import duties. The effect of American action was, as it was intended to be, to compel the other powers to take similar action, with the result that at the present time all the other powers, except Japan, which had treaties giving to them the right to restrain China's tariff autonomy, have surrendered this right, and it appears reasonably certain that Japan will soon do likewise, so that at last China will have that tariff freedom to which as a sovereign nation she is, and long has been, justly entitled.

It will thus be seen that, largely through the efforts of the United States, China has rapidly been recovering those rights which had been "tortured from her fears," so that it is clear that the time is now near when she will stand forth a nation completely sovereign in fact as well as in name—when all her relations with other powers will be upon a wholly equal and reciprocal basis.

The most important limitation still resting upon China's freedom of sovereign action is as to the extraterritorial rights still possessed by citizens of several of the powers, including the United States, residing in China. But it is certain that these extraterritorial rights are soon to be relinquished. That the United States expects to relinquish them within the very near future, so far as her own citizens in China are concerned, is significantly shown by the fact that in the plans which are being drawn for the handsome building to be erected in Shanghai, which is to house the American consulate and the other offices of our Government, no provision is made for a court room or other offices for the United States Court for China. The court and its officials will be housed in temporary quarters until the matter is adjusted.

I have spoken of the consistent and successful manner in which the United States has pushed forward its policy of restoring to China its freedom of action with regard to the exercise of its legitimate sovereign rights. It is but proper that I should say that this success could not have been achieved without the cordial cooperative action of China, and that this cordial and cooperative action was in no small degree rendered possible by the fortunate fact that during the last eight years China has been represented at Washington by her most distinguished diplomat, His Excellency Sao-Ke Alfred Sze. Doctor Sze is a statesman and a gentleman who would be a great credit to the foreign service of any country. By his intelligent appreciation of all the factors of every situation which has been presented; by his tact and gentle courtesy under all circumstances, aided, I may say, by a most charming wife; by his ability to distinguish between essentials and nonessentials, firmly insisting upon the former, while yielding when necessary to the latter, he has kept relations between his own country and this country ever upon a cordial and friendly basis, and thus he has brought to a successful conclusion negotiations which, in less skillful hands, might have led to no result or even to international friction. As chief of the Chinese delegation to the Washington conference of 1921–22, and in control of the Shantung "conversations" which were held in connection with that conference, he was a tower of strength for his country. This, as one of the advisers to the American delegation to that conference, I can personally testify to. It is, therefore, with genuine regret, in private as well as official circles, that his approaching departure from Washington will be viewed. His country is, however, to be congratulated that his services are to be still available to it as minister to Great Britain, in which post all will wish for him every possible good fortune and success.

Our Republic has followed the Golden Rule in her attitude toward China as advocated by the late Senator Quay, of Pennsylvania, one of the great statesmen of his time, in a speech delivered May 14, 1901, on our foreign policy. He said:

> In China we have but to apply the Golden Rule, treat China as we would have China treat us—recognize that * * * the Empress Dowager is the greatest woman born in Asia since the birth of Semiramis and Tuan, the representatives of patriotic Chinese thought, and all can be made well there. That nation of four hundred millions of people is present on earth for an Almighty purpose, and while the great European powers may pencil lines of partition for Chinese territory, they will never divide the Chinese people.
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> Compare with China the Mesopotamian peoples, once inhabiting the land of the Garden of Eden, where Adam and Eve were created. First there were the mysterious Sumarians. Who they were and how they lived and when they died no one knoweth. They gave to men the alphabet, and passed away, leaving no more trace upon the earth than the shadow of a cloud fitting over its surface. Then came the Chaldeans and Babylonians, and Babylon fell. Assyria arose, and Assyrians built Ninevah, and both these great cities are only to-day commencing to tell their stories to American explorers. Four hundred years after the fall of Ninevah, thousands of years ago, so complete was its obliteration from the face of the earth and the memory of man, that Xenophon marched his Greeks over the grave of that city and knew it not.
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> Then came the Chaldeans again, and the Persians—shone a brief period, and were extinguished. A Chaldean family fortified the rock of Jerusalem and grew into a nation which was the chosen of God. The visible presence of the Almighty illuminated its temples, and glinted upon the spear point and shield of the Jewish soldier as he marched to battle. That race gave to men their greatest soldier, their greatest poet, their greatest lawgiver, and their Messiah. Where is the Hebrew nation now?
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> During all these ages China grew, developing a self-sustaining civilization, and a resistance to decay such as marked no other nation. When our forefathers were clad in the skins of beasts, earning their sustenance in the European forests by the chase, armed with flint-headed weapons, China had Confucius and astrolabes, and was calculating eclipses. We should respect China for what she has been, and sympathize with her in her trials, and look forward with hope to her future and the fulfillment of her mission.

ARMY AIR CORPS PROMOTION

Mr. FURLOW. Mr. Speaker, in 1920 the national defense act eliminated all promotion by branch in the Army except for the Medical Corps, chaplains, and professors. The Air Corps was formed as a separate branch of the Army by that act and placed on the single promotion list with other branches. The peculiar conditions affecting service in the Air Corps were not apparent at that time, but during the several years following it became evident that, in general, it was inadvisable to try to utilize the services of older men who had not learned to fly when they were young; that the hazard of military flying was great and produced a much higher attrition in the Air Corps than in the other branches of the Army; that the wear and tear of flying merited consideration in earlier retirement; and that, to keep the Air Corps an active flying branch balanced in its grades, consideration must be given to accelerated promotion during a part of the officer's career.

These general conclusions have been reached as a result of many investigations in the War Department and by Congress, very extensive hearings in the Military Affairs Committees of Congress, and by personal observation and visits by Members of Congress to Air Corps posts.

When the Air Corps act, approved July 2, 1926, was under consideration this special situation in the Air Corps was recognized and there was included in that act the following:

> SEC. 4. Correction of promotion list: That the Secretary of War be, and he is hereby, directed to investigate and study the alleged injustices which exist in the promotion list of the Army and to submit to Congress on the second Monday in December, 1926, this study, together with his recommendations for changes, if any, in the present promotion list.

This direction of Congress had distinctly in mind the solution of the Air Corps promotion problem. Many conflicting ideas had been presented and the Congress was not ready to formulate a policy until a final, thorough investigation could be made and a definite recommendation be received from the Secretary of War. Unfortunately, there came little from that investigation which would result in proper corrective measures for the Air Corps.

The Congress had been thoroughly impressed with the gravity of the situation. The Secretary of War had personally appeared before committees and called attention to the injustices existing in the Air Corps and stated he would like to see them corrected. As early as 1922 a board appointed in the War Department found with regard to the position of the air officers on the single promotion list—

> that this situation will affect adversely the efficiency of the Air Service. * * * The Air Service is the only branch or arm of the service which is adversely affected as a corps by the promotion situation.

In 1924 we find another War Department board recognized this adverse position of the air officers, and recommended certain constructive service which, if placed in effect, would have revised the single list so far as the positions of these air officers were concerned. And the select committee of inquiry into operations of the United States Air Services recommended in 1925—

> that Congress provide remedies for the inequalities and injustices suffered by the aviation officers of the Army and Navy.

Many investigations, no action, a recognition of the existence of the injustices, an adverse effect on the morale of the Air Corps, many resignations of excellent air officers, the condition in the Air Corps steadily growing worse—these were the only results.

A bill was, therefore, introduced into the House of Representatives and, after extensive hearings, was reported by the House committee unanimously. It was passed by the House unanimously on May 7, 1928. This bill was as follows:

An act to increase the efficiency of the Air Corps

Be it enacted, etc., That the Secretary of War shall cause to be prepared an Air Corps promotion list on which shall be placed the names of all officers of the Air Corps of the Regular Army below the grade of colonel. The names on this list shall be arranged in the same relative order that they now have on the Army promotion list and shall be removed from the Army promotion list, and no officer whose name appears on the original Air Corps promotion list shall be considered as having less commissioned service than any officer whose name is below his on this list. All officers commissioned in the Air Corps after the formation of the original Air Corps promotion list shall be placed thereon in accord with length of commissioned service. Any officer whose position on the Air Corps promotion list is changed by sentence of a general court-martial or by law shall be deemed to have the same commissioned service as the officer next below whom he may be placed by such change.

SEC. 2. Except as herein provided, Air Corps flying officers shall be promoted to the grade of first lieutenant when credited with 3 years' commissioned service; to the grade of captain when credited with 7 years' commissioned service; to the grade of major when credited with 12 years' commissioned service; to the grade of lieutenant colonel when credited with 20 years' commissioned service; to the grade of colonel when credited with 26 years' commissioned service. All flying officers of the Air Corps below the grade of colonel shall be promoted in the order of their standing on the Air Corps promotion list: *Provided*, That the number of Air Corps officers in the grade of colonel shall not be less than 4 per cent nor more than 6 per cent and the number in the grade of lieutenant colonel shall not be less than 5 per cent nor more than 8 per cent of the total number of officers on the Air Corps promotion list, and the aggregate number of Air Corps officers in the grades of colonel, lieutenant colonel, and major shall not be less than 26 per cent nor more than 40 per cent of the total number of officers on the Air Corps promotion list, and in so far as necessary to maintain said minimum percentage, Air Corps flying officers of less than the required years of commissioned service shall be promoted to the grades of colonel, lieutenant colonel, and major, and only in so far as their promotion will not cause said maximum percentages to be exceeded shall officers who have completed the prescribed years of commissioned service be promoted to the grades of colonel, lieutenant colonel, and major. Nonflying officers of the Air Corps shall be promoted as provided for other branches of the Army.

SEC. 3. When an officer of the Air Corps has served 30 years, either as an officer or soldier, he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list: *Provided*, That except in time of war, in computing the length of service for retirement credit shall be given for one and one-half the time heretofore or hereafter actually detailed to duty involving flying and credit shall also be given for all other time now counted toward retirement in the Army: *Provided further*, That the number of such voluntary retirements annually shall not exceed 6 per cent of the authorized strength of the Air Corps. When a flying officer of the Air Corps reaches the age of 54 years he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list. Officers of the Air Corps who become physically disqualified for the performance of their duties as flying officers shall be eligible for retirement for physical disability.

SEC. 4. An officer of the Air Corps may, upon his own request, be transferred to another branch of the service, and when so transferred shall take rank and grade therein in accordance with his length of commissioned service as computed under existing laws governing the branch to which transferred.

SEC. 5. All laws or parts of laws in so far as they may be inconsistent herewith or in conflict with the provisions of this act are repealed.

It will be noted that this measure provides a basic system of promotion to each grade after years of service, flying officers alone are eligible for this promotion, nonflying officers are promoted as determined by the system proposed in another bill for other branches, accelerated promotion occurs to the grades of captain and major during the period of the officer's greatest efficiency as a combat pilot, recognition is given to special retirement features. It is a "flying officer" bill and deals only with promotion and retirement features peculiar to the Air Corps.

The following appears in the last annual report of Assistant Secretary Davison, whose office was created primarily for looking after air matters:

The Furlow bill, as it passed the House, is unquestionably the most satisfactory promotion measure ever introduced from the Air Corps standpoint. It is earnestly to be desired that that measure, or one containing its provisions in substance, be enacted into law.

While Congress has recognized the necessity for certain changes to be made in the system of promotion in the Army as a whole, it has nevertheless been apparent that the Air Corps needed this promotion more than any other branch. Other measures were reported by both the Senate and House Military Committees to take care of promotion in the Army as a whole.

The whole problem finally came to a head during the closing days of Congress when all measures were thrown into conference with a view to reaching a solution prior to adjournment. It was a conference on promotion for the whole Army, the special features for the Air Corps being incorporated in only one section of a lengthy bill. Though an agreement was not reached on some of the features of the general promotion bill, I am glad to report that both bodies recognized the necessity for special consideration for the flying officers of the Air Corps and the urgency of corrective legislation.

A great deal of progress has been made in reaching the solution of the promotion problem for the Air Corps. It is hoped that the constructive work already done may not be lost but that the next Congress may accept the principles and many of the details that have already been agreed upon by the Congress as a basis for legislation. Among these principles we find:

(a) The necessity for special treatment of flying officers of the Air Corps for promotion purposes;

(b) A reasonable assurance of promotion based upon years of service with such accelerated promotion as may be required to meet the conditions peculiar to service in the Air Corps and maintain a balanced force in the various grades;

(c) Special provisions for retirement in recognition of the hazardous nature of the service and in order to provide an outlet for flying officers who have passed the peak of their combat efficiency, thus maintaining the flying efficiency of the corps as a whole.

THE TARIFF ON SUGAR

Mr. HOUSTON of Hawaii. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a brief prepared by myself, which refers to Schedule 5 and paragraph 501 of the present tariff law on sugar, and which was presented to the Committee on Ways and Means of the House in hearings on that subject before said committee.

And also my letter dated March 11, 1929, to the Director of the Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington, D. C., relative to Commerce Reports.

The brief and letter is as follows:

BRIEF OF V. S. K. HOUSTON, DELEGATE TO CONGRESS FROM THE TERRITORY OF HAWAII—REFERS TO SCHEDULE 5 AND PARAGRAPH 501 OF THE PRESENT TARIFF LAW

SCHEDULE 5, PARAGRAPH 501

First. Items and paragraphs in which interested; changes in duties recommended; reasons for such change.

This is a farm product.

The Territory of Hawaii, being one of the domestic producers of sugar, is interested in the tariff on sugar, molasses, and manufactures of sugar. The Hawaiian growers are organized for their mutual protection into the Hawaiian Sugar Planters Association, and the Hawaiian Sugar Planters Association is a member of the Domestic Sugar Producers Association. It is understood that specific changes in duties recommended will be made by a spokesman for the Domestic Sugar Producers Association.

Understanding that such spokesman will present a request for an increase in the existing tariff schedule, the undersigned being the elected Delegate in Congress from the Territory of Hawaii, makes a plea for the adoption of such increased schedules as the Domestic Sugar Producers Association will request. In general terms, we ask for an increase on 90° sugar full duty, from 2.206 cents to 3 cents, and on 100° or refined sugar to 3.62 cents full duty.

Sugar is an item that is and may well be grown in the United States, and under proper protective-tariff schedules may return a fair profit to the farmer or grower. Our present domestic sources of production—and in the domestic sources I include only areas which form an integral part of the United States, such being the mainland and the incorporated Territories, namely, Alaska and Hawaii—are insufficient to provide for the domestic demand or consumption, and the domestic supply is augmented by sugars grown in the possessions, Porto Rico and the Philippine Islands, and by foreign-grown sugars.

The great bulk of the importation of foreign-grown sugars which are dutiable are grown in the island of Cuba, and amounted in the fiscal year 1927 to the considerable sum of 3,968,880 short tons. (Statement of Commissioner E. W. Camp before committee on Treasury Department appropriation bill as reported December 5.)

Of the domestic production, the largest single supply comes from the beet-sugar fields of the mainland (965,000 long tons in 1927–28, United States Daily, December 31, 1928). The cultivation of sugar beets has been held out to the farmer as a method of diversifying their crops; it is a crop which if extended will, by balancing the production, help to reduce the present surplus in other agricultural products through utilization of areas now producing such surplus. According to the article by Millard M. Rice in the Farm Journal, September 29, 1928, 4,000,000 tons of imported sugar throw out of production 16,000,000 acres of domestic farm land.

For us to depend in such a large measure on foreign production, with its unrestricted competition and dumping practices, is to pave the way for the eventual extinction of the domestic source of supply and consequent foreign control of the price. The Cuban importation at present fixes the price of raw sugar. That the present price level is one representing an unhealthy condition is evident from the fact that raw sugar has been selling, New York basis, at as low as 3.77 cents, duty paid, per pound (daily news quotations). Such a price is far below the cost of production in all the domestic areas. The industry has found it more and more necessary to reduce its expenses for labor to the minimum, and any increase in tariff is bound to be reflected in a better return to labor and to make for greater contentment in the case of citizen labor.

"We know by experience what centralized price control of rubber prices can do to us. It would be the height of folly not to profit by sharp lessons we have received in recent years or to suppose that temporary price recessions make it impossible for foreign growers to put the screws on us at some future time just as they have in the past. The hardships which grew out of this system of artificial price fixing will prove to have been blessings in disguise if they have aroused us to the imperative necessity of controlling the source of a substantial proportion of the rubber required by our industries," says an editorial in the Saturday Evening Post of January 5, 1929. The same may well be said of our sugar industry, and it is absolutely necessary that that industry be maintained in a healthy state of organization. That such large foreign tonnage should be admitted does not indicate the production "of a substantial proportion" of the sugar required for local consumption. A greater proportion of domestic-sugar production, according to the Washington Post of January 8, 1929, is necessary to "enable the United States ultimately to become independent of the foreign sugar monopoly which now determines, to a great extent, the price."

Second. Importance of industry as it applies to Hawaii only.

Capital invested, about $165,293,000.

Crop produced in 1928, 904,040 short tons.

Value of 1928 crop, about $77,000,000.

Acreage 1927 crop, 127,417 acres.

The total acreage available for growing cane in the Territory of Hawaii is not in excess of 249,000 acres. About 18 to 26 months are required for the growing of one crop, so that it will be seen that half of the total acreage available is all that can be expected for one year's crop. There is no further acreage available in the Territory for expansion. All that is productive has been put into cultivation; the water supply is another of the limiting factors.

There is no way in which the tonnage may be increased except through a development of agricultural methods, the development of better cane varieties, and of more scientific fertilizer application, thus bringing about greater yields per acre.

In Hawaii such methods have brought about an increase of tonnage in 20 years amounting to 83 per cent. In Cuba the crop grown, which may be extended in its acreage, has expanded in the same period of time over 315 per cent.

Hawaii employs over 50,000 persons in the industry, and provision is made for housing more than 101,000 people in approximately 20,000 homes owned by the various operating companies.

Third. The Territory has followed with interest the proceedings of the United States Tariff Commission, and the undersigned feels that in the report on sugar of that commission to the President of the United States, published in 1926, the most representative picture is found in the studies of Commissioners Marvin and Burgess. The statement by the President, together with his conclusions and decision, shows a grasp of the situation that was based upon the needs of this particular farm industry. What we want is that this farm product should, with respect to tariff principles, be placed upon an equal footing with that of the produce of the factories of the country—economic equality. The cost of production appears to be increasing, yet the market price is falling. Sugar is the lowest cost staple food product now in use in the country. Its present cost is below that of the average for the five pre-war years (President's statement, United States Tariff Commission report on sugar, 1926).

What appears to us as an element of unfair competition with the domestic supply is that due to the unrestricted Philippine importation. Such sugar is grown under labor conditions not comparable with those within the domestic field, is not chargeable with corporation nor income taxes payable to the United States, and in addition is not bound in its transportation by the coastwise shipping laws operative as between Hawaii and the mainland.

The raising of this particular tariff will not cure the phase of the problem, but it is felt that were a tariff to be placed upon other products grown to some extent in the United States, which are also grown in the possessions, that there would be opportunity for diversification of crops. A tariff on coffee is suggested, as coffee is grown in Hawaii, and together with Porto Rico and the Philippine Islands can grow probably a very substantial part of the coffee required. Such action, together with the application of the coastwise shipping laws to Philippine Islands products when in excess of certain figures, might obviate the necessity for restricting the sugar importation which otherwise is a matter for the industry as a whole to consider, and I would bow to their decision in the matter.

MARCH 11, 1929.

Mr. JULIUS KLEIN,

Director Bureau of Foreign and Domestic Commerce,

Department of Commerce, Washington, D. C.

MY DEAR MR. KLEIN: I am in receipt this date of a letter from the manager of the Chamber of Commerce in Honolulu inclosing copy of a letter from Miss Sylvia Bryant detailing her experience at Magellanes, Chile, with respect to the listing of Honolulu at the local office of the Commercial Pacific Cable Co.

I would appreciate such action as your department may be able to take internationally with respect to the proper listing of Honolulu as included within the United States.

More and more I am led to believe that the Department of Commerce must change its classification of Hawaii as indicated in the publication of Commerce Reports, and I refer more particularly to No. 51, of December 17, 1928, where, on page 736, Hawaii is classed first as under foreign trade, because of the fact that the reports are a weekly service of foreign trade, and therein is bracketed as under the Far East along with India, the Philippines, and New Zealand. This bracketing, of course, is wholly erroneous; Hawaii is not even in eastern longitude, being some 22° eastward of the one hundred and eightieth meridian.

Again, in No. 4, of January 28, 1929, I find Hawaii classified under monthly cable and radio reviews from the Far East along with British Malaya, Burma, Ceylon, China, India, Indo-China, etc.

Of course, I can recognize the desirability of some commerce report having to do with the noncontiguous Territories of the United States in these Commerce Reports. However, I do not appear to find any reference therein to reports regarding Alaska, yet the situation with respect to Alaska is exactly the same as that of Hawaii. If it is not necessary to have Alaska reported, then I doubt the larger usefulness of including Hawaii in such publication. If, however, they are to be continued I believe that accuracy alone would require that the heading of the magazine should show that it is "a weekly service of foreign trade and of trade with the noncontiguous Territories of the United States." Thereafter in its contents I feel that Hawaii should be classed not under the Far East but that it should be classed before or after all foreign countries and under a heading of, say, noncontiguous Territories of the United States, in which could be listed Alaska and Hawaii, and none others, for there are no other incorporated Territories of the United States.

Very sincerely yours,

V. S. K. HOUSTON,

Delegate in Congress from Hawaii.

THE RECORD OF CONGRESS

Mr. TILSON. Mr. Speaker, the House has shown commendable self-restraint during the past three months in limiting the legislative program to measures which have seemed to be of immediate and pressing importance. The list of bills of major importance that have been written into law since Congress met last December is not a long one, but this is not because there has been any unwillingness on the part of either Congress or President Coolidge to face problems as they present themselves. Doubtless the fact that a new Chief Executive who must bear the responsibility of executing during the next four years the laws enacted has had a restraining influence.

The Constitution wisely joined the Congress and the President in making the laws which the latter must execute. It is well, therefore, where delay is not dangerous that the Executive who is to administer the law should be the one to take part in its enactment; though to the credit of the retiring President it must be said that he never evaded an issue or shirked a responsibility.

Although the number of bills of major importance enacted into law during the short session has not been very great, this fact may well be considered not in derogation but as high praise when all the bills introduced proposing legislation—good, bad, and indifferent—are taken into account. In view of the well-recognized fact that there are already far too many laws, it should be accounted unto us for righteousness that we have successfully withstood the pressure for the passage of numerous bills that may be properly classed under the general heading of unnecessary and expensive legislation. Of the bills failing to

become laws during the session there are, of course, exceptions to the classification just indicated, and to one of these I shall now refer.

REAPPORTIONMENT

It is a matter for sincere regret that a reapportionment bill did not pass at the short session of Congress. I have so often expressed myself on this subject on the floor of the House and elsewhere that I shall not dwell upon it here except to reiterate that the failure of Congress to act on this matter is in violation of our duty under the Constitution and strikes to the very root of representative government. It is a matter for congratulation on this side of the Capitol that we have done our part by passing a bill which has been allowed to die in the Senate. I hope that this bill may have an early resurrection in the extra session and become one of the noteworthy achievements of the new Congress.

TARIFF AND FARM RELIEF

As a direct outcome of the general elections two major problems, somewhat closely related, are to be presented for early consideration in the new administration, namely, farm relief and tariff revision. In preparation for the latter the Committee on Ways and Means, having jurisdiction of the subject matter, began hearings early in January covering the entire tariff act and lasting throughout the short session of Congress. Subcommittees designated for the purpose will make a thorough study of the vast amount of information brought out at the hearings and will prepare a bill for consideration at the extra session.

The preparation of a bill for farm relief was also provided for in one of the deficiency appropriation bills just passed authorizing the members of the Committee on Agriculture to hold hearings and submit their recommendations to the extra session. It is hoped that the preliminary preparations made by the retiring Congress will enable the new Congress to perform promptly and well the very important task assigned to it in connection with these two all-absorbing subjects.

APPROPRIATION BILLS

The most important work of every regular session of Congress is the consideration and passage of the great supply bills upon which depends the proper functioning of all the various activities of the Government. It involves a thorough study of the annual Budget and a searching inquiry into the purpose and manner of expenditure of the enormous sums carried in the annual appropriation bills. Under the constitutional arrangement of the power of the two branches of Congress it was doubtless intended that the House of Representatives should not only be responsible for originating money bills, but as a corollary to this that it should give most thorough consideration to bills appropriating money. More and more each year as the other branch is increasingly devoting itself to other duties the House is performing its proper function of giving the utmost thoroughness to its consideration of the great supply bills. The work of the Appropriations Committee during the short session has been of the highest order of thoroughness and efficiency deserving the grateful recognition of the House, the entire Congress, and the country.

The carrying out of the public-building program, the Mississippi flood control project, and the resumption of rivers and harbors improvement work, coupled with the increases of salaries granted to Government workers by the so-called Welch Act, are reflected by a moderate increase in the appropriations made at the present session of Congress. Some of these increases were also felt in the fiscal year which ended June 30, 1928, and in the current fiscal year, but until the appropriation laws enacted at this session have been analyzed it will be impossible to indicate exactly how much the increases for each year have been.

The actual expenditures for the fiscal year 1928 (ending June 30, 1928) were $3,643,519,875.13 as of December 3, 1928, exclusive of postal expenses paid out of postal revenues, and the total regular appropriations made by the present Congress for 1930 were $3,821,649,122.39, which sum includes, however, deficiency appropriations, chargeable to the current or prior fiscal years, amounting to $212,001,444.32.

The total appropriations for the current year, exclusive of the deficiency acts of the present session, amounted to $3,547,763,880.06, and if we add the total of the two deficiency acts to this, although this is not strictly proper, for a small portion of the sums carried in the deficiency acts may be chargeable to prior years, we get the sum of $3,759,765,324.38, which exceeds the actual expenditures of 1928 by about $116,000,000.

With farm relief coming in the next session, the new naval building program, and with the continuance of appropriations for Mississippi flood control, rivers and harbors improvement work, and the building program, it is safe to expect the expenditures to continue moderately to increase for some years rather than to diminish.

On the other hand, it should be remembered that, even with a reduced tax rate, the Government revenue, according to conservative estimates, will be amply sufficient to carry these large but necessary expenditures for public improvements, and at the same time not interfere with the debt-reduction program.

The appropriations made this session exceeded the Budget recommendations by $6,459,869.26, but this excess was due entirely to the appropriation for reconditioning two capital ships for the Navy, an expenditure authorized by Congress but not approved by the Budget Bureau. Additions to the War Department appropriation bill placed on that measure in the Senate also contributed to the excess over the Budget estimates, but would not have been sufficient to offset reductions made on other items of the Budget if it had not been for the difference between Congress and the Budget Bureau on the naval appropriation referred to.

BOULDER DAM

One of the important bills passed by the House at the first session of the Seventieth Congress, but not acted upon by the Senate, was the Boulder Dam bill, and this was one of the early bills to become a law at the short session. It provides for the erection of a high dam at Black or Boulder Canyon in the Colorado River for the protection of the Imperial Valley in California from floods, for potential additional irrigation in the future when needed, and for a possibly necessary increased water supply for Los Angeles and other southern California cities. The incidental hydroelectric power to be produced proved to be the chief bone of contention during the long drawn out consideration of this measure.

FOREIGN-DEBT FUNDING

Early in the session the task of funding the debts owed to us as a result of the World War was practically completed by the approval of an agreement reached with Greece, and an amendment of the agreement formerly reached with Austria in order to permit the latter country to improve its financial condition. The larger debts have already been funded except that the agreement proposed with France has not been ratified.

The total Greek debt amounts to $18,000,000, and the agreement approved by Congress provides that it shall be repaid to us over a period of 62 years.

The change in the agreement with Austria permits that country to raise a loan for reconstruction purposes, amounting to 725,000,000 Austrian schillings, which shall be a prior obligation to that of the United States and all other countries claiming under after-war settlements.

PRISON LABOR

After many years of controversy labor organizations throughout the country were finally successful in this session in obtaining enactment into law of a bill which will limit interstate dealing in prison-made goods. The new law will permit States to forbid the sale of prison-made goods even when shipped into the State from another State in the regular course of interstate commerce. The law does not go into effect, however, until January 19, 1934, so that there will be ample time for prison officials to adjust themselves to the new conditions.

AID FOR HOWARD UNIVERSITY

Another controversy of many years' standing which was brought to a conclusion in the present session was that concerning the granting of Federal appropriations to Howard University, which has existed for many years in Washington for the benefit of negro citizens. It has been the practice during many years for the Federal Government to appropriate for a considerable part of the expense of this institution, but the practice has been bitterly opposed each session on the ground that there was no law authorizing such appropriations. The enactment into law of House bill 279 settles this matter definitely, however, by amending the Howard University charter so that annual appropriations from the Government are authorized.

AGRICULTURAL EDUCATION

Stimulus to education along agricultural lines will probably be given by the enactment of a law at this session which authorizes additional annual appropriations of $2,500,000 for aid to the States in the teaching of agricultural subjects and home economics. This law was enacted with the support of the great agricultural States of the country, and is another step in the long series of legislative enactments during the past several years in the interest of farmers.

NATURALIZATION OF ALIENS

By the passage of House bill 349 justice is granted to a deserving group of alien residents of the United States who up to the present time have been barred from becoming citizens by a technicality. The naturalization laws have previously required that before becoming a citizen an alien must show from the rec-

ords of the Immigration Service that he was legally admitted to the United States. There are many thousands of aliens in the United States who entered the country many years ago, when immigration restrictions were few, for whom no record of admission can be found, although they may have lived and worked here in many cases for as long as a score of years. The amendment of the naturalization law made by House bill 349 will permit making such aliens citizens where they have been in the country since prior to June 3, 1921, are persons of good moral character and not subject to deportation.

LOANS TO VETERANS

The enactment into law of H. R. 16395, which was passed with the support of the American Legion, reduces the rate of interest on loans made to veterans on security of their bonus certificates, and also provides for the reissue of bonus certificates which have been lost or destroyed, in both instances correcting injustices not intended by previous legislation.

PROHIBITION

During the closing weeks of the session a strenuous effort was made to inject prohibition as an issue into pending legislation by the passage of the Jones bill and an attempt to pass the Harris amendment to the first deficiency appropriation bill. By the fate of these two measures certain of both the "wets" and the "drys" profess to find some solace and comfort, on the one side by the passage of the Jones bill, increasing the penalties for violation of the Volstead Act, and on the other side by the defeat of the Harris amendment, which would have increased the appropriations for prohibition enforcement by $24,000,000, although neither recommended by the Treasury Department nor approved by the Budget.

The Harris amendment was defeated in the House, not by the enemies of prohibition, but by those who felt that it would be harmful to the cause of law enforcement to make an empty gesture of this character without a concrete proposal indicating how the enormous sum proposed could be efficiently used to accomplish the purpose desired.

The Jones bill, increasing prohibition law penalties, was admittedly faulty in its construction and met great opposition on the ground that it was too drastic, but it received the support of the majority in both Houses of Congress apparently upon the theory that drastic enforcement of the Volstead Act will ultimately result in its acceptance by the people.

RADIO AND SHIPPING

Other important legislation enacted by the present Congress provided for the continuance for another year of the United States Radio Commission and for load lines on merchant vessels.

It was felt necessary to continue the Radio Commission in order to permit it to finish the task it has started of reallocating wave lengths to radio stations throughout the country and setting up a definite plan to regulate radio broadcasting.

The legislation in reference to load lines is in the interest of public safety, both for passengers and crews. This legislation provides that lines shall be placed upon merchant vessels which will indicate the maximum loads that can be carried with safety.

CONGRESS MAKES A RECORD

While I have already claimed credit for the small number of important measures acted upon at the present session, the total number of bills actually enacted into law is, I am told, a record for a short session of Congress. Both the House and Senate were able to dispose of a large number of private claim bills, bridge bills, and other measures of comparatively minor importance if considered from a public viewpoint, but most of them of very serious importance to the individuals or communities immediately concerned. By having the appropriation bills ready for action when Congress convened the three months' time available for the closing session of Congress proved to be ample for all the business to be transacted, and it can be truly said that no meritorious measure failed of passage solely for lack of time, for there was time and time to spare in both branches of Congress.

The entire number of new public laws made by the Seventieth Congress was 1,037, of which only three were passed over the veto of President Coolidge. The number of private laws was 568, and with public resolutions numbering 108 and private resolutions numbering 9, make a total of new laws, public and private, of 1,722.

The number of bills and resolutions introduced in the House was 18,180, and to this number of bills and resolutions which came before the House or its committees should be added 941 Senate bills and 79 Senate joint resolutions which were passed by that body and sent to the House for action.

HOSPITALIZATION BILL

Mrs. ROGERS. Mr. Speaker, I stated on the floor of the House that I would insert in the RECORD the names of service-connected cases that could not be hospitalized by the Veterans' Bureau because of lack of beds. Instead of doing that I am inserting the claim numbers, believing that the men may prefer not to have their names given. I also know of other service-connected cases awaiting hospitalization in addition to those whose numbers are printed below.

The following letter has been received by me from the Boston regional office of the Veterans' Bureau:

MARCH 2, 1929.

MY DEAR MRS. ROGERS: Following my telegram of to-day, relative to compensable veterans in community awaiting hospitalization at either Bedford or Northampton, a list of these veterans is attached.

By direction:

RICHARD T. LEADER, M. D.,
Regional Medical Officer.

Claim numbers on attached list: C-286217, C-313550, C-1408163, C-601677, C-183329, C-191941, C-489092, C-564410, C-1012694, C-366438, C-1405318, C-408368, C-1009984, Massachusetts; C-1004124, unknown.

Other claim numbers submitted to me of veterans whose disabilities are service-connected and who are in need of hospitalization in a Government hospital are:

C-1313345, C-347000, C-506110, C-1310458, C-229967, C-1310609, Louisiana.

FREE HIDES AND SKINS

Mr. WIGGLESWORTH. Mr. Speaker, in connection with the limited tariff revision now under consideration, I desire at this time to record myself and those for whom I speak as in favor of the retention of cattle hides and calfskins on the list of articles entitled to enter the country free of duty. To do so is merely to advocate the policy embodied in every tariff act, with one exception, enacted by Congress since the Civil War—the policy which prevails to-day in every nation in the world which is an important producer of finished leather.

The proposal to place a duty upon hides entering this country is not a new one. It has been frequently advanced and carefully considered in connection with previous tariff revisions. I understand, however, that a duty of this character has never been included in a tariff act as reported by the Ways and Means Committee of the House nor as passed in the first instance by the House itself. I am advised that such distinguished leaders in this field of legislation as Blaine, Dingley, McKinley, Payne, and Fordney have all been opposed to such a duty and that the President of the United States in 1909 made it plain that he would not sign a tariff act revising the Dingley Tariff Act of 1897 should it include a duty of this kind.

At this time, when the subject of appropriate farm relief is uppermost in the minds of all, the imposition of a duty on hides is again urged with a view to helping the farmers. In this connection it is of interest to note, with particular reference to the last tariff revision in 1922, that the Farm Bureau Federation itself, which had been urging the duty, determined as the result of an investigation by its own economists that the duty would be of little or no benefit to the farmers. Its demand for the duty was accordingly withdrawn. In his brief filed with the Ways and Means Committee in December of 1921, Mr. Grey Silver, of Washington, D. C., representing the federation, stated in part as follows:

Cattle hides are a by-product of the production of animals for meat or dairy purposes in the United States. Animals are not produced for their hides alone, and the variation in the price of the hide has little influence on the rate of cattle production.

Most of the hides produced in the United States are sold by the producers on the animal and not as hides but as a part of an animal, the price being largely determined by the value of the meat of the animal. * * *

A tariff would tend to direct the raw hides to other markets which are free. The result would be a decline in our leather industries or higher costs of leather products to consumers, or both. * * *

Since two-thirds of the domestic hides are taken off by packers, and they also control about one-third of the tanning industry, they are in a position to be the dominant factor in the hide and leather market. At any given time they have a large part of the stock of hides under their control and are in a position to sell or withhold them from the market as they choose. * * *

The producers of two-thirds of the domestic hides would get this increase only when included by the packer buyer in the price paid for live cattle. The producers of country hides would receive only such part of the increase as might be reflected in the current hide market. * * *

Whether the increased price of hides would be partially or wholly reflected in the price of live cattle by the packer buyers is open to question. The common practice of buying cattle on the basis of meat

value alone would lead to the conclusion that the packer might or might not add the increased value of the hide to the price of the animal as he chose. * * *

Cattle production needs stimulation, but the increased return from 15 per cent on 6½ per cent of the weight of the animal is so small as to be of no importance as a means of increasing cattle production. The cost to consumers of leather products would more than offset the increased return to hide producers, even if all the increased price was passed on to the producers, of which there is no assurance. Therefore we believe that hides, leather, and leather products should remain on the free list.

A similar opinion was expressed by Mr. Harvey J. Sconce, a prominent Illinois farmer, who had been sent to Europe as a representative of the Department of Agriculture, with a view to ascertaining what action by our Government would result in the greatest benefit to the farmers of the country, in an address before the members of the United States Chamber of Commerce in Atlantic City in April of 1921, in the course of which he said:

While many agricultural products should have adequate protection, yet we do not desire that a low general tariff be placed on practically all articles. * * *

The production of hides is not an industry in itself to the extent that the production of wool is an industry, * * * hides and skins could be better admitted free, as they play so unimportant a part in the production of the animal or the ultimate returns to the producer.

To the same effect were the views of Mr. Skinner, president of the National Dairy Association, who, in June of 1921, wrote as follows:

It is possibly not known to you that my association for 25 years was with the class of farmers and stockmen who do business through the stockyards of the country, and as a result I have for many years enjoyed a very large acquaintance with this class of people and number many of them among my friends of to-day. * * *

The average man who ships stock to the market is passive on a matter of this kind. He recognizes that what the packer gets for the hide makes no difference to what he pays for the bullock on foot, yet their resistance is not very great, since it might be construed as opposing the powers that they have to sell to.

Those favoring a duty at this time appear to proceed on the assumption that the duty if imposed would result in an increase in the price of domestic hides which would be realized by the farmers to an extent in excess of any resulting increase in the cost of living. If this would in reality be the case, the fact should be demonstrated and arguments leading to a different conclusion should be answered. Mere assertion is not sufficient. It would obviously be absurd to impose a duty with a view to benefiting the farmers if in fact the duty would work to their disadvantage.

In the light of available information I am of the opinion that the suggested duty if imposed would increase the cost of living for every individual in the country. I am also of the opinion that it would carry with it serious consequences for the leather and boot and shoe industries of the country. And I am further of the opinion that the resulting increase in the price of domestic hides would be realized for the most part by the packers; that very little, if any, of this increase would be passed along to the farmers, and that such increase as the latter might realize would be more than offset by the increased cost of boots, shoes, and other leather commodities which they would be called upon to pay. I am therefore opposed to its imposition.

That the duty would result in a general increase in the cost of living is obvious. In order to produce the leather commodities required in this country it is essential to import between 30 and 40 per cent of our hides and calfskins. It is impossible for us to supply our own needs, and our domestic beef cattle have decreased during the past five years to the extent of about 23 per cent. Under these conditions any import duty on hides must result in an increase in the cost of boots and shoes and other leather goods generally. It is estimated that a duty of 15 per cent ad valorem, such as that under the Dingley Tariff Act of 1897, would mean an additional burden for the people of this country for boots and shoes alone of from ninety to one hundred millions of dollars (343,000,000 pairs at 30 cents additional per pair). To this figure is added about $30,000,000 for other articles of leather, making a total of about $120,000,000 annually.

Such a duty would be seriously felt by the boot and shoe industry in respect to export trade. This trade is in a serious condition at this time, having decreased about 41 per cent in number of pairs and about 38 per cent in value from 1923 to 1928. A decrease in our foreign market ordinarily means a decrease in American production with fewer wage earners or shorter hours. Experts assert that the duty would also be seriously felt by the independent tanners; that competition with the packer-tanners might prove to be impossible and that a monopoly of the leather and boot and shoe industries of the country in the hands of the packer-tanners might result. I am advised that a duty on hides with compensatory duties on leather and boots and shoes in addition to such protective duties as may be appropriate in view of European competition would require serious changes in methods and prices throughout the entire boot and shoe industry.

The maximum total increase from such a duty in the price of cattle hides and calfskins produced in this country annually, based on slaughterings for 1927, is estimated at approximately $25,000,000 ($1.50 per hide and 42 cents per skin). Who would realize this increase?

I understand that about 40 per cent of the hides produced in this country come from dairy cattle, of which, according to the last census, there were about 19,000,000, distributed among some 6,000,000 farmers, or an average of 3 per farmer. The remaining 60 per cent of the hides come from beef cattle sold for the most part on the hoof directly or indirectly to the packers, about three-quarters of the number finding their way to five large packing concerns. The cattle, as a rule, are bought for beef, and the price paid is dependent on the current price for beef on the gross weight per hundred pounds. The hide is a by-product which, if sold, must be sold at a later date on the hide market, a market which is subject to wide variations, having little or no relation to variations in the price of beef. Cattle and hides frequently pass through several hands on the way to the packers. Under these conditions it is difficult not to believe that the "lion's share" in the increase in the price of hides and skins would pass to the packers in the sale of hides as such, and that very little, if any, of the increase would be reflected in the prices received by the farmers for cattle.

I am advised in this connection that under the Dingley Tariff Act of 1897 cattle sold and exported alive on the hoof brought to the farmers exactly the same return as those sold to the packers for slaughter, despite the greater price for domestic hides. I am also advised that cattle to-day are frequently bought in lots, the same price being paid for all, despite great variations in the value of the hides of individual animals. In testifying before the Ways and Means Committee in December of 1921, a representative of one of the largest packers said in this connection:

I agree with you that the proposed duty on hides would have very little effect on livestock value; it would have some effect, but when spread over the weight of a live animal, the difference per pound of animal would not amount to much.

Even if we assume, however, that a part of the increase in the price of hides and skins would in fact be reflected in the prices received for cattle by the farmers, it seems clear that the amount received would be more than offset by the increased cost of living which would be imposed upon the farmers. Surely the farmers could not hope to receive more than one-half of the increase in the price of hides and skins. A 15 per cent ad valorem duty would mean on this basis a total at most of about twelve and one-half million dollars, as compared with the share in the increased cost of boots, shoes, and other leather articles to be shouldered by the farmers, amounting to some $24,000,000 (20 per cent of $120,000,000) and the balance of $96,000,000 to be assumed by the rest of the country as a whole, to which the farmers must look for the purchase of their wares.

I regret that all Members of the House did not have the opportunity to hear Mr. J. F. McElwain, who recently appeared before the Ways and Means Committee, representing the National Boot and Shoe Manufacturers Association. Copies of the report of the hearing at which he testified appear to be unavailable at this time. I am accordingly inserting his brief at this point in the hope that it will receive the careful consideration of all concerned. I would direct particular attention to his Exhibit E, entitled "Annual Cost of 15 Per Cent Duty and Gain Therefrom to Sections of the Country." If a larger figure than 15 per cent were employed the losses shown for each and every State with one exception would be proportionately increased.

BRIEF OF THE NATIONAL BOOT & SHOE MANUFACTURERS ASSOCIATION

PARAGRAPH 1589. HIDES AND SKINS

The shoe-manufacturing industry of the United States, exclusive of the manufacture of rubbers and of cut stock and findings so far as they are not made in shoe factories, comprised in 1925, 1,460 establishments and 206,992 wage earners, being 2.46 per cent of the total average number of wage earners in the manufactures of the country. (Statistical Abstract, 1928, pp. 763, 749.) It paid in that year wages amounting to over $225,000,000 and the value of its products was in excess of $925,000,000. It produced, in 1927, 343,606,000 pairs of shoes.

This association presents the following facts to assist in arriving at a correct conclusion regarding the proposed duty on hides and skins.

(1) Such a duty will be a serious handicap to the shoe industry.

(2) It will increase the cost of living to every person in the United States.

(3) It will result in no material gain or advantage to the farmers of the United States whom it is intended to benefit.

We will consider these points in order:

(1) An import duty upon hides and calfskins will constitute a serious handicap to the shoe-manufacturing industry for the following reasons:

(A) Imported hides and calfskins are and will continue to be necessary for our American manufacturers. The situation with respect to such raw materials as hides and calfskins is radically different from that with regard to almost any manufactured article upon which a duty is levied. In the case of most, if not all, of such manufactured articles the present or potential capacity of factories in the United States is sufficient to meet our domestic requirements. To put it in another way, we can produce all we consume.

This is not the case with cattle hides or with calfskins.

A schedule is attached hereto (Exhibit A) of the imports and exports of cattle hides during the last few years. It will be seen that imports are now about eleven times exports in quantity and about twelve times in value, even excluding buffalo hides from the imports. It is estimated that at least 30 per cent of our requirement of cattle hides is imported.

A schedule is also attached hereto (Exhibit B) of the imports and exports of raw calfskins during the same period. From this it will appear that imports are about three times exports in quantity and in value. It is estimated that about 40 per cent of our requirement of raw calfskins is imported. In addition, it is well known that calfskins of the best quality come to us only from western and central Europe. (Arnold, Hides and Skins, p. 324.)

It is also evident from statistics (Exhibit C, attached hereto) that the number of beef cattle in the United States is decreasing, not only in absolute numbers (23 per cent in the last five years) but particularly in relation to our population. It has fallen from 0.58 per person in 1901 to 0.28 per person in 1928, a decline of 50 per cent. This is inevitable as the country becomes more thickly settled. Increasingly cattle and hides will come from less thickly populated countries like the Argentine Republic, Canada, Brazil, Colombia, Venezuela, etc.

The decline in the number of cattle has been in spite of import duties of 1½ to 2 cents per pound upon cattle and 3 cents per pound upon beef (paragraph 701). It will be shown later in this brief that we can not expect the decline will be checked by an import duty upon hides.

(B) Therefore any import duty upon hides will result in an increase in the cost of leather and of shoes. It is hardly necessary to argue that if 30 per cent or 40 per cent of the domestic requirements of cattle hides and calfskins are imported and if upon them is imposed a duty, say of 15 per cent, the 15 per cent will be added not only to the cost of the imported hides but also to the selling price of domestic hides with which they now compete. Of course, the very claim that the farmer will benefit by this increase in the value given to his hides is the argument for the duty.

It has been estimated that a 15 per cent duty on hides and skins will result in an increase of from 10 to 12 per cent in the cost of production of finished leather, both sole and upper leather, and that this means an increase of from 15 to 25 cents per pair in the cost of production of men's and women's leather shoes. Adding the wholesalers' and retailers' increased costs and overhead, the price to the wearer of leather shoes can hardly fail to average 30 cents per pair higher on account of the duty on hides and skins. Of course, this increase will vary with the type, grade, and style of shoe. (Exhibit F.)

An increase in the cost of a basic raw material such as hides, due to a tariff or other cause, is necessarily pyramided in the products manufactured from such material. For one thing, additional capital or borrowings are called for, upon which the manufacturer must pay interest. That duty costs the consumer least which is imposed on an article not entering largely into the manufacture of another product—upon butter, milk, beef, for example.

(C) This increased cost will be most seriously felt by the American shoe manufacturer with respect to his export trade.

Our export trade in leather boots and shoes is in a precarious condition. It has been constantly declining, falling 41 per cent in number of pairs and 38 per cent in value from 1923 to 1928 (see Schedule D hereto annexed). Between 1910 and 1914 we exported on the average 9,043,000 pairs annually. In 1928 we exported only 4,320,000 pairs.

Such export trade as we have had has been almost entirely to Cuba, where the United States has the benefit of a preferential tariff, and to Canada and Central and South American countries and neighboring islands, where it has the advantage of geographical proximity. Cuba, heretofore the principal foreign customer for our shoes, has increased its import duty upon them in order to build up its own industry. In other Central and South American countries foreign competition threatens increasingly. An increase of 30 cents per pair in the cost of manufacture of shoes in this country may make all the difference between an ability to compete in these foreign countries and an inability to do so.

This is particularly the case because in no foreign country which is a considerable exporter of shoes is there a duty upon hides and skins, unless Switzerland is excepted. The foreign manufacturer from whom competition must be expected obtains free of duty the hides from which his leather is made.

Naturally a decrease in our foreign market means a decrease in American production, a smaller number of wage earners employed, or the same number employed at shorter hours.

The assertion may be made that this danger to our foreign trade will be avoided by a system of drawbacks. It appears at once how difficult it will be for any shoe manufacturer purchasing his hides in the open market to determine what portion of the shoes that he exports is represented by leather manufactured in this country from foreign hides. In other words, to trace imported hides through the tanneries to the shoe manufacturer and into each exported shoe will involve complications, controversies, and expenses that even with the best intentions on the part of the customs officials will prove an immense handicap to the American manufacturer. And there will be no drawback for exported shoes made from domestic hides, the higher price of which is due to the import duty. To the extent of the drawback he receives the manufacturer using foreign hides will be at some advantage over the manufacturer using domestic hides.

(2) An import duty on hides and skins will increase the cost of living to all our people. If the cost of leather is increased by reason of an import duty on hides and if the cost of shoes to the consumer is consequently increased on the average to the extent of 30 cents per pair, the people of the United States are going to pay each year for their shoes $90,000,000 to $100,000,000 in excess of what they have been paying under free hides. In addition, the duty will be reflected in the cost of every other article made of leather.

The following is probably a very conservative estimate of the cost of a duty on hides to the people of the United States:

EFFECT OF A 15 PER CENT DUTY ON HIDES

Shoes: The people of the United States will pay at least 30 cents per pair additional for about 300,000,000 pairs of shoes purchased each year, or, say, $90,000,000.

Other articles of leather: The people will pay, say, 15 per cent at the lowest estimate additional for saddlery and harness leather, $30,000,000; trunks, suit cases, and bags, $60,000,000; leather gloves and mittens, $30,000,000; pocketbooks, purses, etc., $40,000,000; and other leather products, $40,000,000; total 15 per cent of $200,000,000, $30,000,000. Total, $120,000,000.

The Government will get, on basis of 15 per cent duty upon hides imported in 1928 to value of $63,694,386, $9,554,157.

It may be, of course, that an increase in the cost of leather will result in an increased use of substitutes. Already the production of artificial leather has grown to a surprising figure—from $6,097,000 in 1914 to $40,932,000 in 1925. (Statistical Abstract, 1928, p. 759.) The manufacture of rubber and composition soles in the 12 months ended with September, 1928, was nearly double that for the 12 months immediately preceding. Some authorities believe that the decline in the price of hides in 1928 was due in part at least to the increasing use of such substitutes.

A further increase in the manufacture and use of substitutes can hardly benefit either the public who wear or use the substitute article or the farmer who has hides to sell.

Ordinarily the danger of increased cost is to some extent modified by the impetus which an import duty gives to domestic manufacture or production. This can not be expected in the case of hides or calfskins. A hide is estimated to constitute in value about one-fifteenth the value of the entire animal. It is not conceivable that cattle will be raised to any greater extent on account of a 15 per cent increase in the value of one-fifteenth of a steer.

It has been said by an authority on the tariff:

"On any but the most extreme protectionist principles, there is no excuse for a duty on hides. There can be nothing in the nature of protection to young industries—no prospect of ultimate cheapening through a stimulus to improved domestic production. Even the true principle of equalized cost of production could not be applied to a by-product of a flourishing export industry." (Taussig Tariff History of the United States, 7th Rev. Ed., p. 378, 9.)

(3) An import duty on hides and skins will be of no benefit to the farmer, but, on the contrary, will add to his cost of living.

It must be borne in mind that the farmer is one of the largest, if not the largest, purchaser of articles made of leather. He and his family probably wear out more shoes and shoes of heavier, stronger leather than any other large class of the population. Furthermore, he uses to a greater extent such articles as harness, gloves, etc. Therefore, any duty which increases the cost of leather and of articles made of leather will correspondingly increase the cost of living to the farmer.

In 1920, census figures indicate, about one-quarter of the persons engaged in gainful occupations in the United States were in agriculture, including in that term forestry and animal husbandry. Undoubtedly, therefore, it is safe to say that of the cost of a duty on hides to the people of the United States (estimated conservatively to be $120,000,000 annually) the farmer will pay 20 per cent or $24,000,000. The question

is, whether he will gain sufficiently from such a duty to offset this increased living cost.

First, we should determine the total extent to which cattle hides and calfskins may be increased in value by reason of a duty.

The Department of Agriculture estimates that in 1927, 14,000,000 cattle were slaughtered in the United States. The average cattle hide weighs about 50 pounds, and 20 cents may be taken as an average price per pound, which gives us an average value of each hide of $10. If 15 per cent is added to the value of all domestic hides by an import duty of 15 per cent, the additional value per hide is about $1.50, and the additional value for 14,000,000 hides is $21,000,000.

The Department of Agriculture also estimates that there were slaughtered in 1927 about 9,000,000 calves. The average calfskin, including kips, weighs about 12 pounds, and 23 cents may be taken as an average price per pound, which gives us a total value of about $2.76 for each calfskin. If a duty of 15 per cent increases to that extent the value of a calfskin, the increase will be about 42 cents, and the increase in value of 9,000,000 calfskins produced in the United States each year will be less than $4,000,000.

Therefore it is apparent that the total increase in the value of cattle hides and calfskins produced annually in the United States, which may result from a duty of 15 per cent, will be in the neighborhood of $25,000,000, as compared with about $24,000,000 which the farmer will pay as the result of such a duty by way of an increase in his living costs.

But not all or nearly all of this $25,000,000 will accrue to the farmer.

By far the greater quantity of hides produced in the United States are from cattle raised on large ranches of the West and Middle West for beef. Beef cattle probably constitute 50 to 60 per cent of the number in the United States at the present time. They are sold, as a rule, to meat packers, and to a very large extent to four, or at the most five, such packers.

The Federal Trade Commission estimated that more than 75 per cent of all the cattle and 65 per cent of the calves killed by wholesale slaughterers in the United States were killed by five large meat packers. (Report on Leather and Shoe Industries, 1919, p. 2).

The packer buys the animal for the beef and the price he pays is dependent on the current price of beef and is on gross weight per 100 pounds. All besides the beef is a by-product which the packer must either sell to himself for manufacture into a finished article or more generally sell to another manufacturer at a later date on a variable market.

In 1928 beef steers of from 950 to 1,100 pounds in weight and of choice quality brought on the average at Chicago $16.04 per 100 pounds. This would mean for a steer weighing 1,000 pounds a price of $160.40. If, as we have estimated above, the average hide of such an animal is worth $10, it will be apparent that the value of the hide is slightly over 6 per cent of the value of the animal. An increase of 15 per cent in the value of the hide, or $1.50, means an increase of less than 1 per cent in the value of the entire animal, or, in the usual case, a little over one-sixth of 1 cent per pound.

The packer buys the animal regardless of the condition of its hide and with the fact in mind that he must either tan the hide himself, in the case of the few packers who do this, and sell the leather considerably later on the market, or sell the hide itself to a tanner at some later date. It does not seem possible that under these conditions the slight possible increase in the value of the hide will affect to any material extent the price that the packer will pay for the animal.

Incidentally, it may be said that cattle on the hoof are to-day, without a duty, probably bringing the highest price in peace-time history, and this in spite of the fact that the price of hides has been declining.

The dairy farmer, on the other hand, has an inferior hide to sell. It is not intrinsically of as high quality as the hide of a western steer. Neither as a rule is it taken off with sufficient skill and ability. In marketing his hides, also, the dairy farmer is at a disadvantage. He generally sells not to the packer but to the local butcher, who seldom has to face any keen competition or, in the case of a hide the farmer has himself removed, to a peddler or buyer who controls the situation in his vicinity, or to one of a number of small dealers. Sales are of one hide or of a few hides at a time. As long ago as 1919 the Federal Trade Commission pointed out the disadvantages of the methods of marketing such hides.

The commission said (Report on Leather and Shoe Industries, 1919, p. 11):

"It is thus seen that before a country hide reaches the tanner it may pass through three or four hands. The original owner of the hide may sell to a local merchant, the local merchant sells to a small dealer, the small dealer sells to a larger dealer, who in turn sells to the tanner. If, under the circumstances, this were as economical a system of marketing as could be devised it necessarily follows that if each purchaser realizes even a small margin of profit, there must be quite a wide difference between the price paid to the farmer or small butcher and the price paid by the tanner."

Therefore, in the case of a country hide, whatever increase in value accrues on account of a 15 per cent duty is divided among the several people through whose hands the hide passes.

If the situation has not changed since 1919, presumably about 75 per cent of 60 per cent or 37½ to 45 per cent of the cattle slaughtered in the United States are slaughtered by the great packers and the rest either by smaller packers, butchers, or farmers.

It seems certain that at the most the farmer could not expect to receive more than one-half of the gain in value of hides due to a 15 per cent duty. This might mean $12,500,000 as compared with nearly twice that amount he will pay for articles of leather which he is obliged to use, and $120,000,000 that will be paid by the country at large as an increase in the cost of living.

Of course the farmer is affected, not only by the increase in his own costs but by the fact that by the addition of nearly $100,000,000 to the amount paid by the rest of the population for articles made of leather the ability of the rest of the country to purchase other products of the farmer may be to that extent curtailed.

Only a relatively small number of farmers in a relatively small number of States raise cattle to a sufficient extent to benefit by a duty on hides even to the slight extent that packers or hide buyers will pass along the increased value. Figures are not available for the number of persons engaged in raising cattle for beef, but they are relatively few. Aside from such persons, the farmer who owns cattle owns them for dairy purposes. It is estimated that in 1920, when the latest census was taken, there were slightly over 6,000,000 dairy farmers, farmers, and stock raisers. (Statistical Abstract, 1928, p. 50.) In that same year the number of dairy cows was 19,675,000 (p. 611), which means that there were only slightly over three dairy cows to each farmer. Of these it is unlikely that more than one at the most would be killed in a year, indicating the slight benefit that would accrue to dairy farmers throughout the country.

Even in States where cattle raising is a prominent industry the population as a whole will pay notably more in the increase of the cost of products made of leather than it will receive from the increase in the value of hides. (See Schedule E, attached hereto.)

CONCLUSION

In only one tariff act since the Civil War (the Dingley Act of 1897) has there been a duty on hides and in none has there been a duty on calfskins. Hides have been free since 1909. The National Boot & Shoe Manufacturers' Association believes that there will be no advantage to the country in general or to the farmer in particular in departing in the tariff act to be drawn this year from the general policy of free trade in hides and skins.

National Boot & Shoe Manufacturers' Association, Tariff Committee: J. Franklin McElwain, J. F. McElwain Co., Boston, Mass., chairman; Harold C. Keith, George E. Keith Co., Brockton, Mass.; Henry W. Cook, A. E. Nettleton Co., Syracuse, N. Y.; J. Otis Ball, managing director, National Boot & Shoe Manufacturers' Association, New York; Chas. Ault, Ault-Williamson Shoe Co., Auburn; A. F. Bancroft, Bancroft-Walker Co., Boston; Albert N. Blake, Watson Shoe Co., Stoughton, Mass.; Everett Bradley, Bradley-Goodrich Shoe Co., Haverhill, Mass.; W. B. Burdett, Burdett Shoe Co., Lynn, Mass.; Charles G. Craddock, Craddock-Terry Co., Lynchburg, Va.; Oliver E. DeRidder, E. P. Reed & Co., Rochester, N. Y.; H. R. Drinkwater, Edwin Clapp & Son (Inc.), East Weymouth, Mass.; James Edwards, J. Edwards & Co. (Inc.), Philadelphia, Pa.; F. L. Emerson, Dunn & McCarthy, Auburn, N. Y.; Perley G. Flint, Field & Flint Co., Brockton, Mass.; John R. Garside, A. Garside & Sons, Long Island City, N. Y.; E. S. Gerberich, Gerberich-Payne Shoe Co., Mount Joy, Pa.; Albert C. Griffin, The Griffin-White Shoe Co., Brooklyn, N. Y.; R. P. Hazzard, R. P. Hazzard Shoe Co., Gardiner, Me.; Charles T. Heald, The Stetson Shoe Co., South Weymouth, Mass.; John T. Hollis, Cushman-Hollis Co., Auburn, Me.; John G. Holters, United States Shoe Co., Cincinnati, Ohio; Harry G. Johansen, Johansen Bros. Shoe Co., St. Louis, Mo.; Charles H. Jones, Commonwealth Shoe & Leather Co., Whitman, Mass.; John S. Kent, jr., M. A. Packard Co., Brockton, Mass.; Hon. Aaron S. Kreider, A. S. Kreider Co., Annville, Pa.; E. H. Krom, G. R. Kinney Co., New York City; Justus J. Lattemann, John J. Lattemann Shoe Manufacturing Co., Brooklyn, N. Y.; Paul O. MacBride, Milford Shoe Co., Milford, Mass.; John C. McKeon, Laird, Schober & Co., Philadelphia, Pa.; Herman Meyer, Croxton-Wood Shoe Co., Philadelphia, Pa.; George Miller, I. Miller & Sons (Inc.), Long Island City, N. Y.; Raymond P. Morse, Cantilever Shoe Co., Brooklyn, N. Y.; J. T. Pedigo, Pedigo-Weber Shoe Co., St. Louis, Mo.; Edward M. Rickard, the Rickard Shoe Co., Haverhill, Mass.; Roger A. Selby, the Selby Shoe Co., Portsmouth, Ohio; H. L. Tinkham, W. L. Douglas Shoe Co., Brockton, Mass.; F. L. Weyenberg, Weyenberg Shoe Manufacturing Co., Milwaukee, Wis.; Fred A. Miller, H. C. Godman Co., Columbus, Ohio.

(Since this brief has been prepared the Farm Bureau have asked for a duty of not less than 45 per cent. Our brief has been based on a proposed duty of 15 per cent, and figures would have to be adjusted accordingly.)

EXHIBIT A

Imports and exports of cattle hides

[Statistical Abstract of United States, 1928, pp. 482, 520; 1928 figures from Department of Commerce]

	Imports		Exports	
	Pounds	Value	Pounds	Value
1910–1914	261,293,000	$42,469,000	15,981,000	$2,271,000
1923	291,969,000	46,606,000	23,853,000	2,931,000
1924	185,615,000	24,304,000	79,706,000	8,483,000
1925	166,793,000	26,695,000	49,916,000	7,037,000
1926	150,452,000	22,092,000	51,773,000	6,767,000
1927	237,233,000	41,360,000	37,565,000	5,945,000
1928	276,175,000	63,694,000	24,211,000	5,081,000

Buffalo hides included in imports in above figures for 1910–1914, not thereafter.

Imports are largely from Argentine Republic (nearly one-half), Canada, Brazil, Uruguay, Colombia.

EXHIBIT B

Imports and exports of calfskins

[Statistical Abstract of United States, 1928, pp. 482, 520; 1928 figures from Department of Commerce]

	Imports		Exports	
	Pounds	Value	Pounds	Value
1910–1914			592,000	$108,000
1923	31,607,000	$8,123,000	3,982,000	884,000
1924	31,960,000	8,898,000	11,191,000	2,383,000
1925	24,157,000	7,592,000	12,941,000	3,106,000
1926	39,141,000	10,423,000	10,226,000	2,027,000
1927	37,182,000	11,471,000	15,083,000	3,319,000
1928	34,622,000	12,872,000	12,078,000	3,518,177

Imports are exclusive of kip skins.

Imports are largely from France, Canada, Germany, and Latvia.

Exports are largely to Netherlands, Canada (which takes three times what it sends us), and Germany.

Imports of kips

	Pounds	Value
1923	17,091,000	$3,246,000
1924	9,152,000	1,660,000
1925	5,555,000	1,007,000
1926	6,061,000	1,167,000
1927	6,887,000	1,638,000
1928	10,713,000	3,232,000

EXHIBIT C

Schedule of cattle in the United States other than dairy cattle

[Statistical Abstract of United States, pp. 3, 614]

Year	Cattle other than dairy cattle	Population	Cattle per capita
1901	45,500,213	77,747,402	0.58
1903	44,659,000	80,983,390	.55
1905	43,669,000	84,219,378	.51
1907	51,566,000	87,445,366	.58
1909	49,379,000	90,691,354	.54
1911	39,679,000	93,682,189	.42
1913	36,030,000	96,512,407	.38
1915	37,067,000	99,342,625	.37
1917	41,689,000	102,172,845	.40
1919	45,085,000	105,003,065	.42
1921	45,776,000	108,444,777	.42
1923	44,093,000	111,693,474	.39
1925	43,115,000	115,378,094	.37
1927	34,354,000	118,628,000	.29
1928	33,748,000	120,000,000	.28

EXHIBIT D

Exports of leather boots and shoes (exclusive of slippers and athletic footwear)

[Figures from Shoe and Leather Manufactures Division, Department of Commerce]

Year	Pairs	Value
1910–1914	9,043,000	$15,788,000
1923	7,342,000	17,517,000
1924	6,299,000	15,071,000
1925	6,604,000	15,319,000
1926	5,707,000	12,853,000
1927	5,513,000	12,490,000
1928	4,320,000	10,856,000

EXHIBIT E

ANNUAL COST OF 15 PER CENT DUTY AND GAIN THEREFROM TO SECTIONS OF THE COUNTRY

[Number of cattle from Statistical Abstract of United States, 1928, p. 612]

Number slaughtered annually estimated at one-third. Total in United States in 1927 were 56,872,000. (Abstract, p. 811.) Number slaughtered in 1927 estimated by Department of Agriculture at 14,000,000 cattle, 9,030,000 calves; total, 23,030,000.

Gain from duty figured on basis that of cattle slaughtered one-third were calves and that gain to farmer is two-thirds of $1.50, or $1, per hide, or two-thirds of 42 cents, or 28 cents, per calfskin.

Cost of duty in increased cost of living estimated at $1 per person per year.

States	Cattle and calves	Killed	Gain from duty	Cost of duty
New England	1,091,000	363,666	$276,306	$8,276,000
Middle Atlantic	3,380,000	1,126,666	856,266	25,235,000
East North Central	9,309,000	3,103,000	2,358,280	24,942,000
West North Central	16,429,000	5,476,333	4,162,013	13,361,000
South Atlantic	3,801,000	1,267,000	962,920	16,127,000
East South Central	3,549,000	1,183,000	899,080	9,419,000
West South Central	8,726,000	2,908,666	2,210,586	11,807,000
Mountain	6,217,000	2,072,333	1,574,973	3,910,000
Pacific	3,194,000	1,064,666	789,135	7,045,000

	Population	Cattle and calves	Cattle and calves killed per year	Income from duty	Cost of duty	Net loss
New England:						
Maine	795,000	228,000	76,000	$52,000	$795,000	$743,000
New Hampshire	456,000	113,000	37,666	28,720	456,000	427,280
Vermont	352,000	404,000	133,666	101,900	352,000	250,100
Massachusetts	4,290,000	178,000	59,333	45,150	4,290,000	4,144,850
Rhode Island	716,000	27,000	9,000	6,840	716,000	709,160
Connecticut	1,667,000	141,000	47,000	35,800	1,667,000	1,631,200
Middle Atlantic:						
New York	11,550,000	1,887,000	629,000	478,700	11,550,000	11,071,300
New Jersey	3,821,000	161,000	53,666	40,800	3,821,000	3,780,200
Pennsylvania	9,854,000	1,332,000	444,000	337,400	9,854,000	9,516,600
East North Central:						
Ohio	6,826,000	1,624,000	541,333	410,400	6,826,000	6,415,600
Indiana	3,176,000	1,346,000	448,666	350,800	3,176,000	2,825,200
Illinois	7,396,000	1,945,000	648,333	592,500	7,396,000	6,803,500
Michigan	4,591,000	1,434,000	478,000	362,500	4,591,000	4,228,500
Wisconsin	2,953,000	2,960,000	986,666	758,300	2,953,000	2,194,700
West North Central:						
Minnesota	2,722,000	2,656,000	885,333	672,600	2,722,000	2,049,000
Iowa	2,428,000	3,720,000	1,240,000	941,000	2,428,000	1,487,000
Missouri	3,523,000	2,109,000	703,000	533,500	3,523,000	2,999,000
North Dakota	641,000	1,034,000	344,666	262,000	641,000	379,000
South Dakota	704,000	1,570,000	502,333	380,800	704,000	323,200
Nebraska	1,408,000	2,875,000	958,333	749,500	1,408,000	658,500
Kansas	1,835,000	2,465,000	821,666	622,500	1,835,000	1,212,500
South Atlantic:						
Delaware	244,000	49,000	16,333	12,430	244,000	231,570
Maryland	1,616,000	275,000	91,666	69,500	1,616,000	1,546,500
District of Columbia	552,000					
Virginia	2,575,000	756,000	252,000	191,500	2,575,000	2,558,500
West Virginia	1,724,000	492,000	164,000	124,200	1,724,000	1,599,800
North Carolina	2,938,000	527,000	176,333	123,400	2,938,000	2,804,600
South Carolina	1,864,000	306,000	102,000	77,500	1,864,000	1,786,500
Georgia	3,204,000	863,000	287,666	218,800	3,204,000	2,985,000
Florida	1,411,000	533,000	177,666	135,600	1,411,000	1,275,400
East South Central:						
Kentucky	2,553,000	1,003,000	334,333	253,100	2,533,000	2,279,900
Tennessee	2,502,000	958,000	319,333	241,700	2,502,000	2,260,300
Alabama	2,573,000	709,000	238,333	181,200	2,573,000	2,391,800
Mississippi	1,791,000	879,000	293,000	221,300	1,791,000	1,569,700
Arkansas	1,944,000	817,000	272,300	206,800	1,944,000	1,737,200
Louisiana	1,950,000	579,000	193,000	147,000	1,950,000	1,803,000
Oklahoma	2,426,000	1,723,000	574,333	435,000	2,426,000	1,990,400
Texas	5,487,000	5,607,000	1,869,000	1,420,000	5,487,000	4,067,000
Mountain:						
Montana	549,000	1,117,000	372,333	282,800	549,000	266,200
Idaho	546,000	588,000	196,000	149,100	546,000	396,900
Wyoming	247,000	764,000	254,666	193,700	247,000	54,000
Colorado	1,090,000	1,317,000	439,000	332,800	1,090,000	657,200
New Mexico	396,000	1,017,000	339,000	257,600	396,000	138,400
Arizona	474,000	546,000	182,000	138,000	474,000	336,000
Utah	531,000	472,000	157,333	119,700	531,000	411,300
Nevada [1]	77,000	343,000	114,333	86,600	77,000	9,600
Pacific:						
Washington	1,587,000	519,000	173,000	131,600	1,587,000	1,455,400
Oregon	902,000	680,000	226,666	172,220	902,000	729,700
California	4,556,000	1,995,000	665,000	506,000	4,556,000	4,050,000

[1] Gain in this State only.

EXHIBIT F

SOLE LEATHER COST

Figuring raw hides costing 20 cents per pound, increase due to a 15 per cent duty would be 3 cents per pound, costing with duty 23 cents.

One pound of hides produces 0.65 pound of sole leather, which means the leather, including bends, bellies, shoulders, and heads, would cost $0.046 per pound more because of the duty.

Bends, representing the best part of the hide, from which outer soles are cut, would cost with hides at 20 cents per pound, without duty $0.534 per pound; with duty $0.599 per pound; or an increase of $0.064 per pound because of the duty.

The average increase in cost of soles cut from bends, because of the duty, men's $0.06 per pair, women's $0.049 per pair.

Bellies, representing the poorer part of the leather, from which inner soles are cut, would figure $0.269 per pound without duty, $0.293 per pound with duty, or $0.024 per pound extra.

Average increase in cost of inner soles because of the duty, men's $0.011 per pair; women's $0.009 per pair.

SOLE LEATHER SUMMARY

Estimated increased cost due to 15 per cent tariff

	Men's	Women's
Outer sole	$0.060	$0.049
Inner sole	.011	.009
Counter	.005	.004
Box toe	.003	.002
Heel	.002	.002
Top lift	.008	.006
Welt	.005	.003
Total	.094	.075
The above must be increased at least 10 per cent to cover selling and overhead	.104	.083

COST OF UPPER LEATHER

Calf: Figuring raw calfskins on a basis of 23 cents per pound, adding a duty of 15 per cent, increased cost would be $0.0375 per pound.

There is about 1 foot of leather to 1 pound of raw calfskins.

Adding selling and overhead increase because of 15 per cent duty would be $0.041 per foot.

Figuring the average cutting allowance, high shoes, low shoes, and fancy shoes, on the basis of men's 2.25 feet per pair and women's 2 feet per pair, increased cost per pair in men's would be 9 cents; women's, 8.1 cents.

Side, kip, and patent leather: Figuring on a basis of 20 cents for kips, 18 cents for extremes, and 16 cents for buffs, and on a yield of 90 per cent for kips, 85 per cent for extremes, and 80 per cent for buffs, the increased cost would be approximately 3½ cents per foot.

Increased cost per pair to manufacturer

	Men's	Women's
Upper leather (kip, side, and patent)	$0.077	$0.071
Sole leather	.104	.083
Total	.181	.154
Upper leather (calf)	.090	.081
Sole leather	.104	.083
Total	.194	.164

This represents the average. Some types would cost much more, particularly women's shoes made from fancy leather and men's shoes for farm purposes.

INCREASED COST PER PAIR TO ULTIMATE CONSUMER

Figuring on a basis of 15 per cent for wholesaling costs and 50 per cent on the cost price or 33⅓ per cent on the selling price for retailer, increased cost to ultimate consumer is as follows:

	Men's	Women's
Side leather shoes	$0.312	$0.265
Calf	.333	.282

A DUTY ON BOOTS AND SHOES

I desire also at this time to record myself and those for whom I speak as in favor of such duty on leather boots and shoes as may be appropriate to cover the difference between the cost of labor in this country and the cost of labor abroad in the same industry. To do so is merely to advocate the policy embodied in every tariff act enacted by Congress from 1789 to 1913, a period of 124 years—the policy which prevails to-day in every nation in the world, which is an important manufacturer of boots and shoes with the exception of England.

I can see no inconsistency in urging on the one hand that a raw material, the domestic supply of which is insufficient to meet our needs and which is controlled in large measure by a few large concerns remaining on the free list; and on the other hand that a finished commodity in which labor represents from 25 to 30 per cent of the value, the domestic supply of which is more than sufficient to meet our needs and which is manufactured by over 1,400 concerns on a national basis under highly competitive conditions be given such protection as may be appropriate to offset lower wages for similar work in other countries with which we must compete in the domestic market.

The basis for appropriate protection of boots and shoes is easily stated.

In recent years imports have increased with great rapidity, from about 400,000 pairs in 1923, if I am correctly informed, to over 2,600,000 pairs in 1928, or 655 per cent. The increase during this period for men's and boys' shoes amounted to about 91 per cent, for children's shoes to about 162 per cent, and for women's shoes to over 1,650 per cent reflecting in large measure competition from Czechoslovakia. The effects of the Underwood Tariff Act of 1913 placing boots and shoes on the free list would presumably have been more promptly felt but for the war. Imports have been facilitated by the adoption in Europe of American principles of manufacture by comparatively inexpensive materials and by wages estimated as averaging not more than 34 per cent of those paid in this country. Exports have been steadily decreasing, to the extent of about 41 per cent during the period referred to, in the face of tariff walls existing in other shoe-producing countries.

It is true that total imports still represent but a small percentage of annual domestic production. In view of the rapidity of increase, however, it does not seem unreasonable to urge that boots and shoes be accorded due protection as in the past, subject to the provisions of an appropriate flexible clause in the new tariff act.

Such protection would not increase the domestic price to the consumer in view of the fact that there is an exportable surplus of boots and shoes produced in this country under competitive conditions. The duty should be contrasted in this respect with the proposed duty on hides where the domestic supply is insufficient to meet our needs.

For reasons already stated I also insert at this point Mr. McElwain's brief submitted to the Ways and Means Committee in this connection.

BRIEF OF THE NATIONAL BOOT & SHOE MANUFACTURERS' ASSOCIATION

PARAGRAPH 1607. SHOES

(1) The shoe industry: The shoe-manufacturing industry in the United States is among the largest of our industries. In 1925, the year for which the latest figures are available, there were 1,460 establishments (exclusive of the manufacture of rubbers, and of cut stock and findings so far as they are not made in shoe factories), employing 206,992 wage earners, being about 2.46 per cent of the total average number of wage earners in the manufactures of the United States. (Statistical Abstract of the United States, pp. 763 and 749.) The industry paid in that year wages amounting to over $225,000,000, and the value of its product was in excess of $925,000,000. It produced in 1927, 343,976,000 pairs of shoes.

The industry is national in its extent and is particularly important in the States of Massachusetts, New York, Missouri, Illinois, Wisconsin, New Hampshire, Pennsylvania, Ohio, and Maine.

There are no trusts or combinations in the industry and no one manufacturer produces more than a very small per cent of the total production of the country.

Without doubt the shoe factories of the United States are operating to not more than 50 per cent of their potential capacity. This means of necessity that competition is keen and that excessive profits are impossible.

(2) The duty recommended: The shoe-manufacturing industry asks for a duty of 25 per cent on leather boots and shoes and other leather footwear. This rate of duty is estimated merely to cover the difference between the cost of labor in this country and the cost of labor abroad in this particular industry.

If a duty is to be imposed upon hides and skins and/or upon leather, naturally the shoe industry should receive additional protection to an extent sufficient to cover the resulting increase in the cost of raw materials to the domestic manufacturer. Otherwise the foreign manufacturer who enjoys free hides and leather will be given a large advantage.

(3) Argument: The duty of 25 per cent is needed for the following reasons:

(A) The importation of leather boots and shoes has increased during the past 10 years to a very alarming extent, as is shown by the table (Exhibit A) hereto annexed.

From this table it will be apparent that from 1923 to 1928 importations of leather boots and shoes increased from 398,929 pairs to 2,616,884 pairs, or 655 per cent. During the same period the value of these importations increased from $1,246,178 to $8,254,224, or 562 per cent.

The principal increase has been in women's shoes. From 1923 to 1928, while importations of shoes for men and boys increased 91 per cent, and of children's shoes 162 per cent, importations of women's shoes increased from 115,119 pairs to 2,018,269 pairs, or 1,653 per cent. The number of women's shoes imported, therefore, increased more than sixteen times. In value such imports grew from $527,384 to $5,829,406, or over 1,000 per cent.

This rate of increase is in itself sufficiently alarming but in all probability it has only begun. From 1926 to 1927 the importation of leather shoes for women increased 102 per cent, and from 1927 to 1928 105 per cent.

Imports of leather slippers increased from 400,073 pairs, of the value of $407,407, in 1927, to 633,998 pairs, of the value of $1,019,405, in 1928, an increase of over 37 per cent in volume and over 100 per cent in value.

Imports of dutiable footwear, uppers of wool, cotton, ramie, hair, fiber, silk or substitutes therefor, duty 35 per cent, do not materially increase and are of a low per-pair value. The 1,170,983 pairs imported in 1928 were valued at only $316,193.

(B) The larger part of the increase in the importation of shoes for women is due to Czechoslovakia. That country has during the past few years grown to be the principal exporter of shoes in the entire world. It exported in 1928, according to the estimate of our Department of Commerce, nearly, if not quite, 14,000,000 pairs of shoes or nearly three times the total number exported by the United States.

Of the women's shoes that entered the United States in 1928, 70 per cent in number of pairs and 57 per cent in value came from Czechoslovakia, and so large a part of our total imports are represented by women's shoes that of the total number of leather shoes for men, boys, women, and children that entered this country 57 per cent in number of pairs were from Czechoslovakia.

(C) The fact that so large a quantity of shoes, particularly for women, are being imported is of itself sufficient evidence that they are underselling the domestic shoe in the American market.

The reasons for this are easily determined.

The foreign manufacturer to-day can procure American shoe machinery or machinery manufactured abroad along American lines. In this respect, therefore, he is on an equality with the American manufacturer.

As far as can be determined, managerial efficiency and operating ability, particularly in Czechoslovakia, are equal to those in American factories. It is well known that by far the larger part of the shoes coming to this country from Czechoslovakia are the product of one very able manufacturer now producing 65,000 pairs of shoes daily. That manufacturer, with certain of his manager-assistants, came to this country, worked in various factories here, and acquired an intimate knowledge of American methods and processes. These methods and processes he has put into effect in his factories at home, so that in all probability the production per employee in his modern Czechoslovakian factories is equivalent to the production per employee in this country.

On an equality with the American manufacturer in other regards, the manufacturer in Czechoslovakia possesses one outstanding advantage. His wages are estimated to be not more than one-third of the wages in this country.

It has been ascertained that the average wages paid in the factory of this Czechoslovakian manufacturer are as follows:

Skilled adult men (43 per cent of employees), $13.50 to $14.40 per week.

Adult male helpers, $10.80 per week.

Skilled adult women (31 per cent of employees), $7.20 to $7.40 per week.

Boys from 18 to 21, $6.30 per week.

Boys under 18, $2.70 per week.

Girls from 14 to 18 (12 per cent of employees), $4.50 per week.

Factory average, about $9.50 per week.

These figures are unofficial, but undoubtedly accurate.

The Ministry of Labor Gazette for October, 1928, states that in England the minimum weekly wage for the principal classes of skilled workmen in the shoe industry at the end of September was $13.61, and that the minimum for women of 20 years or over in certain operations in the closing and heel building departments and stock and shoe rooms was $8.26. These minima are probably not far from the average.

Average wages in the shoe industry in this country are as follows: Adult males, $30.63 per week; adult females, $19.53 per week; factory average, about $26.02 per week. (Monthly Labor Review of the Bureau of Labor Statistics, December, 1928, p. 188.)

Since it is difficult to obtain official figures for labor costs in the shoe industry abroad, statistics for related industries are of interest. In a report by the Tariff Commission to the Department of Commerce, which is comprised in Senate Document No. 198 of the Sixty-eighth Congress, second session, and is dated 1925, there is the following table showing the per cent that the average wage among male workers in the calfskin industry in the specified country forms of the wage of the same workers in the United States:

	Per cent
Austria	30.13
Belgium	24.60
Czechoslovakia	25.40
England	55.38
France	27.77
Germany	33.79
Luxemburg	33.53
Scotland	67.83

It is pretty certain that not far from the same relation exists with regard to wages in shoe manufacturing. According to this table the wage in Czechoslovakia is only about one-quarter of that in the United States.

Since it is generally understood that 25 to 30 per cent of the manufacturing cost of a pair of shoes in the United States represents labor, even excluding the labor cost entering into the manufacture of the leather and supplies, and if the labor cost is from one-third to one-fourth that in the United States, an import duty of 25 per cent will no more than compensate for the labor differential.

(D) The American shoe manufacturer must look increasingly to the home market for his outlet. Exports of leather boots and shoes have been slowly but steadily declining, as is indicated by Exhibit C. Between 1923 and 1928 they declined 41 per cent and between 1927 and 1928 alone they fell off 21 per cent.

In fact, the export of leather boots and shoes has been confined almost entirely to Central American and South American countries and to adjacent islands in which this country has had a geographical or other advantage. Even in these countries, however, the American product is losing ground, owing, in Cuba, to an increase in the import duty intended to encourage the manufacture of shoes in that country, and in other countries, no doubt, to growing competition from Europe. (See Exhibit D.)

To no country of Europe does the United States export any appreciable number of shoes.

(E) An import duty will not increase the price of domestic shoes to the consumer. Undoubtedly the product of Czechoslovakian factories can undersell the American manufacturer. However, whether or not such competition existed, the consumer in this country would be assured that he would pay for the domestic product the lowest competitive figure. This is the logical and inevitable result of the fact that the competition among shoe manufacturers of the United States is as keen as that in any department of industry, and that the capacity of our domestic factories so considerably exceeds the requirements of the market.

(F) Every foreign country which manufactures shoes in any considerable quantity, including Czechoslovakia, France, Germany, Canada, and Italy, and excepting only Great Britain, protects its industry by a duty. Because of the divers methods of estimating the duty in some countries, upon weight, for example, or varying in amount for various classes of shoes, it is difficult to draw any table which will be of value for purposes of comparison. It may be said, however, that the duty in Canada is 30 per cent. An American manufacturer states that the duty he pays in France figures 20 per cent plus a luxury tax. In South Africa, Canada, New Zealand, and Australia there is a preferential tariff favoring Great Britain.

(G) The continued encroachment of foreign shoes upon the domestic market must result in decreased domestic production and diminished employment, or else in lower wages necessary for competition with the foreign product.

It is plain that every foreign shoe sold in the domestic market means one less shoe manufactured in an American factory and that the employment of American workmen is correspondingly diminished. At present this effect is chiefly felt in the manufacture of women's shoes. There seems no limit, however, to the extent to which the foreign manufacturer can go if a duty is not imposed in this country. There is every chance that the importation of men's shoes will continue to increase and that the manufacturer in Czechoslovakia will turn to men's shoes at any moment and be as successful in that direction as in the manufacture of shoes for women. Though the figures are relatively small, the importation of leather shoes for men and boys from Czechoslovakia into the United States increased from 10,329 pairs in 1927 to 52,245 pairs in 1928, or more than 500 per cent, and of children's shoes from 15,722 pairs to 40,098 pairs, or nearly 300 per cent.

(4) Conclusion: Testimony has been given before this committee by a representative of the farming interests to the effect that an analysis of six industrial tariff schedules shows an average protection of 40½ per cent, as against 22 per cent for agriculture. The manufacture of leather boots and shoes has no protection. We respectfully submit that no manufacturing industry in this country in which labor forms so large an element in cost is to-day without the benefit of a protective tariff. The duty upon leather boots and shoes under earlier tariff acts has been as follows:

Act of—	Per cent
1883	30
1890	25
1894	20
1897	25
1900	10–15
1913	Free.
1922	Free.

The effect of removing the duty in 1913 would have been felt more promptly but for the war, which temporarily stopped importations from Europe.

The shoe industry hopes that Congress will recognize the growing danger to its prosperity and will restore to it the benefit of a duty before additional harm is done which can not easily be remedied.

National Boot and Shoe Manufacturers' Association Tariff Committee: J. Franklin McElwain, J. F. McElwain Co., Boston, Mass., chairman; Harold C. Keith, George E. Keith Co.,

Brockton, Mass.; Henry W. Cook, A. E. Nettleton Co., Syracuse, N. Y.; J. Otis Ball, managing director National Boot and Shoe Manufacturers' Association, New York; Chas. Ault, Ault-Williamson Shoe Co., Auburn; A. F. Bancroft, Bancroft-Walker Co., Boston; Albert N. Blake, Watson Shoe Co., Stoughton, Mass.; Everett Bradley, Bradley-Goodrich Shoe Co., Haverhill, Mass.; W. B. Burdett, Burdett Shoe Co., Lynn, Mass.; Charles G. Craddock, Craddock-Terry Co., Lynchburg, Va.; Oliver E. DeRidder, E. P. Reed & Co., Rochester, N. Y.; H. R. Drinkwater, Edwin Clapp & Sons (Inc.), East Weymouth, Mass.; James Edwards, J. Edwards & Co. (Inc.), Philadelphia, Pa.; F. L. Emerson, Dunn & McCarthy, Auburn, N. Y.; Perley G. Flint, Field & Flint Co., Brockton, Mass.; John R. Garside, A. Garside & Sons, Long Island City, N. Y.; E. S. Gerberich, Gerberich-Payne Shoe Co., Mount Joy, Pa.; Albert C. Griffin, the Griffin-White Shoe Co., Brooklyn, N. Y.; R. P. Hazzard, R. P. Hazzard Shoe Co., Gardiner, Me.; Charles T. Heald, The Stetson Shoe Co., South Weymouth, Mass.; John T. Hollis, Cushman-Hollis Co., Auburn, Me.; John G. Holters, United States Shoe Co., Cincinnati, Ohio; Harry G. Johansen, Johansen Bros. Shoe Co., St. Louis, Mo.; Charles H. Jones, Commonwealth Shoe & Leather Co., Whitman, Mass.; John S. Kent, jr., M. A. Packard Co., Brockton, Mass.; Hon. Aaron S. Kreider, A. S. Kreider Co., Annville, Pa.; E. H. Krom, G. R. Kinney Co., New York City; Justus J. Lattemann, John J. Lattemann Shoe Manufacturing Co., Brooklyn, N. Y.; Paul O. MacBride, Milford Shoe Co., Milford, Mass.; John C. McKeon, Laird, Schober & Co., Philadelphia, Pa.; Herman Meyer, Croxton-Wood Shoe Co., Philadelphia, Pa.; George Miller, I. Miller & Sons (Inc.), Long Island City, N. Y.; Raymond P. Morse, Cantilever Shoe Co., Brooklyn, N. Y.; J. T. Pedigo, Pedigo-Weber Shoe Co., St. Louis, Mo.; Edward M. Rickard, The Rickard Shoe Co., Haverhill, Mass.; Roger A. Selby, The Selby Shoe Co., Portsmouth, Ohio; H. L. Tinkham, W. L. Douglas Shoe Co., Brockton, Mass.; F. L. Weyenberg, Weyenberg Shoe Manufacturing Co., Milwaukee, Wis.; Fred A. Miller, H. C. Godman Co., Columbus, Ohio.

EXHIBIT A

Imports of leather boots and shoes, exclusive of slippers and athletic footwear

[Figures furnished by Shoe and Leather Manufactures Division, Department of Commerce]

Year	Pairs boots and shoes			Total	Total value
	Men's and boys'	Women's	Children's		
1921	73,190	28,281	89,060	190,531	$591,447
1922	134,501	47,973	17,264	199,738	753,703
1923	206,664	115,119	77,146	398,929	1,246,176
1924	276,156	264,762	45,771	586,689	1,995,252
1925	310,269	272,937	231,437	814,643	2,429,374
1926	233,787	484,895	351,059	1,069,741	3,380,972
1927	306,370	982,220	188,845	1,477,435	5,199,656
1928	395,825	2,018,269	202,790	2,616,884	8,254,224

EXHIBIT B

Principal countries of origin of leather boots and shoes imported in 1927 and 1928

[Figures furnished by Shoe and Leather Manufactures Division, Department of Commerce]

Country and year	In pairs			Total
	Men's and boys'	Women's	Children's	
Czechoslovakia:				
1927	10,329	521,947	15,722	547,998
1928	52,245	1,415,143	40,098	1,507,486
United Kingdom:				
1927	220,213	27,728	8,667	256,608
1928	249,338	39,275	8,358	296,971
Switzerland:				
1927	7,301	127,778	131,373	266,452
1928	102	124,864	130,191	255,157
France:				
1927	4,142	169,733	11,702	185,577
1928	8,981	219,672	7,938	236,591
Austria:				
1927	5,554	56,047	6,494	68,095
1928	6,396	131,564	1,492	139,452
Germany:				
1927	4,405	46,224	12,724	63,353
1928	3,730	59,106	12,074	74,910
Canada:				
1927	46,567	7,596	42	54,205
1928	65,761	15,660	1,950	83,371
Other countries:				
1927	7,859	25,167	2,121	35,147
1928	9,272	12,985	689	22,946

EXHIBIT C

Exports of leather boots and shoes, exclusive of slippers

[Figures furnished by Shoe and Leather Manufactures Division, Department of Commerce]

Year	In pairs			Total	Total value
	Men's and boys'	Women's	Children's		
1910–1914 average				9,043,000	$15,788,000
1921	5,173,776	1,767,880	2,016,041	8,957,697	24,678,701
1922	1,878,259	2,280,214	1,246,338	5,404,811	12,373,011
1923	3,187,623	2,292,961	1,861,413	7,341,997	17,516,339
1924	2,586,503	2,191,725	1,519,849	6,298,077	15,071,140
1925	2,702,669	2,406,669	1,494,233	6,603,571	15,318,116
1926	2,590,231	2,013,679	1,102,959	5,706,869	12,853,265
1927	2,477,117	1,897,478	1,139,479	5,514,074	12,490,080
1928	1,870,493	1,783,342	666,435	4,320,270	10,856,593

EXHIBIT D

Principal countries of destination of leather boots and shoes exported in 1927 and 1928

[From figures furnished by Shoe and Leather Manufactures Division, Department of Commerce]

Country and year	In pairs			Total
	Men's and boys'	Women's	Children's	
Cuba:				
1927	1,198,590	475,004	783,493	2,457,087
1928	696,242	141,087	313,383	1,150,712
Canada:				
1927	159,940	278,488	33,074	471,502
1928	90,380	340,640	21,465	452,485
Mexico:				
1927	164,580	75,114	15,884	255,578
1928	135,149	70,543	9,122	214,814
Panama:				
1927	164,820	73,518	42,195	280,533
1928	126,930	68,681	53,676	249,287
Jamaica, other British West Indies, and Bermuda:				
1927	158,338	282,179	47,360	487,877
1928	137,307	259,337	27,024	423,668
Colombia:				
1927	103,574	110,965	44,368	258,907
1928	119,948	136,949	83,212	340,109
Dominican Republic:				
1927	69,613	149,852	58,472	277,937
1928	47,922	91,541	41,031	180,494
France:				
1927	8,474			
1928	10,307			
United Kingdom:				
1927	50,609	164,467		
1928	51,912	343,572		
Other Europe:				
1927	107,938	71,674		
1928	96,328	70,632		

WORK OF COMMITTEE ON INDIAN AFFAIRS

Mr. LEAVITT. Mr. Speaker, in further continuance of a custom of several years, I am placing in the RECORD a summary of the work of the House Committee on Indian Affairs during the Seventieth Congress. This completes the progress report printed at the end of the first session.

During the Seventieth Congress there were referred to this committee 208 House bills, 8 House joint resolutions, and 46 bills and 1 resolution which had already passed the Senate. Of this total of 263 measures laid before the committee, 128 were reported favorably and 2 unfavorably to the House. An even 100 of these measures became law, which is interesting because they constitute nearly 6 per cent of the entire 1,722 laws enacted by the Seventieth Congress. In addition to this 100 there were 3 included in deficiency bills. Eight House and 2 Senate bills, several of which were reported shortly before adjournment, 2 with adverse reports, remained on the House Calendars at the close of the Congress, and 11 which had passed the House were pending in the Senate.

It is deeply regretted by the committee that two bills to allow the Cowlitz and other tribes of the State of Washington to take claims of long standing into the Court of Claims for determination received presidential disapproval, and that one so authorizing three other tribes in Utah and Colorado, having passed both Houses, was not acted upon by the President at adjournment.

It is true that five new laws were approved during the Seventieth Congress to allow various other tribes to submit their cases against the Government to the Court of Claims and that several such acts which had previously passed were beneficially amended. It is likewise true that the basis of claim is less clearly established in the disapproved measures than in the

others. Still the fact remains that the final and complete adjudication of such tribal claims, long held to exist, is a first essential to the constructive solution of the problems affecting many tribes of Indians.

The closing up of these old tribal matters is essential because the great expectations of the various tribes that sums are due from the Government must either be realized or definitely removed by final court action, following fair and complete trial, before many Indians will settle down to fit themselves fully into the environment of white civilization. It is also necessary to remove at once the feeling that injustice must ever confront them. And there is no way by which these old claims can be adjudicated and ended except by acts of Congress admitting for trial in the Court of Claims these matters in dispute.

In spite of the sharp differences of opinion with regard to most other matters, every commission or organization interested in Indian affairs and recently reporting has agreed on the vital value and necessity of thus fairly and finally ending these matters as a prerequisite to ultimate success along other lines of Indian progress. Brief quotation from the report of the Institute for Government Research on the Problem of Indian Administration is characteristic. The institute says, on page 19 of the summary of its report:

> Until these claims are out of the way not much can be expected of Indians who are placing their faith in them.

It is my purpose as chairman of this committee to advance legislation to meet this situation more fully in the next Congress.

At the close of this statement there are listed the bills reported by the House committee with notation of titles and final disposition. It is to be remembered that practically all of the appropriations for work among the Indians are made under authorization of already existing general law and that they come through the Committee on Appropriations and not through the legislative Committee on Indian Affairs. Still the wide range of legislation having to do with the Indians as a whole, with various tribes and with individuals, is revealed by a study of that list. That 100 bills having to do with Indian matters became law, in addition to the numerous items in appropriation bills, brings home the close attention required of the Congress in Indian matters, and it settles any question relative to the earnest endeavor of the Congress to deal adequately and justly in redeeming its responsibility.

For several years the appropriations for health, educational, and industrial work among the Indians have been steadily increased, and to one with the perspective which can exist only with personal knowledge to compare conditions now with those of several years ago, the progress is known to be marked. The leadership of Commissioner Charles H. Burke along these lines has been constructive and devoted. Upon the foundation laid the advance of the next few years should be even more rapid and permanent, because of the clearer vision which has been brought about and the fuller grasp of the fundamentals which has been acquired.

I think the universal verdict of all boards, societies, and commissions reporting has been that Indian progress must be advanced by even greater appropriations. I agree. Especially in education, including school, industry, and agriculture, and in health work of every kind. The Indian Bureau has taken the same position, and the records will show that their estimates of adequate funds were reduced approximately $12,000,000 by the Budget for the two fiscal years. Congress did go somewhat above the Budget estimates of these fiscal years of 1929 and 1930, but there is even a greater distance to go. It is encouraging that the movement is forward, and that it has been. In proof of this let me again set forth some comparative figures. I begin with the Sixty-eighth Congress because my personal knowledge began then. My chairmanship of the Committee on Indian Affairs began with the Sixty-ninth Congress.

The Sixty-eighth Congress appropriated over $29,250,000 for Indian administration; the Sixty-ninth approximately $30,250,000; and the Seventieth Congress, just ended, still further increased this to $46,788,745. The amounts from tribal funds remained at about $2,400,000, thus continuing the fact that the Public Treasury is carrying the increases.

I also wish again to compare the specific items for health and educational work. I will start with the Sixty-seventh Congress. That Congress appropriated for education of the Indians $10,362,408.36; the Sixty-eighth increased the sum to $11,815,991.51; the Sixty-ninth to $12,895,415; and the Seventieth increased this still further to $17,433,500.

The greater emphasis being placed on health work is shown even more strikingly. The Sixty-seventh Congress appropriated $901,260; the Sixty-eighth, $1,597,375; the Sixty-ninth, $2,119,920; and the two sessions of the Seventieth Congress appropriated $4,994,100.

A more detailed statement of the appropriations for the Seventieth Congress will emphasize the rapidly increasing ratio of advance year by year as well as by Congresses of two years each.

The following information is furnished regarding appropriations for the Indian Service for the fiscal year 1930:

	Fiscal year 1930	Fiscal year 1929	Increase
Health appropriations:			
From Treasury funds	$2,711,600.00	$1,484,500.00	$1,227,100.00
From tribal funds	160,000.00	118,000.00	42,000.00
Authorized to be used from other available funds	275,000.00	250,000.00	25,000.00
Total for health	3,146,600.00	1,847,500.00	1,662,100.00
Educational purposes:			
From Treasury funds	7,968,500.00	7,317,000.00	651,500.00
From tribal funds	1,149,000.00	999,000.00	150,000.00
Total for education	9,117,500.00	8,316,000.00	801,500.00
Regular annual appropriation bill:			
Treasury funds	16,546,603.02	13,834,509.00	2,712,094.02
Tribal funds	4,738,443.17	3,566,500.00	1,171,943.17
Total annual appropriation	21,285,046.19	17,401,009.00	3,884,037.19

The foregoing tabulation covers only appropriations contained in the regular Interior Department appropriation bills. During the first and second sessions of the Seventieth Congress additional appropriations for the Indian Service were contained in the deficiency acts passed at those sessions of Congress. The following is a summary of the appropriations contained in the deficiency acts:

	First session	Second session
First deficiency:		
Treasury	$4,865,144.62	$142,000.00
Tribal	85,031.70	
Total	4,950,176.32	142,000.00
Second deficiency:		
Treasury	594,898.53	1,703,096.73
Tribal	293,500.00	419,018.24
Total	888,398.53	2,122,114.97

Summary of appropriations for the Indian Service during the Seventieth Congress

First session:	
Interior Department appropriation act	$17,401,009.00
First deficiency	4,950,176.00
Second deficiency	888,398.53
	23,239,583.85
Second session:	
Interior Department appropriation act	21,285,046.19
First deficiency	142,000.00
Second deficiency	2,122,114.97
	23,549,161.16

Attention is invited to the total appropriations made in the first session of the Seventieth Congress, $23,239,583.85. Of this sum, $3,450,000 was contained in the first deficiency of that session for the construction of the Coolidge Dam in Arizona. In addition to that amount, $463,732.49 was carried to pay a claim of the Shawnee Indians of Oklahoma, these two items totaling $3,913,732.49. The second deficiency of the first session also carried $350,000 for the installation of a power plant at the Coolidge Dam, and in the second deficiency of the second session $325,500 is carried for the completion of these two projects. Permitting these last two items to balance against each other the sum of $3,913,732.49 has been absorbed by the bill for 1930. For comparison purposes attention is invited to the following:

Appropriations, second session	$23,549,161.16
Appropriations, first session	23,239,583.85
Increase	309,577.31
Plus two items mentioned in preceding paragraph and absorbed in 1930 totals	3,913,732.49
Actual increase of funds, 1930	4,223,309.80

It will be noted that we have been successful in procuring for the fiscal year 1930 the largest appropriations ever allowed by Congress for the Indian Service, the net total increase, as explained above, being $4,223,309.80

In connection with this advance it is the province of this committee to consider and initiate any further legislation required.

A few days ago Hon. Edgar B. Meritt, for 35 years in the Government service and at this time Assistant Commissioner of Indian Affairs, was asked to state his views regarding needed constructive improvements in the Indian Service and to set forth a practical program. I present here his reply, a program entitled to consideration. He said:

My first thought is to impress the committee with the bigness of the Indian problem, its many complications involving 350,000 Indians, 225,000 of whom are restricted, consisting of about 200 tribes speaking 58 different languages, living on 190 reservations, scattered over 26 different States, with quite varied problems for each reservation, administered under about 2,500 different laws and 300 treaties, involving Indian property, individual and tribal, valued at about $1,600,000,000, and the Indian country covering an area as large as all the New England States and the State of New York combined.

Speaking from an experience of over 35 years in the Government service, I say with confidence that there is no other bureau in the Government service so difficult to administer, which needs such a broad knowledge of so many different complicated and difficult subjects, which requires so much patience, human understanding, and sympathy. It is also well to understand and fully appreciate that Congress has a responsibility and a duty equal to that of Indian Service officials and employees in the handling of the Indian problem. Indian Service officials are too frequently criticized for doing things they are required to do because of legislation enacted by Congress or failing to do things they should do because Congress has not passed laws that should be enacted or furnished funds that should be provided to relieve the condition of the Indians and improve Indian administration generally. Also the Indian Service is frequently criticized for not asking for appropriations when, as a matter of fact, the Indian Bureau has submitted the needed estimates, but under the Budget system those estimates have not been transmitted to Congress. Senator THOMAS has recently had printed in the CONGRESSIONAL RECORD (see pp. 4368 to 4371, both inclusive, CONGRESSIONAL RECORD of February 26, 1929) information showing that during the past two years the Indian Bureau has prepared estimates totaling more than $12,000,000 that have not been transmitted to Congress, and under the Budget system we are not permitted to ask for one dollar of those $12,000,000 before a committee of Congress. The foregoing is not intended as a criticism of Congress or the Bureau of the Budget or the Budget system, but as a plain statement of fact that must be known and appreciated if there is to be a fair and just understanding of the difficulties of the Government's Indian problem.

With this preliminary statement, I wish to submit the following concrete suggestions:

1. Take the Indian Service entirely out of politics. It is a human problem, requiring long years of study and experience, and faithful employees should not be harassed with the threats of grafters and cheap politicians with the change of each administration. The average life of Commissioners of Indian Affairs has been three years, and no man can get even a smattering superficial knowledge of the vast Indian subject in three years. These frequent political changes bring about untried and often impractical policies resulting in harm to the Indians and which are destructive of good administration by keeping the office and field force marking time waiting for new developments following each change of administration. Adopt the Canadian Indian plan of having tried, experienced, and permanent Indian Service leaders and policies.

2. Allow appropriations of approximately $25,000,000 a year instead of an average of about $15,000,000, so that the Indian work can be carried on effectively and efficiently, with satisfaction to the Indians, Indian Service employees, the Congress, and the country at large.

3. Give us at least $350 per capita in our appropriation for Indian schools instead of $250 per capita, so that we can run our Indian schools on a more efficient basis, feed the children with a larger variety of food, equip our school dormitories with adequate furniture and other necessities, provide sufficient equipment for industrial instruction, increase the grades of our day schools to the sixth grade, and provide more day schools, so that young children can be educated up to the sixth grade near their homes, so that reservation boarding schools can have the grades increased to the ninth, and so that we can provide more twelfth-grade high schools. Also, so that we can have the instructors and equipment to teach more fully and efficiently practical industrial courses.

4. Provide reimbursable appropriations so as to advance money to worthy and ambitious Indian boys and girls who have completed their courses in our Indian schools so that they may take college courses to equip them for their chosen life work.

5. Provide an adequate appropriation, to be immediately available, to put in proper repair all of our Indian school and agency buildings, including adequate water supply, sewerage, and toilet and lighting systems.

6. Provide an adequate appropriation, to be immediately available, to properly furnish and equip our schoolrooms, dormitories, and shops. Our schools are sadly in need of these improvements.

7. The Indian Service very much needs at least 25 more hospitals, 5 of them to be located in Oklahoma among the Five Civilized Tribes, and 10 additional tuberculosis sanatoria, and these hospitals and sanatoria should be supplied without further delay. There is also needed money to replace a large number of old and inadequately constructed and equipped hospitals with modern adequate hospital buildings and equipment.

8. We need now at least 200 additional field and hospital nurses, the field nurses to be provided with automobiles and other necessary equipment and supplies along medical lines.

9. We need at once a much larger trained force of medical experts on trachoma, also tuberculosis experts. Our service is woefully lacking in these experts on trachoma and tuberculosis, who should be furnished with cars and proper and adequate medical equipment. Trachoma and tuberculosis are so prevalent among Indians as to require the immediate attention of Congress.

10. We need at least 50 more good doctors provided with automobiles and adequate medical equipment to supply the medical requirements of the Indians.

11. We need several sanatorium schools so as to provide for the tubercular Indian children now out of school and who are living in the inadequate homes of their parents, without proper food, clothing, or medical attention and who are transmitting the disease to other members of the family. This is an urgent need that should be immediately provided for by Congress.

12. Provide employment for Indian girl graduates of our nurse-training schools on Indian reservations under the guidance of trained public-health nurses.

13. We need at once an appropriation to purchase dairy cows, provide adequate dairy barns and feed so that we can furnish at least 1 quart of milk per day for all our Indian school children.

14. We need at once a large reimbursable appropriation, to be made immediately available, to provide for the construction of new homes for Indians or to improve old homes by providing wooden floors, additional windows, and some necessary furniture and household equipment. The bad home and living conditions of Indians has much to do with the sickness and high death rate of Indians. A real campaign for better homes for Indians requires money to make it successful and effective.

15. We need a much larger reimbursable appropriation for industrial assistance to Indians who want to begin or enlarge their industrial activities but are handicapped because of lack of funds.

16. We need an appropriation, to be immediately available, to provide for an Indian employment force to find jobs for Indians. We have too many idle Indians on reservations who could become self-supporting and independent if they were properly placed in suitable jobs away from the reservation.

17. Much of the reimbursable appropriations now charged to Indians for roads, bridges, and irrigation work should be charged off. It has been for about 15 years the policy of Congress to make the appropriations in reimbursable form when it was known that there was little chance of these appropriations being reimbursed. For example, the Fort Peck and Blackfeet and other Indians of Montana should be relieved of much of the reimbursable charges for irrigation, all the irrigation appropriations made reimbursable by the retroactive act of 1914 should be wiped off the books, the California irrigation charges should be greatly reduced, the Pima, Pueblo, Navajo, and other bridge reimbursable items should be charged off, also much of the reimbursable appropriations charged against the Pueblo and Navajo Indians should be reduced or charged off entirely. These reimbursable appropriation items are the cause of much dissatisfaction among the Indians and the basis of unjust criticism of the Indian Service. There are many millions of dollars of reimbursable appropriations that might well be entirely eliminated and the Indians relieved of this indebtedness that they can never repay.

18. Legislation is needed to wind up the tribal affairs of the Five Civilized Tribes and dispose of the tribal property of these Indians. Also there is need for changes in the probate and other laws affecting the property of the Indians of the Five Civilized Tribes.

19. Legislation is needed to more adequately regulate law and order on Indian reservations. The present laws are wholly inadequate and are resulting in harm to the Indians. This legislation is an urgent necessity.

20. We need more and better equipped and paid educational leaders to supervise and conduct our Indian schools and bring them up to a higher and more modern standard of efficiency.

21. We need more and better equipped and paid industrial leaders so as to provide more efficient industrial leadership for our Indians. There is a great opportunity for the industrial awakening of the Indians. There should be definite well-planned industrial programs worked out for each reservation suitable to the needs and conditions of that particular reservation, which should be adhered to without regard to changes in superintendents and other employees. The Indians are now ready for this industrial awakening, but the right industrial inspirational leaders are required and there should be provided adequate reimbursable appropriations for the farming and stock-raising activities of the Indians.

22. There should be the closest cooperation with local, county, and State agencies and with other branches of the Federal Government with the view of receiving all of the technical and helpful assistance possible

in handling the Indian problem, but it is my judgment that Congress at least for several years to come should recognize the fact that the Indian problem is a Federal obligation and should make its appropriations and enact laws affecting the Indians with that end in view.

23. The numerous Indian laws should be codified, brought up to date, obsolete laws eliminated, and the laws and simplified and reduced regulations of the Indian Service made available to all persons handling the Indian problem.

24. Indian councils or business committees should be organized on each reservation and these selected representatives of the Indians should be recognized by the superintendent and consulted freely, and the views and wishes of the Indians should be more fully considered and the plans of the Indian Service carefully explained, so that much cause for complaint because of lack of knowledge of plans and intentions would be removed and closer cooperation brought about through mutual understanding and unity of purpose.

25. Every Indian tribe having a prima facie claim against the Government should have an opportunity to submit their claims to the Court of Claims with the right of either side to appeal to the Supreme Court under a properly worded jurisdictional act. The sooner these claims are adjudicated the nearer we will be to the final settlement of the Indian problem.

26. Continue to prohibit the use of jails at Indian schools and not permit any severe punishment for infraction of rules, but emphasize the practice of withholding privileges as a deterrent so as to insure good conduct of Indian school children.

27. A careful study should be made of the status of the New York Indians and their jurisdiction should be definitely settled. These Indians are wards of the Government, yet the Federal Government at this time exercises but little jurisdiction and they are now largely under the jurisdiction of the State of New York. This conflicting and indefinite jurisdiction has brought about inevitable dissatisfaction and these Indians are entitled to the consideration and relief of Congress.

28. Specific reimbursable appropriations should be obtained to enable the Pima Indians to put in cultivation within the next three or four years the 40,000 acres of additional irrigable lands made available by reason of the construction of the Coolidge Dam on the San Carlos Reservation. We have worked out a definite program for this purpose and if we can obtain the required appropriations from Congress this 40,000 acres of land will be actually under cultivation within a few years.

29. Make it clear to all Indians that the Government does not intend to interfere with their customs, traditions, or religion; also their ceremonial dances so long as they keep within the bounds of reason and do not transgress moral laws.

30. Encourage Indians to have local Indian organizations for self-improvement. An example of constructive improvements and benefits to the Indians may be cited in the holding annually of the Pueblo and Navajo Councils. No doubt councils could be held with profit among other Indians similar to the Navajo and Pueblo Councils.

31. There is an urgent need in the Indian Office at Washington for about 15 additional stenographers and clerks so as to keep the work of the office current.

32. Establish community bathhouses and laundries in thickly populated Indian communities with spare room for reading and community meeting purposes with the idea of developing social-service work and the community spirit.

33. Trained social-service workers are needed on each Indian reservation as home demonstration agents to improve home and community conditions. These home demonstration agents, if properly trained in social-service work, could materially improve the home and living conditions of the Indians.

34. We need more trained and expert advisors to the Commissioner of Indian Affairs along educational, agricultural, stockraising, medical, and social-service lines so as to make surveys, reports, and recommendations to the Commissioner of Indian Affairs and to assist in bringing about closer cooperation with local, State, and other Federal agencies in handling the Indian problem.

35. Change the existing allotment laws and do not make further allotments on Indian reservations under the present laws for the reason that under these laws Indians are gradually losing possession of their lands. Personally, I am strongly opposed to the allotment of the Menominee, Red Lake, Pueblo, Navajo, and other unallotted Indians in the Southwest at this time and under existing laws.

36. We need a large gratuity appropriation each year to build and maintain roads on Indian reservations and at the same time furnish employment to Indians.

37. Enact legislation for relief of Indians who are wards of the Government but who do not reside on Indian reservations. Under the comptroller's decision we are unable to extend relief to these Indians who often are in need of assistance and are worthy of the help of the Federal Government.

38. Eliminate as much paper work as possible, reduce wherever practicable correspondence, and place more responsibility upon the local superintendents. We are endeavoring at this time to work out a feasible plan along this line.

39. Increase the capacity of the Sequoyah Orphan Training School from 300 to 500 so as to provide for 200 additional Indian orphan children in Oklahoma. After a personal visit to this school I worked out the details for this increased capacity and we will be glad to furnish this information to your committee.

40. Be conservative in the issuance of patents in fee and certificates of competency, but allow young educated able-bodied Indians with small degree of Indian blood an opportunity to handle their property free from Government supervision. Also allow other Indians full opportunity, consistent with their best interest, to handle their property and develop business experience while their lands are held in trust.

The foregoing by no means includes all of the constructive requirements of the Indian Service. These suggestions are necessarily general in form, and if it is the wish of the committee we will be glad to draft necessary legislation with justifications therefor to carry the foregoing constructive suggestions into effect. It will require an appropriation, preferably in lump-sum form, amounting to approximately $15,000,000 to supplement existing appropriations for the Indian Service to carry out the suggestions herein made, which would very greatly increase the efficiency of the Indian Service and would be a good investment for the Federal Government. Hereafter, in my judgment, there should be an annual appropriation of approximately $25,000,000 if we are to run the Indian Service on the efficient basis that will meet the approval of the Congress, Indian Service officials, and friends of the Indians.

If it is the wish of your committee, I will submit in more detail the constructive needs of every Indian school and reservation. This necessarily will require some time and considerable work. Better still, I will take pleasure in going with the committee to the various schools and reservations and pointing out to the committee on the ground the constructive needs of our Indian schools and reservations. I wish each member of the committee to feel free to request any information they desire and we will endeavor to cooperate in every way possible to see that full information is furnished in regard to our Indian activities.

While the foregoing suggestions indicate considerable need for additional funds for the Indian Service, in closing I wish to emphasize that the funds now appropriated by Congress are being economically, judiciously, and efficiently administered; and it is my judgment that more has been accomplished for the Indians of this country and there has been greater progress among the Indians during the past eight years than ever before in a similar period of time during the more than 100 years of Federal jurisdiction in handling the Indian problem in this country, and what is more important, we have laid the foundation for a still greater progress during the immediate years to come. With the help of your committee and the Congress, this progress can be intensified and made permanent and outstanding. We bespeak your earnest assistance and cooperation in this great constructive work in behalf of the American Indian.

I attach now the history of the bills reported to the Seventieth Congress by the House Committee on Indian Affairs:

H. R. 70. Authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes. (H. Rept. 380. S. 710 substituted. Public Law 169.)

H. R. 167. To amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act. (H. Rept. 1029. Vetoed by President, H. Doc. 319.)

H. R. 173. To provide funds for the upkeep of the Puyallup Indian cemetery at Tacoma, Wash. (H. Rept. 547. Public Law 204.)

H. R. 308. Authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation. (H. Rept. 485. Public Law 203.)

H. R. 356. To amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect." (H. Rept. 549. Public Law 192.)

H. R. 431. To authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes. (H. Rept. 736. Public Law 301.)

H. R. 441. To authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif. (H. Rept. 480. Public Law 402.)

H. R. 462. Providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States. (H. Rept. 589. S. 2342 substituted. Public Law 172.)

H. R. 491. Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California. (H. Rept. 951. Public Law 423.)

H. R. 3539. For the relief of Frank Murray. (H. Rept. 1390. Private Law 279. See S. Doc. 196, 70th Cong.)

H. R. 5479. To provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk

County, Tex., and for other purposes. (H. Rept. 824. Included in Interior Department appropriation bill. See also H. R. 16527.)

H. R. 5574. Authorizing the Lower Spokane and the Lower Pend d' Oreille or Lower Kalispell Tribes or Bands of Indians in the State of Washington, or any of them, to present their claims to the Court of Claims. (H. Rept. 958. S. 1480 substituted, amended, and passed. Vetoed by President, S. Doc. 110.)

H. R. 6862. Authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe against tribal funds or against the United States. (H. Rept. 940. Public Law 347.)

H. R. 7031. Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes. (H. Rept. 1955. Pending in House at adjournment.)

H. R. 7204. To authorize the creation of Indian trust estates, and for other purposes. (H. Rept. 1358, two parts. See also S. 4222.)

H. R. 7207. To appropriate treaty funds due the Wisconsin Pottawatomie Indians. (H. Rept. 553. S. 1759 substituted, amended, and passed. Public Law 85.)

H. R. 7346. Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes. (H. Rept. 1389. Public Law 638.)

H. R. 7463. Amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims." (H. Rept. 948. Public Law 267.)

H. R. 8280. Conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States. (H. Rept. 1030. S. 710 substituted and passed. Public Law 854.)

H. R. 8281. To provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation. (H. Rept. 176. Public Law 88.)

H. R. 8282. To provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians. (H. Rept. 177. Public Law 89.)

H. R. 8291. To amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes." (H. Rept. 465. Public Law 90.)

H. R. 8292. To reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah. (H. Rept. 178. Public Law 91.)

H. R. 8293. To amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913. (H. Rept. 464. Public Law 151.)

H. R. 8326. To authorize the construction of a dormitory at Riverside Indian School, at Anadarko, Okla. (H. Rept. 632. Public Law 233.)

H. R. 8542. To provide for the construction of a hospital at the Fort Bidwell Indian School, California. (H. Rept. 554. Public Law 199.)

H. R. 8543. To provide for the construction of a school building at the Fort Bidwell Indian School, California. (H. Rept. 555. Public Law 200.)

H. R. 8731. To authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash. (H. Rept. 616. S. 1478 substituted, amended, and passed. Public Law 185.)

H. R. 8824. To provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex. (H. Rept. 483. Public Law 194.)

H. R. 8830. To authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River in Oklahoma. (H. Rept. 1953. S. 2362 substituted, amended, and passed. Private Law 343.)

H. R. 8831. To provide for the collection of fees from royalties on production of minerals from leased Indian lands. (H. Rept. 463. Amended in Senate and objection made to conference in House.)

H. R. 8898. To provide for restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes. (H. Rept. 556. Pending in Senate at adjournment.)

H. R. 8901. To amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes." (H. Rept. 1387. Public Law 800.)

H. R. 9033. To amend section 1 of the act of Congress of March 3, 1929 (41 Stat. L. 1249) entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'" (H. Rept. 633. Bill rereferred to the committee by the House upon request of the former. See S. 2360, a general bill covering this.)

H. R. 9037. To provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use. (H. Rept. 557. Public Law 92.)

H. R. 9046. To amend section 17 of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," as amended by the act of June 10, 1896. (H. Rept. 1154. Public Law 460.)

H. R. 9483. To provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico. (H. Rept. 816. Public Law 296.)

H. R. 9994. To reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled. (H. Rept. 462. Private Law 26.)

H. R. 10042. To provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes. (H. Rept. 957. Pending in Senate at adjournment.)

H. R. 10242. For the relief of Lorenzo A. Bailey. (H. Rept. 2798, adverse.)

H. R. 10327. For the relief of Charles J. Hunt. (H. Rept. 864. Private Law 389.)

H. R. 10360. To confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926. (H. Rept. 746. Public Law 422.)

H. R. 10372. Regulating Indian allotments disposed of by will. (H. Rept. 1781. Pending in Senate at adjournment.)

H. R. 10432. For the relief of the Indians of the Klamath Reservation in Oregon. (H. Rept. 2354. Pending in House at adjournment.)

H. R. 10475. To authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex. (H. Rept. 818. S. 3007 substituted and passed. Private Law 53.)

H. R. 10741. To provide for a final settlement of the claims of J. F. McMurray, and J. F. McMurray, as assignee of Mansfield, McMurray & Cornish, against the Choctaw and Chickasaw Nations or Tribes of Indians for legal services rendered and expenses incurred. (H. Rept. 2799, adverse.)

H. R. 11064. For the relief of F. Stanley Millichamp. (H. Rept. 1522. Private Law 402.)

H. R. 11276. To authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont. (H. Rept. 1044. S. 3435 substituted. Public Law 275.)

H. R. 11359. For the relief of the Arapahoe and Cheyenne Indians, and for other purposes. (H. Rept. 954. S. 3343 substituted and passed. Public Law 208.)

H. R. 11365. To authorize a per capita payment to the Shoshone and Arapahoe Indians, of Wyoming, from funds held in trust for them by the United States. (H. Rept. 1238. S. 3366 substituted. Public Law 324.)

H. R. 11468. Authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes. (H. Rept. 1506. Public Law 564.)

H. R. 11478. To amend an act to allot lands to children on the Crow Reservation, Mont. (H. Rept. 950. Public Law 342.)

H. R. 11479. To reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians. (H. Rept. 945. Public Law 481.)

H. R. 11484. Authorizing a per capita payment to the Rosebud Sioux Indians, South Dakota. (H. Rept. 1145. S. 3438 substituted. Public Law 362.)

H. R. 11580. To authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont. (H. Rept. 1250. See S. 3593.)

H. R. 11582. To authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians. (H. Rept. 955. S. 3355 substituted. Public Law 209.)

H. R. 11629. To amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service. (H. Rept. 956. Public Law 355.)

H. R. 11983. To provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho. (H. Rept. 1246. Public Law 635.)

H. R. 12000. To extend the period of restrictions on lands of certain members of the Five Civilized Tribes, and for other purposes. (H. Rept. 1193. S. 3594 substituted and passed. Public Law 360. See also H. R. 13711, correcting misprint.)

H. R. 12067. To set aside certain lands for the Chippewa Indians in the State of Minnesota. (H. Rept. 1239. Public Law 461.)

H. R. 12312. For the relief of James Hunts Along. (H. Rept. 1724. Private Law 312.)

H. R. 12414. Authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes. (H. Rept. 1851. Pending in House at adjournment.)

H. R. 12446. To approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y. (H. Rept. 1251. Private Law 162.)

H. R. 12520. For the relief of the Nez Perce Tribe of Indians. (A Court of Claims bill.) (H. Rept. 2141. Public Law 683.)

H. R. 12574. To extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw Nations to September 25, 1932, and permit extension of time to complete payments on coal purchases. (H. Rept. 1421. S. 3867 substituted and passed. Public Law 507.)

H. R. 12604. Authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes. (H. Rept. 1586. S. 3868 substituted and passed. Public Law 567.)

H. R. 13342. To authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota. (H. Rept. 1424. Public Law 517.)

H. R. 13407. Relating to the tribal and individual affairs of the Osage Indians of Oklahoma. (H. Rept. 1458. See S. 2360, which covers this.)

H. R. 13455. To authorize the collection of penalties and fees for stock trespassing on Indian lands. (H. Rept. 2124. Pending in Senate at adjournment.)

H. R. 13506. Fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs. (H. Rept. 1653. Pending in Senate at adjournment.)

H. R. 13507. To amend section 3 of Public Act No. 230 (37 Stat. L. 194.) (Refers to drainage assessments on certain Indian lands in Oklahoma. H. Rept. 1967. Public Law 708.)

H. R. 13606. For the relief of Russell White Bear. (H. Rept. 1726. Private Law 311.)

H. R. 13692. For the relief of the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians, and for other purposes. (To allow submission of claims to the Court of Claims. H. Rept. 2209. Public Law 798.)

H. R. 13711. To amend section 4 of an act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes." (This corrects typographical error in H. R. 12000, above. H. Rept. 1654. S. 4448 substituted and passed. Public Law 504.)

H. R. 13753. Authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes. (The attorney named is Frank J. Boudinot. H. Rept. 1730. Private Law 308.)

H. R. 13977. Authorizing the Secretary of the Interior, through the Commissioner of Indian Affairs, to settle claims by agreement arising under operation of Indian irrigation projects. (H. Rept. 2130. Public Law 787.)

H. R. 13988. For the relief of Peter Shapp. (H. Rept. 1954. S. 4927 substituted and passed. Private Law 347.)

H. R. 14761 For the relief of Clarence Stevens. (H. Rept. 1968. Pending in Senate at adjournment.)

H. R. 14981. For the relief of Josephine Laforge (Sage Woman). H. Rept. 1969. Pending in Senate at adjournment.)

H. R. 15092. To authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif. (H. Rept. 2131. Public Law 777.)

H. R. 15213. To authorize the Secretary of the Interior to develop power and to lease, for power purposes, structures on Indian irrigation projects, and for other purposes. (H. Rept. 2062. Pending in Senate at adjournment.)

H. R. 15440. For the relief of Frank Yariott. (H. Rept. 2322. Pending in Senate at adjournment.)

H. R. 15523. Authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments. (H. Rept. 2135. Public Law 760.)

H. R. 15723. Authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes. (H. Rept. 2316. Public Law 937.)

H. R. 16248. For the relief of the Osage Tribe of Indians. (H. Rept. 2133. Pending in Senate at adjournment.)

H. R. 16527. To authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests. (H. Rept. 2318. Public Law 762. See also H. R. 5479.)

H. R. 16568. To repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service. (H. Rept. 2319. Public Law 809.)

H. R. 16569. Authorizing a per capita payment to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States. (H. Rept. 2660. Included in deficiency bill, so enactment of H. R. 16569 not necessary.)

H. R. 16655. To authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor. (H. Rept. 2315. Pending in Senate at adjournment.)

H. R. 16659. To authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota. (H. Rept. 2539. Public Law 930.)

H. R. 16660. To authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota. (H. Rept. 2538. Public Law 928.)

H. R. 16822. To authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital, located at the Fort Sill School reservation in Comanche County, Okla. (H. Rept. 2658. Included in second deficiency bill, approved by the President.)

H. R. 16985. Authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims. (H. Rept. 2670. Pocket veto.)

H. R. 17054. For the relief of Indians, and for other purposes. (This bill would authorize the Secretary of the Interior to furnish food; clothing; medical, surgical, and hospital treatment; and other necessary assistance to Indians, whether residing on or off Indian reservations. H. Rept. 2771. Pending in House at adjournment.)

H. R. 17078. To authorize the establishment of an employment agency for the Indian Service. (H. Rept. 2764. Pending in the House at adjournment.)

H. R. 17079. To repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools. (H. Rept. 2527. Public Law 1002.)

HOUSE JOINT RESOLUTIONS

H. J. Res. 76. For the relief of Leah Frank, Creek Indian, new born, roll numbered 294. (H. Rept. 1254. Private Res. 6.)

H. J. Res. 260. For the relief of Eloise Childers, Creek Indian, minor, roll numbered 354. (H. Rept. 1587. Private Res. 7.)

H. J. Res. 261. For the relief of Effa Cowe, Creek Indian, new born, roll numbered 78. (H. Rept. 1493. Private Res. 8.)

H. J. Res. 343. Authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1931, and for other purposes. (H. Rept. 2063. Public Res. 88.)

SENATE BILLS

S. 1145. To authorize an appropriation for roads on Indian reservations. (H. Rept. 1247. Public Law 520.)

S. 1191. To amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes." (H. Rept. 1639. Public Law 622.)

S. 1456. To authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex. (H. Rept. 1142. Public Law 372.)

S. 1480. Authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims. (H. Rept. 1490. Veto. S. Doc. 110 contains veto message.)

S. 1662. To change the boundaries of the Tule River Indian Reservation, Calif. (H. Rept. 1252. Public Law 421.)

S. 2076. Authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla. (H. Rept. 1655. Private Law 268.)

S. 2084. For the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes. (H. Rept. 1240. Public Law 444.)

S. 2279. Authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes. (H. Rept. 862. Public Law 186.)

S. 2306. For the relief of William E. Thackrey. (H. Rept. 1253. Private Law 236.)

S. 2360. Relating to the tribal and individual affairs of the Osage Indians of Oklahoma. (H. Rept. 1901. Public Law 919.)

S. 2482. For the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians in Utah, Colorado, and New Mexico. (H. Rept. 2347. See H. R. 16985, substitute measure.)

S. 2738. For the relief of C. R. Olberg. (H. Rept. 1656. Private Law 295.)

S. 2792. Reinvesting title to certain lands in the Yankton Sioux Tribe of Indians. (H. Rept. 1852. Public Law 729.)

S. 3026. Authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz. (H. Rept. 1248. Public Law 443.)

S. 3365. To authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo. (H. Rept. 1249. Public Law 442.)

S. 3593. To authorize the leasing or sale of lands reserved for agency, school, and other purposes on the Fort Peck Indian Reservation, Mont. (See also H. R. 11580. H. Rept. 1723. Public Law 552.)

S. 3770. Authorizing the Federal Power Commission to issue permits and licenses on the Fort Apache and White Mountain Indian Reservations, Ariz. (H. Rept. 2313. Public Law 836.)

S. 3779. To authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz. (H. Rept. 1640. Public Law 662.)

S. 3794. For the relief of R. E. Hansen. (H. Rept. 1729. Private Law 288.)

S. 4222. To authorize the creation of Indian trust estates. (H. Rept. 2355. Pending in House at adjournment. See also H. R. 7204.)

S. 4321. Authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes. (H. Rept. 1728. Public Law 590.)

S. 4346. To authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz. (H. Rept. 1853. Public Law 583.)

S. 4488. Declaring the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians. (H. Rept. 1960. Public Law 685.)

S. 4517. Appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the General Council and business committee, and for other purposes. (H. Rept. 2402. Public Law 891.)

S. 4979. To authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska. (H. Rept. 2166. Public Law 698.)

S. 5127. To carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee Indians proclaimed October 14, 1868. (H. Rept. 2659. Public Law 1017.)

S. 5146. To reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo. (H. Rept. 2324. Public Law 720.)

S. 5147. To reserve 920 acres of the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah. (H. Rept. 2325. Public Law 721.)

S. 5180. To authorize the payment of interest on certain funds held in trust by the United States for Indian tribes. (H. Rept. 2320. Public Law 724.)

SENATE JOINT RESOLUTION

S. J. Res. 139. For the relief of the Iowa Tribe of Indians. (Refers to a suit pending in the Court of Claims. H. Rept. 1971. Public Res. 75.)

THE GOLD-STAR MOTHERS AND THEIR PILGRIMAGE TO FRANCE

Mr. O'CONNELL. Mr. Speaker, it is a great pleasure to congratulate the Congress on the passage of the bill that will permit the mothers and unmarried widows of our heroic dead buried abroad to visit the cemeteries in which their beloved dead lie entombed.

The enactment of this legislation, too long delayed, brings to consummation an opportunity that has been very close to the hearts not only of the women who will be permitted to make the great pilgrimage but to the American people as well. During all the years through which the effort was being made to press the bill our people have watched and hoped with ever-increasing solicitude for that final hour that would see the measure receive the signature of the Chief Executive. And now it is a law to the infinite credit of each and every one of us in Congress and out that brought about the final and happy result. Each and everyone of us who took an interest in seeing the bill through its many stages on the way to final fruition can take a measurable share of congratulation for having aided in a cause that will have the acclaim of all patriotic people at home and abroad. In the early movement the bill was aided materially by Congressmen DICKSTEIN and LAGUARDIA, of New York, to both of whom much credit is due for the inspiration which prompted this highly commendable idea.

The real advance toward success was made when some of us were successful in enlisting the sympathy and active cooperation of that grand old man of Pennsylvania, Congressman Butler, chairman of the Committee on Naval Affairs, who successfully piloted the first bill through the House, aided in a large measure by Congressman BOYLAN, of New York, a member of the Military Affairs Committee. To them must really be given the credit of eventuating the first step on the road to final success. It is unfortunate that the lovable former chairman, who put his great heart behind the cause of these gold-star mothers, was not spared to see the bill become a law. As one of those who have unceasingly followed the legislation through its many vicissitudes, I would be remiss if I did not pay my tribute to Senator BINGHAM, Senator MCMASTER, and Senator WAGNER, of New York, the Senate Subcommittee on Military Affairs, which patiently and courteously sat and heard us through two long and exhaustive hearings in the effort to effect a bill that would meet the exacting requirements of the Senate and the House, as also the President.

Among the conspicuous proponents of the bill, whose never-failing energy in the face of many disappointments won the hearts and the admiration of us all, was Mrs. Mathilda Burling, of Richmond Hill, N. Y., president of the Gold-Star Mothers' Association of her city, and who does me the honor to reside in my district.

Through her many visits to Washington, many times at great expense and personal discomfort, due to ill health, she has, in season and out, held her place on the legislative battle line, fighting the good fight that finally brought success. I rejoice, Mr. Speaker, with my colleagues that this good woman will be privileged to kneel beside that cross in far-away France to say a prayer over the remains of her only son and only child who gave his life for the honor and the glory of his flag and his country. Such women, sir, have made America great. I am proud to know the movement is accomplished. I shall ever look back in the years that an all-seeing Providence may spare me with satisfaction to the little part I was permitted to play in giving the boon to the gold-star mothers of our land.

OPPOSING POLITICAL VIEWS ON PRESENT TARIFF AND COMMERCIAL POLICY

Mr. HULL of Tennessee. Mr. Speaker, the pending tariff revision presents the following points of fundamental difference between dominant Republicans and, I think, most Democrats:

First. The Republican administration would continue to build our tariff and commercial policy around the sole idea of safeguarding the home market in the face of our actual or potential annual overproduction capacity of $20,000,000,000 to $25,000,000,000. The opposing view recognizes the patent fact that such surplus producing capacity has become so great as to constitute an additional and dominant factor in determining our tariff and commercial policy.

Second. The Republican administration would adopt as a permanent policy virtually embargo tariffs designed to eliminate not only direct foreign competition but that which is indirect or remote as well, despite the fact that we are exporting $2,000,000,000 of finished manufactures, compared with like dutiable imports of $560,000,000. The opposing view recognizes that the tariff is a tax and can only bestow full benefits on some, less on others, and none at all on still others, besides seriously obstructing surplus exports. This country, therefore, in lieu of the Republican policy of superprotection, should gradually embrace a policy of moderate tariffs, reasonably competitive, with liberal trade policies designed to increase healthy production, maintain wages, and find world markets for our ever-increasing surpluses.

Third. Under its policy of concededly excessive or prohibitive tariffs, the Republican administration would make the trend of tariff revision always upward as to the measure of benefits bestowed, although our abnormal tariff level is now the highest in the world save that of Spain and Russia. Two-thirds of the present rates and classifications are prohibitive of direct competition. Yet it is seriously proposed that, as this country increases its superiority in productive efficiency and output, tariffs shall be correspondingly raised rather than lowered. The opposing view, deeming this issue most vital, would work in the direction of a tariff and commercial policy calculated to avoid retaliation, promote a sounder domestic structure, augment our exports, now hopelessly falling behind those of Europe, and secure more equitable taxation. To this end there should at once be substituted a policy by which the trend of tariff revision would be downward to a level of moderate or competitive rates—which would guard against domestic monopoly on the one hand and abnormal imports against an efficient industry on the other. Naturally, as domestic industries become self-sustaining, tariffs should be correspondingly reduced, with the view to their ultimate removal, especially when there arises substantial exports and no material competitive imports. In the meantime, many will insist with some reason that rates on commodities not on a parity with the general tariff structure may be made so if the facts so warrant.

Fourth. The Republican administration, as in the past, for the purpose of tariff making would flout and shunt aside all formulas and fact-finding agencies or commissions, with the result that the old and worst type of logrolling and political pres-

sure of conflicting interests will be continued, under which tariff rates, generally dictated by the beneficiaries, will again be piled high and indiscriminately upon the futile theory that domestic competition will hold down prices to a reasonable level. President Taft in 1910, summing up our experience under the Dingley law, officially branded this theory as utterly false and unreliable in practice. The opposing view would favor tariff revision and readjustment by Congress itself in a careful, gradual, and scientific manner. Such revision would be based on all the facts and factors measuring the difference between our competitive strength and that of our rivals. These facts would be carefully assembled and laid before Congress by the ablest and most impartial fact-finding commission that could be installed.

Fifth. The Republican administration would not only retain section 315, the flexible tariff provision, but would considerably enlarge and expand it for purposes of broader tariff legislation by the Executive department. The President would thereby be enabled to change the whole objects and purposes of the tariff law enacted by Congress. The opposing view insists that, as administered thus far, the flexible provision has been utterly disappointing and failed of its professed purposes. It has only been used unfairly to revise tariffs upward in most all instances. Its operation has been productive of national scandal. It is clearly unsound, unwise, impracticable, subversive of the plain functions of Congress, and should be speedily repealed.

Sixth. The Republican administration falsely pretends that in addition to the tariff benefits already secured by agriculture there yet remains still other possible tariff benefits substantial enough to afford a major basis for present farm relief. The vague implication is that their enactment would place agriculture on an economic equality with industry. This barefaced and discredited suggestion ignores the fact that crops planted to near 90 per cent of all tillable lands derive, and can derive, either no appreciable tariff benefits, or none at all.

The opposing view, in a spirit of honest candor, recognizes that tariff protection necessarily implies two classes, one to be protected and one to protect it, so that the notion of equalizing tariff benefits is absurd, and that the tariff is the most inequitable of all taxes. American agriculture, therefore, would again be solemnly warned that as a whole it suffers far greater injuries than it derives benefits from general high tariffs, because effective tariff aid to minor specialties, which, under the existing policy, is highly desirable to the extent feasible, as many view it, is too limited to affect favorably the entire agricultural structure. The farmer would again be reminded that the demonstrated failure of the farm tariffs of both 1921 and 1922 to bestow benefits upon agriculture at all proportionate to those enjoyed by industry, is now beyond the pale of controversy. This lengthy test of actual tariff experience consigns any new and third farm tariff proposal to an entirely minor place in any sound and comprehensive program for farm relief. Will Congress, in consideration of a few scattering increases of tariff benefits to certain minor phases of agriculture, vote permanently to fasten on American agriculture the present embargo system of industrial tariffs, under the operation of which agriculture as a whole experiences far greater injuries than benefits? This question can not be evaded.

COMMENT ON HON. VICTOR L. BERGER

Mr. HUDDLESTON. Mr. Speaker, Hon. VICTOR L. BERGER, of Milwaukee, the only Socialist Member of the House of Representatives, retires from Congress to-day. As he has no associates of his own party, it seems permissible that a member of a different political faith should make some comment on Mr. BERGER'S service in the House.

Mr. BERGER is said to be the best-educated Member of the House. Whether this is true or not I do not know. It is a fact that he has a highly trained mind, well stored with information upon almost all conceivable subjects. In my opinion there is no Member with a more solid and well-informed intellect than his.

Mr. BERGER'S information on international affairs has been of great value to the House. His speeches on our foreign relations have always been sound and enlightening. All of us have derived much benefit from his discussion of the causes of war and kindred subjects.

After all, to me the best thing about Mr. BERGER has been his deep and unfailing sympathy and understanding of the masses and his interest in the problems of average men and women. Always their welfare has been his chief concern, and all of his policies have turned upon his interest in the problems of the common people. This trait is inherent in the man and could not have been acquired by education or study.

Of course, from my point of view Mr. BERGER has been handicapped by his adherence to socialism as a fundamental. I say this in no critical spirit nor yet as a mere jest. In all other respects he is a real democrat. I mean "democrat" with a lower-case "d," and, though he has sat on the Republican side, I fancy that he is more of a Democrat, with an upper-case "D," than he has himself realized. At any rate, he retires with the respect of Members of all parties, and carries with him into private life our sincere wishes for his happiness and long-continued usefulness.

MY RECORD IN CONGRESS

Mr. CHAPMAN. Mr. Speaker, more than five years have elapsed since the noble spirit of James Campbell Cantrill passed from its earthly habitation into the realm of eternal life. Creditably and honorably Joseph W. Morris served through the unexpired portion of Mr. Cantrill's term. Four years ago last November the people of the seventh congressional district of Kentucky elected me, without opposition, to represent the district that had been ably served by Henry Clay, John J. Crittenden, James Clark, Thomas F. Marshall, John C. Breckinridge, William E. Simms, Brutus J. Clay, James B. Beck, Jo C. S. Blackburn, William C. P. Breckinridge, and at a later date by Evan Settle, June Gayle, South Trimble, William Preston Kimball, Campbell Cantrill, and Jo Morris. In conferring such honor upon me, in reposing such confidence in me, the voters of that historic district placed upon my soul a debt of infinite and undying gratitude which I could repay only by rendering faithful, fearless, devoted, diligent service, and to that service I dedicated myself. Two years later (in 1926) I was, without opposition in either primary or general election, again elected. In relinquishing this seat in Congress at the conclusion of four years' service, it is proper that I should render an account of my stewardship, in order that the people whose Representative I have been may properly appraise the character of my service.

DEPARTMENTAL WORK FOR DISTRICT

In an earlier period of our country's history the duties of a Member of Congress were almost entirely legislative. A man could divide his time between official duties and personal business. More recently the number of Federal bureaus and commissions has multiplied to an astounding degree. We have come to have a far more energetic Federal Government than the fathers of the Constitution ever dreamed of. There has been a constantly growing tendency to centralize governmental power at Washington and to convert our representative form of government into a paternalistic bureaucracy. Consequently nearly every citizen must of necessity transact business with one or more administrative offices at Washington. A Member of Congress, therefore, finds it a part of his work not only to serve as a legislator—studying constantly questions of constitutional law and public policy—but also to serve as a liaison officer between his individual constituents and various branches of their Government; to act as their attorney, so to speak, in thousands of matters of a legal and a quasi legal nature before governmental bureaus, commissions, and departments.

The nature of the work is so exacting that I have devoted my entire time to the service of the district and have not undertaken to engage in business or professional work of a personal character. My office at Washington has been open throughout my four years' incumbency, even when Congress was not in session. In that way I have been able to promote the interests of thousands of my constituents in official matters of importance to them. I have answered their letters and telegrams promptly and have transacted their departmental business with dispatch. Some things they asked could not be accomplished, but I have earnestly tried to comply with every proper request. Through my efforts tens of thousands of useful public documents have been supplied to the citizens of the seventh district; the issuance of passports to them has been expedited; their claims before various departments of the Government have been advocated to the best of my ability. Frequently I have been able to untangle complicated legal questions involving their rights and happiness. Pension cases for veterans of the Civil War and the Spanish-American War have been urged by me before the Pension Bureau. Claimants for compensation as veterans of the great World War have also found in me a stanch advocate and indefatigable worker. In numerous instances I have been instrumental in having thousands of dollars paid to surviving dependents of World War veterans. In securing the enactment of private pension bills and other types of just private bills for citizens of the seventh district my efforts have been successful almost without exception. How faithfully and effectively I have served the thousands of constituents who have

called upon me they themselves can bear witness. In performing such services I have treated all alike, recognizing no partisanship, no race, no nationality, no color, no caste, no creed.

MY FIRST SESSION

The first day of the first session of the first Congress of which I was a Member the distinguished minority leader, Hon. FINIS J. GARRETT, selected me as one of the two Democratic tellers to count the votes in the Speakership contest between him and the Republican candidate, Mr. LONGWORTH. The Democratic members of the Committee on Ways and Means, constituting the Committee on Committees for the Democratic side of the House, assigned me to membership on the following committees: Census, Mines and Mining, and Elections No. 1. I attended committee meetings regularly and participated in the deliberations on numerous important public questions.

IN SEVENTIETH CONGRESS

At the beginning of the Seventieth Congress the Committee on Committees accorded me an honor that seldom goes to a minority Member at the beginning of his second term by placing me on a major, or exclusive, committee, viz., the Committee on Military Affairs, one of the most important and one of the hardest working committees in the House. One thousand four hundred seventy-nine bills and resolutions were on its calendar in the Seventieth Congress. The chairman and the ranking minority member assigned me to four important subcommittees. One of my subcommittees has charge of all questions relating to military aviation, and all questions relating to the general subjects of appointments, promotion, and retirement of individuals in the military service; one has charge of all questions relating to soldiers' homes and national cemeteries, and all private bills relating to veterans of the World War; one has charge of all questions relating to the general subjects of the National Guard and the Organized Reserves, and private bills for relief for the widows or families of Civil War veterans; the other has charge of all questions relating to War Department property and equipment, including its procurement, use, and disposition, and all problems of transportation, including mileage allowances for the Army, and private bills for relief for veterans of the Civil War. In December, 1928, the committee chairman, Hon. JOHN M. MORIN, honored me again by appointing me as a member of the Board of Visitors for the United States Military Academy, and in that capacity I made a tour of inspection at West Point.

In my service on the Military Affairs Committee and those subcommittees I have participated in the consideration and discussion of many important bills affecting the national defense, including all bills pertaining to the War Department and to every branch of our country's military service, and also hundreds of private bills for the relief of soldiers of the War Between the States, the Spanish-American War, and the World War. Thus have I been afforded the opportunity of rendering an important and patriotic service to our common country.

ADEQUATE NATIONAL DEFENSE

While devoutly hoping for the realization of the poet's dream of the day—

When the war drum throbs no longer
And the battle flags are furled—

I have by vote and voice proven myself to be a firm believer in the sage counsel of George Washington, who declared that "to be prepared for war is one of the most effectual means of preserving peace." I have been and am a staunch advocate of adequate preparedness on land and sea and in the air. I have been unswerving in urging recognition of the heroism and intrepidity of the pioneers of military aviation and in advocating measures to promote the efficiency of the Air Corps, which I believe will be our first line of defense in the future. On one of the most memorable occasions in the annals of aviation, when the United States Government and the International Aeronautical Association commemorated the first airplane flight in history at Kitty Hawk, N. C., the scene of the Wright brothers' successful exploit of 25 years ago, and the surviving brother, Mr. Orville Wright, was the guest of honor, acclaimed by representatives of every civilized nation in the world, my interest in the development of aviation was recognized in my appointment by Speaker LONGWORTH as one of six Members of the House to represent the American Congress at those historic ceremonies.

WORK ON MILITARY AFFAIRS COMMITTEE

I assisted in reporting from the Committee on Military Affairs the following bills: To authorize the President to present the congressional medal of honor to Charles A. Lindbergh; to authorize Charles A. Lindbergh to accept decorations and gifts from foreign governments; to enable gold-star war mothers to visit the cemeteries in France, where repose the sacred dust of their heroic sons; to provide for inspection of the battle field of Kings Mountain, S. C., where the dauntless pioneers, wearing coon-skin caps and carrying Deckard rifles, led by Shelby, Sevier, and Campbell, crushed the British forces and turned the tide of the American Revolution in the South; to make adequate provision for maintenance of a national shrine at the birthplace of Abraham Lincoln in Larue County, Ky.; to grant a congressional medal of honor to Edward V. Rickenbacker; to make women veterans eligible for admission to the National Home for Disabled Volunteer Soldiers; to recognize commissioned service in the Philippine constabulary in determining rights of officers in the Regular Army; to authorize the erection of a new flagstaff at Fort Sumter, Charleston, S. C.; to authorize the President to present the distinguished flying cross to Orville Wright; to empower the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion at Louisville, Ky.; to recognize the great, noble, and self-sacrificing public service of Maj. Walter Reed and his immortal associates in the discovery of the cause and means of transmission of yellow fever. Finally, two generations after the War Between the States, we reported and secured enactment of a bill for the erection by the United States Government of headstones to mark the graves of the soldiers and sailors of the South—those knightly heroes who wore the faded gray and fought under the starry cross of Dixie until that old conquered banner went down in a pall of gloom at Appomattox, the Calvary of the glory that was the old South.

MUSCLE SHOALS

Aside from strictly military measures, as a member of the Committee on Military Affairs, I had a part in reporting a bill for the development of the great Government plant at Muscle Shoals, authorizing such operation as would provide nitrates not only for the manufacture of munitions in time of war but also for fertilizer in time of peace at half of what it costs the American farmer to import nitrates from Chile. The President used the "pocket veto" to prevent that beneficent legislation from going into effect, and its chance of becoming effective depends upon the decision of a case pending in the Supreme Court.

SOME IMPORTANT VOTES

A few of my votes on questions of general interest may be mentioned without impropriety. I voted to permit 150 Members to move the discharge of a committee from consideration of a bill; to reduce Federal taxes; to increase rural mail service; for the cooperative marketing bill; to print a new edition of two books of great value to the citizens of my district, viz., Diseases of the Horse and Diseases of Cattle; to provide more effectively for the national defense by increasing the efficiency of the Air Corps; to amend by liberalizing for the benefit of veterans and their dependents, the World War adjusted compensation act; to increase the rates of employees' compensation; for farm relief; for protection of watersheds; to graduate corporation income taxes below $15,000 (more equitable taxation of small corporate incomes); to require separate returns from affiliated corporations; to repeal the automobile excise tax (nuisance tax); for appropriations, in both sessions of the Seventieth Congress, to recondition coal carriers; for increase of appropriation for the Officers' Reserve Corps; for national rifle matches; to confine expenditures for maintenance of the United States Army to territory under the jurisdiction of the United States; for flood control at Federal expense without requiring the States to acquire flowage rights; for passing, over the President's veto, an increase of pay for night work of postal employees; for passing, over the President's veto, increase of allowance for fourth-class postmasters; for passing, over the President's veto, the disabled emergency officers' retirement bill; for the Boulder Dam; for $24,000,000 for more effective enforcement of the eighteenth amendment and laws pursuant thereto; for the Jones bill to more effectually enforce the provisions of the Constitution and laws bearing on prohibition; for further reduction of immigration by opposing in both the Sixty-ninth and Seventieth Congresses postponement of the date for putting into operation the national-origins clause of the immigration act of 1924; for establishing migratory wildfowl sanctuaries, with the promise of one for Kentucky; to promote Lieut. Commander Richard E. Byrd and Floyd Bennett, superb aeronauts, polar explorers, and gallant American heroes, and to award each of them a congressional medal of honor.

While opposing Federal aid in matters that I regard as violative of the Constitution, I have consistently supported Federal aid for roads as a proper and constitutional exercise of Federal power.

I voted against the Italian debt settlement; against the French debt settlement; against bathing beaches for the District

of Columbia, at the expense of the taxpayers of the United States; against delegating to the Secretary of the Treasury and the Postmaster General the power to locate, and allocate funds for, the construction of public buildings, as an unwarranted abdication by the legislative branch of the Government to the executive branch of a prerogative that properly belongs to the legislative branch; against the purchase of Cape Cod Canal at public expense for the benefit of private interests; against the creation of a gigantic whisky monopoly for the control of the medicinal spirits industry.

FOR KENTUCKY

When many Kentucky counties were suffering from indescribable disaster resulting from an unprecedented flood I united my efforts with those of my untiring and diligent Kentucky colleagues in urging the Congress to grant relief to those counties. Appearing before the Committee on Flood Control and the Committee on Roads, I attempted to depict the horrible plight of the brave people of eastern Kentucky and advocated with all the fervor of my soul what I regarded as a constitutional remedy, in the form of a bill for the restoration of post roads. Estill and Lee Counties, in the seventh congressional district, were among the beneficiaries of the legislation that was enacted.

DEVELOPMENT OF COAL TRADE

In the fights in both sessions of the Seventieth Congress for the reconditioning of coal-carrying vessels to expand our foreign trade in coal I took an enthusiastic and, I believe, an effective part.

INTEREST OF TOBACCO GROWERS

For nearly four years I worked hand-in-hand with my colleagues from tobacco-growing districts in advocacy of the bill, which has now become a law, requiring tobacco manufacturers to report by grade and type the amount of tobacco in stock, for the benefit of the tobacco growers of Kentucky and other States.

BRIDGE BILLS

Authorizations for bridges over Kentucky streams, designed to bind our State in closer unity with its neighbors, have received my active support.

LABOR

My votes have been uniformly in favor of a square deal for those who earn their bread in the sweat of their faces.

ARMY REMOUNT SERVICE

On February 8, 1928, I advocated a continuance of the Army remount service as a vital factor in national defense and in referring to the seventh district of Kentucky as "the capital of the horse kingdom," I used the following language:

The exquisitely beautiful Bluegrass Region of Kentucky, the heart of which is in the historic congressional district which has honored me with a commission as its Representative in this House, is unquestionably the greatest nursery of the American thoroughbred, the American standard-bred trotter, and the American saddle horse in the world. Its leadership as the birthplace and home of those types of horses is undisputed and unquestioned. Senator Ingalls, of Kansas, surely must have returned from a visit to that marvelously beautiful section, that undulating bluegrass pasture land, with its carpet of perennial verdure, when he said that grass—

"bears no blazonry or bloom to charm the senses with fragrance or splendor, but its homely hue is more enchanting than the lily or the rose."

The limestone formation underlying the Bluegrass Region of Kentucky transmits to its soil an unsurpassed fertility and imparts to the bluegrass itself substance that incites physical development in horses that feed upon its luxuriance and gives to them bone and muscle and heart, speed, weight-carrying ability, endurance, stamina, and courage, qualities that have brought to Kentucky's equine kings and queens the crown of supremacy in the tan-bark ring and to her fleet-footed thoroughbreds the floral wreath of conquerors on the turf.

The blood of the Kentucky trotter in the remount service will carry on in artillery and transport horses. Gen. Basil W. Duke and Gen. John B. Castleman, both knightly Kentucky gentlemen who rode with the intrepid John Hunt Morgan in the sixties, have left beautiful tributes to the superior qualities of the saddle-bred horse for cavalry service, eloquently depicting his powers of endurance, his smooth action and easy gaits, his cheerful response to kind and careful treatment.

Both the standard-bred trotter and the saddle-bred horse have a strong infusion of the patrician blood of the thoroughbred. General Harbord said:

"This blood, above all others, carries with it the qualities of courage, stamina, and speed which are so essential to the saddle horse for military purposes. It will be a sad day for our country if it is permitted to disappear."

* * * * * * *

The seventh congressional district of Kentucky, of which Lexington is the center and metropolis, is the home of the blooded horse, the capital of the horse kingdom, and the mecca of horse lovers throughout the world. There was organized the body of Confederate Cavalry, under the command of the dashing, daring Morgan, that revolutionized the tactics, methods, and uses of cavalry in warfare. Young men, the flower of the Anglo-Saxon race, the hope and expectancy of Kentucky, accomplished horsemen, expert marksmen, the annals of war contain no record of a braver, knightlier, more intrepid soldiery. The name of their gallant leader, John Hunt Morgan, whose equestrian statue adorns the historic Courthouse Square at Lexington, is carved in the pantheon of immortality beside the names of those other great cavalry leaders, Jeb Stuart, Joe Wheeler, and "the Marshal Ney of the Confederacy," Nathan Bedford Forrest.

The land that produced such cavalrymen as rode with Morgan and Breckinridge, Duke, and Stoner will always be the home of the horse and the home of horsemen whose devotion to that noble animal, the companion of brave men in every age, will be a constant reminder that our word "chivalry" is from the French word "cheval," a horse.

REAPPORTIONMENT BILL

In the face of an effort to pass a congressional reapportionment bill which, if not in the juridical sense unconstitutional, was unquestionably anticonstitutional, I said in the House:

This is a measure both of abdication and usurpation. It is proposed that the Congress supinely surrender to the executive branch of the Government a legislative prerogative and at the same time usurp a power and assume a responsibility which under the Constitution belong to a Congress not yet elected by the American people.

I am in favor of a fair and proper reapportionment, not by the executive branch of the Government, not by any Federal bureau or commission, but by the Congress following the next decennial census. I believe in compliance with that provision as with every other provision of the Constitution, in letter and in spirit. But two wrongs never made a right. If Congress was recreant of its duty following the last census, as has been charged, that wrong would not be righted now in the complacent surrender by Congress of its rights and powers and the shameless abandonment of the duties and obligations vested in Congress by the Constitution.

The fathers of the Constitution determined upon the complete separation of the three branches of the Government as essential to the perpetuity of constitutional government and vital to the security of the liberties of he people. All legislative powers were vested in Congress, and the powers of the executive branch were hedged about by definite constitutional limitations.

Ever since 1865, when the gray legions of the South were overwhelmed and overpowered by the illimitable numbers and inexhaustible resources of the North, there has been a continuous and radical change in the relations between those two branches of the Government as ordained by the Constitution. Not only has there been a constantly increasing tendency to concentrate power in the Federal Government at the expense of the local governments, but the executive department has continued to encroach upon numerous prerogatives of the legislative department. Even worse than the arrogation of power by the executive department is the abdication by Congress of its rights and the abandonment of its obligations.

* * * * * * *

Now comes this proposal to enact a permanent law that would constitute the surrender of another legislative function. We ought to refuse further to dishonor ourselves by this base surrender of legislative power to an executive bureau. Every time we break down a constitutional barrier, every time we permit an invasion by one branch of the Government of the rights of another branch, every time we violate the spirit of the Constitution, every time we sacrifice the fundamentals of constitutional government on the altar of partisan advantage or political expediency, we find it more difficult than ever before to retrace our steps.

HENRY CLAY

When the General Assembly of Kentucky in 1926 memorialized the Congress to provide for the erection of a statue of Henry Clay in Caracas as a gift from the people of the United States to the people of Venezuela, and I was asked by the sponsors of the resolution to introduce a bill carrying into effect its provisions, I succeeded in having the bill I introduced enacted into law and an appropriation made for the purpose of commemorating in heroic bronze the contributions of the great Kentuckian to the cause of Pan Americanism. His statue will adorn the Plaza Henry Clay, one of the principal squares of the native city of Simon Bolivar, the great South American liberator, who had Henry Clay's speeches in favor of South American freedom translated into Spanish and read at the head of his embattled armies.

When the time came for the unveiling in Statuary Hall of the statues of Henry Clay and Ephraim McDowell, the two men selected by Kentucky as her representatives in the Hall of Fame dedicated by act of Congress to the American States,

my colleagues appointed me to make the address upon the life and contributions to history of the "sage of Ashland," Kentucky's most renowned statesman.

SAVED WEATHER BUREAU

During my first term the Chief of the Weather Bureau recommended curtailment of the activities of the Lexington office of that bureau, which, under the management of Mr. George B. Wurtz, has been of inestimable benefit to the people of central and eastern Kentucky, saving shippers many thousands of dollars annually, and the appropriation bill was reported in such form as amounted to virtual abolition of the weather bureau at Lexington. It was my privilege to succeed in having the full appropriation restored, and the Lexington weather bureau is to-day one of the most prized activities of the Federal Government in Kentucky.

WAR VETERANS AND HOSPITALIZATION

Every measure for the aid and comfort of veterans of all American wars, their widows and children, has received my cordial and energetic support. I was present, alert, and active at the first hearing on the proposal to establish a veterans' hospital in Kentucky and at practically all subsequent hearings until the vision of such an institution for the treatment of World War veterans and the amelioration of their suffering became a reality. I had a considerable part in securing the first favorable committee report of a bill providing for such a hospital. After that the inclusion of a Kentucky hospital in the omnibus hospital bill was inevitable, notwithstanding the determined opposition of influential Federal officials, including the chairman of the subcommittee on hospitalization.

The matter of primary importance to me was to provide for the alleviation of the suffering of those dauntless men who wore our country's uniform in the time "that tried men's souls," as brave defenders of the flag as ever stood on freedom's soil. The location was of secondary importance, but after it was decided that such a hospital should be erected in Kentucky I devoted my efforts to the advocacy of the seventh district for its location. Many admirable and worthy sites in the seventh district were offered. I maintained an attitude of strict neutrality among them all in fairness to them all, but availed myself of every opportunity to advocate the location of the hospital in the section of Kentucky comprising the counties of the seventh congressional district. I knew that no more suitable location could be found for such an institution, and finally, after looking over all parts of the State, the hospitalization board of the Veterans' Bureau decided that a 350-bed general hospital costing more than a million dollars should be erected in Fayette County, the hub of the "Ashland district," the center of the garden spot of the world.

LEXINGTON FEDERAL BUILDING

Recognizing before the beginning of my service that the logical place for the headquarters court of the eastern district of Kentucky is Lexington, and that a new Federal building for that purpose ought to be provided, I began my efforts to secure the erection of a suitable building even before assuming my seat in Congress. For four years I kept that project constantly before me, resorting to every expedient that I could think of. Finally I was successful in securing the allocation of $415,000 to erect a new public building at Lexington and in having it declared an emergency project with $60,000 made available for immediate use in acquiring a suitable site and beginning construction. It seems not inappropriate here to quote from an editorial in the Lexington Herald, of which Hon. Desha Breckinridge is owner and editor and Mr. Thomas R. Underwood is managing editor, commenting upon my activities in winning the fight for the new Federal building, for the completion of which subsequent appropriations will follow as matter of course. The excerpt from the Lexington Herald editorial of February 13, 1928, follows:

Congressman VIRGIL M. CHAPMAN, who as the seventh district representative in Washington, led the entire fight for a Federal building for Lexington and vigorously urged that Lexington should be included in immediate measures rather than delayed and passed over until later, has won a great triumph. When the question seemed to be hanging fire, his aggressive action led to an investigation which he demanded and demonstrated the need for such a building by Lexington and the Federal court district.

His victory for Lexington crowns a service as Congressman without a bobble. Whenever the interests of his constituents have been at stake he has gone to the front energetically and manfully and done the job, effectively, thoroughly. He also has ended forever the fiction that an effective Congressman must wear the political collar of the administration in power.

* * * * * * *

Lexington indeed has good cause to celebrate the accomplishment of a goal and a hope of years, and the sincere thanks of the community, the bar associations, the board of commerce, and other organizations active in the matter are due to Congressman CHAPMAN for his efficient service and splendid victory.

NO ELIGIBLE CITY IN SEVENTH DISTRICT WITHOUT FEDERAL BUILDING

Every town or city in the seventh district that, under the laws and regulations governing the location and construction of public buildings, is eligible for a Federal building already has one.

CONCLUSION

I am among those who believe that a Member of Congress owes it to himself, to his constituents, to his country, and to his God to assume full responsibility for his acts and, under his oath, to consider the constitutionality of every legislative proposal before voting or speaking upon it. It is a dangerous, vicious, and cowardly doctrine that passes to the judicial branch of the Government the sole responsibility of determining whether or not an act of Congress is constitutional. When I believed a bill unconstitutional I voted against it. I have tried to chart my course by the principles enunciated in the immortal first inaugural address of the author of the Declaration of Independence, Thomas Jefferson. I have dedicated my life to the fundamental principles of constitutional government, to the preservation of this Republic as an "indissoluble union of indestructible states," a "government of laws and not of men," in which the separation of powers under a dual form of government shall be forever maintained. The greatest reward that can be enjoyed by any public servant is mine—the consciousness of service rendered and duty performed. I believe my record will be accorded by those whose commission I bear the welcome plaudit, "Well done, thou good and faithful servant."

RECESS UNTIL TO-MORROW AT 10 O'CLOCK A. M.

Mr. TILSON. Mr. Speaker, I move that the House stand in recess until 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from Connecticut moves that the House stand in recess until 10 o'clock to-morrow morning. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER (at 4 o'clock and 31 minutes p. m.). The House stands in recess until 10 o'clock to-morrow morning, March 3, 1929.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

875. A letter from the Secretary of the Navy, transmitting draft of a bill to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy"; to the Committee on Naval Affairs.

876. A letter from the Secretary of the Treasury, transmitting twelfth annual report of the Federal Farm Loan Board for the year ended December 31, 1928 (H. Doc. No. 382); to the Committee on Banking and Currency and ordered to be printed, with accompanying papers.

877. A letter from the quartermaster general, transmitting the Proceedings of the Thirtieth National Encampment of the United Spanish War Veterans, held at Habana, Cuba, October 7 to 11, 1928, which is submitted pursuant to Public Resolution No. 25, Sixty-eighth Congress, approved June 6, 1924 (H. Doc. No. 387); to the Committee on Military Affairs and ordered to be printed, with illustrations.

878. A letter from the past adjutant general transmitting the Journal of the Sixty-second National Encampment of the Grand Army of the Republic, held at Denver, Colo., September 16 to 21, 1928, which is submitted pursuant to Public Resolution No. 25, Sixty-eighth Congress, approved June 6, 1924 (H. Doc. No. 389); to the Committee on Military Affairs and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MORROW: Committee on the Public Lands. H. R. 12901. A bill granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes; without amendment (Rept. No. 2089). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 17263. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 2810). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. J. Res. 402. A joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended; without amendment (Rept. No. 2811). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of the Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 17322) to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relating to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy"; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 17323) to amend paragraph 6 of section 202 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. LEAVITT: A bill (H. R. 17324) to amend section 506, title 16, Code of Laws of the United States, relating to the listing for homestead entry of lands within the Custer National Forest, in the State of Montana; to the Committee on the Public Lands.

By Mr. WURZBACH: A bill (H. R. 17325) to provide for the establishment of a national home for disabled volunteer soldiers in the vicinity of San Antonio, Tex.; to the Committee on Military Affairs.

By Mr. SPROUL of Kansas: A bill (H. R. 17326) amending sections 7, 21, 23, 24, 25, and 33 of title 2 of the national prohibition act contained in the amended and annotated Code of Law for the District of Columbia, dated June 7, 1924, and providing certain duties for different officers of the District of Columbia, and penalties for failure to discharge those duties, defining vagrancy, and prescribing penalties within the District of Columbia; to the Committee on the District of Columbia.

By Mr. LaGUARDIA: Joint resolution (H. J. Res. 347) that Francis A. Winslow, United States judge for the southern district of New York, be impeached for misconduct in office; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Montana, requesting the Congress of the United States for the passage of the necessary legislation providing for an increase of the tariff on flaxseed and flaxseed products; to the Committee on Ways and Means.

Memorial of the State Legislature of the State of Montana, requesting Congress of the United States to approve at this session House bill 14665; to the Committee on Roads.

By Mr. HAWLEY: Memorial of the State Legislature of the State of Oregon, urging the Congress of the United States to extend to the States of Oregon and Washington all possible aid in investigating the malady affecting cattle and sheep; to the Committee on Agriculture.

By Mr. LEAVITT: Memorial of the State Legislature of the State of Montana, urging Congress of the United States to increase the tariff duty on flaxseed products; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Montana, urging the Congress of the United States to enact legislation to permit owners of land in the upper Milk River districts to enter into contracts permitting payments for the St. Marys diversion charges over a period of 40 years and to allow a deduction of nonproductive land; to the Committee on Irrigation and Reclamation.

Also, memorial of the State Legislature of the State of Montana, memorializing Congress for a constitutional amendment providing for the inauguration of the President and Vice President and the taking of office by Members of Congress in January following their election; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. KORELL: Memorial of the State Legislature of the State of Oregon, urging the Congress of the United States to extend to the States of Oregon and Washington all possible aid in investigating the malady affecting cattle and sheep; to the Committee on Agriculture.

By Mr. LAMPERT: Memorial of the State Legislature of the State of Wisconsin, memorializing Congress of the United States to promptly enact legislation either repealing the national-origins clause of the immigration act of 1924 or definitely postponing the time of its taking effect; to the Committee on Immigration and Naturalization.

By Mr. BROWNE: Memorial of the State Legislature of the State of Wisconsin, memorializing Congress of the United States that they favor the proposed Great Lakes-St. Lawrence waterway; to the Committee on Rivers and Harbors.

By Mr. WINTER: Memorial of the State Legislature of the State of Wyoming, urging the Congress of the United States to make restitution to the State of Wyoming of the moneys heretofore and hereafter to be paid into the reclamation fund by reason of the development of the mineral resources of this State; to the Committee on Irrigation and Reclamation.

By Mr. EVANS of Montana: Memorial of the State Legislature of the State of Montana, requesting Congress of the United States for the necessary legislation providing for an increase of the tariff and flaxseed products; to the Committee on Ways and Means.

By Mr. BROWNE: Memorial of the State Legislature of the State of Wisconsin, asking for the repeal of the national-origin clause of the immigration act of 1924; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 17327) for the relief of Mr. and Mrs. G. G. Gross; to the Committee on Claims.

By Mr. EATON: A bill (H. R. 17328) granting an increase of pension to Charlotte B. Williamson; to the Committee on Invalid Pensions.

By Mr. FORT: A bill (H. R. 17329) granting an increase of pension to Marie E. Hartrick; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 17330) granting an increase of pension to Minnie C. O'Connor; to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 17331) granting a pension to Bertha Sauvage; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 17332) granting an increase of pension to Florence Eva Clisbee; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13584. By Mr. CAMPBELL: Petition of 150 citizens of the thirty-sixth congressional district of the State of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13585. Also, petition of 82 members of the Bethel Presbyterian Church, South Hills, Pittsburgh, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13586. Also, petition of 57 members of the Wycoff Bible Class, Bethel Presbyterian Church, South Hills, Pittsburgh, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13587. By Mr. GARBER: Petition of the Detroit Board of Commerce, indorsing House bill 15621 and Senate bill 5085, when amended in accordance with suggestions of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

13588. Also, petition of the Woodward Chamber of Commerce, indorsing the request of the California Almond Growers Exchange for additional and new tariffs on almonds; to the Committee on Ways and Means.

13589. Also, petition of the American Mica Products Co., urging increase in tariff on mica; to the Committee on Ways and Means.

13590. Also, petition of the International Association of Machinists, urging enactment of Senate bill 3116; to the Committee on the Civil Service.

13591. By Mr. GASQUE: Petition of the Timmonsville Baptist Church, Timmonsville, S. C., with 300 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13592. By Mr. LAMPERT: Petition signed by citizens of Portage, Wis., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13593. By Mr. McCORMACK: Petition of William J. Walsh, proprietor of Walsh's Arch Preserver Shoe Shop, 30 Chauncy Street, Boston, Mass., and 23 other retail shoe dealers in Boston, Mass., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13594. Also, petition of Richard M, Lyons, Andrew F. Pendergast, Eugene J. Curran, William P. Dwyer, secretary, 300 Belgrade Avenue, Roslindale, Mass., of Committee of Celtic Association, Boston, Mass., which unanimously adopted resolution, at meeting Sunday, February 24, 1929, for repeal of national-origins clause in the immigration act; to the Committee on Immigration and Naturalization.

13595. Also, petition of Bessie P. Edwards Post, No. 264, American Legion (the only all women's post in the American Legion in New England, being composed of ex-service yeomen F, Marinetts—Marine Corps and nurses), Marion McElaney, commander, 11 Seaborn Street, Dorchester, Mass., vigorously protesting against provisions of national-origins clause in the immigration act and unanimously recommending its repeal; to the Committee on Immigration and Naturalization.

13596. Also, petition of Katherine J. Dooley, 32 Rill Street, Dorchester, Mass., protesting vigorously against enactment of Newton maternity bill and the equal rights amendment; to the Committee on Interstate and Foreign Commerce.

13597. Also, petition of Mary E. Dolan, 36 Newhall Avenue, Dorchester, Mass., protesting vigorously against enactment of Newton maternity bill and the equal rights amendment; to the Committee on Interstate and Foreign Commerce.

13598. Also, petition of Margaret Craig, Frances J. Craig, and Helen C. Craig, 63 Draper Street, Dorchester, Mass., vigorously protesting against enactment of the Newton maternity bill and the equal rights amendment; to the Committee on Interstate and Foreign Commerce.

13599. Also, petition of 79 citizens of Boston, Mass., protesting against enactment of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

13600. By Mr. MAPES: Petition of Herbert Wilson, route 1, Hudsonville, Mich., and 16 others, against the proposed calendar change of weekly cycle proposed by House Joint Resolution 334; to the Committee on Foreign Affairs.

13601. By Mr. MEAD: Petition of Kensington Post, No. 708, American Legion, approving western New York request for additional hospitals; to the Committee on World War Veterans' Legislation.

13602. By Mr. O'CONNELL: Petition of Parker, Stearns & Co., Brooklyn, N. Y., favoring the passage of House bill 10287; to the Committee on the Judiciary.

13603. Also, petition of Page, Gore & McLaren, New York City, favoring the passage of House bill 10287; to the Committee on the Judiciary.

13604. Also, petition of Miller Falls Co., New York City, favoring the passage of House bill 10287; to the Committee on the Judiciary.

13605. Also, petition of the Edham Co., St. Paul, Minn., opposing a tariff duty on shingles; to the Committee on Ways and Means.

13606. By Mr. STALKER: Petition of pastor and 25 members of the First Presbyterian Church, Corning, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13607. By Mr. TAYLOR of Tennessee: Petition of the Willing Workers Bible Class, consisting of 35 members, of the New Prospect Presbyterian Church of Knox County, Tenn., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13608. Also, petition of the Square Deal Bible Class, consisting of 35 members, of the New Prospect Presbyterian Church, of Knox County, Tenn., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13609. By Mr. WIGGLESWORTH: Petition of Wessagusett Auxiliary 1399, Veterans of Foreign Wars, Weymouth, Mass., in favor of House bill 9138; to the Committee on Pensions.

SENATE

SUNDAY, *March 3, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate met at 11.10 o'clock a. m., on the expiration of the recess.

Mr. ROBINSON of Arkansas obtained the floor.

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Edge	King	Sheppard
Bayard	Fess	McKellar	Shortridge
Bingham	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Glass	Moses	Steiwer
Bratton	Glenn	Norris	Stephens
Brookhart	Goff	Nye	Swanson
Broussard	Greene	Oddie	Thomas, Idaho
Bruce	Hale	Overman	Thomas, Okla.
Burton	Harris	Phipps	Trammell
Capper	Hastings	Pine	Tyson
Caraway	Hawes	Ransdell	Vandenberg
Copeland	Hayden	Reed, Pa.	Wagner
Couzens	Heflin	Robinson, Ark.	Walsh, Mass.
Dale	Jones	Robinson, Ind.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent, and I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution of the Senate:

S. 382. An act for the relief of Joseph F. Thorpe;

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger; and

S. J. Res. 9. Joint resolution to establish a joint commission on insular reorganization.

The message also announced that the House had passed the bill (S. 5715) for the relief of J. H. B. Wilder, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 16440) relating to declarations of intention in naturalization proceedings.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado, Wyoming, New Mexico, and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 264. An act for the relief of Margaret I. Varnum;

S. 4237. An act for the relief of Antoine Laporte, alias Frank Lear;

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;*

S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868;

S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia;

S. 5843. An act to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes;

S. 5875. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 12106. An act to erect a national monument at Cowpens battle ground;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 15430. An act continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted-service certificates, and for other purposes;

H. R. 16878. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 17122. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash.;

H. R. 17208. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 17262. An act authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River at or near Francis, Okla.;

H. R. 17311. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill.; and

H. R. 17322. An act to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy."

RECESS FROM SUNDAY UNTIL MONDAY

Mr. ROBINSON of Arkansas. Mr. President, by custom universal in every part of the United States, and by the statutes of all the States, the Sabbath Day has been set apart as a day for rest and worship. Only under conditions of emergency or of imperative necessity does the Christian spirit of this Nation prompt or justify the action of its citizens when they engage in toil on that day. The Senate of the United States, as one of the branches of the legislative department of the National Government, should respect the custom and the law of this Nation. In my judgment, it is an unwholesome practice for the Congress of the United States to engage in the transaction of business on the Sabbath day except under such conditions as make it imperative to do so.

Incidents in the Senate last night, after we had been in continuous session for almost 12 hours, disclosed the fact that a sharp controversy had been brought into the Senate during the closing hours of this session, which would result in a prolonged and probably fruitless contest in this body on the Lord's Day. Making no pretense to the possession of a sanctimonious disposition, but respectfully conforming to the traditions, the sentiments, and feelings which are deep grounded in the hearts and consciences of the men and women of this Republic, I enter a solemn protest in all sincerity against the proposal that is now imminent to compel the Members of this body to violate their conscientious convictions, desecrate and dishonor the Sabbath, and engage in what is likely to become an unseemly filibuster.

Mr. BRUCE. Mr. President, may I interrupt the Senator from Arkansas for a moment?

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. BRUCE. It may be a bad precedent, but I ask the Senator whether it is not a fact that the Senate did meet on Sunday in the year 1923?

Mr. ROBINSON of Arkansas. Yes; and they have done so several other times, but I am sure my friend the Senator from Maryland is too good a lawyer and has a conviction of moral principles too comprehensive to justify another desecration of the Sabbath, an unnecessary desecration of the Sabbath, by what has occurred in the past.

Mr. BRUCE. Mr. President, if I may ask the Senator one more question I will not interrupt him further. I should like to ask him whether he heard anyone last night base his opposition to a session of the Senate to-day on Sabbatarian scruples?

Mr. ROBINSON of Arkansas. Yes; 20 Senators. They did not object in debate on the floor because the motions were not debatable, but I could name 20 Senators about the Chamber who did so.

Mr. BLACK rose.

Mr. ROBINSON of Arkansas. I see one now who has just risen, the Senator from Alabama [Mr. BLACK]. I myself base my opposition largely on that ground.

Mr. BRUCE. Of course, the Senator has heard of the old saying, "the better the day the better the deed."

Mr. ROBINSON of Arkansas. Yes; and if that argument appeals to the Senator from Maryland, it is quite a surprise to me knowing his thorough comprehension of the immorality that underlies such an axiom.

Mr. BINGHAM. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. ROBINSON of Arkansas. I yield to the Senator from Connecticut.

Mr. BINGHAM. I agree entirely with what the Senator has said, and I join with him in wishing that the Senate might not do what it is forced to do by the action of the House of Representatives; but I asked the Senator whether he would yield for the purpose of allowing me to submit a proposed unanimous-consent agreement that the Senate shall now recess until to-morrow, and that upon the convening of the session to-morrow the Senate shall proceed to vote upon a measure with regard to the national-origins clause which the House of Representatives is about to pass and will send over to us.

Mr. ROBINSON of Arkansas. No, Mr. President; I will not violate the principle that I am asserting by transacting business voluntarily and thus make my own argument absurd. My position is that the Senate ought not to transact business on Sunday, except in a case of emergency, and I believe that proposition will appeal to all Senators who have respect for the moral law which governs throughout this Republic. I therefore move, Mr. President, that the Senate take a recess until 11 o'clock to-morrow morning.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas that the Senate take a recess until 11 o'clock a. m. to-morrow.

Mr. ROBINSON of Arkansas and Mr. SHEPPARD demanded the yeas and nays, and they were ordered.

Mr. WALSH of Massachusetts. As an amendment to the motion I move that the Senate take a recess until 11 o'clock to-morrow morning and that immediately after convening it shall, without debate, vote upon the now pending question, being House bill 13929, the so-called plaza bill, and then shall vote on the so-called Nye joint resolution, being Senate Joint Resolution 218, to postpone the taking effect of the national-origins provisions of the immigration act of 1924, as amended.

The VICE PRESIDENT. An amendment of that kind to the motion of the Senator from Arkansas is not in order.

Mr. WALSH of Massachusetts. Why is it not in order?

The VICE PRESIDENT. An amendment to the motion of the Senator from Arkansas to fix the time of meeting after the recess earlier or later would be in order, but not a motion adding extraneous matter to the motion such as the Senator from Massachusetts has suggested. The clerk will call the roll.

Mr. BROOKHART. Mr. President, what is the question.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas that the Senate take a recess until 11 o'clock a. m. to-morrow.

Mr. BROOKHART. There has been no amendment to the motion?

The VICE PRESIDENT. No. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. OVERMAN (after having voted in the affirmative). I observe that the senior Senator from Wyoming [Mr. WARREN] has not voted. I have a pair with that Senator. I transfer my pair with him to the senior Senator from West Virginia [Mr. NEELY], and will let my vote stand.

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is ill and confined to his home.

Mr. NYE. The senior Senator from California [Mr. JOHNSON] is unavoidably absent for an hour. Were he present, he would vote "nay." I understand that there has been success in securing for him a pair with the Senator from Mississippi [Mr. HARRISON].

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. If he were present, he would vote "nay."

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is absent from the Chamber on account of illness.

Mr. EDGE. My colleague the junior Senator from New Jersey [Mr. EDWARDS] is necessarily absent.

Mr. NYE. Mr. President, how am I recorded?

The VICE PRESIDENT. As voting in the negative.

Mr. NYE. I desire to change my vote to the affirmative.

The roll call resulted—yeas 39, nays 36, as follows:

YEAS—39

Barkley	Glass	Nye	Smoot
Bayard	Goff	Overman	Steiwer
Black	Hale	Pine	Stephens
Blease	Harris	Reed, Pa.	Swanson
Bratton	Hastings	Robinson, Ark.	Thomas, Okla.
Capper	Hayden	Robinson, Ind.	Trammell
Caraway	Heflin	Sackett	Tyson
Dale	McKellar	Sheppard	Waterman
Fletcher	Mayfield	Simmons	Watson
George	Moses	Smith	

NAYS—36

Bingham	Deneen	Jones	Phipps
Blaine	Dill	Kendrick	Ransdell
Borah	Edge	Keyes	Schall
Brookhart	Fess	King	Shortridge
Broussard	Frazier	McMaster	Steck
Bruce	Gerry	McNary	Thomas, Idaho
Burton	Glenn	Metcalf	Vandenberg
Copeland	Greene	Norris	Wagner
Couzens	Hawes	Oddie	Walsh, Mass.

NOT VOTING—20

Ashurst	Harrison	McLean	Shipstead
Curtis	Howell	Neely	Tydings
Edwards	Johnson	Norbeck	Walsh, Mont.
Gillett	La Follette	Pittman	Warren
Gould	Larrazolo	Reed, Mo.	Wheeler

RECESS

The VICE PRESIDENT. On this question the yeas are 39, the nays are 36. The Senate will take a recess until 11 o'clock to-morrow.

Mr. NYE. Mr. President——

Mr. ROBINSON of Arkansas. A point of order. The Senate is in recess.

The VICE PRESIDENT. The Chair declared the Senate in recess until 11 o'clock to-morrow.

Thereupon, at 11 o'clock and 40 minutes a. m., the Senate took a recess until to-morrow, Monday, March 4, 1929, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

SUNDAY, *March 3, 1929*

(Legislative day of Saturday, March 2, 1929)

The House met at 10 o'clock a. m., at the expiration of the recess.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE HON. ROYAL H. WELLER

The SPEAKER. The Chair announces the following Members as the committee to attend the funeral of the late Hon. ROYAL H. WELLER:

Hon. JOHN F. CAREW, Hon. GEORGE S. GRAHAM, Hon. HATTON W. SUMNERS, Hon. THOMAS H. CULLEN, Hon. HAMILTON FISH, Jr., Hon. CARROLL L. BEEDY, Hon. MARY T. NORTON, Hon. JAMES M. FITZPATRICK, Hon. J. MAYHEW WAINWRIGHT, Hon. GEORGE H. COMBS, Jr., Hon. CHRISTOPHER D. SULLIVAN, Hon. DAVID J. O'CONNELL, Hon. ANNING S. PRALL, Hon. ANTHONY J. GRIFFIN, Hon. JAMES M. MEAD, Hon. SAMUEL DICKSTEIN, Hon. JOHN J. O'CONNOR, and Hon. PARKER CORNING.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3047. An act for the relief of J. Edward Burke;

H. R. 10817. An act for the relief of the Merrill Engineering Co.;

H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;

H. R. 17208. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 17218. An act authorizing the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 17237. An act to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.;

H. R. 17262. An act authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River, at or near Francis, Okla.;

H. R. 17311. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill.;

H. R. 17322. An act to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy";

H. J. Res. 355. Joint resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union in the undertaking of financing and building an inter-American highway or highways; and

H. J. Res. 434. Joint resolution to appoint HOMER W. HALL a member of the subcommittee of the Committee on the Judiciary, established under House Joint Resolution 431, to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2127. An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt;

S. 5614. An act creating the positions of Undersecretary and two Assistant Secretaries in the Department of Labor; and

S. 5722. An act to provide for the purchase of the use of the Harriman Geographic Code System.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on bills of the following titles:

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death;

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 17223. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes;

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes; and

S. 4848. An act for the relief of T. L. Young and C. T. Cole.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Great Falls, and to authorize the use of certain Government land;

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; and

S. 5717. An act for the relief of the State of Nevada.

DECLARATIONS OF INTENTION IN NATURALIZATION PROCEEDINGS

Mr. JOHNSON of Washington. Mr. Speaker, I call up H. R. 16440, relating to declarations of intention in naturalization proceedings, which has been passed by the Senate with amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Washington asks unanimous consent to call up H. R. 16440, with Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

J. H. B. WILDER

Mr. IRWIN. Mr. Speaker, I call up Senate bill 5715, for the relief of J. H. B. Wilder, and ask for its immediate consideration.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of Senate bill 5715, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to J. H. B. Wilder, of Macon, Ga., or his legal representatives, out of any money in the Treasury not otherwise appropriated, such sum as in the judgment of the Secretary of the Treasury, and not in excess of $7,106.96, would represent the approximate interest cost to said J. H. B. Wilder, based upon changed conditions due to the World War, of completing his contract for the construction of the Federal building at Forsyth, Ga.

The SPEAKER. Is there objection?

There was no objection.

Mr. IRWIN. Mr. Speaker, there is an error on page 1, line 8. The word "interest" should be "increased."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IRWIN: On page 1, line 8, strike out the word "interest" and insert in lieu thereof the word "increased."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH F. THORPE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 382, for the relief of Joseph F. Thorpe.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of Senate bill 382, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,300 to reimburse Joseph F. Thorpe, formerly clerk at the American Legation at Athens, for expenditures incurred in accompanying Garrett Droppers, formerly United States minister to Greece, then under physical disability, to the United States, pursuant to instructions of the State Department.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN B. MEISINGER AND NANNIE BELLE MEISINGER

Mr. IRWIN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4809, for the relief of John B. Meisinger and Annie Belle Meisinger.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of Senate bill 4809, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of John B. Meisinger and Nannie Belle Meisinger; that in the administration of the aforesaid act John B. Meisinger and Nannie Belle Meisinger shall be held and considered to be the dependent parents of Dr. Clarence L. Meisinger, who was killed June 2, 1924, by the explosion of a balloon in which he was making a series of upper air observations for the United States Weather Bureau.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION AND NATURALIZATION

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 349, a bill to amend the naturalization laws.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHNEIDER. Mr. Speaker, seldom are we called upon to deal with a measure which affects the assimilation of our alien peoples as directly and as positively as the provisions of the bill we are now considering. This measure, H. R. 349, concerns principally that very large group of persons in the United States who unfortunately have constituted a permanently alien group—who have been compelled by the operation of the naturalization laws to remain alien—not by reason of any desire on their part or because of circumstances within their power to change but simply because of the inflexibility of the naturalization laws.

The naturalization act of 1906 established the system of recording the name of every individual who entered the United States at the port at which he entered. In 1911 the requirement that a certificate of arrival be filed with every petition for naturalization was added. This certificate is to be based upon the records made by immigration officials at the alien's port of entry. It is at this point that thousands of persons experienced difficulty. No official record of their entry could be found. In many cases there had been no record made; many were children when they entered and could not remember the name of the vessel or the port by which they entered. Some, of course, entered improperly; but the fact remains that, regardless of how they entered, they are here and can not be deported. The fact that no official record of their entry could be found prevented the issuance of a certificate of entry to them, and they were consequently barred from final naturalization process.

During the years 1906 to 1911 no record was made of those persons who entered across the Canadian border. A great many people came in that way. These as well as those who have come in since, and, for some reason or other, were not registered at the time they entered, find themselves in the predicament of being barred from citizenship. To remedy that situation I introduced the measure, H. R. 13793. The provisions of my bill enable these people to legalize their status in the United States, and to obtain certificates of entry so as to comply with the naturalization requirements. The measure which we are now considering, however—H. R. 349—passed the House last winter, and in the Senate Committee on Immigration and Naturalization was amended so as to include the substance of my bill H. R. 13793. H. R. 349, as amended, then passed the Senate and has now been returned to the House for concurrence in the amendment. The bill was then placed in the hands of conferees. I was designated as one of the Members of the House to serve on this committee, and it is the report of the managers of the conferees that we are now considering.

The process involved in bringing about the situation I have outlined above requires the alien to show that he entered the United States before June 3, 1921; that he has lived in the United States continuously since such entry; that he is a person of good moral character, and that he is not subject to deportation. The certificate which is then issued upon such showing is known as a nunc pro tunc certificate. Its operation is such as to give the person who receives it the status of an immigrant who is legally here. It enables him to fulfill the provisions of the naturalization laws requiring that a certificate of entry be filed with the petition for naturalization.

The alien who applies for such registration of his entry must pay a fee of $20 therefor. The conduct of hearings to determine the eligibility of an alien for registration of his entry entail expense to the Bureau of Immigration; furthermore, many of these aliens obtained admittance to the United States without the payment of head tax. The fee of $20 is therefore considered fair.

GENERAL ASPECTS OF IMMIGRATION AND NATURALIZATION LEGISLATION

The problem of dealing with this large group of persons who were barred from citizenship has existed for a long time, and is an example of just one of the numerous distressing phases of immigration and naturalization legislation with which Congress must deal from time to time. New aspects of this problem keep coming to the surface continually and each time seem to be larger and more difficult to cope with.

The fact that these laws operate very harshly in many instances can be testified to from the personal experience of a great many of our more recent arrivals. Ellis Island with its attendant horrors is not easily forgotten, but lingers in the minds of most of those who arrived before July, 1924, as a very unpleasant experience. Even before Ellis Island entered into their experience some contact was had with these laws in arranging for passage upon the vessels plying between the homelands and this great land of opportunity.

The process of immigrating to the United States and becoming a citizen is to the minds of most people so complicated and interwoven with detail that few have any very comprehensive idea of the steps which an alien must take to get here, and after he is here, the steps he must take to become a citizen. At this point it is also well to warn persons who have entered the United States as aliens to be certain before leaving the United States to have the proper papers with which to reenter. Should they fail to have proper documents it may be necessary for them to return to the country of their origin and go through a process of years of waiting before they can be readmitted.

ORDINARY PROCEDURE OF IMMIGRATION

Because the process of immigrating and becoming naturalized is so little understood I am going to state in as brief and clear a way as possible just what steps must be taken by one wishing to come to the United States and join us in citizenship.

In the past—that is, before 1924—the alien went to the steamship company and applied for passage. Before 1921 he had little difficulty in getting it, and making the trip to the United States. Only the limitations in size and number of steamships restrained him. After 1921 the steamship companies were permitted to

bring only a certain number of any nationality to our shores, and in the event they brought more they were obliged to return those in excess at their own expense. Until the immigration act of 1924 went into effect the steamship companies were the only agents who exercised any restraining influence upon immigrants abroad. However, in this discussion it will be best to consider only what is at present the case and not attempt to outline any history of this subject. Suffice it to say, that the present process, which has been in operation since 1924, is very much different from that which was in force before that time and with which most recent arrivals are familiar.

The immigration act of 1924 limits the total number of persons who may come to the United States in a single year to about 164,000 persons, and it establishes a particular number who may come from each individual country. Thus, Germany may send to the United States 51,227 persons each year, Great Britain 34,007, Ireland 28,567, Norway 6,453, and Sweden 9,561. For each of the countries of Europe such a numerical quota was established. That number was arrived at by assigning a quota equal to 2 per cent of the number of foreign-born persons of a particular nationality in the United States at the time of the census of 1890.

To-day the immigrant who does not have a husband, wife, or parent in the United States must, first of all, appear before the American consular officer nearest his home town. From him he receives information as to when he may be able to leave for the United States. There are immense waiting lists in all of the European countries. The lists are so long in certain countries that it will take 30 years before persons who are applying at the present time can be admitted.

The American consul gives each person who applies a place on this list in the order of his application. Within a reasonable time before the turn of a particular person arrives he is notified that his turn has been reached. He must then apply for a visa. Before granting the visa the consul makes a thorough investigation of the applicant's record and orders a physical examination. If the applicant is found physically and mentally qualified and his character appears to be desirable the consul issues a visa to him. From this it will be seen that the consular officer has very large discretionary powers as to whether or not he will admit an individual. Such is the case, and while there have been complaints, it appears on the whole to be working out very well.

The charge for this visa is $10, which must be paid to the American consul. This visa is the only document which the alien requires for admittance to the United States, though the laws of the country from which he comes frequently refuse to permit his departure without a passport. That passport may cost another $10. The charges are not similar for all countries, and as said before not all require them.

After the applicant for admission to the United States has obtained his visa from the American consul there is very little more for him to worry about. He must then obtain transportation, which is readily obtained when he shows his visa to the steamship agents. Armed with the visa given him by the consul he arrives in New York or some other port of arrival, pays his head tax of $8, and proceeds to his destination in the United States uninterrupted by a long wait at Ellis Island, as was the case in years passed.

That, in a very rough way, indeed, outlines the steps one must take in his home country before he can gain admission to the United States. There are numerous other phases which present themselves in many cases, but they are too numerous even to attempt to outline. One of these which I will go into is the distinction between the quota and nonquota visa. All of the discussion above refers exclusively to the quota visa.

NONQUOTA PROCEDURE

A man or woman who has entered the United States and has become an American citizen may, by petitioning the Bureau of Immigration, Department of Labor, Washington, D. C., bring his wife or husband and unmarried children under 21 years of age into the United States without obliging them to wait their turn on the long lists in Europe. After filing his petition with the Bureau of Immigration, if it is approved, that office directs the Department of State to inform the appropriate American consular officer that nonquota status has been allowed to the persons named. However, even in these cases, the consuls are vested with authority to reject such individuals. If they are physically or mentally deficient or have criminal records the consul may refuse to issue visas to them notwithstanding the fact that he is authorized to give them nonquota status.

THE PATH TO CITIZENSHIP

An individual who has undergone these trying experiences in connection with his admission now faces the question of becoming a citizen. To begin the process of naturalization he must first of all be 18 years of age. His first step is to appear before the clerk of any court of record near his established place of residence and declare upon oath his bona fide intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign country, and particularly to the country of which he is at the time a citizen or subject. He files with the clerk at this time the papers usually referred to as first papers. He must then wait until he has resided in the United States for a period of five years from the time of his arrival and at least two years after he has declared his intention to become a citizen and filed his first papers, after which time he shall make and file in duplicate a petition for naturalization. He must not, however, permit a greater period than seven years to elapse between the declaration of intention and filing of the petition. He must have lived in the vicinity of the court in which he brings his petition for at least six months prior to the time of filing his petition. After filing his petition with the clerk of the court that officer sets a date for hearing the petition.

The fee of $5 must be paid to the clerk of the court at the time of filing the declaration of intention. At the time of filing his petition for naturalization he must pay a fee of $10, in addition to a further fee of $5, for the issuance of a certificate of arrival. Thus the entire cost of procuring naturalization in the regular manner is now $20.

As to those persons who must depend upon the provisions of the bill I have introduced, the costs of naturalization will be greater. They are required to pay the $20 fee for registration of their entry in order to establish their legal status in the United States.

That outlines in a very general way the procedure of obtaining citizenship.

POSSIBILITIES OF EXPATRIATION

Those who have gone over the tedious road to citizenship should be well informed as to the dangers of losing their privileges by returning to the country of their origin or to other foreign countries. Present laws provide that any naturalized citizen who shall reside for two years in the foreign state from which he came, or for five years in any other foreign state, shall be presumed to have ceased to be an American citizen.

TEMPORARY ABSENCES AND PROVISIONS FOR REENTRY

Another point concerning the operation of our immigration laws is that citizens born here or naturalized must have proper documents when traveling to foreign countries. They should always, upon leaving the United States, carry with them a birth certificate or their certificate of naturalization. An alien who wishes to leave the country temporarily to travel abroad or even to cross the border into Canada or Mexico must be especially cautious about having proper documents for his reentry. An alien who is lawfully domiciled in the United States should apply to the Commissioner of Immigration, Department of Labor, Washington, D. C., for a reentry permit. This will be issued to him upon proof of his legal status in the United States and the payment of a fee of $3.

PASSPORTS AND VISAS

Practically the first thing of importance to be considered when contemplating a trip abroad is sufficient and proper identification. No American citizen, natural born or naturalized, should attempt to leave the United States for countries other than Canada, Mexico, or Cuba without a passport. If he wishes to visit England, France, or Poland, and a number of other European and South American countries, he must submit his passport to diplomatic or consular officers of these countries stationed in the United States for visas. The charge for such visas is $10 each. Much objection has been raised to the payment of such visa fees, but these countries hold that while the United States charges a $10 fee to all immigrants who seek admission to the United States, they will reciprocate by charging such a fee to American tourists. The United States has entered reciprocal arrangements with a number of countries for a waiver of visa fees as to tourist traffic.

One might go into much detail in enlarging upon each phase of the above discussion, but I have only attempted to outline in a rough yet dependable manner the steps which must be followed in immigrating and obtaining citizenship, and also to give some warning to those who wish to travel, that they be armed with proper identification for travel purposes as well as to facilitate their readmission to this country. Should anyone at any time wish information in greater detail on any phase of the above, I will be very glad to assist him in procuring such information.

NATIONAL ORIGINS

An attempt to enter into any discussion of the subject of immigration and naturalization at this time would not be complete without some reference to the question of "national origins." The term has come to the attention of most everyone in the country, I presume, yet I dare say only a very few have any accurate idea of what it implies. When one considers the uncertainties and indefiniteness involved, it is surprising that anyone is able to explain its application or agree with it.

The "national-origins" clause was placed in the immigration act of 1924, section 11, in an attempt to provide a system more equitable than that which was made the immediate basis of computing the quotas in 1924. The crying need for limiting the inflow of immigrants who beseiged our ports of entry immediately after the war made necessary that some system be established whereby the number of persons to be admitted from any particular country could be determined. The system placed in effect in 1924 was based upon the census of 1890. It permits the annual admission of aliens of a particular nationality for permanent residence in an amount equal to 2 per cent of the number of foreign-born persons of that nationality in the United States in 1890. The statistics collected in that year showed the number of persons in the United States of all nationalities who had been born abroad. This system of limitation permits the arrival here of 164,667 persons each year.

The legislative history of the "national-origins" provision is very interesting inasmuch as it has been very stormy. From the outset it met a great deal of opposition. The provision was presented to the House by Representative ROGERS, of Massachusetts, as an amendment to the immigration measures being considered in 1924. The House rejected this amendment. The same provision, in slightly different language, however, was presented to the Senate by Senator REED of Pennsylvania, and was adopted by the Senate. Having been accepted by the Senate and rejected by the House it became a subject for consideration by conferees of the two Houses. The Senate refused to yield and the House, in order to get some restrictive legislation, finally agreed to the Senate amendments, with the provision that the "national-origins" clause should not become effective until July 1, 1927.

I have opposed this provision from the outset, and during the first session of the Seventieth Congress presented a resolution for delay of its operation. The measure was reported by committee and placed upon the calendar, but before it was reached a similar measure passed the Senate and was concurred in by the House.

Under the terms of the national-origins provision the total number of persons of foreign birth who might be admitted as quota immigrants would be approximately 150,000 each year. This number would then be allocated to the various nationalities upon the basis of the proportionate numerical strength of each nationality in the United States in 1920. In other words, the law provides that if one-half of all persons in the United States in 1920 are of English extraction the quota allotted to Great Britain would be one-half of 150,000, or 75,000 persons. However, the question then arises as to how the percentage of any particular nationality in the United States in 1920 can be determined. There are no statistics indicating the origin of the people of the country. The law provides that the Secretaries of State, Commerce, and Labor, with the help of experts from the Bureau of the Census, should arrive at this determination. Now, anyone who will reflect for just a moment can appreciate what an impossible job it is to determine with any degree of accuracy the numbers of any particular nationality in the United States in 1920. Names themselves are no accurate index, and intermarriage of these nationalities has made for such homogeneity as to defy placing a great mass of the American populace in any distinct category. An attempt has been made by those representing this committee to ascertain the national origins of all people in the country by a so-called scientific mathematical method. This clearly has proven to be a failure, for the reason that each succeeding time this method is applied different figures are arrived at. The following table is the best proof of that. The three varying reports of this commission indicate that there is no way of determining with any degree of accuracy the number that should be allocated to the respective nations. It is clear that the national-origins quota system would directly favor England and southern European countries, while it would take from the quota of Ireland and northern European countries. It is frequently charged, and I believe justly, that national origins is the creation of pro-English propagandists.

Immigration quotas

[Printed for the use of the Committee on Immigration and Naturalization, House of Representatives, February 28, 1929]

1 National-origin quotas submitted Feb. 21, 1929	Country or area	2 National-origin quotas submitted Feb. 27, 1928	3 National-origin quotas submitted Jan. 7, 1927	4 National origin quotas estimated in 1924	5 Present quotas based on 1890 foreign-born population
100	Armenia	100	----------	100	124
100	Australia, including Papua, etc.	100	100	100	121
1,413	Austria	1,639	1,486	2,171	785
1,304	Belgium	1,328	410	251	512
2,874	Czechoslovakia	2,726	2,248	1,359	3,073
100	Danzig, Free City of	137	122	100	228
1,181	Denmark	1,234	1,044	945	2,789
116	Estonia	100	109	325	124
569	Finland	568	559	517	471
3,086	France	3,308	3,837	1,772	3,954
25,957	Germany	24,908	23,428	20,028	51,227
65,721	Great Britain, Northern Ireland.	65,894	73,039	85,135	34,007
307	Greece	312	367	384	100
869	Hungary	1,181	967	1,521	473
17,853	Irish Free State	17,427	13,862	8,330	28,567
5,802	Italy, including Rhodes, etc.	5,989	6,091	5,716	3,845
236	Latvia	243	184	384	142
386	Lithuania	492	494	458	344
3,153	Netherlands	3,083	2,421	2,762	1,648
2,377	Norway	2,403	2,267	2,053	6,453
6,524	Poland	6,090	4,978	4,535	5,982
440	Portugal	457	290	236	503
295	Rumania	311	516	222	603
2,784	Russia, European and Asiatic	3,540	4,781	4,002	2,248
252	Spain	305	674	148	131
3,314	Sweden	3,399	3,259	3,072	9,561
1,707	Switzerland	1,614	1,198	783	2,081
123	Syria and the Lebanon (French).	125	100	100	100
226	Turkey	233	233	100	100
845	Yugoslavia	739	777	591	671
[1] 153,714	Total	[1] 153,685	[1] 153,541	[2] 150,000	[1] 164,647

[1] Including 37 minimum quotas of 100 each.
[2] Includes 16 minimum quotas of 100 each.

The commission itself in presenting the result of its efforts in 1927 stated:

In our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We, therefore, can not assume responsibility for such conclusions under these circumstances.

President Hoover, who was at that time a member of the commission as Secretary of Commerce, stated in his speech accepting the presidential nomination of the Republican Party in 1928:

No man will say that any immigration or tariff law is perfect. We welcome our new immigrant citizens and their great contribution to our Nation; we seek only to protect them equally with those already here. We shall amend the immigration laws to relieve unnecessary hardships upon families. As a member of the commission whose duty it is to determine the quota basis under the national origins law, I have found it impossible to do so accurately and without hardship. The basis now in effect carries out the essential principle of the law, and I favor repeal of that part of the act calling for a new basis of quotas.

Better authority as to the impracticability of national origins can not be found.

I am strongly opposed to the national-origins arrangement and shall continue my efforts to effect its repeal. The special session of Congress should deal effectively with this problem in order to prevent this legislative monstrosity from becoming operative.

ADDRESS OF HON. EDWARD MARTIN, OF PENNSYLVANIA

Mr. LEECH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address delivered by Hon. Edward Martin, the auditor general of Pennsylvania, on the history of Pennsylvania before the Pennsylvania Society on Friday, March 1, 1929.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing an address delivered by the auditor general of the State of Pennsylvania on the history of Pennsylvania. Is there objection?

There was no objection.

Mr. LEECH. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address delivered

by Hon. Edward Martin, the auditor general of Pennsylvania, on the History of Pennsylvania before the Pennsylvania Society on Friday, March 1, 1929:

PENNSYLVANIA

Mr. Toastmaster and fellow Pennsylvanians, a great honor came to me in the invitation to address the Pennsylvania Society. Your distinguished president has suggested that I speak upon Pennsylvania. In complying with that request, however, I appreciate my inability to do full justice to the subject.

Pennsylvania is an empire within a nation. With almost 10,000,000 people, it is exceeded in population by only 20 nations and provinces of the entire world, one of which is a State in our own Federal Union.

Its population is greater than that of all Canada and its commerce exceeds that of many of the great world powers. Its location among the colonies caused it to be designated the "Keystone State." It merits that proud distinction, however, more from its illustrious history than from its geographical position. Its noblest heritage is a great and tolerant people. In the beginning we were taught to respect the rights of others. Two and a half centuries of advancement have done nothing to change that view. Its institutions, its laws, its customs, and its people have received frequent criticism but we have been undisturbed. Many of Pennsylvania's sons and daughters know little of its traditions, power, wealth, and contributions to mankind. Pride should cause every one of them to learn these things.

In this brief address no reference will be made to the romantic story of the State, although it is rich in lore and tradition. Our forefathers linked the coming of the white man to the age of the Indians by retaining Indian names. Counties, villages, streams, and mountains recall the days when the red man was supreme.

William Penn arrived at Uplands, now Chester, October 27, 1682. He was a man of peace and practiced justice. The doors of his great domain were flung open to all people. They accepted his invitation. Scattered over the rich expanse of Pennsylvania may be found the descendants of every nationality.

EARLY SETTLERS

Pennsylvania was settled by groups having conflicting ideas of religion and forms of government. The molding of these different ideas into a united and powerful people was our first great achievement. None of the other colonies had a population of such diversified forms of religion, industry, and government, nor one whose ideals were so divergent. Every creed and nationality was not only tolerated in Pennsylvania but welcomed. The leading men who have directed our destinies since the beginning of the State have demanded that every act of governmental bodies be consistent with that early ideal. William Penn, the founder, believed in religious tolerance for people of his own belief and exacted the same for those of other beliefs. He believed in keeping contracts, and no treaty with his State was broken in three-quarters of a century. That plan has continued. Compacts and agreements in Pennsylvania mean something.

Three distinct groups formed the early history of the colony.

The pious Quaker, under the noble Penn, occupied the territory surrounding Philadelphia, now composed of Chester, Montgomery, Bucks, Delaware, and adjacent counties, and developed the ideas of peace and frugality. He was conservative, yet gave himself to the vigorous pursuits of commerce.

Farther west, in the fertile counties of Berks, Lancaster, Cumberland, York, and others, the patient German introduced and practiced a civilization whose striking characteristic was simplicity in living. This, combined with industry, added remarkably to the strength of the Commonwealth. He devoted his time to the tilling of the soil and developed agriculture to such a high standard of efficiency that his beautiful farms are recognized as unexcelled. He has made his land the garden spot of the world.

Beyond in the mountain valleys the sturdy Scotch-Irish pushed civilization into the wilderness and contributed to the colony a combative and aggressive spirit. These naturally robust pioneers had the spirit of restlessness and courage developed by this rugged country and the constant repelling of the Indian attacks. The red man was driven back, schools and churches established, and a form of government instituted. Thus to those people more than any other race is due the credit of developing the western part of the Commonwealth and the States beyond our border.

With such distinct and different ideals prevailing it was natural that controversy should arise. There was constant strife between the conservative Quakers, contented with the natural increase of their commerce, and the irrepressible Scotch-Irish, not satisfied without rapid and constant growth. The Germans, occupying the central portion of the State, held the balance of political power, which was at first given to the Quakers, but during the Revolution was shifted to the Scotch-Irish, and this combination formulated the government for the State during that important period.

The development of transportation facilities, the operation of mines and quarries, the increased agricultural pursuits, the construction of furnaces, forges, foundries, machine shops and factories, the felling of the forests, and the general expansion of all commerce and industries brought about a natural increase of population, not only from other States but also from the nations of Europe. The molding of these peoples of different languages, traditions, and religions into a unified race without coercion required the most careful enactment of laws and their strictly impartial enforcement.

History shows that the descendants of those early groups have served the State in every capacity. Our fathers' plan of harmonizing opposing interests has been utilized in all our history. Our people have been happy, contented, and prosperous. They have been united in their demands for orderly government and have seldom been leaders in new and untried movements. Early these people in combating common dangers learned the necessity of compromise. This was their first school in democracy. In no other way may men reach a common ground. Thus they became proper subjects for a republican or democratic form of government.

RESOURCES

In addition to a great and powerful people, the State has been blessed with resources of untold wealth and an area of unsurpassed natural beauty. Pennsylvania abounds in mountains and valleys, farms and cities, beautiful rivers and woodlands, and through utilization of its natural resources, wonderful industrial developments and a network of railroads, trolleys, and public highways; mines and quarries; wires of communication and pipe lines; and everything that an all-provident Creator could give to make a happy and contented people.

THINGS IN WHICH WE LEAD

Pennsylvania at the present time leads all of the States in the Union in the production of steam railroad cars, clay products, coke, cement products, glass, ice cream, cotton, lace, iron, steel, knit goods, leather goods, earthenwares, plumbers' supplies, wrought iron, anthracite coal, and wool yarn; in the smelting and refining of zinc; in structural and ornamental ironwork; in the manufacture of silk and charcoal; and in the use of natural gas.

Our State contains the world's largest plants for the production of aluminum cooking utensils, brick, bridges, buttons, carpets, cement, chains, coke, confectionery, cork products, hats, horseshoes, hosiery, ice-making machinery, lace, linoleum, locomotives, matches, paper, pipe, pipe organs, plate glass, safes, saws, ships, silks, tank cars, teeth, turbine wheels, umbrellas, wrought iron, and zinc.

We generate daily almost 5,400,000 horsepower, which is 2,000,000 more than our nearest competitor, our sister State, New York.

AGRICULTURE

We are not known as a great agricultural State, and possess only 1.2 per cent of the area of the Nation for farming purposes, yet our products amount to 3.2 per cent. This shows the progressiveness of our farmers and the productiveness of our soil.

The total value of our crops in 1927 was estimated at about $250,000,000, or more than the combined total of all New England and New Jersey. Pennsylvania is now fourteenth among the States of the Union in the value of its agricultural products, and is steadily increasing each year. In 1925 we ranked fourth among the States in the value of dairy products.

MANUFACTURING

The steel and iron industry alone would make Pennsylvania great commercially. We have 33⅓ per cent of the pig-iron tonnage of the entire Nation. Our steel mills produce classified products amounting to 37½ per cent of the steel tonnage of America. The finished steel products of the Pittsburgh district were found on every allied front during the World War and contributed inestimably to the victory of our armies.

We are not considered a large manufacturer of textiles, yet we produced in 1926, 15 per cent of the entire amount manufactured in the country, with a monetary value of more than $1,000,000,000.

It is interesting to know that in 1927 Pennsylvania refined over 800,000,000 gallons of gasoline.

Pennsylvania in 1925 had 17,298 industrial establishments and practically 1,000,000 wage earners. The wages paid totaled over $1,300,000,000, the cost of the raw materials was almost $4,000,000,000, and the value of the finished products almost $7,000,000,000.

NATURAL RESOURCES

Statistics show us that 25 per cent of the mines and quarries in the United States are found in Pennsylvania.

Clay mining is also another great Pennsylvania industry. In addition, we quarry 60 per cent of the slate of the Nation.

All of the hard coal is produced in this State, and in 1927 over one-fourth of the bituminous. We furnished during the same period nearly 80 per cent of the coke from beehive ovens and 25 per cent of the coke from by-products ovens.

In 1926 Pennsylvania produced 151,000,000 tons of bituminous coal and West Virginia 147,000,000. In 1927 West Virginia forged ahead. We have lost the prestige of being first in the production of bituminous

coal through discriminatory rates and unsatisfactory labor conditions. This industry, however, is regaining some of its lost prestige through Pennsylvania pluck and perseverance.

During the year 1926 we ranked sixth among the States in the production of natural gas. Pennsylvania is the largest consumer of natural gas in the Union. A large part of the production in the neighboring States of West Virginia and Ohio is piped to our mills and workshops.

While Pennsylvania sands no longer yield a great volume of crude oil, yet in 1927 they produced 9,533,000 barrels. When we consider that it commands the highest price of any oil in the world, Pennsylvania's oil industry is still of great value to America. We have 76,800 producing wells, which is 26 per cent of the number in the entire country.

A map of the pipe lines transporting oil, natural gas, and by-products is most interesting and in Pennsylvania represents an outlay of millions of dollars, but assures the commercial supremacy of our State for years to come in the manufacture of clay products, glass, steel, tin, and iron.

We are the first in the production of Portland cement. In 1925 we produced 42,346,830 barrels, which is one-fourth of the entire amount produced by the Nation.

TRANSPORTATION

During the period mentioned the steam railroads of Pennsylvania had 31 per cent of the total number of locomotives in use, 30 per cent of the passenger cars, and 33 per cent of the freight cars. These are necessary to move the products of our factories, our mines, our farms, and our various other industries. One-fifth of the shipping of the United States originates in Pennsylvania.

Credit for the invention of the steamboat, whether it belongs to John Fitch or Robert Fulton, goes to Pennsylvania. Oliver Evans, of Philadelphia, built the first high-pressure steam engine, but Henry Matthias Baldwin built the first practical locomotive in America, and the great locomotive works so long identified with Philadelphia still bear his name. Sunbury was the first town in the entire world to be lighted by electricity. Edison perfected his first lighting plant there July 4, 1883.

The first macadam road in America was constructed between Lancaster and Philadelphia in 1792. It was a part of the great westward highway, taking a position similar to that of the old National Road. It to-day forms an important part of the Lincoln Highway.

The first canal in America was built connecting the Schuylkill and the Susquehanna, from Middletown to Reading, and was opened November 22, 1797.

OTHER RESOURCES

Many additional figures could be given to show the position of Pennsylvania products and industries, such as tobacco, fruit, wool, shipbuilding, explosives, etc., but that seems unnecessary, as the ones given show the remarkable supremacy of the State. Most States, and even many nations, depend upon a single industry. We in Pennsylvania are most fortunate, as our natural resources and industries are diversified. For half a century our resources have been so great, and the demand for our products so universal, that we frequently forget the necessity for the frugality exercised by our fathers. In passing let us remember that industrial and political progress of any community depends upon the individuals who compose it. There is no golden rule by which these objectives may be reached. It can only be done by effort, conservation, and frugality. Our fathers showed the way. We must not drift too far from the approved moorings.

CENTERS OF POPULATION

The official census of 1920 shows that Pennsylvania has 165 cities and boroughs and 79 first-class townships of a population of 5,000 or more. The present population would probably show several others coming under this head. This gives Pennsylvania more large centers of population than any other State in the Union and is a result of our diversified industries. It shows the wisdom of our financiers in placing industries in small communities where a more satisfactory labor market is found.

EDUCATION

Pennsylvania does not devote its entire attention to commerce. Art, science, and literature have had their proper place in the consideration of our people. Our educational system has been criticized, but from the days of the founders great attention has been given to that subject and enormous sums of money have been contributed for that purpose. In the school year of 1926–27 Pennsylvania had 53 accredited colleges and universities, with a total enrollment of 72,727 students. This does not include a large number of schools and academies of long and honorable servative Quaker, contented with the natural increase of their comspondence schools, and normal institutions. The 53 accredited colleges represent the various religious views of the people of the State, and to a large extent are maintained by public subscription and endowment funds which have been created by benevolent men of the Commonwealth. Our townships, boroughs, and cities, by large tax levies which have been paid without complaint for three-fourths of a century, have maintained a public-school system. From year to year the State has also contributed to this worthy purpose. The free-school system of Pennsylvania was started in 1834. In 1928 the cities, boroughs, and townships raised $135,924,854, and the Commonwealth added to this more than $26,000,000. This does not include almost $10,000,000 expended by the State for vocational training, universities, etc.

The State maintains 14 normal schools, many of which are the finest in the Nation. Our State college has kept apace with the times, but the Commonwealth has not contributed sufficiently for its needs. This has been an error and is now being corrected. It has more than 5,000 students, and in addition maintains a summer school which is performing a fine service. The extension courses throughout the various counties of the State are encouraging agricultural interests and are doing much to increase the value of our products. The commanding position taken by Pennsylvania in law, literature, science, and commerce completely refutes criticism of our educational system.

The average attendance in the public schools of Pennsylvania is greater than that of any other State. The State also leads all other Commonwealths in the number of church structures and church attendance.

The first public school in America was opened in Philadelphia February 12, 1698. The first normal school established in America was organized in Pennsylvania.

Early Pennsylvanians took a prominent part in science and other things advancing our people individually. Franklin was the great scientist of the early times. Thomas Godfrey invented the quadrant. David Rittenhouse was the great astronomer and first accurately measured the distance to the sun; he surveyed our first canal and he built the first observatory in this country. In later days the late John D. Brashear, of the Monongahela Valley, carried forward this great work. John Bartram, of Philadelphia, was the first great American botanist.

MEN PRODUCED FOR NATION AND OTHER STATES

Hon. Frederic A. Godcharles, our enthusiastic and efficient State librarian, is authority for the statement that Pennsylvania has produced for the United States and other States 2 Presidents prior to the Constitution and 1 since the Constitution; 1 Vice President; 5 Secretaries of the Treasury; 7 Secretaries of War; 3 Secretaries of the Navy; 2 Secretaries of the Interior; 2 Secretaries of Labor; 4 Postmasters General; 10 Attorneys General; 5 Associate Justices of the Supreme Court of the United States; 3 Presidents pro tempore of the Senate; 6 Speakers of the House; 7 ambassadors to France, 6 to Great Britain, 12 to Russia, 3 to Germany, 3 to Turkey, 1 to Austria, 2 to Mexico, 3 to Japan; and 74 governors of 34 of the States. Many others, leaders in science, art, and literature, might be mentioned to show the results of our educational system, but time forbids.

PROGRESSIVE LAWS

The laws governing the Commonwealth have always been most progressive. Those relating to health, labor, morals, care of the unfortunate, sanitation, and kindred subjects, have been far in advance of our sister States and have frequently been copied by them. The law governing our public service commission, the commission's rulings, regulations governing workmen's compensation, child labor laws, and similar laws and regulations are cited by other States. Almost daily requests for information concerning our governmental plans are received by the State officials. Wise banking laws have encouraged thrift and economy. One-tenth of the savings of the Nation are held by Pennsylvania banks.

PENNSYLVANIA PROPERTY

The property owned by the Commonwealth of Pennsylvania shows the great diversity of our activities. We have—

Over 8,000 miles of hard-surfaced roads, costing $324,000,000.

The most beautiful capitol group in the world, conservatively valued at $25,000,000.

One million three hundred thousand acres of forest reserves, valued at $14,500,000.

One-fourth of the Delaware River Bridge, costing us $10,000,000.

Armories in 60 towns, the State arsenal, and the reservation at Mount Gretna, having a total value of $7,000,000.

Mental hospitals valued at $11,000,000.

Homes and schools for feeble-minded valued at $5,000,000.

Medical and surgical hospitals valued at $3,000,000.

Penal and corrective institutions valued at $8,000,000.

Sanitariums having a total valuation of $1,000,000.

Normal schools with a total value of $5,000,000.

Training schools valued at $1,000,000.

Soldiers and sailors' home valued at $700,000.

There are many smaller activities but this shows the great extent of Pennsylvania's work. By adhering closely to the "pay-as-you-go" plan, Pennsylvania has amassed in less than 25 years property of a value of more than $422,000,000 above its liabilities.

COST OF GOVERNMENT

There has been much talk in recent years about the increased cost of State and local government. This applies to Pennsylvania as well as to its sister Commonwealths. It has been brought about by the continued expansion of governmental activities.

The government of the State in 1800 cost $250,000. In 1900 this had increased to $15,000,000, and in 1925, to $157,000,000. Education cost the State in 1900, $6,800,000, which in 25 years had increased fivefold. Health activities in 1900 cost the State less than $50,000, while in

1925 their cost had increased to $2,400,000. Welfare in 1900 was $2,500,000 and was increased four times that amount 25 years later. All commissions in Pennsylvania in 1900 cost less than $50,000, but in 25 years they had increased to $4,000,000. Departments like forests and waters, the State police, the public-service commission, and the highway department were unknown in 1900, but in 25 years were costing more than $50,000,000 a year.

County and all local expenditures have also greatly expanded. In 1910 the total taxes collected for county purposes was a little more than $30,000,000. In 15 years it was multiplied by three. Boroughs in 1910 collected a little more than $10,000,000, which had increased to more than $20,000,000 in 1925. Cities in 1910 collected $36,000,000, which had increased to more than $84,000,000 in 1925. Townships in 1910 collected less than $6,000,000, which had increased threefold in 15 years. School districts in 1910 collected less than $30,000,000, and in 15 years the amount had increased to almost $130,000,000.

While for the entire year of 1800 the cost of our State government was $250,000 it now costs more than $350,000 for each working day.

In addition to the enormous amount of taxes collected bond issues have greatly increased. Pennsylvania had outstanding December 31, 1928, $93,221,000, and on January 1, 1927, cities, boroughs, townships, school districts, and poor districts had outstanding $838,437,500, which had since 1913 increased from $245,979,000.

We can not expect to lower taxes as long as the demand for more service continues. The plea for larger expenditures is highly organized. Few take a stand in opposition to greater expenditures for public welfare, schools, roads, etc. Many of these things are urged by organizations having a highly paid salary list. The practical politician does not seem to have the courage to oppose them. The average citizen seems to be willing to go along. High taxes are already damaging industry in several States. Pennsylvania must avoid this peril. Long-term bond issues are of the most dangerous obligations. The people of the State at large showed their sound judgment in the last general election by their disapproval of the several proposals.

USE OF TAXES

What is done with the money?

A study of the expenditures for the last few years shows that 80 per cent of our revenue was used for roads, education, and public welfare. From the remaining 20 per cent is deducted the sums devoted for agriculture, commissions, forests, banking, insurance, military, and other departments of general service. This leaves a very small amount for the administration of the government. The expenditures of governmental departments will compare very favorably with the cost of management of a corporation involving activities of equal magnitude and organized for profit. In 1856 the State's expenditures for schools and charities was less than 5 per cent of the taxes collected. Forty per cent of the taxes was used for the payment of interest and liquidation of indebtedness. The total State indebtedness at that time was $39,906,577.97, and this was not completely liquidated until 1909.

PENNSYLVANIA'S FEDERAL TAX

Pennsylvania has contributed largely in assisting the Federal Government. The Statistical Abstract of the United States published by the United States Department of Commerce shows that for 1925 we paid in Federal taxes $246,592,155.56. We received in Federal aid from the Government $4,631,318.82, or we received 1.88 per cent of the amount paid in by us. Five States of the Union received more from the Government than they paid in taxes. Pennsylvania paid as much as 29 other States combined.

POLITICAL

In the consideration of Pennsylvania or any other political subdivision of the United States the subject of politics should be mentioned. I do not mean wholly in a partisan sense, although all good and loyal citizens should be proud of their political effort. In our own Nation good or bad government depends upon politics. With few exceptions great strides forward have been made through the vehicle of political parties. In the future, by reason of the increase of population and power of the various States, this will be more apparent. Militant political organizations must, therefore, be encouraged. The importance of Pennsylvania should cause its citizens to continue their interest in the selection of their officials. Pennsylvania has 29 counties with a population greater than the State of Nevada. Philadelphia County is greater in population than any one of 27 States, Allegheny than 17, Luzerne than 6, Lackawanna and Westmoreland than 3, Schuylkill than 2, and on down the line.

When the Constitution was adopted each State was given two Senators, and representation in the lower House in accordance with population. This was a compromise. It has worked to the great disadvatage of Pennsylvania and other large industrial Commonwealths. Our Representatives must be men and women imbued with Pennsylvania ideals and adhering firmly to those time-honored policies which have brought honor to the Commonwealth. This is not a political statement. However, I believe it expresses the position which Pennsylvania must assume if our State is to maintain its high prestige.

Since the founding of the Republican Party in 1856 all Governors of Pennsylvania except two have been affiliated with that party. During that long period, of almost three-quarters of a century, nearly every department of Government has been in the control of the Republicans. With the exception of 1856, when the vote of the State went to our own son, President Buchanan, and in 1912, when it went to Roosevelt, it has always been in the Republican column. It is a glorious record. We believe in party government. We have attained splendid results by this plan.

PENNSYLVANIA IN NATIONAL FINANCE

Men of Pennsylvania have taken a most active part in the wars in which our Nation has been engaged. These stirring events have been properly recorded in history. In addition to our men who have rallied to the colors, Pennsylvania's men of finance have taken a more prominent part in the affairs of the Nation than those of any other Commonwealth. Little has been written of this important work. From the dark days of the Revolution, when Morris gave of his private means and went from house to house soliciting funds for Washington's Army, American wars have been financed by Pennsylvanians. Albert Gallatin, Secretary of the Treasury from Pennsylvania, laid before the people the plan of financing wars by future generations. This was the beginning of bond issues in America. Stephen Girard was largely responsible for raising funds for the War of 1812. The banking firm of E. W. Clark & Co. furnished the money for the Mexican War. Jay Cooke, of Philadelphia, was the single individual who stood out most prominently in selling bonds for financing the Civil War. While no individual may be pointed out as the financier of the World War, yet Pennsylvanians may consider with wonderful pride the work of the great captains of industry who so efficiently organized our various activities and placed in the hands of our soldiers the means by which victory was attained. After the war had closed, however, and our finances were in a muddled condition, and Victory bonds were begging a market at many points below par, with little hope of improvement, all faces turned to that quiet little Pennsylvanian to lead us out of our financial difficulties. The manner in which Hon. A. W. Mellon has solved these great problems is a new Pennsylvania glory.

With such a long line of distinguished men who have aided our Government in its fiscal affairs and who have given similar service to our State, the marvelous financial condition of our Commonwealth is to be expected. If we are to maintain this high standard in governmental efficiency these men must be encouraged to continue in public life.

PENNSYLVANIA IN WAR

Pennsylvania's contribution to the military history of our country constitutes a large place in the martial story of America. The people have been haters of conflict, yet they have tasted most bitterly of the results of war. The State was founded to perpetuate the principles of peace, yet it has been the great battle front of the wars waged that liberty and civilization might survive. The spirit of patriotism which dominated the sturdy people of a great Commonwealth from the beginning and which has been transmitted to us as their children, prepared the material which our State has contributed to the Nation in every national calamity.

Our contribution in war started with the struggle for independence. Wayne was the illustrious Pennsylvanian taking part. Independence Hall, Valley Forge, Brandywine, and Germantown are Pennsylvania names sacred to the Nation. Philadelphia, by reason of its shrines and traditions, is the mecca of patriotic American people. Each year come pilgrimages from every State of the Union to the City of Brotherly Love. Valley Forge is sacred soil, as here was developed the great-heartedness of the man who was destined to formulate the early ideals of the Nation. Washington, with religious fervor of heart, was never too big to acknowledge the necessity of supreme guidance, and the manner in which his officers and men bore suffering and hardship during that period will always be an inspiration to the American Army.

The first troops to reach Washington's headquarters near Boston were Pennsylvania German farmers from York County, and these were soon followed by other Pennsylvania troops from the southern tier of counties, although Boston was further removed from that section then than Europe is from America now.

The number of soldiers taking part in the Revolutionary War from Pennsylvania is unknown. It is estimated, however, that there were 50,000 in the Pennsylvania Militia and 6,000 Pennsylvanians in the Continental line. From this estimate the Quaker colony contributed more than one-fifth of the man power of the whole American Army.

Neither do we exactly know the number taking part in the War of 1812. That war has its unpleasant memories, but, as in the Revolution, the people of Pennsylvania contributed largely in means and also gave more soldiers than any other State of the Union. On Lake Erie was fought a battle, the result of which added great luster to the American Navy.

In the Mexican War we contributed nine regiments, two of which saw the hardest of campaigns, and were at the front when the colors were carried to the walls of the capital city of our neighboring Republic.

Beginning with Governor Curtin and continuing with such illustrious leaders as Meade, Hancock, and Reynolds, followed by legions of trained men whose devotion to duty and bravery under fire have never been excelled, Pennsylvania's part in the war for the Union completely crowned it the Keystone State. At Gettysburg, under Meade, a worthy son, Pennsylvania rallied around the standards and while the fertile valleys trembled under the shocks of war, and countless thousands breathlessly awaited the issue, they fought it to a glorious finish. The cluster of trees near the Pennsylvania monument and Meade's headquarters on Cemetery Ridge at Gettysburg mark the high-water mark of the rebellion. It is sacred American soil. Pennsylvania troops made it such.

In the war for the preservation of the Union Pennsylvania produced 48 general officers, and of these 14 commanded armies and corps.

The Spanish-American War came and it showed Pennsylvania taking a gallant part. Many of its units were sent to enemy foreign lands, where American troops were crossing swords with the enemy. Seventeen thousand four hundred and forty-eight Pennsylvanians took part in this war.

The World War, the most gigantic task ever attempted by any nation, saw this Commonwealth contribute almost 400,000 men. Three divisions were organized from men of Pennsylvania, and many other units of special troops were entirely recruited from our State. It will be years before the exact work of this enormous struggle is fully appreciated, but all three of the Pennsylvania combat divisions were on the front lines in France, and each was commended at least once in orders. Every tenth man in the service of the Nation was from the Keystone State. The row upon row of white crosses in France silently attest the valor of those decendants of fathers of peace. The records of the War Department disclose hundreds of Pennsylvania sons performing service beyond duty, and a grateful Republic rewards them with its decorations for gallantry.

Certain organizations of Pennsylvania have stood out preeminently among the outfits of the Nation. The First City Troop of Philadelphia was formed preceding the Revolution and has taken a part in every conflict in which the Nation has been engaged. The One hundred and seventy-sixth Field Artillery, formerly the Duquesne Grays, has been in existence for almost 100 years, and, starting with the Mexican War, has taken a gallant part in every national calamity. The One hundred and third Engineers has seen more than a century of honored existence and has taken part in all of the wars during this eventful period. The One hundred and eighth Field Artillery is another organization of long and honorable standing. The One hundred and tenth Infantry, with service in both the Philippines and France, has the distinction of having traveled, to defend the colors of its Nation, farther than any other volunteer organization in the word. Many other distinguished military organizations could be mentioned which are indelibly stamped upon the life of their various communities.

No one can doubt the patriotism of Pennsylvania, whether it be in time of war or time of peace. Our past is glorious. The present is the pride of chivalrous men and beautiful women. The future is what we make it. The past has given us the Declaration of Independence; the Articles of Confederation; the Constitution; sacred battle fields; magnificent shrines; men and women leaders in science, letters, politics, and war; the first flag; and, most of all, brave and patriotic fathers and devoted and loving mothers. In the name of these great men and women of the past, who through thrift, economy, and perseverance, made us a State renowned, let us like good soldiers face the front and see that our column moves grandly forward. In the past there was the rumbling of great marshaling forces. The discipline instilled in us by the example of powerful forefathers makes it possible for us to move forward in perfect unison with less acclaim. To-night, as we meet in the most wonderful capital city of the world, we pray that our Nation, through the aid of the omnipotent God, may solve all the great problems in accordance with the right; but, "right or wrong, always our country." May the hearts of Pennsylvanians beat true to the purposes of Old Glory, the red in the flag meaning industry and power, each citizen deeming it a privilege by effort to strengthen the Nation; the blue, truth and loyalty, to apply to those with whom we serve, as well as to the Government; and the white, peace and purity, meaning that contentment of service necessary in a democracy; and the stars the light that shall guide us in our relations to mankind.

ADDRESS OF HON. TOM C. YONT, OF FLORIDA

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an able and eloquent address recently delivered in the city of Washington by my colleague from Florida [Mr. YON] before the J. E. B. Stuart Chapter, United Daughters of the Confederacy.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address of Representative TOM YON, of the third Florida district, before J. E. B. Stuart Chapter, United Daughters of Confederacy, at Confederate Memorial Home in the city of Washington, February 16, on the occasion of anniversary month of birth of General Stuart:

GEN. J. E. B. STUART

President and daughters and guests of Jeb Stuart Chapter, United Daughters of the Confederacy, I esteem it a privilege and also a high honor that I should be invited to address you for a few minutes this evening on the occasion of your anniversary meeting in memory of the birth of the daring soldier and Christian leader, Gen. J. E. B. Stuart, in whose honor I understand that this chapter is named.

It is of peculiar significance, too, that this chapter should bear his name, for it was around this, the Capital of now a reunited Nation, that the wonderful traits of his character and daring feats of leadership were most largely displayed. In addressing you, if I were an orator, I would not be at a loss for something to say, either in paying a personal tribute to General Stuart and enumerating to you an account of his deeds of valor, but still, on the other hand, I can not express to you in words a tribute to the men and women of the Southland that would be sufficiently strong, so as to impress on you my estimate of their devotion to what they religiously thought their right and duty. For four long years of a terrible conflict the women of the South joined with their husbands, brothers, sons, and sweethearts to live or die, enduring privations and displaying deeds of heroism.

We people of to-day can not visualize the bitter sectional feeling existing between the people of the North and of the South leading up to the booming of Fort Sumter's cannon and the terrible conflict that ensued from the firing of that fateful shot down to the surrender of General Lee at Appomattox.

There never has been in the annals of warfare more military skill shown than was shown in the handling of the poorly paid, half-fed, and raggedly equipped armies of Lee, Jackson, Stuart, and other illustrious leaders of the Confederate armies; and when the enlisted strength of the southern armies was so much inferior to those of the North, as to enlistment totals, for they show that of about 600,000 for the South as against about 2,600,000 for the North. So it was with wonder, and how could it have been, that the armies of the Confederacy could fight a war on an offensive and defensive scale for four long years with the markets of the world closed to them, on account of an impassable blockade, and as it was then no land of manufacture, only a land of plantations and of happy and cultured home life, when at the coming of the evening tide the curling of the smoke from the thousand and more chimneys gave evidence of a happy, contented servant class, who were singing the old familiar southern melodies in their own familiar dialect, such as Massa's in the Cold, Cold Groun', Swing Low, Sweet Chariot, and others alike familiar, sung by the darkies, as evidence of their happiness.

With these conditions, what or by what reason could such a prolonged conflict have taken place? Only by the consecrated and daring leadership of the Confederate officers, as it inspired confidence in their men and the righteousness of their cause.

Our hero, General Stuart, the "plumed knight-errant," "the eyes and ears of General Lee," he of such daring skill, unequaled initiative, loyalty to his men and superior officers, cheerful disposition, and infinite faith in his Maker, all qualities for leadership; he the man whose memory you honor on this occasion in this the ninety-sixth year of his birth, for on February 6, 1933, you can celebrate the hundredth anniversary of his coming into the world.

He who at the early age of 31 years had achieved a world-wide reputation as a cavalry leader, and at that age was mortally wounded in the defense of the capital city of the country he loved on the 11th day of May, 1864, died the next day. In the years of his young life he had served the Union as loyally as he was serving the Confederate States when he died. His exploits in going around the army of McClellan in the penisular campaign in three days, in reading an account of this, is like reading fiction. His exploits in Maryland and late in conjunction with Lee's invasion of Pennsylvania that precipitated the Battle of Gettysburg and the guarding of the retreat of Lee back to Virginia after this, the greatest battle of the war, all display his qualities as a leader of men and the genius of his leadership.

We, the children, sons and daughters of the "Old South," are none the less loyal to our common country's flag, but we would not be true to the traditions of those that have gone on before, and those that gave their lives and their all in defense of their honest convictions, if we did neglect these anniversaries, and failed to pause and pay tribute to the brave departed heroes of our Southland, and as each succeeding generation takes the place of these departed ones, may these fires be kept aflame on the altar, in loving memory for the deeds of valor of our departed heroes, and in doing this it will make no less a devoted patriot to a great united Nation than if we did not these things.

And as the years come and go, as they have since the dark days of the sixties, we have marveled at the development in the South, as great cities have sprung from the ashes of war. The hum of industry, and the honest toil of descendants of a brave people, that till the soil and have made the waste places blossom like the rose, and the Southern people are providing their quota of consecration to "American" ideals,

as to be willing at all times to rush to the defense of the flag of a united Nation, one flag, one people, inseparable, and as such we go forward, to provide greater opportunities for a free and liberty-loving people of the United States of America.

NAVAL STORES AND PINE TIMBER INDUSTRIES

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on an item in the agricultural appropriation bill and to include therein three extracts from letters in support of the item.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the agricultural appropriation bill and to include therein portions of three letters. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, during the consideration of the agricultural appropriation bill I received several splendid letters from constituents of mine who were very anxious that certain items be retained in the bill. I feel that extracts from at least three of these letters should become a part of the permanent record of this Congress. The items referred to were retained in the bill, and these letters show the necessity for this appropriation and the vital importance of the naval stores and pine timber industries.

From a letter written me by Hon. H. Langdale, a prominent naval-stores operator and attorney of Valdosta, Ga., I quote as follows:

I notice from the papers that Senator W. J. HARRIS has introduced a bill for the appropriation of $10,000, to be used to promote the making of light-colored strong paper from southern pine.

This, in my opinion, is very important to the turpentine operators and landowners in south Georgia, and more especially in the eleventh congressional district, and I trust that you will cooperate with him in every way you can to get this bill passed. There is now much money being spent by turpentine operators and other landowners to protect the forests and in the growing of timber. According to the best information available, the southern parts of Georgia not only is the best reproducing timber section in the United States but in most parts produces a superior grade of timber, especially for naval stores. In the growing of timber it has long been a problem with landowners as to what disposition could be made of the trees that had been worked for turpentine and trees no longer suitable for turpentine purposes, being too small, as a general rule, to be manufactured into lumber. If these trees could be utilized in the making of paper, a great problem would be solved for the landowners.

From a letter written me by Dr. E. P. Rose, a prominent physician, naval-stores operator, and banker of Valdosta, I quote the following:

We also are in need of additional appropriations to defray the expense of chemists in extending the uses of gum spirits of turpentine and rosin. This is very important to the State of Georgia, for the reason that the State of Georgia now is by far the largest producer of turpentine and rosin of any other section of the United States or elsewhere.

For your information, the turpentine season ending March 31, 1928, showed that for the previous year the States of Alabama, Louisiana, Texas, Mississippi, North Carolina, and South Carolina produced, in round numbers 6,000,000 gallons of turpentine. The State of Florida produced ten million and the State of Georgia produced fifteen million, the above States being the only States that produce any turpentine. You can see that Georgia is now producing approximately 50 per cent of the turpentine and rosin that is being manufactured in the United States, and I have no statistics available, but it is my opinion that your district, the eleventh congressional district, is producing approximately 50 per cent of the turpentine and rosin that is being produced in the State of Georgia. Much money and effort is being put forth in this district to grow timber. There is probably being more money spent in that direction in your district than any other section of the country.

From a letter written me by Mrs. Ruby Wilson Berrie, assistant secretary of the Brunswick Board of Trade, and in behalf of that trade body, I quote as follows:

The Agricultural appropriation bill which has passed the Senate and which we understand is now before the House committee for study and consideration carries an increase for Dr. F. P. Veitch's work and appropriation of $10,000 for an investigation of production of pulp from slash pine and increases for the Forest Service, which is to be used for naval-stores studies.

We are greatly interested in having these items included in the Agricultural appropriation bill, as the naval-stores industry is probably the most important industry in this entire section, and our people are realizing more and more each year the importance of reforestation and forest conservation.

In connection with the proposed appropriation of $10,000 for the investigation of paper and pulp manufacture from slash pine we wish to say that there are practically unlimited quantities of this and other pines in southeast Georgia, and paper and pulp mills are already looking toward this section for this reason. We feel, therefore, that a study of the possibilities of slash pine for paper making would be of great value not only to this section but to the manufacturers in other sections of the country, who on account of the depletion of raw materials in their present territory are seeking new fields for their business. The utilization of these vast resources, which have so long been idle, will mean employment for thousands of people and will be of great benefit in many other ways.

We thank you for your careful consideration of these matters and trust that the House committee will find it possible to recommend that these appropriations be included in the Agricultural appropriation bill.

THE ROCKY MOUNTAIN NATIONAL PARK

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therewith a certified copy of the law of the Colorado Legislature ceding to the Federal Government jurisdiction over the Rocky Mountain National Park and also the act we passed the other day accepting the cession of the park.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, under the express leave to extend my remarks in the RECORD, I include a certified copy of the act of the General Assembly of the State of Colorado, "To cede to the United States of America exclusive jurisdiction over the Rocky Mountain National Park in the State of Colorado," which was duly passed and approved by Governor Adams, of my State, on February 19, 1929, and is now a State law, as follows:

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Colorado, ss:

Certificate

I, Chas. M. Armstrong, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete copy of house bill 44, which was filed in this office on the 20th day of February, A. D. 1929, at 2 o'clock p. m.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver this 20th day of February, A. D. 1929.

[SEAL.]

CHAS. M. ARMSTRONG,
Secretary of State.
By A. G. SNEDEKER, *Deputy.*

House bill 44 (by Representatives Burchfield, Johnson (Moffat), and Beggs) to cede to the United States of America exclusive jurisdiction over the Rocky Mountain National Park in the State of Colorado

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Exclusive jurisdiction shall be, and the same is hereby, ceded to the United States of America over and within all of the territory which is now included in that tract of land in the State of Colorado set aside and dedicated for park purposes by the United States, known as the Rocky Mountain National Park, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises, and property on the lands included in said tracts, and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the United States, and saving to the people of Colorado all vested, appropriated, and existing water rights and rights of way connected therewith, including all existing irrigation conduits and ditches: *Provided, however,* That jurisdiction shall not vest in the United States now or hereafter over any lands included within said park until the United States, through its proper officers, notifies the State of Colorado through its governor that the United States assumes police jurisdiction over the respective tracts involved.

ROYAL W. CALKINS,
Speaker of the House of Representatives.
GEORGE M. CORLETT,
President of the Senate.

Approved February 19, 1929, 2.30 p. m.

WM. H. ADAMS,
Governor of the State of Colorado.

I also include herewith a copy of H. R. 17101, which I prepared with the approval of the Interior Department, and introduced on behalf of the State of Colorado. It is practically the same as the act accepting the Mesa Verde National Park. It was duly passed in this form and approved by the President on yesterday, March 2, 1929, and is Public Law No. 1009, as follows:

An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Colorado, approved February 19, 1929, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Rocky Mountain National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tract; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the State of Colorado; and saving to the people of Colorado all vested, appropriated, and existing water rights and rights of way connected therewith, including all existing irrigation conduits and ditches. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

SEC. 2. That said park shall constitute a part of the United States judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committeed in the Rocky Mountain National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the State of Colorado shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Rocky Mountain National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the State of Colorado, of the passage and approval of this act.

Approved, March 2, 1929.

That act of the Colorado Legislature and this act of Congress terminates, I trust, a misunderstanding that has existed between some of the people of the State and the officials of the Interior Department for the past 14 years. And as I have been an active advocate of the creation and supporter of this park for nearly 20 years, I hope it may not be inappropriate to also include as a part of the early background of this matter, a brief statement to show that Colorado has now fully complied with her obligations to the Federal Government, as follows:

A STATEMENT ABOUT ROCKY MOUNTAIN NATIONAL PARK

By Congressman EDWARD T. TAYLOR, as prepared by him for the Middle Park Times, Hot Sulphur Springs, Colo.

In January, 1915, I reported out of the Public Lands Committee and passed through the House of Representatives the bill creating that park. Both the committee and the House were at that time very strongly opposed to the creation of any more national parks. The only way I could induce that committee, of which I was a member, to permit me to favorably report the bill was by presenting a most overwhelming de-

mand from Colorado for it. Governors Ammons and Carlson, Senators Thomas and Shafroth, Enos Mills, and many others appeared before the committee and urged the passage of the bill, and we all very positively promised and guaranteed that the State of Colorado would convey to the Federal Government the same jurisdiction that the other States conveyed to the national parks within their borders.

Practically all the newspapers of the State vigorously supported the bill.

No Colorado bill before Congress has ever had a more unanimous and hearty approval of the entire State than that duplicate bill of Senator Thomas and myself establishing that park.

The committee would not have considered the bill for a minute if there had been the slightest question about that matter.

I also presented resolutions from business men's organizations all over Colorado and a memorial from the Colorado Legislature, all appealing to Congress to pass that bill and faithfully promising to promptly comply with all the requirements of Congress and the Federal Government.

All these hearings and appeals were printed and make a pamphlet of some 50 pages.

There was no equivocation about it. Our pledges to the Federal Government were plain and emphatic. We had the authority to do so and we officially spoke for the State of Colorado and all her citizens, and we did so, and the committee and Congress relied upon that written and official promise and guaranty.

When I called the bill up on the floor of the House a great many Members attacked it and we had a running-fire debate for some two or three hours, and under the rules of the House I had to obtain the unanimous consent of the House to pass the bill at all. So I was absolutely compelled to not only renew all the pledges we had all made to the Public Lands Committee, but had to further agree that Colorado and the counties would build the Fall River Road and that we would never ask for more than $10,000 a year for the park unless Congress thereafter permitted us to do so. The bill would have been killed in a minute many different times if I had not promptly agreed to and guaranteed that Colorado would comply with every one of these promises, and I did so and passed the bill upon those definite and positive assurances.

The whole State was delighted when the bill passed. Practically everybody knew the conditions upon which I secured the passage, and for 10 years thereafter no one disputed my authority to pledge the State of Colorado to comply with those conditions.

Now, it is nearly 14 years since those definite official pledges were made. Colorado can not afford to be held out to the world as repudiating her own agreements.

Colorado should either comply with the express conditions upon which she obtained that park, or she should at once memorialize Congress by our legislature to repeal that law and revert that land back to the forest reserve from which it was taken.

* * * * * * *

This Coolidge administration and the Interior Department and the Bureau of the Budget and Congress and the Appropriations Committees of both House and Senate have all emphatically determined that not a dollar more money will be spent on any road in any national park unless and until the Federal Government has jurisdiction over it. * * *

* * * * * * *

When President Wilson on January 26, 1915, signed that bill officially creating that park and presented me the pen he used, I said to him:

"Mr. President, that park is situated on top of the great Continental Divide of the Western Hemisphere, and when it becomes properly improved and the great traveling public can stand upon the very crest of this great Republic and look as far as human vision can see toward both the Atlantic and Pacific Oceans it will become one of the most scenic and popular parks in the world."

President Wilson said: "I hope, Mr. TAYLOR, your prophecy will come true." And I have ever since hoped that every loyal son and daughter of this Centennial State would help bring about the realization of that prophecy. (Reprinted from Magazine Denver, official publication of the Denver Chamber of Commerce, November 1, 1928.)

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. UNDERHILL. Mr. Speaker, I call up the conference report on the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the bill H. R. 9285, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9285) entitled "An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, and agree to the same with two related amendments, as follows:

On page 8, line 25, and page 9, line 1, strike out the following: "if the claim accrued after April 6, 1925."

On page 19, strike out in lines 19, 20, and 21 the following: ", and except that any claim accrued after April 6, 1925, but prior to the passage of this act, may be filed within one year after the passage of this act."

And the Senate agree to the same.

CHARLES L. UNDERHILL,
ED. M. IRWIN,
Managers on the part of the House.
W. H. MCMASTER,
THOMAS F. BAYARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 9285 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report.

CHARLES L. UNDERHILL,
ED. M. IRWIN,
Managers on the part of the House.

The conference report was agreed to.

CONDITION OF INDIAN SCHOOLS

Mr. COLTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief statement on the condition of the Indian schools in my home county.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement on the condition of Indian schools in my home country:

VERNAL, UTAH, *February 11, 1929.*

Congressman DON B. COLTON,
House of Representatives, Washington, D. C.

DEAR SIR: We, the undersigned, have this day made an inspection of the various departments of the Indian school at Whiterocks, Utah, and beg to report as follows:

The schoolrooms were well lighted, ventilated, heated, and equipped for carrying on good school work. The large lecture room and the gymnasium provide ample opportunity for wholesome recreation and physical development.

The health charts of the Indian children were examined while school was in session, thereby giving an opportunity to observe each child while the charts were being studied, and we are pleased to report that the children were making very satisfactory progress. Not only did the charts prove that the children were making satisfactory gains, but the children themselves appeared bright, robust, and healthy.

The dining rooms were very sanitary and convenient. The large kitchen and bakery adjoining gave evidence that an abundance of clean, wholesome food was being supplied.

Each child was well dressed in clean, well-fitting, comfortable clothing, and a visit to the clothing rooms gave evidence that they were amply supplied with everything that a child could expect in the way of clothing.

A visit to the commissaries showed that good judgment has been used in purchasing supplies both as to quality and quantity. It was clean, well housed, and protected.

The laundry and sewing rooms showed that proper consideration was being given the children's clothing, as they were being washed and mended, and best of all, the children themselves were helping with this work.

We found the dormitories clean, well ventilated, and provided with plenty of beds and bedding for the comfort of the children.

We found the workshop for the boys decidedly lacking in modern conveniences and equipment, and it is our opinion that this phase of the Indians' education should receive next consideration.

While the superintendent's office and the employees' buildings showed no signs of luxury, they were comfortable and well kept.

It was a delightful sight to see the Indian children during the time they were out of class work. Some of the girls were busy in the kitchen, others in the dining room, sewing room, or bakery, while

others were lounging about reading magazines, listening to music, or playing games. The boys, likewise, were helping with the milking, feeding pigs, chopping wood, getting coal, or doing some other worthwhile work, while others were enjoying peaceful recreation, knowing full well that their turn at the chores would soon come, for we were advised that each child was detailed periodically to some one of the tasks about the school.

In general, we found conditions at the Whiterocks Indian Boarding School very good.

Very respectfully,

ROBERT L. PIXTON,
Principal of Uintah High School.
W. B. WALLACE,
Manager of Vernal Express.
BEATRICE BAILEY,
Primary Supervisor of Uintah Schools.
ALICE E. PEDERSEN,
District Home Demonstration Agent.
E. PETERSON,
County Agricultural Agent.

REPEAL OF THE EIGHTEENTH AMENDMENT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks on a memorial passed by the Massachusetts Legislature and also to incorporate therein a copy of the memorial.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, under the laws of the Commonwealth of Massachusetts are provisions permitting questions of public concern to be submitted, upon petition of a certain number of registered voters, to the voters of a representative or senatorial district for an expression of public opinion thereon. The purposes of this law are twofold:

First. To secure an expression of public opinion.

Second. To instruct their members of the State legislature, whether of the lower or upper branch, as the case may be, as to the views of the people of his district on this question.

The objects of such a wise law is apparent; in addition to informing their legislators of the prevailing opinion, it tends to keep government close to the people, which is one of the fundamental principles of the Democratic Party and of democratic government. The frequent use by the voters of Massachusetts of this so-called public opinion law has clearly evidenced its usefulness and effectiveness.

The provisions of this law not only require, as a condition precedent, the securing of a certain number of signatures of registered voters, but it also provides for the submission of the proposed question to the attorney general of the Commonwealth, an elective official, for determination as to whether or not it is a proper subject to be submitted as provided in said law, if it is in such form as to be clearly understood by the average voter, and also if in every other respect it conforms with the general provisions of the public opinion act. The duty is strictly a legal one. Thereafter the question to be submitted is placed upon the ballot in the districts in which the necessary names are secured, or in the districts that it is desired to have the question presented to the voters for their expression.

In accordance with the provisions of the public opinion law, which I have briefly referred to, there was submitted at the last general election held in Massachusetts in November, 1928, to the voters of 36 out of the 40 senatorial districts the following question, viz:

Shall the senator from this district be instructed to vote for a resolution requesting Congress to take action for the repeal of the eighteenth amendment to the Constitution of the United States, known as the prohibition amendment?

Upon this question 1,130,007 voters in the 36 districts voted thereon, the results being as follows, namely:

Affirmative vote	707,352
Negative vote	422,655
Majority in favor of senators voting for resolution memorializing Congress in favor of repeal of eighteenth amendment	284,697

The above vote clearly shows the decisive manner in which the voters of Massachusetts expressed themselves on this important national issue. The issue was plain, clearly understood, expressed in a manner incapable of misunderstanding, and the voters went to the polls after an intensive campaign, particularly on the part of those who espoused the cause of prohibition. The people of Massachusetts believe in our dual system of government; they realize the dangers of a highly centralized federalized government. They also realize the other conditions that have naturally resulted from the eighteenth amendment and the passage of the national prohibition act and which are not conducive to the best interests of American society and institutions. It is not my intention to discuss this aspect in detail at this time; simply to make brief reference to it.

Following the decisive and unmistakable action of the voters there was introduced in the Massachusetts Legislature a resolution to carry out the instructions of the voters. The Massachusetts Senate comprises a membership of 40, among which are included 31 Republicans and 9 Democrats. On February 6, 1928, by a standing vote of 26 to 6, of which membership voting in the affirmative 19 were Republicans, the following resolution was adopted, namely:

THE COMMONWEALTH OF MASSACHUSETTS,
SENATE CHAMBER, STATE HOUSE,
Boston, Mass., February 8, 1929.

Hon. JOHN W. McCORMACK,
House of Representatives, Washington, D. C.

SIR: I have the honor to transmit herewith a copy of resolutions adopted by the Massachusetts Senate on Wednesday, February 6, 1929.

Yours very sincerely,

WILLIAM H. SANGER, *Clerk.*

Senate No. 256

THE COMMONWEALTH OF MASSACHUSETTS,
In the year 1929.

Resolutions requesting Congress to take action for the repeal of the eighteenth amendment to the Federal Constitution, known as the prohibition amendment

Whereas there was placed on the official ballot used in 36 of the 40 senatorial districts of the Commonwealth at the State election in November, 1928, under the provisions of sections 19 to 22, inclusive, of chapter 53 of the general laws, the following question:

"Shall the senator from this district be instructed to vote for a resolution requesting Congress to take action for the repeal of the eighteenth amendment to the Constitution of the United States, known as the prohibition amendment?"; and

Whereas a plurality of the votes cast in 34 of said 36 districts was in favor of such instruction; and

Whereas the total affirmative vote on said question in said 36 districts was 707,352, the total negative vote on said question in said districts was 422,655, and the total number of persons voting at said election in said districts who did not vote on said question was 310,244: Accordingly be it

Resolved, That the Senate of the Commonwealth of Massachusetts, in view of the vote taken as aforesaid under the statutes of the Commonwealth and the results of said vote, respectfully requests Congress to take action for the repeal of the eighteenth amendment to the Constitution of the United States, known as the prohibition amendment; and be it further

Resolved, That the clerk of the senate be directed to transmit to the presiding officers of both branches of the Congress of the United States and to the Massachusetts Members thereof duly certified copies of these resolutions.

WILLIAM H. SANGER, *Clerk.*

A true copy. Attest:

WILLIAM H. SANGER, *Clerk.*

The above resolution, without further comment at this time, speaks for itself.

DEFICIENCY APPROPRIATIONS

Mr. WOOD. Mr. Speaker, I call up conference report on the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 14, 18,

19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"House Office Building: Toward carrying out the provisions of the act entitled "An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives," approved January 10, 1929, including not to exceed $900,000 for acquisition of a site, expenses of removal of buildings, and other structures located upon the site acquired, printing and binding, and miscellaneous expenses, $2,100,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That no part of the foregoing appropriation shall be used to pay any refund of an income or profits tax pursuant to a claim allowed after the enactment of this act in excess of $20,000 (other than payments in cases in which a suit in court or a proceeding before the Board of Tax Appeals has been or shall be instituted or payments in cases determined upon precedents established in decisions of courts or the Board of Tax Appeals) unless a hearing has been held before a committee or official of the Bureau of Internal Revenue; and the decision of the Commissioner of Internal Revenue in any such refund allowance in excess of $20,000 shall be a public record"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"BUREAU OF PROHIBITION

"For an additional amount for enforcement of the national prohibition act, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, fiscal years 1929 and 1930, $1,719,654, of which not exceeding $50,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing and other necessary expenses in connection therewith."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purposes of a thorough inquiry into the problem of the enforcement of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, together with the enforcement of other laws, $250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall report the result of such investigation to the Congress, together with his recommendations with respect thereto. Said sum to be available for the fiscal years of 1929 and 1930 for each and every object of expenditure connected with such purposes notwithstanding the provisions of any other act."

And the Senate agree to the same.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
HENRY W. KEYES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 5, both inclusive, relating to the Senate: Appropriates $10,000 for payment to the widow of the late Senator Frank R. Gooding; appropriates $2,500 for payment to Ingham G. Mack for services rendered the Committee on Public Lands and Surveys; appropriates $5,000 for an automobile for the Vice President; and appropriates $3,500 for stationery, all as proposed by the Senate.

On Nos. 6 and 7, relating to the Architect of the Capitol: Appropriates $8,400 for maintenance, Senate Office Building, as proposed by the Senate, and appropriates $2,100,000 on account of a new House Office Building instead of $8,400,000, as proposed by the Senate.

On No. 8: Appropriates on account of the United States Supreme Court Building Commission, $25,000, including the procurement of models, as proposed by the Senate, instead of $10,000, as proposed by the House.

On No. 9: Appropriates $7,130,000 on account of the Porto Rican Hurricane Relief Commission, as proposed by the Senate.

On No. 10: Appropriates $10,000, as proposed by the Senate, for customs statistics, Bureau of Foreign and Domestic Commerce.

On No. 11: Appropriates $9,000, as proposed by the Senate, for effecting repairs at Haskell Institute, Lawrence, Kans.

On Nos. 12 and 13, relating to the Navy Department: Strikes out the appropriations proposed by the Senate for the relief of Lucy B. Knox and Vincentia V. Irwin.

On No. 14: Appropriates $700,000, as proposed by the Senate, for carrying into effect the provisions of the Foreign Service buildings act, 1926.

On No. 15: Inserts, in lieu of the Senate provision with respect to publicity in connection with tax-refund claims in excess of $10,000, a provision requiring a hearing before a committee or official of the Bureau of Internal Revenue in all cases except those in which a suit in court or a proceeding before the Board of Tax Appeals has been or shall be instituted or cases determined upon precedents established in decisions of courts or the Board of Tax Appeals, and, as to the unexcepted class of cases, requiring the decision of the Commissioner of Internal Revenue to be a public record where the amount of refund is in excess of $20,000.

On No. 16: Appropriates $1,719,654 under the Treasury Department for the enforcement of the national prohibition act, instead of $24,000,000 as proposed by the Senate, to be allocated by the President to spending agencies, and makes $50,000 of the amount first named available for the collection and dissemination of information and appeal for law observance and law enforcement.

On No. 17: Appropriates $250,000 for an inquiry into the problem of the enforcement of prohibition under the provision of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, together with the enforcement of other laws, including all objects of expenditure connected with such purposes, instead of an appropriation of a corresponding sum for the purposes of a thorough inquiry into the problem of prohibition under the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, as proposed by the Senate.

On No. 18: Authorizes the payment out of appropriations for salaries, office of the Treasurer of the United States, for the fiscal years 1928 and 1929, such sum as may be necessary to pay H. Theodore Tate the salary as Treasurer of the United States at the rate of $8,000 per annum from June 1, 1928, to January 17, 1929, both dates inclusive, as proposed by the Senate.

On Nos. 19, 20, and 21, relating to judgments, United States courts: Appropriates $377,566.23, as proposed by the Senate, instead of $11,566.60, as proposed by the House, for the payment of judgments rendered by the United States District Court for the Northern District of California, and appropriates $49,756.71, as proposed by the Senate, for the payment of judgments, including costs of suits, rendered by United States district courts under the provisions of certain acts.

On Nos. 22 to 26, both inclusive: Appropriates $1,818,335.86, as proposed by the Senate, instead of $897,096.09, as proposed by the House, for the payment of judgments rendered by the Court of Claims.

On No. 27: Appropriates $180,371.43, as proposed by the Senate, for the payment of claims certified to be due by the General Accounting Office.

On No. 28: Corrects a section number, as proposed by the Senate.

On No. 29: Appropriates $3,000, as proposed by the Senate, for the payment of claim allowed by the General Accounting Office under the provisions of Private Act No. 279, approved May 29, 1928.

On No. 30: Changes a section number, as proposed by the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I signed this conference report as one of the conferees of the House, and also the conference report on the second deficiency bill, which was passed by the House on yesterday.

There are a number of amendments in this bill and also in the preceding bill which I personally did not wholly favor, but a conference carries with it the idea of compromise between the two Houses, and it was extremely important, of course, that these bills should be passed, since they carry certain appropriations that are vital to the running of the Government; and it would have been not necessarily a disaster, but rather unfortunate if some of them were not made before the Congress adjourns.

I have asked for this time simply to explain my position with reference to one particular matter which appears in this bill and in the other bill.

This bill carries the sum of $1,719,000 in round numbers for the enforcement of prohibition. This bill, together with the second deficiency bill, carries the sum, in round numbers, of $3,227,000 as an additional sum for various law agencies in the the enforcement of the prohibition and narcotic laws.

As gentlemen of the House know, I very vigorously and earnestly supported an amendment providing for $24,000,000 in addition, and I have not abandoned my views as to the advisability of appropriating that amount; but the House by a very large majority voted otherwise, and as your conferee, of course, it was my duty to cheerfully accept the instructions of the House, and I did so. But I am gratified that the fight that has been made for additional appropriations has brought to the attention of the Congress and the country the fact that something additional is needed in order to enable the Government to make an earnest and honest effort to enforce the prohibition laws and that the administration and Treasury Department were forced by public sentiment to submit additional estimates for appropriations, which it is admitted have been needed but which heretofore have not been asked for. I am hopeful that the sum which has been appropriated will aid greatly in that effort, and I hope that the incoming President, when he takes his place as President of the United States and has an opportunity to make the survey which is provided in one of these bills, will come before the Congress and tell the Congress exactly what is needed, both as to additional funds and additional legislation, if the result of his survey and his study causes him to believe that either or both is needed.

There are other amendments in this bill and in the preceding bill that I would like to refer to, but this Congress is about to adjourn, there is much business on the Speaker's table, and I shall refrain from doing so and content myself with this explanation of my position in signing this conference report in view of the previous action taken by me as an individual Member of the House. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, Congress exercises no more important function than the appropriation of money. The way it exercises that function determines the extent of Federal taxation.

The House has just won a notable victory for the cause of good government. Through the action of the House, it has been reaffirmed that when we are treating of the people's money and the Treasury of the United States, we are going to act in a businesslike way rather than to be carried away by ill-considered enthusiasm or hysteria. The controversy that has just been referred to by my friend from Tennessee [Mr. BYRNS] with reference to the Senate to appropriate $24,000,000 for prohibition enforcement without department request or program has attracted the attention of the country. The position of the House has been clearly expressed, that whatever money the administration requires and requests from Congress for the enforcement of national prohibition or any other function of the Government will be granted, but we must have before us evidence of their desire for the money and evidence of how they propose to use it. [Applause.]

The conference reports that have been brought in and have been accepted by the other body, appropriate every penny of increase for any arm of prohibition enforcement that is asked for by any branch of the Government and not one penny more. The appropriations made are on a business basis and not on the basis of personal enthusiasm, and I am saying this not in any partisan way; and this is to the credit of the House of Representatives. This body always has been and is now the conservative, sane legislative body that protects the Treasury of the United States and is at the call of the cause of good government at any time. [Applause.]

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I can not permit the gentleman from Michigan to close this controversy without at least having my say. The gentleman from Michigan works up to a climax and talks about economy and protecting the Treasury. Protecting the Treasury and prohibition are inconsistent. You can not have both. The minute you have law enforcement and prohibition—and we must all necessarily be for law enforcement as long as it is on the statute books—you must abandon all hope for protecting the Treasury.

Gentlemen, as I have said so many times before, this is a national law and you can not commence to enforce it in 48 States of the Union among 120,000,000 people with a paltry $19,000,000. It seems that all the dry leaders care about is enforcement in New York City. Why, it will cost that much to stop the gap at the great port of entry, the fair city of Detroit, in the State which the gentleman represents.

Let us be perfectly frank about it. It behooves the drys of the House to stand up courageously and demand the hundreds of millions of dollars it will require to enforce prohibition, and as they fail to do it, demonstrating the impossibility of enforcement, it is our right to seek through proper, constitutional, and legislative channels a change in the law.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. CRAMTON. I hope the time will come when the State of New York and the city of New York will share their proper responsibility in that matter.

Mr. LAGUARDIA. Let enforcement and prohibition, like charity, begin at home.

Mr. DENISON. When the gentleman gets to be mayor of New York, is he going to take the same position? [Laughter.]

Mr. LAGUARDIA. Mr. Speaker, I yield back the balance of my time. [Laughter.]

Mr. WOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SNELL. Mr. Speaker, I send to the Clerk's desk Senate Joint Resolution 9, and ask for its immediate consideration.

The Clerk read the Senate joint resolution, as follows:

Senate joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization

Resolved, etc., That there is hereby established a joint congressional commission to be known as the joint commission on insular reorganization and to be composed of five Senators appointed by the President of the Senate, and five Members elect of the House of Representatives for the Seventy-first Congress, appointed by the Speaker of the House of Representatives. The commission is authorized and directed to make a careful study and examination of the various executive agencies of the Government engaged in the administration, supervision, and direction of matters pertaining to the insular possessions of the United States with a view to determining (1) the advisability of placing all such matters under the administration, supervision, and direction of one bureau or department of the Government, (2) the necessary and advisable transfers of executive functions to such bureau or department, and (3) a plan of organization for such bureau or department. The heads of the several executive departments and independent establishments shall, upon the request of the commission, detail representatives from their respective departments and establishments to assist the commission in such study and examination. The commission shall make a report in writing to the Congress, on or before December 16, 1929, which shall contain a complete statement of the results of such study and examination and recommendations for appropriate legislative or other action.

SEC. 2. The commission shall cease to exist upon the submission of its report to the Congress in accordance with the provisions of this resolution.

Mr. SNELL. Mr. Speaker, this resolution provides for a commission of Members of the Senate and House to study the conditions that exist in our insular possessions. At the present time they are under three different departments—the Army, the Navy, and the Interior Department. For that reason there is considerable confusion, duplication, and unnecessary expense. It is hoped as a result of the study by this commission they

may make some recommendations to the House and Senate that will be of advantage and that we will have greater economy and efficiency in running the insular possessions.

Mr. DENISON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. DENISON. What is included in the term "insular possessions"?

Mr. SNELL. I suppose all of our island possessions.

Mr. DENISON. That does not include the Canal Zone?

Mr. SNELL. I would not think it did; I do not understand so.

Mr. DENISON. Does it take in Alaska?

Mr. SNELL. The Territories are not included.

Mr. RANKIN. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. RANKIN. I could not hear the question asked by the gentleman from Illinois: Does this resolution take in the Territories?

Mr. SNELL. It does not.

Mr. RANKIN. I wanted to know if it took in the Territories of Hawaii and Alaska?

Mr. SNELL. It does not take in the Canal Zone nor does it take in Hawaii or Alaska.

Mr. HOUSTON of Hawaii. Hawaii and Alaska are not possessions, they are Territories.

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Hawaii is right. Hawaii and Alaska are not possessions, they are Territories.

Mr. RANKIN. Alaska and Hawaii are classed as Territories and not as insular possessions.

Mr. SNELL. I have just been informed by the Member who is the sponsor of the resolution that it does not include Territories.

Mr. RANKIN. That is the point I want to get at. The same conditions seem to prevail to a large extent in Alaska and in Hawaii as do in the Philippines and in Porto Rico with reference to the matters covered by this resolution, and while going into this proposition, if we are going to attempt to correct evils, why not correct those evils also in the Territories?

Mr. SNELL. I have no objection to that, but this is the resolution that has been passed by the Senate, and that has been passed by the House one or two other times. I have no objection to the Territories being included at some other time, but they are not included in this resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. GARRETT of Tennessee. I do not think Territories ought to be included.

Mr. SNELL. They are not included.

Mr. GARRETT of Tennessee. I understood the gentleman from Mississippi [Mr. RANKIN] to suggest that the Territories might properly be included.

Mr. RANKIN. Yes.

Mr. GARRETT of Tennessee. I think upon reflection the gentleman will believe the Territories ought not to be included. There is no bureau here now that has anything to do with Territories; that is, not in the way that the Bureau of Insular Affairs, for instance, deals with Porto Rico and with the Philippine Islands, and the way the Navy Department deals with the Virgin Islands, and so on. The gentleman would not want to bring the Territories under any sort of an administration, or control or bureau in the way that those possessions are now under the control of the bureau.

Mr. RANKIN. Mr. Speaker, let me say to the gentleman from Tennessee [Mr. GARRETT] in that connection, that we have various departments in control of certain activities in Alaska, and we have a situation there that is not satisfactory in that regard. I say that advisedly, because I have been on the Committee on Territories ever since I have been here.

Mr. GARRETT of Tennessee. Quite likely that is correct, but that ought to be remedied in some other way than by bringing the Territories under the control of the bureau such as the Bureau of Insular Affairs.

Mr. TILSON. Mr. Speaker, if the gentleman will yield, there are many matters that would apply in the case of Territories that would not apply at all in connection with the insular possessions. If the gentleman desires a study made of Territorial conditions, he should have a separate resolution. It should not be combined with the study of the insular possessions, because they do not relate to the same sort of things.

Mr. RANKIN. I understand that this is merely a commission to study the proposition. We have had more trouble with various bureaus and their activities in Alaska than we have had in the insular possessions.

Mr. TILSON. That may be an argument for a study of the situation in the Territories, but not to combine the two in one resolution.

Mr. SNELL. Mr. Speaker, this resolution has the unanimous approval of the House Committee on Insular Affairs. I move the previous question.

Mr. HOUSTON of Hawaii. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Mr. Speaker, I can not yield any more. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

COMPACTS OR AGREEMENTS BETWEEN COLORADO AND UTAH RESPECTING THE WATERS OF THE COLORADO AND OTHER RIVERS

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7028, granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear and Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested, with Senate amendments thereto, and disagree to the Senate amendments.

The SPEAKER. The gentleman from Colorado asks unanimous consent to take from the Speaker's table the bill H. R. 7028, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk will report the title of the bill and the Senate amendments.

The Clerk reported the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on disagreeing to the Senate amendments.

The Senate amendments were disagreed to.

REPORTS BY CITIZENS' COMMITTEES ON INDIAN AFFAIRS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to include in my remarks on Indian Affairs various communications that I have received from various reservations.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, under leave granted I submit for the RECORD the reports of various committees of citizens of Montana regarding the conditions, particularly in schools where Indian children of that State are being educated. These reports cover matters on the Blackfeet, Fort Peck, Fort Belknap, Tongue River, Rocky Boy, and Crow Reservations in the second congressional district of Montana, and they are submitted by men of high standing with whom I am acquainted and for whose integrity I vouch.

The report for the Crow Reservation is submitted by A. H. Roush, Dr. S. H. Labbitt, and Carl Rankin, of Hardin, Mont. It is as follows:

HARDIN, MONT., *March 5, 1929.*

Supt. C. H. ASBURY,
Crow Agency, Mont.

DEAR SIR: Pursuant to your letter of February 23, with which you inclosed a copy of Circular No. 2551 from the Indian Bureau, we respectfully submit the following report based upon rather long familiarity with the Crow Reservation and upon investigation and inquiry that we have just made. You will realize that it has been impossible for this committee to visit various parts of the reservation owing to the impassable condition of the roads.

SCHOOLS

There are no boarding schools on the Crow Indian Reservation. The Indian children attend the public schools together with the white children. They have the same teachers, are in the same classes, are subject to the same discipline, enjoying the same privileges, are transported to and from school in the same busses, and are in all ways subject to the same care and attention as the white children are. Except three small parochial day schools conducted by Jesuit priests and taught by their teachers, they are all required to attend public school regularly. They are examined periodically by the school physician or nurse, and conditions regarding trachoma, tuberculosis, contagious diseases, tonsillar affections, defects in hearing and eyesight are noted and reported to the proper authorities for treatment and correction.

The superintendent, Mr. Asbury, is, and has been for the past nine years, a member of the board of trustees for the school district 17–H, which comprises a considerable portion of the reservation. A member

of your committee is also serving on the same board of trustees and he can truthfully say that the school interests of the Crow children in this district are very well cared for.

FINANCES

In 1921 there was set aside from the tribal moneys a sum of $50,000 as a revolving reimbursable fund, which is loaned to the individual Indian for the purchase of livestock, implements, seed grain, and for farm improvements such as fences, barns, and other items necessary to carry on their farming projects. The individual Indian gets the use of this fund at an initial cost of 5 per cent, which is the only charge. It can be drawn upon with the recommendation of the district farmer and the approval of the superintendent. It is reimbursed from the income from the sale of crops and the rentals accruing to the Indian who borrowed from it. The high points in the operation of this fund occurred in 1921, during which year there was $40,883.78 expended and $11.50 collected, and in 1924 when there was $6,140.40 expended and $26,306.34 collected. This fund is deposited in the Treasury at Washington and drawn upon by United States Treasury checks.

The moneys belonging to the individual Indians are deposited in local banks where time deposits bear interest at the rate of 3½ per cent and checking accounts 3 per cent. Any Indian can obtain knowledge of the amount of money deposited to his credit upon application to the agency office and draw on his account at the request of the district farmer in his district with the approval of the superintendent. The aged, decrepit, or crippled Indians are cared for from their individual funds, from which they receive a stated sum paid each month, usually $25.

FARMING

The Crow Reservation is divided into six farm districts, each one of which is supervised by a district farmer who has passed a civil-service examination. His duties are to supervise the farming operations of the Indians in his district; to advise in the selection and purchase of livestock, implements, and seed; to assist in leasing the farm lands and to see that the lessees comply with the terms of their contracts; to assist and supervise in the division of crops where farms are leased for crop shares. The Indians who are adjudged competent attend to the management of their own allotments, also the lands of their minor children. The records show a steady increase in the acreage farmed, improvement in methods, and ability to manage their farming operations. The members of your committee are personally acquainted with the district farmers and believe them to be competent and intelligent men who attend to their business and are interested in the progress of the Indians in their line of work.

HOMES

There are three field matrons employed whose duties are to advise and assist in the management of homes; to teach canning, cooking, sewing, and the care of infants. The Indian women are appreciative and responsive to this instruction and have made great improvement in the management of their homes. Their exhibits of canned vegetables, preserved fruits, jellies, and sewing at the county fairs are worthy of note.

There have been many 2 to 4 room cottages built on the Indian farms in the past few years, probably aggregating around 100; and good drilled wells have been provided at many of these homes and there has been an increased interest in the proper furnishing of the homes.

The management of the reservation has contributed part of the salary of the county club agent of Big Horn County, who has organized 4–H Clubs among the Indian boys and sewing clubs among the girls. The girls are especially appreciative and have shown great aptitude in this work.

HEALTH

Three physicians and one field nurse are employed who are at all times available when their services are required. There is a 30-bed hospital located at Crow Agency. The management pays for X ray and surgical work required when the physicians who are regularly employed can not take care of the cases. The Indians very much appreciate this service and gladly avail themselves of it. They use the hospital freely for maternity and surgical cases, and the death rate compares very favorably with other institutions of this size.

Recently a survey of this reservation has been made for trachoma and all cases have been encouraged to come in for operation, which operations have been approved and recommended by the United States Public Health Service for trachoma and its complications. A great many have availed themselves of this opportunity. An Indian is superstitious as to death and formerly would desert his house and abandon the premises where one of their number had died; whereas now their frequent use of the hospital is eloquent testimony of their treatment and good results.

LEASES

All leasing operation on this reservation is on a competitive basis, with the right of the original lessee to meet the high bid if he so desires and is competent and desirable. Individual Indians who have leased their lands may obtain their rent money as soon as the same is paid, and the district farmer then distributes the checks to the various Indians immediately. The revenue from the tribal-land lease is distributed annually to all members of the tribe. The committee upon further investigation finds the interest of the Indian owner very carefully and fully protected to derive the most revenue possible.

CONCLUSION

The time given your committee to make this survey would be inadequate were it not that each member has been living on the reservation for years and has had opportunity to observe conditions and note changes. One member has lived on or near the reservation since 1891; has served as county assessor for eight years, as county commissioner for two years, worked in a bank at Lodge Grass, and managed a bank at St. Xavier.

One member has been a resident physician and surgeon in Hardin for nine years and consulting surgeon on this reservation and United States employees' designated physician for United States Compensation Commission.

One member has served as county clerk for 10 years and resided on the reservation at Crow Agency for 6 years prior to this time.

In conclusion, your committee finds that the management of the Crow Reservation is economically managed in the interest of the Indian at all times, with very small cost to the Indians as a tribe. Educational advantages are the same as for the white people. The finances of the tribe as a whole and of the individual Indian are safeguarded and protected carefully with the view to educate them as fast as possible to assume financial responsibility. Actual farming by the Indians shows a great improvement over a period of years. Home life and living conditions show the most marked improvement due to the interest taken by them in the educational plans in operation on the reservation, which for years past have been followed by the white population and copied by a large percentage of the tribe. Their health is carefully protected and supervised, being on a par with the white people. The managing authorities of the reservation have been in full cooperation with the county authorities in all matters pertaining to public improvements, with the full consent and approval of the Indians.

Your committee desires to acknowledge the courtesy of employees and the help of clerks in the office in connection with this investigation.

Respectfully submitted this 5th day of March, 1929.

A. H. ROUSH.
CARL RANKIN.
S. H. LABBETT.

The Tongue River Reservation is the home of the Northern Cheyennes. The report is made by Edw. T. Cahill, E. E. Hynchman, and D. T. Deverill, and reads:

BUSBY, MONT., *February 11, 1929.*

Mr. C. B. LOHMILLER,
Superintendent Tongue River Agency, Lame Deer, Mont.

DEAR MR. LOHMILLER: We, the undersigned, in compliance with your request, have this 11th day of February, 1929, made a thorough investigation of the Tongue River Boarding School, and respectfully submit the following as our report on conditions as found by us at said school:

FOOD

We visited the dining room at noon and the following menu was on the table: Boiled beef, boiled potatoes, gravy, sweet corn, bread, peaches for dessert, and milk to drink. Apparently there was plenty of food on each table and it was well cooked.

The children appeared to be well nourished. We found the kitchen nice and clean and the cook appeared to be efficient.

Inspection was made of the warehouse or commissary, and an abundant supply of food was found, which was in excellent condition and stored in a good building. These supplies consisted of the following: Beef, 8 or 10 freshly slaughtered hogs, beans, dried peas, hominy, rolled oats, corn flakes, flour, dried and canned fruit, sugar, lard, sirup, cocoa, etc. The quality of all food appeared to be of the best.

CLOTHING

The individual lockers in the building contained each child's clothing, which consisted of extraheavy underwear for both girls and boys, work and school dresses for the girls, and heavy corduroy suits for the boys. The girls each have a woolen cape and a warm, blue serge Sunday uniform. The boys each have a wool uniform for Sunday and a heavy mackinaw. Each child is provided with two pairs of overshoes during the school year. All these items of clothing were in the lockers. The clothing was of good quality and the children appeared neat and contented. An abundant supply of clothing was also found in the commissary, same consisting of shoes, boys' uniforms, underwear, dress goods, etc.

HOUSING CONDITIONS

Inspection was made of both the girls' and boys' dormitories, and same were found to be well ventilated, steam heated, clean linen was on each bed, and each bed was provided with four blankets. The matron informed us that the linen was changed once a week. All dormitories were apparently well kept and sanitary.

The schoolrooms were well heated, but one of the two of them were very crowded. The basement of the building is used as playrooms

for the children. The need of a gymnasium or large recreation room is very evident.

Both boys and girls have a bathroom, wash room, and toilet facilities.

Your attention is invited to the fact that a combination gymnasium and school building should be constructed, as the classrooms are now in the dormitory building, and studies are more or less interrupted by the noise and other activities of those out of the classrooms.

The school plant is lighted by a Delco light system, which is old and worn out and at times, we are told, breaks down and the plant is unlighted. This condition prevailed at the time the investigation was being made.

MEDICAL ATTENTION

A supply of medicine and emergency equipment is kept at the school. The matron is a practical nurse. The agency physician is located at Lame Deer, 22 miles distant from the school, and is connected by telephone and can be called when wanted.

Individual toothbrushes, towels, combs, and brushes were found in both the boys' and girls' wash rooms.

The children appeared to be healthy and contented. The principal informed us that only 14 cases of sickness occurred during the school year, and these consisted of light cases of the flu.

CRUELTY

A number of the students were personally interviewed, and they stated they were not whipped nor punished. They also stated they had plenty to eat and were well treated.

The employees appeared to be polite and kind-hearted.

We found 89 boys and girls at this school, and they appeared to be happy and contented, well fed and clothed, and housed, and the Tongue River Boarding School created a more favorable impression than other State institutions we have visited in the past.

In conclusion, the committee would state that the above has been arrived at after a conscientious and thorough investigation of conditions at this school.

Very truly yours,

EDW. T. CAHILL,
Postmaster, Busby, Mont.
E. E. HYNCHMAN,
Stockman, Big Horn County, Mont.
D. T. DEVERILL,
Sheepman, Big Horn County, Mont.

The Blackfeet Indians occupy the reservation named for them. There now follows the statement of Frank Bossout, Dr. J. H. Crouch, and Douglas Gold:

BROWNING, MONT., *February 8, 1929.*

Mr. FORREST R. STONE,
Acting Superintendent Blackfeet Agency,
Browning, Mont.

DEAR SIR: In compliance with Indian Office Circular No. 2546, we, the undersigned committee of citizens, who were requested by you to make a detailed inspection of the Government boarding school on the Blackfeet Reservation; this inspection to cover the plant, equipment, and condition of the children, particularly as to whether or not they are properly fed, clothed, and housed, as to medical attention, and severity of various punishments; you are advised that we have made such an inspection and transmit herewith our findings.

Very truly yours,

FRANK BOSSOUT,
Architect, Havre, Mont.
J. H. CROUCH, M. D.,
Epidemiologist and Deputy Public Health Officer,
Montana State Board of Health, Helena, Mont.
DOUGLAS GOLD,
Superintendent of Public Schools, District No. 9,
Glacier County, Browning, Mont.

INSPECTION MADE BY CITIZEN'S COMMITTEE OF THE BLACKFEET BOARDING SCHOOL ON FEBRUARY 8, 1929

GENERAL PLANT AND GROUPING OF BUILDINGS

The general arrangement of the buildings at the boarding school is in the nature of a square, the various buildings being grouped around an open court, which is about 150 yards in each direction. At the south end of this square are situated the hospital and physician's living quarters. On the east side are the school building and the boys' dormitory. On the north side are the employees' quarters and the principal's residence and office. On the west side is the girls' dormitory, which also contains the general dining room and kitchen. Behind the girls' dormitory is the bakery, the laundry, and the commissary building. To the southeast of the square at a distance of about 100 yards is the dairy barn and hog lot. Near the dairy barn is the residence of the farmer (incomplete). The hospital, of course, is not included in the actual school plant, but on account of its proximity it is mentioned because it has a definite bearing on the health of the children.

We found 136 children in the school, 54 being housed in the boys' dormitory, 71 in the girls' dormitory, and 11 in the hospital. Two of these last are confined to the hospital, one with frozen feet and the other with a severe case of impetigo. Four girls and four boys, who are classed as arrested pulmonary-tuberculosis cases, and one boy, with a rather severe heart condition, are housed and fed in the hospital, and go from there to attend classes in the school, but are not allowed to mingle with the other children or do any work.

DETAILED DESCRIPTION OF THE PHYSICAL PLANT, INCLUDING CONSTRUCTION AND EQUIPMENT

Dairy barn: We found that the dairy barn is a frame building of recent construction, and modern in every respect, and very adequate and plenty large for the use of this institution.

School building: We find the school building consists of a 4-room brick building, three rooms and the auditorium having been built a number of years ago and in not a good condition. There is a recent addition of one schoolroom to the school bulding, which in itself is good, but not complete. We find that the steam-heating system has not been carried to this new room, and that the same is heated with a stove, which leaves a part of the room very cold. In going over the heating system, we find an old obsolete boiler, wholly inadequate for the heating of the school building. We also find the system of heating mains in a very poor condition. We also find that there is very poor equipment in the new schoolroom, being composed of old desks that are broken and not at all substantial, together with tables and chairs to complete the seating of this room. We find that the basement windows are broken and out and frames filled with temporary boards for weatherproofing. The three schoolrooms and auditorium we find neatly painted, and general sanitary conditions equal to the average school, except that there are no toilet facilities in the school at all in the way of toilets, drinking fountains, or washing facilities. We find that the boy pupils from this school have to go to their dormitory for toilet facilities, there being only one toilet in the general toilet room, and one toilet on the second floor, for approximately 55 pupils. This by all means should be corrected and proper toilet facilities given the boys attending the school. These facilities apply as well to the girls, who have to go to the girls' dormitory for toilet facilities, approximately 200 yards.

Boys' dormitory: The boys' dormitory is an old brick building in very bad condition. We find the heating plant for this building in the same condition as that of the school, being totally inadequate for the heating of this building, the plumbing and heating mains leaking, and needing immediate work on same to make the building reasonably habitable. We find that the floors in this building, outside of the main hall on the first floor, are badly worn and very rough. The doors and windows badly fitted and not at all weatherproof. The plastering broken in many places. It is evident that the superintendent in charge has done everything possible within his means to make the building as sanitary as possible. As previously mentioned, there are not sufficient toilet facilities for the number of boy pupils, there being two stools on the first floor, one of which was out of order, and one stool on the second floor. Washing facilities with soap and hot water are provided in the wash room adjacent to the toilet on the first floor, but towels are provided only just previous to each meal. For this reason it is impossible for the pupils to wash their hands after casual visits to the toilet, as they are instructed to do. In the dormitory rooms the only equipment present are the beds themselves. There being no chairs, dressers, or other furniture at all. There were not even nails in the wall on which to hang the children's clothes; when they undressed they must lay their clothing across the foot of the bed. There were four of these bedrooms, and in some of them the beds were only 9 inches apart. The air space per pupil varied from 325 feet to 462 feet. Window space for lighting and ventilation is adequate in all rooms. Quite a few of the beds are occupied by two boys. There are sufficient beds to allot one to each pupil, but the doubling up is necessary because of the lack of blankets. The playrooms were entirely without equipment, except for three or four benches arranged around the walls. Not a single chair was seen in the whole boys' dormitory. Just off the boys' playroom is a room equipped with cupboards for the boys to keep their personal belongings. These cupboards being entirely without locks, and no provision made for the security of their belongings.

Girls' dormitory: We find that the girls' dormitory is a large brick building that has been built some years ago and in better condition than the two buildings previously mentioned. This building, aside from the flooring in the second-story hall, is in fairly good condition, considering the age of the building. In this building is the general dining room for all pupils and a kitchen, the same being equipped with a meat room, with ice storage adjacent thereto, which keeps the food in satisfactory condition. The plumbing in this building is old, obsolete plumbing and sadly in need of replacement. The heating seems to be adequate, but the same conditions prevail in regard to furniture for the girls' dormitory as previously set forth in the boys' dormitory, there being the same lack of towels in the basement toilet, the same lack of chairs and other equipment in the bedrooms and the playroom, and a serious deficiency of blankets, which necessitates quite a few of the girls sleeping two in a bed. The dining room arrangements are a number of tables seating eight children. Stools are used for seats and the dishes are aluminum.

Laundry: The laundry building is situated in the rear of the girls' dormitory, is an old brick building with obsolete laundry equipment. Included in this building is also the bakery, with equipment not much better than that in the laundry. In the lean-to to the rear of this building is the boiler room, furnishing the steam for the laundry and operation of the water-supply system. We find that the reservoir on the south end of the grounds, on the high bank, only provides 35 pounds water pressure, which is not sufficient for proper fire protection for the buildings at this plant. The laundry equipment, as before stated, being obsolete, is also dangerous, inasmuch as the mangle is not protected by proper guards for same; also there are not sufficient guards on belting running this machinery, which makes it dangerous for operation.

We also find that these buildings are served by sewer connected to a septic tank which is inadequate for the buildings.

PHYSICAL CONDITION OF CHILDREN

The storage of the food supply consists of the commissary building, which is rat and mouse proof, and the food is in very good condition, being free from contamination or insect infestation. The root cellar or pit for storage of green vegetables, while crude, is apparently efficient.

The children were found to be cheerful, reasonably clean, and well behaved. The weight charts in the various schoolrooms show that 26 out of the 136 children were 10 per cent or more underweight; none, however, were as much as 15 per cent underweight. This compares very favorably with the average public-school group. The children are weighed monthly, and the general average of gaining during the past five months is approximately 6 pounds per child. The children receive a regular weekly medical inspection besides frequent irregular inspections by the physician, and the teachers are instructed to constantly observe the condition of the pupils and to be particularly on the lookout for evidence of incipient sickness. Quite a few of the children show evidence of trachoma, which is under regular treatment of the physician in charge, and few show some evidence of impetigo, which is also being treated. No head lice were observed.

Food: Weekly menus are prepared by the matron and approved by the principal. The supply is apparently abundant and variety is adequate. Two green vegetables are usually furnished at the noon meal, besides the meat and potato ration. Butter is served at two meals daily. The dairy furnishes an average of about 250 pounds of milk a day, and this is used up entirely by the pupils and hospital patients. Each child receives at least a pint of milk a day, and sometimes more than this, as either raw milk or in cocoa.

Clothing: Each child is supplied with three union suits of winter underwear of sufficient weight. The boys have corduroy suits and caps, and the girls plain dresses and sweaters. All are provided with shoes and stockings, which seem to be in fair condition. In general, the clothing seems to be reasonably adequate and in good condition. Each child receives clean clothing and bed clothing once each week, and each child receives a shower bath under supervision each Saturday. Those who are in active work or athletics also bath at irregular intervals.

Instruction: The pupils are divided into seven grades for instruction, one teacher having the first grade and beginners, one the second and third grades, one the fourth, and one the fifth, sixth, and seventh grades. The teaching appears to be of an average order, being handicapped somewhat by shortages in equipment already mentioned. The expenditure of a very little in the schoolrooms would very materially increase the possibility of high-grade work on the part of the teachers. The school bell is broken and as a result there is considerable irregularity in the time of assembling and recess periods. The records of attendance are scarcely adequate or satisfactory. It is noted that all children are in school for a full school day, the work details and other assignments being assigned to them outside of regular school hours. A good-sized assembly hall is included in the school building, but the absence of any seating facilities makes its value doubtful. The hall is not large enough for indoor games, although some attempt has been made to play basketball in it.

Work details: Several of the larger boys assist in the farming operations and some slight shop work, and a number of the larger girls serve details in the laundry, general dining room, and kitchen and employees' mess. Girls also serve a detail in the sewing room, and all pupils apparently participate in the cleaning of the buildings. Work details, according to the best information available, are limited to not more than two or three hours daily, which does not seem to be at all excessive.

Recreation: The school seems sadly lacking in equipment for either organized or unorganized play. The rooms designated for indoor play are entirely bare of any equipment, and the one attempt at playground apparatus is useless, because the rings and swings are missing from the frames. A very creditable band is organized among the students, and in favorable weather Sunday walks are encouraged and participated in by pupils, teachers, and employees.

General treatment: Within the schoolrooms the discipline seems to be free and satisfactory. The teachers report that occasional disciplinary problems arise, but there was no apparent sullenness, fear, or unsatisfactory relations between the teacher and pupil. At recess time the children walked freely from the buildings, but at meal times a more formal order is maintained. Smaller children are given some assistance in the dining room in serving their food. The children appear to be cheerful and reasonably affectionate toward those in charge of them. According to the testimony of Principal Sellars, corporal punishment, which was always very limited, has been eliminated entirely as a means of correction. The only punishment which appears available for the use of the teachers is added duty and work details.

FRANK BOSSOUT,
Architect, Havre, Mont.
J. H. CROUCH, M. D.,
Epidemiologist and Deputy State Health Officer, Montana State Board of Health, Helena, Mont.
DOUGLAS GOLD,
Superintendent of Public Schools, District No. 9, Browning, Mont.

The Fort Belknap Reservation is inhabited by Assinniboines and Gros Ventres. I place here the report of C. H. Wilhaun, G. C. Braudvold, and Rev. F. B. LaFavre:

HARLEM, MONT., *February 11, 1929.*

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Survey of Indian Boarding Schools by Citizen Committee.

Your committee wishes to state that it made a careful investigation of all portions of the plant at the Fort Belknap Agency and we find the conditions of each practically as follows:

BOARDING SCHOOL

We found the buildings kept very neat and clean, everything was sanitary, and we found the food that was being fed the children abundant as to quantity and better as to quality and preparation than one could reasonably expect from an institution of this kind. The children were being well cared for and we are certain that the most commendable methods are being used in the administration of this institution.

We visited the school and found three departments with an approximate enrollment of 118. The teachers were as modern as any of the teachers of schools outside of the reservation. The children were busy in their work and we could see no evidence of cruelty or partiality in the matter of discipline of the children. The equipment appeared to be adequate and on the whole your committee left with a favorable impression as to the management of this school.

We found that the health education was, in our opinion, superior to that of the public schools of our county. The doctor at the agency has charge of the health work and the data that he showed us regarding the improvement in regard to the children in the matter of health after two or three months' residence at the school was in itself sufficient testimony as to the character of the food and care given the children.

We inspected the barns and other outbuildings and found that those who had them in charge were caring for them in approved and modern ways. The dairy barn being especially noticeable because of its neatness and the splendid condition of the stock.

The hospital plant, while small, was taking care of severe cases of illness in a manner that met with the hearty approval of the committee.

If we were to offer any criticism of this plant, whatsoever, it would be to simply say that the buildings are old and when constructed made no provision for ventilation and other modern arrangements for accommodating and caring for the health of all concerned. While we do not consider this a serious matter because of the efficient way in which the attendants were caring for the proposition with the means at hand, we believe that the schoolroom is crowded and that at least two more rooms should be provided to accommodate and properly care for the children that are now enrolled in the school. In so far as the children themselves are concerned, your committee believes that they are being cared for as to food, clothing, and instruction, better than the average of the white children of our county or surrounding counties.

G. H. WILHAUN,
County Superintendent of Schools Blaine County, Chairman of Committee.
G. O. BRAUDVOLD,
Cashier of First National Bank, Harlem, Mont., Member of Committee.
F. B. LAFAVRE,
Pastor of U. B. Church, Harlem, Mont., Member of Committee.

On the Fort Peck Reservation are Indians of the Assinniboine and Yankton Sioux Tribes. The investigating committee there consisted of A. T. Listug, Frank H. Livingston, and Dr. C. B. Larson. It is as follows:

POPLAR, MONT., *February 11, 1929.*

Mr. CHARLES EGGERS,
Superintendent Fort Peck Indian Agency, Poplar, Mont.:

This is to certify that we, the undersigned members of the investigation committee, have on this 11th day of February, 1929, completed a

thorough and detailed investigation of the conditions and affairs and local supervision of the Indian schools.

First. We find the foods to consist of fresh and cured meats, fresh and canned vegetables, cereals, bread, butter, cocoa, milk, and desserts, all well prepared by trained cooks in clean and sanitary kitchens. Meats and other perishable foods are kept in coolers. An inventory of the food-supply warehouse indicates a full and complete line necessary for cooking and kitchen service. All the children get as much food as they want, as it is served in home style and they can have as many helpings as they may wish. (Bread is served—all they want—at each meal.)

Second. We find the children all well clothed. The boys have woolen uniforms (of the United States Army grade, O. D.), other heavy and serviceable grades for work clothes, good mittens, overshoes, and underwear. In addition some Indian children who have the means are also permitted to buy fancy shoes or clothing if they so wish.

The girls are provided with heavy blue-serge dresses, heavy sweaters, and overshoes, also house dresses of usual practical materials. In fact, they are completely and well dressed for all ordinary needs, and in addition many of the girls provide coats of such kind and styles as they may want.

We find the buildings to be of rather old construction, but in excellent state of repair. The girls' and boys' sleeping quarters are well heated and ventilated, with steel stairway fire escape that seems ample and safe. The individual beds are clean and well kept. The heat is kept at a suitable and even temperature night and day.

The boys and girls are housed in separate buildings. These are both well kept and supervised. The lavatories, bathing and toilet facilities, while not of the most modern types, appear to be ample.

The classrooms are clean and orderly and seem to be in charge of competent teachers. The work done in the respective grades by the students reflects progress and discipline. If we make a recommendation here, it is in regard to the lighting of the schoolrooms. There are cross lights which are hard on the eyes of the children. Windows can be put on one side of each room at little expense. The reading library is limited. A small amount of money would easily remedy these minor defects.

A new, modern hospital of 28 beds, equipped with X-ray instrument and dressing sterilizers, large operating room, well lighted; dressing room; complete stock of hospital and medical supplies; very complete and sanitary cooking and kitchen service. The ventilation, sun parlors, beds, and linens are among the best in this section. This hospital is under the direct supervision of Dr. C. D. Fulkerson, assisted by two trained nurses, Mrs. Dale and Miss Haan. Both the doctor and the nurses are careful and doing excellent work in their line. This is evidenced by the records and the results at this hospital. Doctor Fulkerson, of the hospital staff, makes a thorough medical examination of all the school children twice each year, and more often in cases of epidemics or other emergencies. Weight charts, where monthly records of weights are kept, show healthy and normal increase of weights from time to time.

We find that proper supervision is given to all the detals, such as regular hours for rising, for meals, for play and recreation, retiring, etc. Our observations are that the children at the Fort Peck Indian Boarding School are fully as well cared for in all matters as any average class of white children in our public schools.

We find no evidence, either from inquiring or otherwise, where any corporal or unusual punishment is used, and any report to the contrary, in our opinion, does not state the facts.

We are especially impressed to find that the Fort Peck Agency officials are anxious to furnish all detailed information and the actual facts to this committee.

They further state that the Indian Department at Washington, D. C., has never once turned down any request they have made pertaining to things needed for this school. If there is anything lacking, it is because some official in charge has neglected or omitted to place the proposition properly before the Indian Department at Washington.

In making this report we have made personal investigation of the various items involved and also supplemented this information with inquiries from first-hand sources, and our findings are made accordingly.

Respectfully submitted.

A. T. LISTUG,
Vice President First National Bank, Wolf Point, Mont.
FRANK H. LIVINGSTON,
Superintendent Wolf Point Consolidated Schools.
C. B. LARSON, M. D.,
Health Physician, Roosevelt County, Mont.

The Rocky Boy Reservation Indians are Crees and Chippewas. A committee consisting of Robert R. Lucke, R. C. Timmons, and E. C. Carruth made the study there, and reported as follows:

REPLY TO CIRCULAR NO. 2546, DATED FEBRUARY 2, 1929

Mr. E. B. MERITT,
Commissioner Indian Affairs, Washington, D. C.

DEAR SIR: Your circular No. 2546, dated February 2, 1929, addressed to the Indian superintendents, has been handed to us for reply for Government Agent Shotwell, of the Rocky Boy Indian Agency situated in Hill and Choteau Counties, Mont.

We, your committee, Robert Lucke, chairman of the Havre Chamber of Commerce; R. C. Timmons, sheriff of Hill County and representative of the Kiwanis Club of Havre, Mont., beg leave to report to you as follows:

We have visited the agency and the schools and are thoroughly acquainted with conditions and the Rocky Boy Band of Indians.

FOOD

We investigated the menus for the pupils in the schools, of which there are two in the Rocky Boy Agency, and at random selected two days' rations. Hot cocoa is served at 10.30 every forenoon. Monday, February 4, 1929, was as follows: At noon they served macaroni and tomatoes, mashed potatoes, beef extract with gravy, butter, hot baking-powder biscuits, and sirup. Tuesday, February 5, 1929, they served escalloped potatoes, creamed peas, stewed peaches, whole-wheat bread, butter, and sirup. The children told us that they were amply supplied with food. We found no complaint on this whatever.

CLOTHING

The schools open in September and in the fall the boys are given two suits of underwear, shirts, overalls, and mittens, and when these are worn out they are given others. The girls are given underwear, dresses, and mittens, and in asking those who could talk English and from observation, we figured that they were well clothed and have no complaint from them whatever.

HOUSED

The Rocky Boy day school is at the agency proper. It is a large log building, lined with beaver board; has a kitchen, a wash room, a dining room, and two schoolrooms, 24 by 24 with an 8-foot ceiling. One schoolroom has 169 cubic feet of air space and 163 cubic feet of air space in the primary room. The advance schoolroom has over 50 square feet of window glass, while the primary room has over 64 square feet. They have regular school desks.

The building is an old one, somewhat hard to heat, rather poorly lighted, and, if possible, we would recommend that a new and larger building be constructed as this school takes care of, at this time, 48 pupils, equally divided, 24 boys and 24 girls, coming from about 27 or 28 families in the agency neighborhood. The second school building is approximately 3½ miles northwest of the agency on what is known as Little Box Elder Creek, near where the Sun Dances are held. This building is new, has very good light, and is well heated. At this school they have over 18 pupils and it is constantly growing. We would estimate, from discussion, that there will be 25 more pupils in the next year or so. These people will need another school and from discussion with the agency authorities we would figure it should be placed about 4 miles toward what is known as Beaver Creek and should be established for the primary grades.

MEDICAL ATTENTION

The agency doctor is Dr. D. S. McKenzie, of Havre, Mont., located at a distance of approximately 35 miles from the agency buildings. Doctor McKenzie is a graduate from the Rush Medical College and has practiced medicine in Havre since 1900. He is one of the very prominent public men in northern Montana and gives the service very close attention. It is impossible to give a report from Doctor McKenzie at this time, on account of his absence from the city, as he is at Rochester, Minn., attending the clinic there and won't be back home until after the 20th of February.

I think we have taken up the items in rotation as requested in your circular but we will add some more information in case it is desired.

There are approximately 26 Indian log and frame houses at the agency proper. Nearly all of the Indians move to the agency in the winter on account of its severity. We find that there is an English Lutheran Church at the agency—Reverend Gable the minister. There is also a Catholic mission there, with the priest taking care of the services from Havre. The postmaster is Reverend Gable, who is married and has three children living in the agency. They teach up to the fifth grade in the advance school. The younger children are rapidly learning to talk English, and after about two years can get along very nicely. Nearly all bands can either talk English or make themselves understood. The tribe languages, or the languages that they talk, are Cree, Chippewa, Piegan, Blackfeet, and other languages tributary to Montana. They have a very good school nurse at the agency. Her name is Ruth Riss, aged 32, a graduate from a Pennsylvania college and has very good control over the children.

The farmers (Indian) grow wheat, oats, and hay. They don't take care of their lands and will not summer fallow; therefore they are pestered with fan weed and other weed pests. They have cayuses and small horses, but no large or good stock.

The agency should have a hospital and a resident physician on account of the large number of children in and about there. We understand from Agent Shotwell that it has been under consideration. We recommend consideration.

In discussing the matter of the opening of the school in September we ascertained from the school-teachers that nearly all of the boys and girls were underweight, due to the fact of the outside Indian

life during the spring and summer and not having regular meals, which, of course, is not the fault of those in charge at the agency. For example: Fred Alexander weighed 90 pounds in September, 1928 (9 pounds underweight); gained 4 pounds by February 1, 1929. Edward Belcourt weighed 68 pounds in September, 1928 (15 pounds overweight); gained 4 pounds by February 1, 1929. The school nurse informed us that all of the children showed a gain of from 4 to 10 pounds between September 1 and February 1, occasioned by the regular meals and wholesome diet.

From observation and consultation with the authorities, we would figure that they are short of money to handle the rapidly growing agency school work.

At the school at the agency proper there are two teachers, a man and his wife, about 28 years of age, named Norman E. Howes. They both teach and have two children—a boy of 11 and a girl of 5.

At what is called the new school, 3½ miles from the agency, they have a man teacher named Willard Howland, aged 31, married and has a baby. The wife helps get the lunch, make the cocoa, etc.

The winter in northern Montana has been very severe this year, at least since January 15, the thermometer ranging from zero to 46 below at the agency. However, the Indians have fared very well, and there has been very little suffering; but at a time like this they really need a local hospital and a resident physician.

In the past and during the time that Agent Shotwell has been in charge of the affairs at the Rocky Boy Agency the people in Havre and Box Elder, near-by towns—Box Elder being 12 miles from the agency and Havre 35 to 40 miles from the agency—have become well acquainted with him and with the work that he is doing, and we have always found him a very capable, efficient, and energetic worker. The sheriff, R. C. Timmons, comes in contact with the people in Hill County and, naturally, quite frequently with the Indians and with Agent Shotwell, and he compliments him very highly on the efficient work that he is doing. Bob Lucke, a merchant in Havre and chairman of the chamber of commerce, comes in contact with many of the Indians who trade and often visit Havre, and he is in a position to know the conditions here; and E. C. Carruth, operating the Havre Hotel for the past 25 years, and representing the Rotary Club of Havre, considers himself very well acquainted with the Bearpaw Mountains, with the Cree Indian conditions, with Agent Shotwell's work, with the agency physician, Dr. D. S. McKenzie, and his work, having made many trips to the agency during the past few years, and also acquainted with the farming operations and many of the older Indians at the agency, as he has been one of the Havre people who have been interested in the welfare of the Indians before they secured that part of the Fort Assinniboine Reservation as an Indian agency.

Finally, we, your committee, desire to say that there is absolutely no complaint from the Indians in the Rocky Boy Agency on their manner of treatment, either as to food, clothing, housing, medical attention, or general welfare.

ROBERT R. LUCKE,
President of Chamber of Commerce, Havre, Mont.
R. C. TIMMONS,
Sheriff of Hill County, Mont., and Representing the Kiwanis Club of Havre, Mont.
E. C. CARRUTH,
Representing the Rotary Club of Havre, Mont.

As chairman of the Committee on Indian Affairs, I have had sent to me copies of similar reports from all of the States in which Indian administration is important. Many of them have been placed in the RECORD by Representatives from those States. All are well worthy of study and consideration. They point constructively the way to some needed reforms, and they also set forth encouraging progress which has been achieved.

NATIONAL ORIGINS

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I present a privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 349

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 402, to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended. That after general debate, which shall be confined to the House joint resolution and shall continue not to exceed 30 minutes, to be equally divided and controlled by those favoring and opposing the House joint resolution, the House joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the House joint resoution for amendment the committee shall rise and report the House joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the House joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 10 minutes of that time to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, ladies and gentlemen of the House, according to this morning's paper, we see the announcement that the principal reason for our convocation to-day is to pass this resolution. For one, I can not see for the life of me why we should desecrate the Sabbath in order to attempt to pass a matter that is of such little importance as is the matter contained in this resolution. What does the resolution propose to do? It proposes to postpone the law of 1924 which was passed with all the formality and solemnity of the passage of any other law. I refer to that provision of the immigration bill of 1924 which has to do with the establishment of the quotas under which immigrants come to this country. That law provided two methods by which the quota might be established. One was the census of 1890 and the other was what was called a national-origins provision.

Why was the census of 1890 selected? Purely as a matter of expediency at the time. The immigration act of 1924 marked a real epoch in the enactment of immigration legislation. It was a real turning point. It was the establishment of a quota law. No one can claim that the figures we had at that period were of sufficient accuracy to establish a permanent quota. They accepted the 1890 census in the act of 1924.

Mr. MICHENER. Mr. Speaker, will the gentleman yield there?

Mr. JENKINS. Yes.

Mr. MICHENER. Was not that the first census taken in which nationalities were developed?

Mr. JENKINS. I can not answer that question accurately because the successive censuses as developed have been taken along different lines.

Mr. MICHENER. I understand the census of 1890 was the first one that was taken in that way, and I understand that is the reason why it was adopted as the basis in the act of 1924.

Mr. JENKINS. That was not the reason. I can tell you the reason. We all know the policy of restriction is aimed to restrict immigration from southern and eastern Europe. If the 1920 census had been accepted, the result would have been that there would have been more immigrants out of Italy than out of England. The immigration, as we all know, has come from different countries in different periods. In the immigration from England, Scotland, North Ireland, and Wales were many of the real pioneers and builders of this Nation.

Mr. CONNERY. Right there, what does the gentleman mean by "the real pioneers"?

Mr. JENKINS. I mean that is what they were. That is the fact.

Mr. CONNERY. The gentleman said "northern Ireland." If he had said "southern Ireland," there would be something to it. [Laughter.]

Mr. JENKINS. I will digress a moment to answer the gentleman's question. If you were to take the census of those who framed the Constitution of the United States, you would find that 80 per cent of them were from the countries I named. You would find where they came from, and you would find that they came from those countries.

Now, take the immigration from other countries. We have had, in our history, immigration from all the countries of the world; a splendid immigration. Take the immigration from Germany, for example. Who wants to say a word against the immigration from that country? But they came within a certain period, largely from 1850 to 1870. The immigration from southern Europe came, as I told you before, in the last three or four decades. Now, if you had accepted the 1920 census, you would have found more immigrants from Italy than from Great Britain, Scotland, and North Ireland. That is the real reason. The policy of the Congress was to restrict immigration from southern Europe.

Now, they say in opposition to the national-origins proposition and in justification of this resolution that this provision ought to be postponed again. Why? We want to answer that question. Why should this provision be postponed again?

Mr. JACOBSTEIN. I will answer it.

Mr. JENKINS. The gentleman can do that in his own time. My time is speeding. I want to ask who are opposed to the national-origins proposition? Who are they? I will tell you who they are principally. The people who are opposed to the national-origins proposition are those who have opposed every restrictive measure from the beginning. They have always opposed restrictive legislation and they are favoring this resolution for that reason.

Mr. COCHRAN of Missouri. Is the gentleman opposed to the national-origins proposition?

Mr. JENKINS. No.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKINS. No; I must decline to yield. I think I know what the gentleman is going to ask. I know what the question is that the gentleman wants to ask, and I can answer the question without his putting it. Who else is against the national-origins proposition? They are a fine group of people. They are people who have a constituency who have quotas from those respective nations increased by the unfairness of the 1890 census. They are people from northern Europe. But if you are going to establish a quota of immigration, why not establish it scientifically? Why accept any particular census, either the census of 1890 or 1920? Why not accept a real scientific basis? How are you going to get a scientific basis? You would have to consult scientists. You can not safely consult guessers. You do not want to consult people who want to have Congress vote according to the color of their constituencies.

Whom do you want to consult? The people who know something about the censuses of this country. Who are they? I answer, our own Government departments. What do they say? If you gentlemen remember the hearings had before the Senate committee, you will see that the greatest expert in the United States on this subject, a man against whom no one points the finger of suspicion, is Doctor Hill. What does he say? He says that after years of investigation they have arrived at what they think is the most accurate basis. If our Census Department has done that, why postpone? There is absolutely no reason except that of expediency.

Well, some one says to you and some one says to me, "It will not work." Why will it not work? Who said why it would not work? None! What is wrong with it? If you establish a quota on one basis, can you not enforce the law just as effectively on that basis as if you had established it on another basis? Who is the authority on these things? Go down to the department and consult the people who know. What does Mr. White say? He says in effect that the national-origins provision can be put in effect as easily as the 1890 census plan. In substantiation of this I refer you to the hearings before the Senate committee.

Now, ladies and gentlemen, in the one minute remaining to me I want to call your attention, and especially the attention of those of you who have been restrictionists, to this one proposition, that this is a momentous day in the history of restriction of immigration. Two days ago we took a long step backward when we gave our sanction to the first steps in a program of blanketing into citizenship probably 500,000 aliens. If this resolution passes to-day it means the death knell of this proposition, and another long step backward. It is the entering wedge against restriction.

Who favor this proposition? Some one asked me that question a while ago. Let me tell you who favor it. The great American Legion. Who else? The Sons of the American Revolution, the Daughters of the American Revolution, and the Junior Order of United American Mechanics. Let me sum up in one word and say this, that this resolution is opposed to-day by every patriotic organization in America, every one of them. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

Mr. NEWTON. Mr. Speaker, the distinguished gentleman who has just closed has referred to a number of leading organizations of the country who, he says, favor the national-origins provisions and oppose its repeal. Among them he named the Sons of the American Revolution. I have been a member of that organization for many years. So far as I can recall I have never received one word from any national officer asking for my opinion as a Member as to the merits of the national-origins provision as distinguished from the 1890 census provisions of existing law. So far as I can recall, the Sons of the American Revolution have never taken any action in favor of one as against the other. Possibly some member of that organization with no right whatever to speak for it has assumed the right to speak for it. What is true of them is undoubtedly true of a good many other organizations whose names have appeared in the papers of late as supporting the national-origins provision. Furthermore, the responsibility of legislating rests upon each individual Member. That responsibility we have no authority to delegate to any individual or association of individuals no matter how large that organization may be.

Mr. Speaker, this is not a contest to-day between the definite acceptance or rejection of the national-origins provision as distinguished from the 1890 census provisions. All this resolution attempts to do is to extend the time of the taking effect of the national-origins provisions for one year. Why should we do this? I shall briefly summarize the reasons prefacing those reasons with a brief résumé of the history and development of numerical-restriction legislation.

Gentlemen, you know that I am a firm believer in numerical restriction. Notwithstanding what the gentleman from Ohio had to say as to those who are opposing national origins, I am here to say that I am a numerical restrictionist. I believe the 1924 numerical restriction act is one of the greatest pieces of constructive legislation that has been passed during my 10 years of service here. It is because I am a numerical restrictionist and want to see that principle of legislation prevail that I favor the adoption of this resolution.

As a member of the Committee on Foreign Affairs in my first term of service here it was my privilege to support and, if my memory is correct, to report out a resolution continuing war-time visas as a temporary method of immigration restriction. In 1921 I supported the first numerical restriction act. This was based on the 1910 census. The quota percentage was 3 per cent.

In 1924 I stood with the distinguished chairman of the Committee on Immigration and fought the substitution of the theoretical national-origins plan for the 1890 census basis. That fight was successful. The bill went over to the Senate with the 1890 census as the base of the quota provisions. It was in the Senate that the national-origins provisions were inserted into the 1924 act. We in the House had to accept or else see the entire legislation defeated. We did so reluctantly and because a provision was included postponing the going into effect of these provisions for three years. This would enable investigation, study, and report as to the plan which sounded all right in theory but which most of us felt could not be successfully applied in practice.

The question has been asked why was the 1890 census used as a base instead of the current census. The current census would have been a discrimination against racial stocks and nationalities coming over to this country early in our history and who furnished the bulk of the people who settled up America. That was the fault with the 1921 act which used the 1910 census as a base. It was found that the 1890 census was that census which most nearly and fairly represented these various racial stocks that had settled America from the early days up to 1920.

Mr. Speaker, the first report was made two years ago. The experts who compiled the figures and drafted the report frankly said they did not know where they were at and either asked or intimated that they should be given further time to study and investigate. It is enough to say that their initial report varied substantially from the estimates that were submitted by the so-called experts who submitted estimates at the time the national-origins provisions were inserted in the bill.

In 1928 the committee of experts submitted another report. This report as to a number of the racial stocks varied substantially from the report submitted in 1927. For example: The Belgian quota was jumped from 410 to 1,328; France was reduced from 3,837 to 3,308; Great Britain was reduced from 73,000 to 65,000; Russia was reduced from 4,700 to 3,500, and so forth.

The other day this commission of experts submitted a further report to Congress. As compared with the 1928 report, we find, for example, Austria reduced from 1,639 to 1,413; Belgium from 1,328 to 1,304; France from 3,308 to 3,086; Germany is increased about 1,000; Great Britain remains about the same; Poland is increased from 6,090 to 6,524; Russia is reduced from 3,540 to 2,784. There are slight reductions in the quotas from Denmark, Norway, and Sweden.

Mr. Speaker, the gentleman from Ohio talks about "guessers." Why, guessing is the very basis of the national-origins provisions. The experts—I do not mean the propagandists—admitted it. It can not be otherwise. There is no stable foundation upon which to start. In the report submitted February 25, 1928 (S. Doc. No. 65), the committee in referring to the classification used pointed out that it involved "a considerable element of uncertainty," because, as they said, "partly because many family names undergo changes as times go by, and partly because many names are common to two or possibly more countries." The next President of the United States, a member of the commission, said it was impossible to ascertain the national origins accurately and favored its repeal.

Here you have, then, the experts revising and varying their figures from year to year. Under those circumstances should we not then seek further light before permitting this new basis of finding quotas for numerical restriction to go into effect?

One of the great faults of the national-origins provisions, as I see them, is the uncertainty involved in arriving at the fig-

ures. One man's guess is just as good as another's. All of this tends to develop racial and group consciousness. The purpose of immigration restriction was to accomplish eventually its elimination. The very uncertain features of the national-origins provisions promote group and racial consciousness. This is the very thing which Washington and other great leaders in the early history of our country warned us against.

Another reason for postponement: We will be taking a census late this fall or early this coming year. Why not, then, wait the outcome of that census before putting into effect this theoretical quota basis?

Let me say this to some of the advocates of numerical restriction. Your insistence upon a theoretical, uncertain, strife-promotion plan will tend to drive out of your ranks a large number of people who have consistently supported numerical restriction. During all of the discussion leading up to the passage of numerical-restriction legislation in 1921 and its perfecting in 1924, the principle of numerical restriction had the support of that portion of our citizenry who had been born in or whose ancestors had originally come from northern and western Europe. I do not recall receiving a single letter against the principle of numerical restriction from any such individual. On the contrary, I have received many advocating that principle. Let us, therefore, continue as we have been with the 1890 census as a base. It is fairly representative. It is absolutely fixed and certain and its continuance will avoid the promotion of racial feeling and group consciousness. The reasonable thing to do, the American position to take, is to adopt this resolution and postpone action until we can have further light, and that is the only question that is before us for action now. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield seven minutes to the gentleman from Tennessee [Mr. McREYNOLDS]. [Applause.]

Mr. McREYNOLDS. Mr. Speaker, ladies and gentlemen of the House, when the immigration act was passed in 1924 we went back to the census of 1890 because we felt that a quota on that basis would come nearer giving the people of the United States of America a correct representation in reference to nationalities than any other census. When this bill went over to the Senate an amendment was offered by Senator REED of Pennsylvania, providing for a national origins act. That was added to this bill and was to go into effect after 1927. A commission was appointed to make the investigation and make a report. Twice since that time has this matter been postponed. The distinguished gentleman who has just preceded me states that a postponement does not mean that he is in opposition to the national-origins plan but that he wants further light and further investigation. A recent report made by a commission of experts, whose duty it was to make this report, and this report is dated February 21, 1929, uses this language.

We are of the opinion that further study would not appreciably modify these results.

I take the position, ladies and gentlemen of the House, that those of you who vote for this resolution vote against the national-origins plan. The position we have always taken is not that the alien or the foreigner of this country is entitled to representation, but it is the American citizen who is entitled to say who shall come to this country, how many, and under what conditions. [Applause.]

Why postpone when the commission of experts has made its final report? The reason of the postponement is because it affects some different nationalities.

I am not supporting this bill because it will lower the percentage of certain nationals who come to this country, neither am I opposing it on that account; but I am supporting it because I feel that if the national-origins matter is put in action it will give a greater representation to the American people.

The national-origins provision provides that the immigration coming to this country shall not exceed one hundred and fifty thousand odd. Under the present bill it is 164,000.

So I say to those of you who are in favor of strict immigration, who are in favor of keeping our people as they are, who are in favor of leaving to the American people who are to come to this country, under a limited number, you should not support this resolution to extend.

If you will put the national-origins proposition into effect you cut down the amount of immigrants who come and you give representation to the various nationalities that have been responsible for the upbuilding of this country. If you want to be fair to all nations, if you want to avoid racial discrimination, if you want to keep the blood of the United States of America in proportion as it is now, you will vote against this resolution. [Applause.]

I yield back the balance of my time, Mr. Speaker.

Mr. SNELL. Mr. Speaker, I yield two minutes to the lady from California [Mrs. KAHN]. [Applause.]

Mrs. KAHN. Mr. Speaker and gentlemen of the House, we have heard so much to-day as to what the founders of our Government thought and did about immigration, I thought it would be not only opportune but interesting to read a set of resolutions passed by the Continental Congress on August 14, 1776.

These resolutions were prepared by Thomas Jefferson; Richard Stockton, of New Jersey; James Wilson, of Pennsylvania, appointed later by Washington to the Supreme Court of the United States; and Benjamin Franklin, added later to the committee. The resolutions are as follows:

Whereas it has been the wise policy of these States to extend the protection of their laws to all those who should settle among them, of whatever nation or religion they might be, and to admit them to a participation of the benefits of civil and religious freedom; and the benevolence of this practice, as well as its salutary effects, have rendered it worthy of being continued in future times; and

Whereas His Britannic Majesty, in order to destroy our freedom and happiness, has commenced against us a cruel and unprovoked war and, unable to engage Britons sufficient to execute his sanguinary measures, has applied for aid to foreign princes who are in the habit of selling the blood of their people for money, and from them has procured and transported hither considerable numbers of foreigners. And it is conceived that such foreigners, if apprised of the practice of these States, would choose to accept of lands, liberty, safety, and a communion of good laws and mild government in a country where many of their friends and relations are already happily settled, rather than continue exposed to the toils and dangers of a long and bloody war, waged against a people guilty of no other crime than that of refusing to exchange freedom for slavery; and that they will do this the more especially when they reflect that after they have violated every Christian and moral precept by invading and attempting to destroy those who have never injured them or their country, their only reward, if they escape death and captivity, will be a return to the despotism of their prince, to be by him again sold to do the drudgery of some other enemy to the rights of mankind; and

Whereas the Parliament of Great Britain have thought fit by a late act not only to invite our troops to desert our service but to direct a compulsion of our people taken at sea to serve against their country: Therefore

Resolved, That these States will receive all such foreigners who shall leave the armies of His Britannic Majesty in America and shall choose to become members of any of these States; and they shall be protected in the free exercise of their respective religions and be invested with the rights, privileges, and immunities of natives, as established by the laws of these States; and, moreover, that this Congress will provide for every such person 50 acres of unappropriated lands in some of these States, to be held by him and his heirs in absolute property.

Resolved, That the foregoing resolution be committed to the committee who brought in the report, and that they be directed to have it translated into German and to take proper measures to have it communicated to the foreign troops.

Resolved, That Doctor Franklin be added to the said committee.

Mr. SNELL. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. JACOBSTEIN]. [Applause.]

Mr. JACOBSTEIN. Mr. Speaker and Members of the House, one day while the committee of experts were working on the national-origins proposition I happened to be at the Census Bureau. The commission was to report to the President of the United States what figures he should use as a basis for the national-origins provision. To my surprise I found the man in charge of the statistics was juggling them around to meet certain preconceived notions or objectives. I said, "Why do you do that," and he replied, "Because we have no scientific basis for the national-origins proposition and we have to manipulate it so as to satisfy all the national elements."

Now, mind you, geneltmen——

Mr. BOX. Will the gentleman yield?

Mr. JACOBSTEIN. I am sorry. I can not yield, as I have only three minutes.

Think of it. We pass a law to allocate immigration into the United States and then ask experts in the Census Bureau to get up figures which at best are sheer guesses.

Now, why do they have to juggle them there? I will tell you why. Anyone who knows anything about American history knows that in the census of 1790 the census enumerators never asked a man where he came from, what his nationality was, or what his racial stock was. We simply took his surname, "Jones," "Smith," "Barker," and so forth. On the basis of the name we later derived or deduced or guessed his national

origin. Now, how can you determine a man's national origin from his name? It can not be done.

We know that people change their names. George Washington's name was not always "Washington." His forefathers bore the name of Wyssington. People often change their names. The people who settled America were no exception. The census of 1790 is no sensible, scientific basis for determining immigration, and that is why the commission which was appointed to figure this out never was able to arrive at any just conclusion. While I was opposed to the 1890 basis, I claim it was much fairer, much more scientific, and much more workable than this hodgepodge, this monstrosity known as the "national-origins" proposition.

I can understand why some people should want to perpetuate the so-called "colonial stock," even though I do not accept the principle. But in allocating immigration quotas to nationalities to-day it is impossible to use the census of 1790, which did not collect or publish such data. The contest between the use of the national origins and the 1890 census is a contest between the English on the one side and the Germanic-Scandinavian stock on the other. I maintain you can not settle this contest by using the 1790 census.

I can not understand how anyone who knows American history, who knows how the early censuses were taken, can advocate the national-origins proposition. It is ridiculous. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield myself one minute.

Mr. Speaker, it seems to me, if I am correctly informed as to the situation in the other body, that independent of the merits or demerits of this proposition, we are about to do a very futile thing; that is to say, we are about to spend a half hour or more in discussion and then in the passage of a proposition that in all probability is not going to pass the other body. I may be misinformed about that; at any rate, I do not think it ought to pass.

Mr. TILSON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. TILSON. Has the gentleman any information from the other end of the Capitol on the subject? My understanding does not coincide with that of the gentleman.

Mr. GARRETT of Tennessee. Well, I may be misinformed concerning the matter, but if they do pass it they ought not to, and I hope this body will stop it here. [Applause.]

Mr. McCORMACK. The gentleman is speaking as the minority leader or individually?

Mr. GARRETT of Tennessee. Oh, I speak individually, of course.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I yield the three minutes I have remaining to the gentleman from Illinois [Mr. HOLADAY].

Mr. DOUGLASS of Massachusetts. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Tennessee may be extended one minute.

Mr. GARRETT of Tennessee. The time has been fixed. I would gladly yield to——

Mr. DOUGLASS of Massachusetts. I just want you to know you do not represent the northern Democracy in your position as a southern Democrat to-day.

Mr. GARRETT of Tennessee. Mr. Speaker, I hope the gentleman from Massachusetts will note that I did not claim to. [Laughter and applause.]

Mr. DOUGLASS of Massachusetts. And you never will have the right to claim it, either.

Mr. HOLADAY. Mr. Speaker and Members of the House, five years ago, when the restricted immigration law was passed, the House committee and this House, for reasons they thought were for the best interests of our country, fixed upon the 1890 census. In the Senate the national-origins amendment was added. The House conferees were opposed to that amendment; but as the gentleman from Tennessee [Mr. BYRNS] said this morning in speaking of another bill, a conference report is in the nature of a compromise.

At that time I was opposed to the national-origins provision, not because I was opposed to the result, but because I could foresee this very day. In my opinion the final result between the national-origins provision and the 1890 census basis is not especially material to the future of this country.

The national-origins clause reduces the number of immigrants some 14,000 and shifts a few thousand from one country to another. In my opinion, it is not especially material whether a thousand is taken from Sweden and added to Great Britain or a thousand from Great Britain and added to Sweden.

The trouble we have found in the national-origins proposition, and its inclusion in the 1924 immigration bill was from the day of the passage until this day it has been a cause of unrest on the part of certain foreign groups. Here is one foreign group that gets less under the national-origins proposition, than under the 1890 basis, and so they are opposed to its going into effect. The nationalities that would gain 200 or 1,000 are in favor of it. The result is that the national-origins clause has been hanging in the balance during the past five years that we have had a state of unrest.

If we postpone the operation of the national-origins clause for another year we continue the uncertainty and the unrest for another year. The thing that the House should do, the sensible thing for Congress to do, the thing that is best for this country is to repeal the national-origins clause, or to defeat this resolution and allow the national-origins clause to go into effect at once. [Applause.]

Mr. SNELL. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. VINCENT].

Mr. VINCENT of Michigan. Mr. Speaker, the statement was made on the floor by the gentleman from Ohio [Mr. JENKINS] that all persons who are in favor of the suspension of the national-origins clause are against restriction of immigration. I have been a member of the Committee on Immigration since the beginning of my service in Congress. I have been a strong restrictionist in respect to every action that has been taken on this subject. I helped prepare the 1924 immigration law. I believe in numerical restriction. I voted to make the total number less than was provided in the original bill introduced by the chairman of the committee, and as it was carried in the law the total was less than proposed in the bill as introduced.

Gentlemen have asked why suspend the national-origin clause again? I want to tell you one reason why, if you believe in scientific, accurate legislation. Because the so-called committee of experts have figured, under this complicated provision, the quotas of the various countries three different times and have given a different answer for the quotas of the various countries every time they have figured. They have never given out the quotas twice alike. If this committee of experts get a different answer to the quotas of foreign countries every time they act, what can be said of a Member of Congress who has to go to his district and tell his constituents how the matter is determined. Take the case of the British quota. This is just one example among many. At first, the experts said it would be 73,000; and they say now it will be 65,000 in round numbers per year. That is 8,000 people different from the quota of the former figures. They testified before the committee that it takes 600 mistakes in the allocation of the people of this country to the stock of a foreign country in order to make one mistake in the incoming immigrant number or quota. Six hundred times 8,000, gentlemen, makes 4,800,000 that they themselves testify that they had erroneously allotted to the British stock.

If such enormous errors as that can result under this provision—as indeed have resulted under it—and every time they figure the quotas from different countries under this provision they come to different results, I ask you whether this is legislation that the Congress of the United States desires to have the immigration to this country based upon? It is indefensible, because even the experts can not give the same answer twice.

Mr. BURTNESS. Will the gentleman yield?

Mr. VINCENT of Michigan. Yes.

Mr. BURTNESS. Assuming the national-origin provision would go into effect, would not the department always be under pressure to change their figures from year to year?

Mr. VINCENT of Michigan. Certainly. Every person in this country interested in some nationality, under this provision of law, if it goes into effect, will feel that such nationality has been cheated in the figures, and will constantly be carrying on prapaganda for a change, thus preventing the law from ever being regarded as stabilized and satisfactory.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 185, noes 78.

So the resolution was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 402, to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended. Pending that, I ask unanimous consent that one-half the time be controlled by myself and one-half by the gentleman from Texas [Mr. Box].

The SPEAKER. The gentleman from Washington moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the House Joint Resolution 402. Pending that he asks unanimous consent that the time be equally divided, one-half to be controlled by himself and one-half by the gentleman from Texas, Mr. Box. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to know whether I can have five minutes.

Mr. JOHNSON of Washington. I have had 50 requests for from 1 to 15 minutes. I have only 15 minutes at my disposal. I can not make any such promise.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Washington that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the House Joint Resolution 402.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 402, with Mr. HOOPER in the chair.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

House Joint Resolution (H. J. Res. 402) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1929," and inserting in lieu thereof the figures "1930."

Mr. JOHNSON of Washington. Mr. Chairman and members of the committee, your chairman of the House Committee on Immigration and Naturalization has been embarrassed many times and in many ways, not only at home but elsewhere, as well as in the deliberations of the committee, by this national-origins clause of the 1924 act. The plan is not easily understood. It is true that the House committee, in passing the 1924 restrictive immigration act, resisted the insertion of the national-origins clause, which was a Senate proposal. Gentlemen will remember while we were driving for the permanent law in 1924, to replace the temporary quota law of 1921, which was to expire on June 30, 1924, we had to work with considerable speed. Some 20 days were spent in conference between Senate and House. Oriental exclusion and other serious matters held the boards. Some things had to be done in haste. One of these was the national-origins paragraph. After numerous amendments, it was agreed to in conference. It has caused misunderstanding ever since.

Each postponement by Congress has developed changes in the origin, or blood stock, of the earliest people in the Colonies. Each such change has altered the figures showing the blood stock in the population as shown by the census of 1920.

It so happens that my paternal and maternal ancestors were of colonial stock. I have the honor to be a member of the Sons of the American Revolution; also of the Spanish War Veterans, the American Legion, and other similar organizations which are reported as having indorsed the national-origins plan. Nevertheless, I am opposed to aristocracies of blood, and I am opposed to aristocracies of every kind in the United States of America. I am opposed to organized alien groups in the United States. I am opposed to the demands made by these groups for political power. I am opposed to their activities through the foreign-language press. It makes it harder to assimilate those who really desire to be assimilated and affects the second generation.

The public demands more restriction of immigration, and I am in hopes that a bill can be prepared which will more effectively restrict. Quotas should be issued for whole families and not for individuals of a family.

In my opinion, both the 2 per cent of 1890 and the national-origins proposal are merely yardsticks for getting a measure that will cut quotas and keep us within our treaty obligations. Whichever plan prevails, the total quota for new seed immigrants should be much less.

We suffer now from much blood-stock animosity because we were fully 25 years too late in the restriction of immigration. These charges of prejudice and discrimination will continue, no matter which plan finally prevails. It persists because of the stock from which any one of us sprung in a population of 120,000,000 souls. Pride of ancestry is a noble attribute; just as noble in an Irishman as in a Welshman. A Roman can be as proud as a Dane, and in the United States it takes several generations to wear away the hyphen.

In my opinion the putting into effect of the national-origins provision will result in a new charge of discrimination, new schemes for the allocation of quotas, and new demands for the use of the 1930 census.

The 1921 quota law was the first positive step toward restriction to numbers certain. It was Public Act No. 5 of the administration of President Harding. The permanent quota act was signed by President Coolidge, and is certain to stand out as one of the great acts of his administration. [Applause.]

I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, I presume I disclose no secret when I tell the Members of this House that, while myself native born, I am one of those of rather recent European origin who both here and elsewhere have been labeled as likely to be less patriotic than some others. I resent any such imputation, and I ask both sides of this discussion to refrain from any further reference to such a preposterous and slanderous suggestion. Patriotism and loyalty are attributes of the heart and mind and are not proven by ancestry or genealogy.

We are here to determine the one question, whether the national-origins provision shall go into effect immediately or be postponed for another year. I am a restrictionist and have supported every measure for the restriction of immigration that has come up for action during my membership in the House. I voted for the immigration act of 1921 as well as the immigration act of 1924, although in the latter case I opposed the national-origins provision, as I do now.

When the immigration act of 1924 was passed the House based future immigration quotas entirely upon the census of 1890, providing that 2 per cent of the number of persons born in each foreign country then resident in the United States should constitute the immigration quota from that country. The Senate amended the bill by inserting the national-origins provision. The House twice rejected this amendment, but eventually, the session drawing to a close, we were advised that if there was to be any restriction of immigration at all the conference report containing the present national-origins provision would have to be accepted. Even then the Congress realized that the national-origins basis was not immediately definite or workable and therefore postponed the operation of that provision until July 1, 1927, and also provided that the determination of the quotas on the basis of national origins should be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor jointly. On January 3, 1927, these Secretaries submitted to the President a tabulation of quotas as prepared by employees in their departments, and in their report they said:

The report of the subcommittee is self-explanatory and is stated to be a preliminary report, yet, in the judgment of that committee, further investigation will not substantially alter this presentation.

Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore can not assume responsibility for such conclusions under these circumstances.

The Senate on February 1, 1927, passed a resolution postponing the operation of the national-origins provision until 1928. The House Committee on Immigration and Naturalization amended this joint resolution so as to provide for the repeal of the national-origins provision. Since the Congress was about to expire on March 4, the joint resolution was recommitted to the committee which subsequently reported a resolution for postponement, and on March 3, 1927, the resolution for postponement passed the House by an overwhelming vote—234 to 111.

The committee of Secretaries made a second report to the President on February 25, 1928, and their subcommittee then stated that they had made a further investigation of the subject matter and had secured the result of the investigations made by research experts, employed by the American Council of Learned Societies, which indicated that the English element, as given in the Century of Population Growth, published by the Bureau of the Census about 20 years ago, was too large and that on the basis of data which they had submitted and of information derived from other sources the subcommittee had come "to the conclusion that the English element, as there given, should be reduced by a little over 10 per cent and the

amount of the reduction distributed among the other nationalities represented in the population of the United States in 1790." The subcommittee also stated that it had revised its estimates for territory not covered in the census of 1790 and had also made "estimates" of the "unrecorded immigration which came to this country between 1790 and 1820." This report was so unsatisfactory that both the Senate and the House with practical unanimity passed another postponing resolution which became effective on March 31, 1928.

The changes which had been made during the year by the subcommittee, acting for the committee of Secretaries, affected about 10,000,000 of the present white population of the United States. This year the committee of experts has again reported to the President on February 21, 1929, that they have made further investigation, and that the processes followed in utilizing census and immigration statistics, as explained in their previous reports, have been reviewed and somewhat improved. The committee stated, however, that "as a result of the very considerable amount of effort thus expended, the figures previously submitted have been slightly revised." No claim is made that the figures are more trustworthy or reliable than they were in previous reports.

In the presidential campaign last fall both of the candidates for President, of the Republican and Democratic Parties, declared their opposition to the national-origins provision. President-elect Hoover said in his speech of acceptance at Stanford University, California, on August 11, 1928:

> No man will say that any immigration or tariff law is perfect. We welcome our new immigrant citizens and their great contribution to our Nation; we seek only to protect them equally with those already here. We shall amend the immigration laws to relieve unnecessary hardships upon families. As a member of the commission whose duty it is to determine the quota basis under the national origins law I have found it impossible to do so accurately and without hardship. The basis now in effect carries out the essential principle of the law, and I favor repeal of that part of the act calling for a new basis of quotas.

Mr. Hoover, as Secretary of Commerce, with the Secretary of State, Mr. Kellogg, and the Secretary of Labor, Mr. Davis, was charged specifically with the duty of determining the figures or numerical calculations which were to form the basis for immigration quotas upon the theory of national origins. In fact, the Bureau of the Census in his own department performed the greater part of the work and necessarily conferred with him in reaching its conclusions. No better authority on the subject can be conceived than Mr. Hoover himself.

The fundamental difficulty about this matter is that the census of 1790 gave no information whatever as to the national origins of the inhabitants of the Colonies, and therefore advocates of the national-origins plan have been forced to try to determine the origins of those inhabitants by the names of the people at that time. Did you ever know that Nobel, the man who founded the Nobel Foundation, was a Swedish citizen? Do you know that De Laval, the man who invented the cream separator, was a native of Sweden? Who would guess that the names of Hamilton, Douglas, Dickson, Wachtmeister, and Wallenberg are Swedish names; and still they represent some of the leading families of Sweden. As is well known, one of the 13 Colonies (now the State of Delaware) was of Swedish origin and bore the name of New Sweden in its early history.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Speaker, I wish to express, under the leave to extend my remarks, my appreciation of the attitude in this matter of the chairman, the gentleman from Washington [Mr. JOHNSON], and the other members of the Committee on Immigration and Naturalization. They originally reported a bill to repeal the national-origins provision, when this matter was first presented in 1927.

They realized the futility of the attempt to reach a fair and accurate conclusion upon the available historical and statistical data. The members of the committee, like other members of the House, have been flooded with telegrams, letters, and communications, which have tried to place the issue of this numerical computation upon the plane of patriotism and devotion to true Americanism. The fact is that many of those who so persistently have advocated the national-origins plan are not themselves free from the influences which they impute to those who differ with them. They speak of their "own national stock" and of their "own ancestry," in many cases so remote that they certainly can not trace them except through tradition or hearsay. It is unfortunate to raise such distinctions and classifications of our citizenship at a time when we particularly should be solicitous in securing national unity. The immigration, frequently designated as postcolonial, which has been the subject of these aspersions, has rendered valuable contributions to the growth and progress of our Republic, and in our national emergencies it has borne its full share of sacrifice of life, limb, and treasure for the preservation and welfare of our common country. Happily, these views have the approval of the great mass of our citizenship, without reference to their own national origin.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman from Texas use some of his time?

Mr. BOX. Mr. Chairman, I yield two minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, I wish to register at this time an emphatic protest against three actions on the part of the majority party in the closing days of this Congress: First, the deliberate decision yesterday afternoon to hold no session last night and to take a recess until 10 o'clock this Sunday morning. I challenge the majority leader to show any justifying reason for holding a business session of Congress on this the Sabbath day; next I protest against the action taken Friday at the urgent insistence of the Republican leaders, whereby you legalized all unlawful entries in this country of aliens prior to the year 1921, and armed them with the right to become American citizens, and later bring to our country millions of their foreign relatives; and next I protest against the effort now being made on this Sunday morning to defeat what is known as the national origins law, and which in the absence of further legislation will become effective on July 1 next, and reduce thereafter the number of aliens who can annually enter by approximately fourteen thousand.

Mr. BOX. Mr. Chairman, I yield four minutes to the gentleman from Florida [Mr. GREEN].

The CHAIRMAN. The gentleman from Florida is recognized for four minutes.

Mr. GREEN. Mr. Chairman, I shall ask not to be interrupted by questions.

In the legislation which is now before us, gentlemen, you have an opportunity to vote to directly express yourselves in favor of the alien bloc of America or in favor of the national patriotic organizations and American institutions. You have a chance of expressing yourselves here by your vote to-day for those original colonists who came here and founded the country and show the country that the alien blood shall now devour us. You have your chance to stand for the supremacy of native Americans. If you will notice, the gentlemen who are to-day advocating a delay and putting off the application of the national origins are 9 out of 10 of them for open immigration, not for restriction. They work against restrictions because they represent alien districts.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. GREEN. No; I can not yield; I am sorry. However, I do blame the chairman of the Committee on Immigration when he says he is a restrictionist and yet knows that putting off the national origins will admit thousands more aliens into the United States; I blame him when he comes here and poses as a restrictionist and yet calls upon the members of his party to put off once more the operation of the national-origins clause.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. No; I can not yield.

I hope those who have behind them the courageous and patriotic Sons of the American Revolution and the other allied patriotic organizations of this Nation will heed these requests and vote against putting off the application of the national origins.

A large number of alien organizations have petitioned your Committee on Immigration to put off the national-origins provisions. On the other hand, every organization I know of in America which stands for the perpetuity of our national institutions and American ideals have called upon you to vote against putting it off. Now, which are you going to do? You had just as well face the facts. Are you going to join the alien blocs and organizations and refuse to heed the request of 90 per cent of the American people to have restriction or are you going to vote for restriction? It is a matter of voting against restriction or a matter of voting for restriction. I shall vote for restriction of immigration. [Applause.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Chairman and members of the committee, in order that you may know what the basis of the national-origins provision means you must know what the 1790 census was, since that is the basis for working out this plan. I have here in my hand the 1790 census. Only the male heads of families were enumerated. Women did not count. Their blood does not count in allocating the quotas under the national-

origins provision of the immigration act of 1924. The census of 1790 does not directly give us any information regarding racial or national lineage. To determine this we assume that certain surnames indicate racial or national origins. This is pure guesswork.

I ask you, gentlemen, where would you classify Johnson, Johnstone, Jonson, Johnston, Jensen? Is it Irish, is it Scotch, or is it English? What are you, Mr. JOHNSON? "Johnsons" may be Swedes or Scotch or English. How can the experts decide? They guess at it. How do they know where to place him? I will ask you, Mr. GARRETT, how the experts are going to decide whether you are Irish, Scotch, French, or English? "Garrett" is spelled with variations in many ways.

There is nothing in the records to indicate whether Garrett is or was originally "Garrett" or "Gerot." Take the name of the gentleman from Ohio [Mr. JENKINS], who defends the national-origins plan. Is it English? Why, no. It probably is Welsh. I asked the distinguished Speaker of the House [Mr. LONGWORTH] why his name is not in the 1790 census. Why is not his name here? His ancestors were here. The census takers just overlooked them. There are many such omissions. They fought in the Revolutionary War, but their names are not in this original census list.

Gentlemen, the 1790 census is the most ridiculous basis for allocating immigration quotas that can be proposed. The military records of the patriots of the Revolutionary War are the best proof of the inadequacy of the 1790 census. The confusion in the spelling of names by the enumerators is undoubtedly responsible for many errors. Folks changed their names then as they do now. A man's name to-day is no proof of his ancestors' origin. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOX. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman has nine minutes remaining.

Mr. BOX. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include some brief quotations.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOX. Mr. Chairman, ladies and gentlemen of the House, the very fact that this proposition is pending is unfortunate. If the national-origins provisions of the immigration law are bad, they should be repealed. If they are sound, we should let them alone. It is a pity to see certain alien blocs and politicians holding Uncle Sam astride the fence. Being unable to completely control him, they pull him back every time when he desires to go on his own American way.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. McREYNOLDS. Is the gentleman advised that the Senate has recessed until 11 o'clock to-morrow, and that they do not intend to take up this matter?

Mr. BOX. I think it would make this more popular if it were understood that it did not mean anything.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BOX. Certainly.

Mr. GARRETT of Tennessee. The gentleman from Connecticut [Mr. TILSON] asked me a few minutes ago if I had any recent information from the Senate. I have now. The Senate has recessed until 11 o'clock to-morrow.

Mr. TILSON. That does not change the situation so far as we are concerned. We should do our duty regardless of what another body may do. [Applause.]

Mr. BOX. I must pause here long enough to deal with some of the quibbling statements made during this debate by those who are trying to destroy these salutary provisions of the law. The gentleman from New York [Mr. JACOBSTEIN] undertook to interpret to this House the findings or views of the Census Bureau on the sufficiency of the data on which the national-origins quota is to be based. In view of what I know to be the attitude of Doctor Hill, Assistant Director of the Census and chairman of the board of experts, and the view of at least some of his responsible associates on that board, I am driven to the conclusion that the gentleman from New York [Mr. JACOBSTEIN] either talked with some politician in the bureau or thereabouts who, like some gentlemen here, wants to see this law destroyed, or that he talked with some mouthy, irresponsible clerk. The idea of having such a personal conversation presented here as information on which this House should act is itself ridiculous. This is still more pitiful in view of the fact that there are abundant official sources from which explicit information on this point can be obtained.

On January 18, 1927—committee hearings of that date, pages 7 to 25—concerning the work of that board under the provisions of the law, Dr. Joseph A. Hill, Assistant Director of the Bureau of the Census and chairman of that board, among other things, said:

The CHAIRMAN. But, on the contrary, errors one way would be balanced by errors the other.

Mr. HILL. That is true. We must remember with regard to most nationalities that that portion which came from 1790 stock forms only a relatively small part of the total quota, and you might have a considerable margin of error in that part without affecting the total very much.

The CHAIRMAN. It was suggested to me at one time that if the committee of which you were chairman had had authority to take all the population up to 1790 and then double the minority of the population, admitting the greater part of it is British, even that doubling would not greatly affect the total reached?

Mr. HILL. It would not make a very great difference.

Mr. DOUGLASS. How extensive was that first census of 1790?

Mr. HILL. It covered all the United States, then.

Mr. DOUGLASS. By comparison, if you have an opinion on the matter, how does it stand as to later censuses as to accuracy, if you have an opinion? In other words, are not the facilities of to-day more comprehensive and more liable to give us exactness than in 1790, when there was not the same means of arriving at accuracy?

Mr. HILL. My opinion would be the contrary in view of the fact that at the present time our great difficulties in these censuses come from the big cities where we have congested population, and we had nothing of that kind then. The communities were smaller. The enumerator would have a better personal knowledge of the people he enumerated. My belief is it would be easier to take an accurate census in those days than now. They did not hurry, but took their time, went from house to house. There were no big cities with a mixed, congested population at that time, and, consequently, I feel it is more accurate.

* * * * * * *

The CHAIRMAN. We had a small population, mostly from certain principal countries, and as he said, it is not so much of a guess; an estimate of a few at that time makes very little difference to the computation, and that is an answer to the question of Mr. DOUGLASS.

Mr. BOX. You do not say that it is unsafe or do not argue about its safety or the policy, but you say that such a research as might be made might add somewhat to the accuracy of it?

Mr. HILL. Yes; that is correct.

* * * * * * *

Mr. JENKINS. What would be your judgment as to whether or not the population of these increases of territory, the Louisiana purchase, the Florida purchase, and the acquisition of Texas, would affect your figure?

Mr. HILL. It would have some effect. We took that into account. It is rather a small element, perhaps 150,000 or 156,000; we took such figures as we found available.

Mr. BOX. So all those that were here in 1790 were considered as native stock?

Mr. HILL. We called them native stock, and only those that have come in since immigrant stock.

Mr. BOX. As to these elements outside of the thirteen Colonies, you had access to different records you found in history and otherwise, as to whether the Spaniards settled Texas or Florida, the French Louisiana, etc., and you figured those elements as factors in this computation?

Mr. HILL. Quite right.

At the 1928 hearings by the Senate, Senator DAVID A. REED asked the following question of Doctor Hill:

Senator REED. I would like to ask Doctor Hill, who is a census expert, what, in his opinion, is the fairest way to all of the nationalities involved of calculating the distribution of the aggregate quota of immigration that Congress sees fit to admit?

Doctor HILL. I am not sure that my qualifications as a census expert make my judgment on that question of more value than other people's. I will say, however, that no proposition has been brought to my attention that seems to me fairer than this one of national origins. There seems, indeed, to me to be a rather marked absence of alternative proposals, except the 1890 basis; that is about the only alternative I have had brought to my attention as against the national-origin plan. (Hearing, 1928, p. 17.)

Moreover, we have the recent official report, dated February 25, 1929, Senate Document No. 259, in which the three Secretaries show that they have been able to make these computations. On page 2 of that report the language is:

In compliance with the directions of this statute we have appointed a departmental committee to study this subject and to make calculations of what the quotas should be under the provisions of the law; and after consideration of and based upon the report of that committee, we, in the discharge of the duty laid upon us by the statute, have made the determination provided in subdivision (c) of section 11 of the act and jointly submit herewith the quota of each nationality determined as provided in subdivision (b) of the act. We also transmit the report, with its two inclosed tables, of the departmental

committee appointed by us to study this subject and make calculations of what the quotas should be under the foregoing provisions of the act.

The committee appointed by the three Secretaries to make and report this ascertainment had, on February 21, 1929, made a report to them in which, among other things, they said:

SIRS: The committee which you appointed to determine immigration quotas on the basis of national origin as prescribed by the immigration act of 1924 respectfully submit the following report:

As a result of careful search carried on during the year that has elapsed since the previous report of February 25, 1928, was submitted, a limited amount of additional data, principally in the field of foreign statistics of emigration to the United States, has been obtained and utilized. At the same time the processes followed in utilizing census and immigration statistics, as explained in our previous report, have been reviewed and somewhat improved. As a result of the very considerable amount of effort thus expended, the figures previously submitted have been slightly revised. We are of the opinion that further study would not appreciably modify these results.

That report was signed by Richard W. Flournoy, jr., and S. W. Boggs, representing the Secretary of State; Joseph A. Hill, chairman, and Leon E. Truesdell, representing the Secretary of Commerce; and W. W. Husband and Ethelbert Stewart, representing the Secretary of Labor.

The answer to the unfortunate statements made here to the effect that such an ascertainment can not be made is that it has been made, and that the experts were so well satisfied with it that they felt justified in saying that "further study would not appreciably modify these results."

Inquiry was made of Doctor Hill about the accuracy of the showing of the foreign-born population in the country by the 1890 census as to its proportions to our entire population. I give the questions and answers:

Senator REED. Does the distribution of quotas based on the 1890 census reflect with any accuracy the proportion of nationalities that now exists in the United States?

Mr. HILL. No, indeed; it does not.

Senator REED. It gives the German quota, for example, 51,000 out of a total of 164,000.

Doctor HILL. Yes.

Senator REED. Is the German element in the American population 51 to 164, namely, 31 per cent?

Doctor HILL. No, sir; it is not. I do not see how anyone could be surprised at the fact that the German element forms a smaller portion of our total population in 1920 than it did of the foreign-born population in 1890; and in the same way with some of the other nationalities. Everyone must know, I suppose, that the English formed a larger proportion of the original stock in 1790 than any other nationality, and that they must form a larger proportion of the present population than they did in the foreign born in 1890. That seems to me almost self-evident without regard to whether our figures are accurate or not. That is a general fact that must result from the shifting from the 1890 to the national-origins basis. (Senate hearings, 1928, p. 17.)

Doctor Hill further testified as to the lack of accuracy of the 1890 census figures showing the foreign born merely as statistical records of such foreign born by countries of birth, with the following result:

Senator REED. If the question be raised of the element of uncertainty due to changes in political boundaries of Europe, it is true, is it not, that the element of uncertainty pertains as much to the 1890 basis as to national origins?

Doctor HILL. Quite true.

Senator REED. There is a necessary factor of guesswork there?

Doctor HILL. Or of estimate; yes.

Senator REED. In the effort to determine what portion of German immigration, let us say, came from German Poland?

Doctor HILL. Yes; I think there is perhaps a somewhat erroneous impression about that. Most people, I believe, have the idea that the 1890 basis rests upon exact figures, but that is rather far from being the case, because the 1890 census does not show how many people there were in the United States in 1890 who were born in that portion of Europe which is now Czechoslovakia. That had to be estimated. It does not show how many people there were in the United States in 1890 who were born in that portion of Europe which is now Yugoslavia; that had to be estimated. It does not show how many people there were from that portion of Europe which constitutes the present Germany or the present France, or the present Irish Free State; all through that had to be estimated. The law contemplates that. It provides that where there have been transfers of territory the number of people born in the transferred territory shall be estimated. So there is a pretty large element of estimate in the 1890 basis.

Senator REED. Of course, that is true of all the new countries created by the war; for example, Poland, Lithuania, Latvia, Estonia, Finland.

Senator WILLIS. That is practically a matter of guesswork?

Doctor HILL. We worked it out as carefully as we could. In making the 1890 allocation, as there was not very much time for careful study, the committee adopted rather arbitrarily the assumption that the immigration from the original country had been spread evenly through the parent country—say that 10 per cent of the population had been transferred from one country to another, it was assumed that the transfer took with it 10 per cent of the immigration. That was the assumption we made in arriving at the quotas on the 1890 basis. (Senate hearings, 1928, pp. 11 and 12.)

I call your attention to the statement of Doctor Hill, last above quoted, as to the estimates and uncertainties involved in the computation of the quotas based on the census of 1890. It may be that the suggestion of Senator Willis that, because of the elements mentioned, and, I may add, others not mentioned, the making of quotas based on the census of 1890 was "practically a matter of guesswork" is not quite justified. But I am justified in saying that there are many assumptions and uncertainties in computing quotas based on the census of 1890 as there would be in reckoning from the figures of any other one census. We have a right to make assumptions necessary to the maintenance of our restrictive policy. I will stand by the basis which the country fixes. If we are left nothing but the census of 1890, I will stand by that. But the national origins is more logical, more scientific, sounder, and would probably be more enduring than would the census of 1890, which was adopted only as a temporary basis. No part of the population of Europe and no bloc of people here, with or without strong foreign attachments, has any vested right in any temporary or permanent quotas which the country has found it convenient to use.

Another group of unjustified assertions were made in this debate in the desperate effort to discredit the support which the American Legion is giving to national origins and their great interest in its application. It was said that if anybody had spoken for the American Legion in support of national origins it was done without authority by some one who took upon himself that function and properly represented no one but himself in making such statements. Now, compare that statement with the facts. Mr. John Thomas Taylor is vice chairman of the legislative committee of the American Legion, appointed by the national executive committee and the national commander of the Legion to represent the Legion in legislative and other matters at Washington.

Mr. Taylor has held that important place for some 10 years. He appeared before the Senate committee during the early days of February, 1929, in behalf of the Legion and made an extensive and very strong statement before the Senate committee in opposition to just such a proposition as this one. Moreover, his authority to speak for the American Legion on this question does not result from his position alone. At its national convention, held in San Antonio, Tex., during 1928, its last preceding national convention, the American Legion specifically indorsed the national origins provision of the immigration law. That was done by a formal resolution. I now quote the language which their official spokesman used before the Senate committee of this Congress on February 9 in indorsing national origins, as follows:

(1) The Legion believes firmly in restrictive immigration. We believe that this is our country, and that we are entitled to be the judge of whether we shall allow people to come here from foreign countries to make their home with us, or to say to them, "We now have sufficient persons of other races within our shores."

(2) As we favor restrictive immigration, the question of how the immigrants should be chosen is of paramount importance. The selection of immigrants upon the basis of the foreign-born population resident in America at any selected date is manifestly unjust, and opens such a basis to the charge of discrimination. This discrimination must inevitably exist, regardless of the census upon which it may be based.

(3) The theory of the national origins of the entire population of the United States is therefore the fairest basis upon which immigration quotas may be based.

It is probable that this very language is largely a quotation from the resolution passed by the Legion in its national convention.

The groundless assertions that no one had any authority to speak for the American Legion on this question is an example of the desperate straits of those who are advocating this resolution and are on a parity with Mr. JACOBSTEIN'S repetition of gossip with some clerk or politician in the Census Bureau whose findings and conclusions have been so clearly stated by Doctor Hill.

An effort has been repeatedly and continuously made to create in this House the belief that the national-origins quota is based solely on the census of 1790 and that is followed by quibbles about names appearing on that census roll and the changes through which they have gone since. The census of 1790 is but

one factor, and a relatively small factor, in the computation of the quotas under the national-origins plan. In his testimony before the House committee on the 18th day of January, 1927, Doctor Hill showed the fact just stated. I quote:

The CHAIRMAN. But, on the contrary, errors one way would be balanced by errors the other.

Mr. HILL. That is true. We must remember with regard to most nationalities that that portion which came from 1790 stock forms only a relatively small part of the total quota, and you might have a considerable margin of error in that part without affecting the total very much.

The CHAIRMAN. It was suggested to me at one time that if the committee of which you were chairman had had authority to take all the population up to 1790 and then double the minority of the population, admitting the greater part of it is British, even that doubling would not greatly affect the total reached?

Mr. HILL. It would not make a very great difference.

Note that Doctor Hill says that—

that portion which came from the 1790 stock forms only a relatively *small* part of the total quota—

And that we—

might have a considerable margin of error in that part without affecting the total very much.

The report of each census following 1890, the history of emigration from the countries contributing to our population stock, the history of the elements of population in Louisiana, in Florida, in Texas, and all information from all sources constitute the basis of the national-origins quota ascertainment. The purpose is to proportion our immigration to the racial stocks in America, computing native born along with all the rest, as the basis of our quotas as distinguished from a foreign-born basis. It is distinctively American in character. That is one of the chief causes of objection to it.

Everyone who is opposed to the restrictive features of the immigration law is opposing national origins and supporting this proposition, not because the proposition will not work, but because it will work.

Informed supporters of the immigration laws have from the first known the difficulty of maintaining the quota system with the census of 1890 as a permanent basis. That date is receding and will recede too far into the past. Because that and other weaknesses in that basis were recognized when the act of 1924 was written, the national-origins provisions were made the permanent basis and the keystone of the arch of the quota system. When you remove it you imperil the whole structure. Some of us will try to hold the pieces together, but there will be difficulty.

This attack does not result from sound reasoning in the interest of the law; it comes from bloc consciousness, bloc selfishness, and want of Americanism in certain foreign-born and hyphenated groups. Chief among these is the Steuben Society, which is the successor of the disloyal German-American Alliance. I quote from an article in the issue of the Progressive of February 15, 1927. The Progressive seems to be the main organ of the Steuben Society. The article from which I read is entitled "The Genesis of the Steuben Society of America." It begins with this sentence:

The fact that the German element in the United States did not make its influence felt to prevent President Wilson from dragging the country into war has been both a puzzle and a reproach. * * *

Of efforts to organize German forces in America, this article further says:

Efforts were not lacking to gather the clans. A meeting attended by representatives of all the German societies throughout the United States and attended by prominent Irish leaders—who proved steadfast during the war and were in intimate touch with Sir Roger Casement later—was held at the Willard Hotel in Washington in January, 1915.

Boasting of the loyalty of this type of German-Americans to the German Empire during the World War, this article says:

But still the German-American middle-class citizens did not waver; and hardly a shopkeeper or home owner among them but scraped his till to subscribe to the German war loans.

I shall show that this act, which you are asked to pass here to-day, is a part of the program these men have marked out for you. Continuing, and showing how these German elements, representing the old German-American Alliance and similar societies, merged into the Steuben Society, this article says:

A number of these stout-hearted men in New York resolved to form a secret society to which only American citizens of German blood, however remote their ancestry, should be admitted, hoping in this manner to supply a rallying point for all of their kindred who have suffered such shocking disappointment of faith in a government, * * * [meaning the Government of the United States].

He continues, and engages in a vicious and slanderous attack on the American Legion, saying:

The movement was inaugurated with great secrecy. The armistice had been signed, the war was at an end, but the air was still charged with high explosives. The American Legion, an organization of ex-service men, made some notorious attempts to continue the war in the United States.

Continuing to refer to the American Legion, he says:

In various localities they invaded German-American women's bazaars, held to raise money for the starving women and children of Germany.

Still venting disloyal German spleen on American war veterans as organized in the American Legion, this article continues:

In North Dakota a gang of rowdies, under the Legion banners in automobiles, armed with rifles and revolvers, stampeded a valuable herd of milch cows that had been collected at great financial sacrifice to be entrained for the East for shipment to Germany to relieve the milk famine.

But for the activity of that group some other good people whom they have stirred up would never have found occasion for complaint.

Our late lamented colleague, Hon. William N. Vaile, a thoughtful, diligent Member of this House and of its Committee on Immigration and Naturalization, on the 16th day of November said in this Chamber:

Mr. Speaker, an organization composed of American citizens of German birth or descent, known as the Steuben Society of America, is waging a vigorous campaign for the amendment of the immigration act of 1924.

Their opposition is based on the fact that these provisions are American and not pro-German. That group has grossly assailed one of our Presidents, now dead, and the President now living. I shall insert here what they said about President Coolidge in the very organ which they have used to attack these laws. That attack was made because he is an American and not a pro-German President.

In the June 15, 1927, issue of the organ of the Steuben Society is an article entitled "Sacred Hypocrisy," from which I quote:

Regarding President Coolidge's Memorial Day address, we readily concur in a good part of the criticisms which have been made upon it, notably with the opinions expressed by the German press with regard to his professions of principles, rendered little short of ridiculous in the light of our share in the making of the Versailles treaty.

* * * * * * *

The United States can afford to be above hypocrisy, but as long as Coolidge and his school of political leaders are in and about the White House the United States will never know the truth from official sources; the archives will never be opened that the motives why we entered the war may be revealed to the light of day.

In the same connection I shall insert, not all, nor a considerable part of their vile slandering of Mr. Hoover, but enough of their expression to show how they formerly hated him and when and how their attitude toward him changed.

In the June, 1928, number of their organ, the Progressive, which is a considerable magazine, published at Chicago and New York, on page 14, Frederick F. Schrader, editor of the Progressive, said:

The United States discovered Mr. Hoover during the late war. The great corporations and syndicates of England and Asia which specialize in the exploitation of natural resources of the undeveloped areas of the world knew him well before that time.

That and former issues of the Progressive are filled with matter about Mr. Hoover which I shall not disseminate and perpetuate by including in my remarks.

On page 4 of the August number of the same magazine is an article entitled "We Admit Our Error in Our Fight Against Herbert Hoover," by George W. Angerstein, president the Progressive magazine.

In the same issue of the same magazine is an article to the same effect by the editor, Mr. Frederick F. Schrader.

Why this sudden change of attitude by the organ of the Steuben Society between June, 1928, and August, 1928? In the New York Times of July 13, 1928, with a Washington date line of July 12, the following appears:

GERMANS WILL VOTE LARGELY FOR HOOVER, WORK IS ASSURED—SIX SPOKESMEN IN WASHINGTON COUNT 95 PER CENT FOR REPUBLICAN TICKET

* * * * * * *

(Special to the New York Times)

WASHINGTON, July 12.—While Secretary Hoover was conferring today with callers on plans for the campaign, Chairman Work, of the Republican National Committee, received representatives of several German-American organizations, who told him he could expect not less than 95 per cent of the citizens of German blood to vote for Hoover and Curtis.

* * * * * * *

LEADERS HAIL GERMAN REPORT

The report on the German-American vote information was considered of such importance that the national committee this afternoon made the facts of the conference the subject of an official statement, as follows:

"Six representatives of German-American groups pledged their support to Secretary Hoover at a conference with Chairman Work to-day.

"The delegation was composed of George W. Angerstein, organizer of the Steuben Club of Chicago and president of the Progressive magazine; Frederick F. Schrader, of New York City, editor of the Progressive, former secretary of the National Congressional Committee, and author of the first Republican textbook in the campaign in 1896; Thomas C. Angerstein, president of the National Historical Society; and Walter Miller, vice president of the Steuben Club of Chicago; Walter H. Brandenburg, vice president of the Board of Education of Chicago; and John J. Gorman, former Member of Congress from Illinois, and attorney for the Steuben Club.

"In deciding to support Mr. Hoover, members of the delegation admitted they were reversing their former position in opposition to him. The members of the delegation predicted that 95 per cent of the so-called German vote would go to the Republican nominee.

"Voters of German ancestry in the United States are interested especially in the national origins act, members of the delegation told Doctor Work, because they feel it is a reflection upon the quality of their citizenship. The delegation which visited the chairman was chosen at a general conference in New York City, which was attended by German-American publishers and representatives of German-American groups in New York, New Jersey, Illinois, Missouri, Nebraska, and Wisconsin."

* * * * * * *

The American Legion is another American institution which they hate bitterly and have widely slandered, because our boys, from the humblest privates to the officers in high command, were the opposite, very opposite, of pro-German. The American Legion is one of the leading organizations opposing this pending measure, which is a cowardly cringing to pro-German demands. I have already quoted several of their attacks upon the Legion and could quote many more, but I desist.

The American Legion was strongly represented before the Senate committee in support of national origins as an American provision of these laws. Along with the Legion are the Sons of the American Revolution, the Daughters of the Revolution, Daughters of the Union Veterans of the Civil War, Ladies of the Grand Army of the Republic, United Spanish War Veterans, Sons of the Confederacy, Daughters of the Confederacy, Disabled American Veterans of the World War, the National Women's Relief Corps, and some seventy other patriotic groups of the very best of our people, moved by devotion to dear American ideals—not catering to political machines and alien blocs—not running for office or pursuing any selfish design, but loving and working for good America, as their fathers and mothers did, without money and without price.

All these, led by the American Legion, are asking you not to do this thing.

This Chamber is the battle ground between two lines of opponents. The American Legion and their associates, blessed by the good wishes of a vast majority of America's millions, are on one side, while the Steuben Society leads certain politicians, hyphenated blocs, and kindred associate groups on the other side. I wonder who will win the contest—the American Legion and their associates and friends or the Steuben Society and their allies? The result will be a victory for one and a defeat for the other. If it were an open fight, I would expect the Legion, the Sons of the Revolution, and their fellow patriots to win. But they do not know all the wiles and camouflages of politics and politicians. I shall feel deeply humiliated if, in this devious arena, Uncle Sam's own boys and girls get lost in the maze and suffer defeat. If the long, loud roll of ayes repudiates the position of the American Legion on this question and proves that the pro-German and alien forces are the stronger, it will constitute a sad tattoo, a retreat, temporary, I hope, of heroes and patriots.

If our votes sustain the Sons and Daughters of the Revolution and all like them, headed by the American Legion, the flag will look still more distinctively American and the future brighter.

Mr. JOHNSON of Washington. Mr. Chairman, we are about to conclude the debate on this distressful subject. The debates on this and other bills from the Committee on Immigration and Naturalization will give you some idea of the labor and stress that goes on in the committee. That strain is great. You can well imagine. I desire now to thank my colleagues on the committee for long hours of faithful work. We get along nicely in spite of our violent differences. We all desire to serve the country and to do what is best for the future of the country. I thank the gentleman from Texas, Judge Box, for his energy and fidelity and his earnest study of these problems. I owe thanks to the gentleman from Illinois, Judge SABATH, for his detailed knowledge of many laws on the subject, he being the ranking member in point of service on the committee. I thank Mr. VINCENT, Mr. FREE, Mr. JENKINS, and all of the others, for their efforts to hold our own committee debates to reason and to sane law.

I regret that it has been necessary so often to change the membership of the committee. Strong men here who have been on the committee two or three terms have moved to other committes—"moved up," as the saying goes. Perhaps some other committees are of higher rank and with greater privileges on the floor, but, my colleagues, this overworked Committee on Immigration and Naturalization holds the key, I firmly believe, to more of the problems of the United States, present and future, than any other committee. One member who left our committee to "move up" to a place on the quiet, dignified Committee on Foreign Affairs told me afterwards that he imagined that he felt like a man who had divorced his wife when he should not have done so. [Laughter.]

But our Committee on Immigration moves on. By the very nature of things we become extremists, and yet we progress by compromise. The mail from every congressional district to the committee is heavy. We have not enough clerks. Imagine the requests for informative documents about "national origins." Just how is the plan worked out? What is the mathematical progression? How solid is the colonial stock base? We have few public documents covering these questions in the language of the layman. We have population tables and national-origins figures as of 1924, as of 1927, 1928, and 1929—enough to supply Einstein with all the statistics his "relativity" theory will ever need. Our figures, however, deal with native stock, colonial stock, immigrant stock, and great grandparents, grandparents, parents, and their progeny—the "relatives" problem—which is harder of solution than Einstein's "relativity." I shall put some statements on national origins from all viewpoints and from the best authorities into the CONGRESSIONAL RECORD as an extension of this speech. Postponement is the problem before you now. Whatever your vote, however the President elect acts, national origins will continue to be a problem.

My colleagues, all phases of immigration are problems—even harder now than before restriction—the great act of nearly closing the doors. I had hoped that this Congress might act on a suggestion from our committee, name a congressional commission of Senators and Members of the House to study the laws, the evasions, to revise the naturalization code, to bring out in book form the "origins" studies, and to report to the Seventy-first Congress in December. Perhaps it is too late for us to act, but I sincerely hope that the incoming President may appoint a commission on which there will be Senators, Representatives, and prominent citizens, with authority to study and analyze these problems and recommend to Congress some legislation that will take the kinks out of one of the most important, certainly the most necessary, law we have on our books. [Applause.]

We hear it said and see it printed, "If they will not become naturalized, deport them." And you can not do it that way. We hear the cry from the orphan, from the stepchild, from the wife. We want to cure the hyphenated portions of our population, but you can not do it with a meat ax or a club. Keep your eye on the second generation—their children and our children. Make way! They are here!

Devise plans to get them out of the crowded and crooked cities. Get up something in place of the old homestead laws. Reclaim the waste lands, irrigate, develop, open the Columbia Basin, dike the overflowed lands, stop the erosions in the South. Assist the people to the land. That will help the farmer and not hurt him. It may cost something, but it will save millions. Be as far-sighted as were the fathers.

As the gentleman from Kentucky [Mr. ROBSION] said here in an informative speech two or three days ago—

The 30,000,000 children in the schools of the United States to-day are the Republic of to-morrow.

It is true. A generation has grown up during the time I have served in Congress.

Macaulay, in his letter on American Institutions, said that our danger was from within, not without. But we did something that Macaulay could not forsee. We brought too many too fast from "without" to add to our problems from within.

Nearly all of each foreign-born first generation have done their best. But too often these days we find too many of the second generation piled up by thousands on thousands in the congested places. Starvation will drive them out some day, but only after much travail, disorder, gang government, and decline of city authority. We must all see that. For fear that some one will declare that I am assailing the foreign blood, I will hasten to say that we are all of alien ancestry, and that our own posterity is getting caught in the metropolitan maelstrom.

My colleagues, I desire to pay a tribute and recall to your memory our good old farmer friend from Kansas, Hon. HAYS B. WHITE [applause], who is ending five terms in Congress and who is contemplating this fight from a quiet, vine-covered homestead in far-away Kansas. Homely philosopher, corn-fed farmer, patriot, and poet, and always a sane legislator. Broken in health, he was not a candidate for a seat in the Seventy-first Congress. He lost his health, I believe, from slaving on the Committee on Immigration through the strenuous battle for the 1924 restrictive immigration act. His colleagues on the committee join in this tribute, as do you all, I am sure. [Applause.]

I also remind you that Judge Raker, of California, broke down as a result of his work on the committee, which hastened his death; and Vaile, of Colorado, overstrained himself, weakened his heart, and died suddenly. And may I say to my good friend Judge Box, of Texas, that while he throws so much energy and so much strength into the work of this committee and works equally as hard on other committees, I am afraid he will pay the penalty in health and strength all too soon, just as others of us have.

Try as we will, we can not make the immigration laws perfect. We hear the cries of those on the hustings, "Keep the good immigrants; throw out the bad ones." It can not be done just that way.

My colleagues, we have turned the corner in behalf of immigration restriction. Never again will the bars be down. Tighter and tighter will be the demand. People who were against restriction 15, 10, and even but 5 years ago are restrictionists now. Labor-saving machinery is increasing. In spite of prosperity there is more hand-to-mouth living than ever.

The next great problem must be the checking of immigration from countries of this hemisphere, and more particularly from Mexico.

Economic pressure pushes the peon people out from that Republic; economic suction draws them into this Republic. Slave and serf never sustained any Republic, never created any real prosperity. Unless we stop them right soon we will have in 15 or 20 years a great race problem in all of the southwestern part of the United States.

The Mexican peon will fill the fertile valleys of California and Arizona and the rich plains of Texas, crawling farther north every year. We must stop it. I will help Box, of Texas, in that fight. [Applause.]

In conclusion, let me impress on you that the census of next year, 1930, will show us to be more than 123,000,000. Also that, as President Coolidge himself put it, we are all in the same boat. Whether one here was born of slave ancestry, or descended from the Montezumas, or came from the loins of the Bourbons of France, or from the vikings of the northland, or from the Hapsburgs of Austria, or from the Lombards of Italy, or from Moses, Alexander, or the Cæsars we have carried on the Republic for more than 150 years, and are still carrying it on—the United States of America, which is not a democracy but a republic. We overworked the melting pot. In truth, I am afraid that we can not unscramble it now, but we can finish the job of restriction. We can strive on to amalgamate our 123,000,000 people. We are all here under this flag.

For a brief moment we do our part in sailing the ship of state. Another generation comes on. I thank you for your attention. [Applause.]

The CHAIRMAN. The time for general debate has expired. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Joint resolution (H. J. Res. 402) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1929" and inserting in lieu thereof the figures "1930."

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 6, the figures "1930" and insert the figures "1932."

Mr. SABATH. Mr. Chairman and gentlemen of the House, the amendment which I have offered, if adopted, will postpone the national origin law, which I have always designated as a scheme, and which is a scheme, going into effect for three years instead of one year provided for in the resolution. I offer the amendment not so much for the purpose of having it adopted as for the purpose of enabling me to answer statements made by the gentleman from Texas [Mr. Box] and the gentleman from Florida [Mr. GREEN].

It is to be deplored and regretted that it is permissible for Members from time to time to make statements and charges for which there is no warrant or justification and which are made solely for the purpose of creating prejudice and resentment in our country against the immigrants—yes, and against the foreign born.

The gentleman from Texas made a charge on this floor, and many times heretofore, that the proposed resolution is being brought in here at the behest and command of the so-called foreign bloc. I say without fear of successful contradiction that the statements are not only unwarranted but untrue, as there is no such thing as a foreign bloc, and no one knows it better than the gentleman from Texas. But, as I have said, these charges are being made deliberately and without any foundation. There is a bloc, and everybody knows there is, but it is a bloc of restrictionists who in to-day's and yesterday's newspapers served notice upon the membership of this House that the resolution must not pass. The gentleman from Texas has called attention to the many patriotic orders and organizations whose names are attached, but he has failed to state the name of the main organization responsible for this contemptible, threatening proclamation which is not signed by this main organization, namely, the Ku-Klux organization, whose chiefs utilize the names of many of these organizations without their consent, and in some instances without their knowledge, relative to this legislation, but whose few officers abuse their official position and permit the organizations' names to be attached without reference to the desires of the membership. This unheard-of and unprecedented coercion in to-day's and yesterday's expensive advertisements should be resented and condemned by all self-respecting Members. The gentleman from New York, Mr. LAGUARDIA, the gentleman from Massachusetts, and other officers and ex-service men have positively stated that their great organization has never sanctioned the use of its name for this purpose, and this, I am sure, applies to a majority of the other organizations outside of the professional and restrictionist groups. The gentleman from Florida, as usual, tries to outdo the gentleman from Texas in wild, unfounded statements. The only thing that is pleasing to me is that neither the gentleman from Texas nor the gentleman from Florida speak for the Democratic Party or even for their respective States.

I do not like to abridge the privileges of Members, but I feel that in the near future in the interest of the dignity of the House some action will be necessary to preclude and prevent speeches and charges that have no foundation and are made only, as I have stated, to create prejudice and resentment against millions of our foreign-born people who are being maligned in that way without having any opportunity to answer these scurrilous charges and accusations.

For years these professional prohibitionists and paid lobbyists and under-cover Ku-Klux dictators have had a free hand in distributing falsehoods by their lying propaganda so as to close the doors of the United States to immigration, and anyone who has dared to oppose their program of discrimination was charged with favoring the open-door policy so that millions, as they charge, of undesirable immigrants could swarm into the United States, and this notwithstanding that they know that there are no such efforts being contemplated on the part of anyone.

I, who for 22 years have been a member of the Immigration Committee, have always opposed harsh and discriminatory immigration legislation, but have not been, and am not now, for the open-door policy. I have stated many times on this floor that I recognize the present policy of this Nation to restrict immigration which will remain the policy of our Nation for many years to come, but I opposed, and still do oppose, the willful and deliberate discrimination which keeps the doors wide open to Great Britain, Canada, the British possessions, and Mexico, and deliberately and willfully cuts down immigration from all the other nations of Europe to an unwarranted, negligible number on the false theory of these peoples' inferiority. Anyone who has studied conditions in Washington on the question of immigration, and is not blind to the facts, can not help but know that

we are pursuing a British immigration policy, and this is what I am opposed to. I favor an American immigration policy—a policy which would be fair and just to all. Anyone who is familiar with the history of America and its development must recognize that the German, Irish, Bohemian, Polish, Lithuanian, Swedish, Scandinavian, yes, and many of the other nationalistic groups, have, by their genius and ability, aided in the progress and development of our Nation in all lines of endeavor and that they are as loyal and as patriotic as those who come from Great Britain. The last World War, and before it the Spanish-American, Civil, and Revolutionary Wars, proved that.

Instead of calling this law which is going into effect the national origin law it should be properly designated as the British origin law, as everyone who has been advocating it, I am absolutely certain, is of British leaning or of British stock, and has had the support of the British under-cover, subway diplomacy, and subsidy.

The three varying reports of the commission show that there is no way of ascertaining with any degree of accuracy the number that should be allocated to the respective nations according to origin. I herewith insert a compilation of these reports showing the glaring discrepancies in them.

Immigration quotas

[Printed for the use of the Committee on Immigration and Naturalization, House of Representatives, February 28, 1929]

1 National-origin quotas submitted Feb. 21, 1929	Country or area	2 National-origin quotas submitted Feb. 27, 1928	3 National-origin quotas submitted Jan. 7, 1927	4 National-origin quotas estimated in 1924	5 Present quotas based on 1890 foreign-born population
100	Armenia	100		100	124
100	Australia, including Papua, etc.	100	100	100	121
1,413	Austria	1,639	1,486	2,171	785
1,304	Belgium	1,328	410	251	512
2,874	Czechoslovakia	2,726	2,248	1,359	3,073
100	Danzig, Free City of	137	122	100	228
1,181	Denmark	1,234	1,044	945	2,789
116	Estonia	100	109	325	124
569	Finland	568	559	517	471
3,086	France	3,308	3,837	1,772	3,954
25,957	Germany	24,908	23,428	20,028	51,227
65,721	Great Britain, Northern Ireland	65,894	73,039	85,135	34,007
307	Greece	312	367	384	100
869	Hungary	1,181	967	1,521	473
17,853	Irish Free State	17,427	13,862	8,330	28,567
5,802	Italy, including Rhodes, etc.	5,989	6,091	5,716	3,845
236	Latvia	243	184	384	142
386	Lithuania	492	494	458	344
3,153	Netherlands	3,083	2,421	2,762	1,648
2,377	Norway	2,403	2,267	2,053	6,453
6,524	Poland	6,090	4,978	4,535	5,982
440	Portugal	457	290	236	503
295	Rumania	311	516	222	603
2,784	Russia, European and Asiatic	3,540	4,781	4,002	2,248
252	Spain	305	674	148	131
3,314	Sweden	3,399	3,259	3,072	9,561
1,707	Switzerland	1,614	1,198	783	2,081
123	Syria and the Lebanon (French)	125	100	100	100
226	Turkey	233	233	100	100
845	Yugoslavia	739	777	591	671
[1] 153,714	Total	[1] 153,685	[1] 153,541	[2] 150,000	[1] 164,647

[1] Including 37 minimum quotas of 100 each.
[2] Includes 16 minimum quotas of 100 each.

With all due respect to Mr. Hill and the commission, composed of distinguished Secretaries Hoover, Kellogg, and Davis, these reports clearly demonstrate that they are merely guesswork plus a few ameliorating changes brought about by pressure and given as a balm to some of the peoples most discriminated against.

If the restrictionists are so determined to cut down immigration from certain countries as is being done by the national origin law, why not do it openly and aboveboard instead of camouflaging the issue.

If the proponents of this legislation favor actual restriction to protect American labor, why have they failed to place Canada, Cuba, Mexico, South and Central America, and the West Indies on a quota basis which will reduce immigration by 150,000 annually?

Mr. JOHNSON of Washington, Mr. LAGUARDIA, Mr. DICKSTEIN, and several other Members rose.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment, but doubt if it is necessary to carry on the debate any further. Therefore, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on the resolution and all amendments thereto close in five minutes.

Mr. DICKSTEIN rose.

The CHAIRMAN. The question is on the motion of the gentleman from Washington that all debate on the resolution and all amendments thereto be closed in five minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA] in opposition to the amendment.

Mr. DICKSTEIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKSTEIN. I have filed an amendment to one of the provisions of this joint resolution.

The CHAIRMAN. The gentleman has not yet offered his amendment.

Mr. DICKSTEIN. I asked for recognition.

The CHAIRMAN. The Chair promised recognition to the gentleman from New York, but his promise was foreclosed by the motion just agreed to to close debate. The Chair would be glad to recognize the gentleman, but it is impossible under the circumstances. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, much has been said this morning on the floor, in the press, and in paid advertisements as to the standing of the American Legion on the question of the national-origins plan. I now state definitely that the American Legion, of which I am a member, has never taken any official stand on this question. [Applause.] I state further that the American Legion has a legislative committee, and only matters that are taken up by this legislative committee may speak for that great organization.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I warn the American Legion that if any of their paid employees around Washington commence to interfere and speak for the Legion on matters on which they are not authorized to do so we will take this matter up in the convention of the Legion. [Applause.]

I say further to the American Legion that it must necessarily restrict its efforts to matters in which the Legion is peculiarly and particularly interested; otherwise if employees or minor local officers are permitted to lend the name of the organization to all sorts of legislation, the Legion will soon find that its influence has been dissipated.

Mr. SIMMONS. Why use the word "commence"? We know that one man claiming to represent the American Legion has been doing that around Washington for years.

Mr. LAGUARDIA. And for that reason he has weakened his standing in Congress and before committees of Congress, and I submit that to every member of the American Legion who is a Member of this House. The name of the Legion should not be peddled around. The Legion's indorsement should not be given unless specifically authorized by the national convention.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CONNERY. In order that the matter may be clear in the RECORD, I ask the gentleman this question: At the last convention of the American Legion did the committee on resolutions of the Legion report any resolution in favor of this national-origins provision, and did the convention adopt such a resolution?

Mr. LAGUARDIA. It did not and it would not, and our legionnaire colleagues all know that.

Mr. CONNERY. I just wanted that to be clear in the RECORD.

Mr. LEHLBACH. Would not the amendment now pending before the House compel the President of the United States to open this question in April of the year of the presidential election, just at the time when the primaries throughout the country are being held?

Mr. LAGUARDIA. The dates speak for themselves.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. SABATH].

The amendment was rejected.

Mr. DICKSTEIN. Mr. Chairman, a parliamentary inquiry. Do I understand that debate is closed on this whole resolution?

The CHAIRMAN. Debate is closed on the resolution and all amendments thereto.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent to address the committee on this question for three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for three minutes. Is there objection?

Mr. JOHNSON of Washington. I object.

Mr. LEHLBACH. Mr. Chairman, I submit that we are sitting under the direction of the House itself, and the House limited the time. We in committee can not change that.

The CHAIRMAN. The committee has limited the time itself and has closed all debate.

Mr. LAGUARDIA. But the committee can extend that time.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise and report the resolution back to the House with the recommendation that it do pass.

Mr. GARRETT of Tennessee. Mr. Chairman, I have a preferential motion. In view of the fact that this is dead and in order that we may get to something that may have a chance of passing, I move to strike out the enacting clause.

The CHAIRMAN. Does the gentleman care to be heard on that?

Mr. TILSON. Mr. Chairman, debate is closed.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee to strike out the enacting clause.

The question was taken, and the motion was rejected.

The CHAIRMAN. If no further amendments are proposed, the committee will rise automatically under the rule.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 402 and, pursuant to the rule, he reported the same back to the House.

The SPEAKER. Under the rule the previous question is ordered. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the joint resolution pass?

Mr. BOX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 152, not voting 83, as follows:

[Roll No. 36]

YEAS—192

Ackerman	Dickinson, Iowa	Johnson, Wash.	Ramseyer
Allen	Dickstein	Kading	Ransley
Andresen	Douglass, Mass.	Kahn	Reed, N. Y.
Andrew	Dyer	Kendall	Reid, Ill.
Anthony	Elliott	Ketcham	Robinson, Iowa
Arnold	Englebright	Knutson	Rogers
Ayres	Estep	Kopp	Sabath
Bacharach	Fenn	Korell	Sanders, N. Y.
Bachmann	Fish	Kvale	Schafer
Bacon	Fitzgerald, W. T.	LaGuardia	Schneider
Barbour	Fitzpatrick	Lampert	Sears, Nebr.
Beedy	Fort	Lea	Seger
Begg	Foss	Leavitt	Selvig
Black, N. Y.	Frear	Lehlbach	Shallenberger
Bloom	Free	Letts	Simmons
Bohn	Freeman	Lindsay	Sinclair
Boylan	French	Luce	Sirovich
Brand, Ohio	Furlow	McCormack	Snell
Brigham	Gibson	McLaughlin	Somers, N. Y.
Browne	Gifford	McLeod	Spearing
Buckbee	Glynn	Major, Ill.	Sproul, Kans.
Burtness	Golder	Mansfield	Stalker
Campbell	Goodwin	Mapes	Stobbs
Carew	Griffin	Martin, Mass.	Strong, Kans.
Carss	Guyer	Mead	Summers, Wash.
Carter	Hadley	Menges	Swing
Celler	Hale	Michaelson	Taber
Chalmers	Hall, Ind.	Michener	Thurston
Chindblom	Hall, N. Dak.	Miller	Tilson
Christopherson	Hancock	Monast	Timberlake
Clague	Hardy	Morehead	Treadway
Clarke	Haugen	Nelson, Me.	Underhill
Cochran, Mo.	Hawley	Nelson, Mo.	Updike
Cohen	Hersey	Nelson, Wis.	Vestal
Cole, Iowa	Hickey	Newton	Vincent, Mich.
Colton	Hill, Wash.	Niedringhaus	Wason
Combs	Hoch	Norton, Nebr.	Watres
Connery	Hoffman	O'Brien	Welch, Calif.
Cooper, Ohio	Hooper	O'Connell	Welsh, Pa.
Cooper, Wis.	Hope	O'Connor, N. Y.	White, Colo.
Corning	Hopkins	Oliver, N. Y.	Wigglesworth
Cramton	Houston, Del.	Palmisano	Williams, Ill.
Crosser	Howard, Nebr.	Parker	Williamson
Culkin	Hull, Wm. E.	Prall	Wood
Cullen	Igoe	Pratt	Woodruff
Darrow	Irwin	Purnell	Wolverton
Davenport	Jacobstein	Quayle	Wurzbach
Dempsey	Johnson, S. Dak.	Rainey	Zihlman

NAYS—152

Abernethy	Eaton	Kincheloe	Rayburn
Adkins	Edwards	Langley	Reece
Allgood	England	Lanham	Robsion, Ky.
Almon	Eslick	Lankford	Romjue
Arentz	Evans, Calif.	Larsen	Rowbottom
Aswell	Evans, Mont.	Leatherwood	Rutherford
Beers	Fisher	Leech	Sanders, Tex.
Bell	Fulmer	Linthicum	Sandlin
Black, Tex.	Gambrill	Lowrey	Speaks
Bland	Gardner, Ind.	Lozier	Steagall
Bowman	Garrett, Tenn.	Lyon	Steele
Box	Garrett, Tex.	McDuffie	Strong, Pa.
Brand, Ga.	Gasque	McKeown	Sumners, Tex.
Briggs	Goldsborough	McMillan	Swank
Browning	Green	McReynolds	Swick
Bulwinkle	Greenwood	McSweeney	Tarver
Busby	Hall, Ill.	Magrady	Taylor, Colo.
Byrns	Hare	Major, Mo.	Taylor, Tenn.
Canfield	Hastings	Manlove	Temple
Cartwright	Hill, Ala.	Martin, La.	Thatcher
Chapman	Hogg	Milligan	Thompson
Chase	Holaday	Montague	Tucker
Cochran, Pa.	Howard, Okla.	Moore, Ky.	Vinson, Ga.
Cole, Md.	Huddleston	Moore, Ohio	Vinson, Ky.
Collier	Hughes	Moore, Va.	Ware
Collins	Hull, Morton D.	Moorman	Warren
Connally, Tex.	Hull, Tenn.	Morgan	Watson
Cox	Jeffers	Morrow	Whitehead
Crail	Jenkins	Oldfield	Whittington
Crisp	Johnson, Ind.	Oliver, Ala.	Williams, Mo.
Davis	Johnson, Okla.	Parks	Wilson, La.
Deal	Johnson, Tex.	Patterson	Wilson, Miss.
Dominick	Jones	Peery	Wingo
Doughton	Kearns	Perkins	Wolfenden
Douglas, Ariz.	Kelly	Pou	Woodrum
Dowell	Kemp	Quin	Wright
Drane	Kent	Ragon	Wyant
Driver	Kiess	Rankin	Yon

NOT VOTING—83

Aldrich	Dallinger	James	Sears, Fla.
Auf der Heide	Davey	Johnson, Ill.	Shreve
Bankhead	Denison	Kerr	Smith
Beck, Pa.	DeRouen	Kindred	Sproul, Ill.
Beck, Wis.	Dickinson, Mo.	Kunz	Stedman
Berger	Doutrich	Kurtz	Stevenson
Blanton	Doyle	McClintic	Strother
Boies	Drewry	McFadden	Sullivan
Bowles	Fitzgerald, Roy G.	McSwain	Tatgenhorst
Britten	Fletcher	Maas	Tillman
Buchanan	Fulbright	Merritt	Tinkham
Burdick	Garber	Mooney	Underwood
Bushong	Garner, Tex.	Moore, N. J.	Vincent, Iowa
Butler	Gilbert	Morin	Wainwright
Cannon	Graham	Murphy	Weaver
Carley	Gregory	Norton, N. J.	White, Kans.
Casey	Griest	O'Connor, La.	White, Me.
Clancy	Hammer	Palmer	Williams, Tex.
Connolly, Pa.	Harrison	Peavey	Winter
Crowther	Hudson	Porter	Yates
Curry	Hudspeth	Reed, Ark.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Doyle (for) with Mr. Kerr (against).
Mr. Kunz (for) with Mr. Hammer (against).
Mr. Mooney (for) with Mr. Weaver (against).
Mr. Sullivan (for) with Mr. Stedman (against).
Mr. Carley (for) with Mr. Berger (against).
Mr. Auf der Heide (for) with Mr. Maas (against).
Mrs. Norton of New Jersey (for) with Mr. Drewry (against).
Mr. Kindred (for) with Mr. McClintic (against).
Mr. Moore of New Jersey (for) with Mr. Bankhead (against).

Until further notice:

Mr. Graham with Mr. Garner of Texas.
Mr. Yates with Mr. Casey.
Mr. Denison with Mr. Hudspeth.
Mr. Connolly of Pennsylvania with Mr. McSwain.
Mr. Beck of Pennsylvania with Mr. O'Connor of Louisiana.
Mr. Shreve with Mr. Cannon.
Mr. Griest with Mr. Stevenson.
Mr. Murphy with Mr. Underwood.
Mr. McFadden with Mr. Buchanan.
Mr. James with Mr. Dickinson of Missouri.
Mr. Dallinger with Mr. Sears of Florida.
Mr. Crowther with Mr. Blanton.
Mr. Britten with Mr. DeRouen.
Mr. Porter with Mr. Gilbert.
Mr. Smith with Mr. Fletcher.
Mr. White of Maine with Mr. Williams of Texas.
Mr. Wolverton with Mr. Davey.
Mr. Sproul of Illinois with Mr. Gregory.
Mr. Burdick with Mr. Fulbright.
Mr. Hudson with Mr. Harrison.
Mr. Merritt with Mr. Reed of Arkansas.
Mr. Tinkham with Mr. Tillman.
Mr. Doutrich with Mr. White of Kansas.
Mr. Bushong with Mr. Johnson of Illinois.
Mr. Bowles with Mr. Palmer.
Mr. Garber with Mr. Kurtz.
Mr. Winter with Mr. Clancy.
Mr. Aldrich with Mr. Peavey.
Mr. Beck of Wisconsin with Mr. Butler.
Mr. Curry with Mr. Wainwright.
Mr. Boies with Mr. Tatgenhorst.
Mr. Roy G. Fitzgerald with Mr. Vincent of Iowa.

Mr. O'CONNELL. Mr. Speaker, the lady from New Jersey, Mrs. NORTON, is unavoidably absent on account of a death in

her family. She has authorized me to state that if she were present she would vote "aye."

Mr. McSWAIN. Mr. Speaker, I desire to vote "no." I was present in the hall during the roll call, but my attention was diverted at the time my name was called.

The SPEAKER. The Chair thinks it is too late.

The result of the vote was announced as above recorded.

MEYER JACOBSTEIN AND FINIS J. GARRETT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to put in the RECORD a portion of an article in the Woman's Journal on the subject of our colleagues, the gentleman from Tennessee [Mr. GARRETT] and the gentleman from New York [Mr. JACOBSTEIN].

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I am pleased to insert in the RECORD a portion of an article appearing in the March issue of the Woman's Journal concerning our distinguished colleagues, MEYER JACOBSTEIN and FINIS J. GARRETT, which is as follows:

The gallery gods of Congress have looked their last upon several prominent Members who did not run, or ran behind. Senator JAMES REED, of Missouri, goes, singing his swan song to his favorite tune: "The war councils of every great nation have prepared plans for the sinking of the American Fleet, the bombardment of American cities, and they have laid out the roads over which the armies are to travel in case of war with the United States." The dwindling ranks of the wets are losing three of their mainstays in Senators EDWARDS, of New Jersey, BRUCE, of Maryland, and GERRY, of Rhode Island. Over on the House side, the outstanding losses are FINIS J. GARRETT, of Tennessee, and MEYER JACOBSTEIN, of New York, both Democrats of high principles and clear thinking.

Mr. JACOBSTEIN, a Representative who showed a disconcerting tendency to think in terms of economics rather than party policies, is one of the most generally liked men on the House floor, a rare example of the economic student in politics. It should be remembered to his credit that he presented to Congress one of the most complete and logical plans yet advanced for solution of the many problems in the unstable bituminous coal industry, which still sticks out like a sore thumb in the economic structure of the Nation. His name is attached to no important acts of Congress, and few pages of the CONGRESSIONAL RECORD were required by him for "extension of remarks." But to a good many people who heard his reasoned, polite, beautifully phrased statements to congressional committees considering his bills, Mr. JACOBSTEIN will stand for some time as pretty nearly the ideal Congressman.

NATIONAL INSTITUTE OF HEALTH

Mr. SIROVICH. Mr. Speaker, I move to suspend the rules and pass Senate bill 4518, to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to establish and operate a national institute of health under the jurisdiction of his department and the administrative control of the Surgeon General of the Public Health Service, which shall be devoted to scientific research in the problems of the diseases of man and matters pertaining to health. The Hygienic Laboratory shall hereafter be known as the National Institute of Health. The Secretary of the Treasury is authorized to utilize the site now occupied by the Hygienic Laboratory, and the land adjacent thereto owned by the Government and available for this purpose, or when appropriations have been made therefor, to acquire by purchase, condemnation, or otherwise, in or near the District of Columbia, and to erect thereon suitable and adequate buildings, including furniture and equipment for the use of such institute. In the administration and operation of this institute the Surgeon General shall select persons who show unusual aptitude in science. The Surgeon General, with approval of the Secretary of the Treasury, may make such rules and regulations for the government and administration of such institute as he deems advisable. The Secretary of the Treasury is authorized and directed to submit to Congress not later than December 2, 1929, plans and estimates of appropriations necessary to carry out adequately the provisions of this act.

SEC. 2. The Secretary of the Treasury is authorized to accept, unconditionally, on behalf of the United States, gifts by will or otherwise for study, investigation, and research in all problems of the diseases of man and matters pertaining thereto. Any such gifts shall be held in trusts and shall be invested by the Secretary of the Treasury in securities of the United States, and the income thereof shall be administered by the Surgeon General, with the approval of the Secretary of the Treasury, for the purposes indicated in this act. The Surgeon General is authorized to establish fellowships in the national institute of health, and utilize the proceeds thereof in aid of individual scientists who have demonstrated or give promise of marked proficiency in research and investigations relating to the diseases of man. Donations of $500,000 or over in aid of research will be acknowledged permanently by the establishment within the institute of suitable memorials to the donors.

SEC. 3. Individual scientists designated by the Surgeon General to receive fellowships may be appointed for duty in the national institute of health established by this act. During the period of such fellowship these appointees shall hold appointments under regulations promulgated by the Secretary of the Treasury, and shall be subject to administrative regulations for the conduct of the Public Health Service. Scientists so selected may likewise be designated for the prosecution of investigations in other localities and institutions in this and other countries during the term of their fellowships.

SEC. 4. The Secretary of the Treasury, upon the recommendation of the Surgeon General, is authorized (1) without regard to the classification act of 1923, to designate the titles and fix the compensation of the necessary scientific personnel; (2) in accordance with the civil service laws to appoint, and in accordance with the classification act of 1923, fix the compensation of such clerical and other assistants; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government, for books of reference, periodicals, and exhibits, and for printing and binding) as he deems necessary for the proper administration of such institution.

SEC. 5. The facilities of the institute shall from time to time be made available to bona fide health authorities of States, counties, or municipalities for purposes of instruction and investigation.

The SPEAKER. Is a second demanded?

Mr. MAPES. Mr. Speaker, I demand a second.

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. SIROVICH] is recognized for 20 minutes, and the gentleman from Michigan [Mr. MAPES] is recognized for 20 minutes.

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen, in 1826 a very distinguished Englishman gave the sum of $550,000 to the Congress of the United States for the purpose of diffusing knowledge, education, and culture to the citizens of the United States. The gentleman who gave this money was a man by the name of Smithson, and the Smithsonian Institution has been named to commemorate his name and his fame.

To-day we have before the House what I consider one of the most important bills that has ever been presented to the Congress of the United States. It is a bill that, if passed by the Seventieth Congress, will make America, this great country of ours, the most scientific nation in the field of medicine throughout the civilized world.

This bill of mine that passed the Senate the other day is designed to establish and operate in our country a "national institute of health." It creates a system of fellowships to deserving students that have been graduated from American universities and authorizes the Government to accept donations from philanthropic citizens to be utilized in ascertaining the cause, prevention, and cure of all the unknown diseases that afflict humanity.

All the great advances that have been made in preventive, scientific, and therapeutic medicine during the last half century have emanated with very few exceptions from the laboratories of Germany, supported by its government. Robert Koch was the pioneer in the field of tuberculosis, and his findings are to-day being utilized in the treatment of tuberculosis. The cause of diphtheria, as well as its toxin and antitoxin, was discovered by Von Behring in these German institutes. The French contributed somewhat to its development. The world to-day is utilizing the genius of German intellectuality when it treats lockjaw as well as cholera. The ravages of typhoid fever were eliminated by German savants in the discovery of the bacillus typhosus and the Widal reaction which recognizes the disease. This discovery helped England to eliminate typhoid fever in the Boer War, the Japanese in the Russo-Japan War, while the Americans used it to great advantage in the World War. A decade ago the cause of syphilis was as unknown and as mysterious as that of cancer to-day, yet German laboratories utilized the microscope of science and forced it to yield its secret. The result was the discovery of spirochitæ pallida, the cause of syphilis, the Wassermann reaction, and above all its cure by Ehrlich's salvarsan, or 606, treatment, all the result of Germany's laboratories supported by the government.

Mr. CRAMTON. Has this bill ever been reported by any committee of the House?

Mr. SIROVICH. This bill passed the Senate only two days ago. The House Committee on Interstate and Foreign Commerce has had no hearings on this measure. That is why I requested the Speaker to suspend the rules of the House, to bring this measure immediately before this historic body, and try to see if we can not have it passed before Congress adjourns to-morrow.

What a glorious contribution the Seventieth Congress of the United States would give to the world in helping to organize, perfect, and develop this national institute of health. To you distinguished gentlemen who come from the South—you realize how malaria has plagued your forbears, yet some of the finest work done in the field of malaria came from the English in India and Africa until American genius, under the supervision of Walter Reed and his associates, blotted it out from the civilized frontiers and outskirts of the world. [Applause.]

Mr. O'CONNELL. Will the gentleman yield?

Mr. SIROVICH. Yes; I yield to my distinguished friend.

Mr. O'CONNELL. It is reported that this bill is going to cost a lot of money. Will the gentleman state approximately what the cost will be?

Mr. SIROVICH. This bill, as amended by the Senate, carries no appropriation for the present whatsoever. It authorizes the Secretary of the Treasury to make all the necessary formal plans and specifications, so that when Congress convenes in December, 1929, the necessary costs will already have been determined. Then appropriations will be asked for to carry into realization all the principles and ideals that belong to an American national institute of health.

Mr. Speaker, ladies and gentlemen, in 1892 Japan established a national institute for the study of tropical diseases to safeguard and protect its citizens. In that institution they discovered the cause and treatment of bubonic plague, as well as the shiga bacillus that is responsible for various forms of dysentery that has caused the death of millions of people throughout the world.

What would humanity do to-day without the use of the X ray? Yet that extraordinary discovery comes to us from the laboratories of Germany.

Cancer, next to heart disease, is killing millions of men and women throughout the world. Yet, outside of the surgeon's scalpel, the only available treatment for that terrible disease is the utilization of radium, which has been discovered by Madame Curie, working in French laboratories, supported by the Government. Have you forgotten Pasteur and Metchnikoff, working in the Pasteur Institute and bringing distinction and fame to the tricolor of France?

To-day the cause of cancer is unknown, yet it is no more mysterious than syphilis, yellow fever, malaria, and meningitis were a few years ago. If you establish a national institute of health to ferret out the causative factor of unknown diseases, you may be instrumental in saving the lives of millions who are destined in the future to die from pneumonia, kidney and heart disease, and disease of hardened blood vessels, the four conditions that cause most of the deaths in the world.

Mr. Speaker, ladies, and gentlemen, this bill of mine in the House, and of my associate, Senator RANSDELL, in the Senate, has the indorsement of the American Medical Association, the American Chemical Society, the American Public Health Association, the American College of Surgeons, the American Institute of the City of New York, the American Association for the Advancement of Science, the American Dental Association, and countless others. It has the personal approval of two of the greatest surgeons in the world, Drs. William and Charles Mayo. It has the indorsement of America's greatest pathologist, Doctor Welch, of Johns Hopkins. Prof. Reid Hunt, the most eminent authority on pharmacology in the United States and professor at Harvard, has come to Washington to urge its approval. George Vincent, president of the Rockefeller Foundation, has sent his personal approval of the measure. Prof. Lewellys F. Barker, the successor to Professor Osler at Johns Hopkins University, the most distinguished clinician in America, is for this bill.

President Coolidge has signified his intention to sign it if passed. Secretary Mellon, of the Treasury Department, has written enthusiastically in its support, and last, but not least, Surg. Gen. Hugh S. Cummings, Chief of the Public Health Service of the Government of the United States, the foremost and outstanding genius in public-health work, is for this bill. Should we hesitate to pass it? Mr. Speaker, ladies, and gentlemen, at West Point and Annapolis we have the greatest military and naval institutes in the world. Here the flower of American youth is trained to love our country in time of peace and to patriotically fight for its preservation in times of war! There is not one of us in this House that would not gladly bare his breast to shot and shell that our country may continue to prosper, flourish, and grow, yet no greater monument could be erected in times of peace to perpetuate the name and fame of those whose life blood hallows the military and naval cemeteries of our Republic than through the erection of a national institute for public health that will serve all the people of our Republic, irrespective of race, creed, or color. [Applause.]

Mr. CRAMTON. Will it interrupt the gentleman to ask a question?

Mr. SIROVICH. I will yield to the distinguished gentleman from Michigan.

Mr. CRAMTON. It is just a question of proper legislative methods. The House is one of the two bodies charged with the responsibility, and the proper committee—and it is a very able committee—has not seen fit for some reason to report this bill. It carries authority for unlimited charges on the Federal Treasury. The bill provides:

> There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be adequate to carry out the provisions of this act.

There is no limit whatever on the appropriation.

Mr. SIROVICH. That has been amended by the Senate, and I sent up the amended Senate bill which takes out the money appropriation.

Mr. CRAMTON. That is another illustration of the fact that the House has not even the bill in printed form.

Mr. SIROVICH. It is just to allow the Secretary of the Treasury to make formal plans and specifications so that we may know when we come back here on December 2, 1929, how much money will be necessary to carry the ideals of the national institute of health into fruition.

Mr. CRAMTON. But the bill does establish the institute.

Mr. SIROVICH. Exactly.

Mr. CRAMTON. And calls on the Secretary to make plans and specifications, and so forth.

Mr. SIROVICH. And report back to the House at the next session, on December 2, as to what we shall do. It gives us a year's time in which to work.

Mr. CRAMTON. But it gives the membership of the House no time whatever to examine the provisions of the bill that is before us. If the House wants to abdicate its functions and let the Senate do the legislating and the House act as a rubber stamp, this would seem the proper course, but I can not understand it on any other basis.

Mr. SIMMONS. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Nebraska.

Mr. SIMMONS. I find on page 3, line 2, of the bill a misspelled word. The word "established" is misspelled, so that it means nothing. How is the gentleman going to correct that by this procedure?

Mr. SIROVICH. That is a typographical technicality which can be taken care of. I am not worrying about that.

Mr. SIMMONS. The establishment of it is the important part, I should presume.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. O'CONNOR of New York. May I say to the gentleman from Michigan [Mr. CRAMTON] that the situation about which he complains is so usual in this House that within the past few days I believe that in at least 20 instances we have passed a Senate bill which was never reported by any House committee and never considered before in the House.

Mr. LAGUARDIA. Twenty? About 100 instances.

Mr. O'CONNOR of New York. Perhaps nearer 100 instances.

Mr. SIROVICH. Mr. Speaker, I reserve the balance of my time to reply after others have spoken.

Mr. MAPES. Mr. Speaker, I think the membership of the House ought to understand the legislative situation before acting upon this motion to suspend the rules and to pass this very important piece of legislation. The Committee on Interstate and Foreign Commerce has jurisdiction of the legislation. The bill has been pending in the Senate for several months. The gentleman from New York [Mr. SIROVICH] says it has been before the Committee on Interstate and Foreign Commerce. If it has been, as one member of that committee, it was not called to my attention. No hearings have been had upon it, and no request for any has been made that I know of, and I think the chairman of the committee will bear me out in that statement.

It was pending in the Senate for a great many months. It passed the Senate on Friday night, about 10 o'clock, and was messaged to the House of Representatives yesterday. A great many members of the Committee on Interstate and Foreign Commerce have been requested to make this motion to suspend the rules and to pass the bill, which the gentleman from New

York now makes. The members of the committee have refused to make the motion. The chairman of the committee was asked to make it, and he said he could not do so because the committee had not considered the legislation and had had no opportunity to pass on its merits. Under such conditions he was unwilling to take the responsibility of asking the House to pass it.

Mr. ABERNETHY. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. ABERNETHY. This is an unusual circumstance. We are legislating on Sunday, and how could we do better than to legislate in the interest of humanity? [Applause.] Why can not we do it?

Mr. MAPES. If the gentleman from North Carolina wants to take the responsibility of passing legislation without having it considered by any committee of the House of Representatives, that is his business. I, for one, do not care to do so.

I have been looking over the RECORD of the proceedings in the Senate for the last week with a little more care than usual, and the Senators have taken the high and mighty position, or some of them have, that the House itself was to blame for not getting House bills over to the Senate in time for them to be considered by the committees of the Senate. That was in reference to minor matters of legislation. Here is a piece of legislation of major importance that has come to this body within the last 24 hours. There has been no opportunity for any committee of the House of Representatives to consider it. It is a poor rule that does not work both ways.

Mr. SIROVICH. Will the gentleman yield?

Mr. MAPES. No, I can not yield; I have not the time. As the House knows, the Committee on Interstate and Foreign Commerce reported some public-health legislation at the last session of Congress. This bill, in its present form at least, was not a part of that legislation. The details of this bill have never been considered by any committee of the House. The gentleman from New York says the bill was amended in the Senate in some respects. We have not had an opportunity even to see a copy of the bill as it finally passed in the Senate. I supposed the copy that has been handed us was the same as it came from the Senate until the statement just made by the gentleman from New York. He says that it does not require any appropriation, does not "ask for an appropriation of a dollar," to quote his language. Let us see what the Senate had before it until 10 o'clock Friday night. The bill says:

> The Secretary of the Treasury is authorized * * * to acquire by purchase, condemnation, or otherwise in or near the District of Columbia, and to erect thereon suitable and adequate buildings, including furniture and equipment for the use of such institute.

The bill also carries this further provision:

> There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such funds as may be adequate as to carry out the provisions of this act.

The gentleman from New York says that the bill does not ask for a dollar out of the Treasury. It does not actually make the appropriation, but it authorizes—

> the Secretary of the Treasury to make such expenditures (including expenditure for personal services and rent at the seat of government for books of reference, periodicals and exhibits, and for printing and binding) as he deems necessary for the proper administration of such institution.

Yet the gentleman says that it does not ask for a dollar!

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. CRAMTON. I have in my hand the bill as it comes from the Senate. The amendment makes no real change. There is a change of language, but not of effect. Appropriations without limit are authorized by this bill. It provides:

> That the Secretary is authorized and directed to submit plans and estimates of appropriations necessary to carry out adequately the provisions of this act.

That is unlimited authority for appropriations. Those estimates will go to the Appropriations Committee and not to any legislative committee.

Mr. MAPES. Mr. Speaker, because of the fact that a subcommittee was appointed to consider public-health legislation in the last Congress, of which I was chairman, I am making this statement; and in doing so I am speaking, as far as I know, the sentiment of the members of the committee.

The committee takes no responsibility for this legislation; it has no knowledge of its merits or demerits except what has been said here on the floor; it has had no opportunity to consider it, and it feels that it is an important piece of legislation, too important to be put through in the closing hours of this session of Congress without consideration by a committee. We are going to be in session again in the near future, and this legislation can be taken up at that time. It ought not to pass without the recommendation of some committee of this House.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. HUDDLESTON. I call the gentleman's attention to the fact that as shown by page 45 of the Senate committee report this bill is without the approval of the Director of the Budget, and there is no recommendation in its behalf by any department or any responsible governmental office. Furthermore, as I am informed, every Member, both Democratic and Republican, of the Committee on Interstate and Foreign Commerce has been invited to make the motion to suspend the rules, and all of us have been unwilling to do so. Also, it is my information, may I say to my Democratic friends, that every Democrat on the committee is opposed to having the bill passed under this procedure without having been considered by the committee.

Mr. MAPES. Mr. Speaker, the gentleman from Nebraska [Mr. SIMMONS] has just called my attention to another fact. The bill authorizes the Secretary of the Treasury, upon the recommendation of the Surgeon General, without regard to the classification act, to designate titles and fix the compensation of the necessary scientific personnel or such as he deems necessary to administer the act. Mr. Speaker, there could be no broader language used to give the Surgeon General of the Public Health Service through the Secretary of the Treasury unlimited authority to go ahead and conduct this institute and to spend money as he sees fit than is used in this bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. CRAMTON. And if this House establishes this precedent and allows one bureau to fix its salaries without regard to the compensation act, it will have opened the doors for every scientific bureau in the Government to do the same thing.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I think the gentleman ought to get his time from the other side. In brief, the position of our committee is this: This legislation may be all that the gentleman from New York says for it. We do not know. The House does not know. No committee of the House has passed upon it and it is altogether too important to act upon without the recommendation of some committee of the House. I reserve the remainder of my time.

Mr. SIROVICH rose.

Mr. VINSON of Georgia. Mr. Speaker, before the gentleman from New York begins, will he yield to me for a question?

Mr. SIROVICH. Yes.

Mr. VINSON of Georgia. The gentleman from Alabama [Mr. HUDDLESTON] stated that this bill did not have the approval of the Director of the Budget. I state to the House that this bill has the approval of the Director of the Budget and the Secretary of the Treasury, and the bill is simply carrying out the provisions written in the Democratic platform with reference to public health. Respecting the statement made by the gentleman from Michigan [Mr. MAPES], it is a matter of fact that the Interstate and Foreign Commerce Committee did not even have any hearings when it asked the House to pass a bill providing for a survey of the Nicaraguan route for the canal.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I think the gentleman from Alabama should get his time from the gentleman from Michigan.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, the pioneer of medicine is the research worker. In the battle with bacteria, he is invariably the martyr and pays the penalty with his life. To this soldier of science, the national institute of health would be a veritable paradise. Here would be his home. Here would be the Mecca to which the scientific youth of America would gravitate, and from here, the Capital of this great Nation, he would be sent as a messenger of "peace and good will" to carry and bring back as an American fellow the labor and fruit of scientific genius wherever it is found. To the philanthropist, who is anxious to bequeath of his monetary wealth, this bill is a godsend. Because it enables a man by his contribution to immortalize his name and perpetuate his fame by endowing the mind of genius to unravel nature's mysteries in the realm of disease. [Applause.]

Science knows no barriers, no races, no classes. It has no boundary lines. Its services are universal. Behold America's four great geniuses: Alexis Carrel, the winner of the Nobel prize; Simon Flexner, the distinguished director of the Rockefeller Institute and the discoverer of the cure of epidemic meningitis; Hideyo Noguchi, Nippon's favorite yet America's adopted son, whose great contribution to scientific medicine has not been equaled in this the twentieth century of civilization, and who

died at Gold Coast in Africa, a martyr to science; and last but not least, the great medical soldier from my district on the east side of New York, Dr. Louis Goldberger, whose heroic and wonderful research work in the South in pellagra, hookworm, and yellow fever will forever perpetuate his name in the hall of fame of America's immortals. [Applause.]

For the fiscal year 1928 the Government of the United States has spent about $600,000 for the utilization of the Surgeon General to investigate sickness and disease in our country.

Mr. VINSON of Georgia. Will the distinguished gentleman from New York yield?

Mr. SIROVICH. I yield to the honorable gentleman from Georgia.

Mr. VINSON of Georgia. I call the gentleman's attention to the fact that within the last five years this House has appropriated $54,000,000 for the eradication of diseases in plants and animals, but only $3,000,000 for the preservation of the life of the Nation.

The gentleman from Michigan [Mr. CRAMTON] is a member of the Committee on Appropriations, and if any money is asked for to carry out the provisions of this bill it would necessarily have to come before his scrutinizing eye, and unless there is merit to it, of course not one dollar would be appropriated.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. In a minute. My distinguished friend, Mr. CRAMTON, who always champions the principle of prohibition as its leader and is always happy to spend the public's money to enforce prohibition, should certainly welcome the opportunity to conserve and preserve the health of the people of the United States by the establishment of a national institute of health.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield there?

Mr. SIROVICH. Yes.

Mr. LAGUARDIA. Is not the public health just as necessary as education, and ought it not to be on a par with it?

Mr. SIROVICH. Yes; and on a par with public morals. [Applause.] Mr. Speaker, I reserve the balance of my time.

Mr. MAPES. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. Does the gentleman from New York desire to use more of his time?

Mr. SIROVICH. If the gentleman from Michigan does not, I do not.

The SPEAKER pro tempore. The gentleman from New York has two minutes remaining and the gentleman from Michigan six minutes.

Mr. MAPES. I yield three minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, of course any of us could mention the names of many great doctors who have made great sacrifices in the study of diseases. But that is purely a question of sentiment. That is not the question to be decided here. There is no time left this near the close of Congress to pass a very important and far-reaching bill as this is. I do not think it ought to be done.

Mr. SIROVICH. You did the same thing with the Nicaragua resolution.

Mr. DENISON. No; we did not. There is no use in making such a statement. Our committee considered carefully and reported the bill concerning Nicaragua. The bills that have been considered without consideration of a committee have been private bills, not bills of any great importance or bills of a general character.

I do not think we ought to take up and pass this bill at this time, because none of us knows what it contains. I confess I do not know what is in the bill. I may be in favor of it after I have had a chance to study it and know something about it. Why should we legislate in the dark? We ought not to do that. Congress is going to convene early in April and——

Mr. ABERNETHY. But we are to be restricted in the subjects that will be considered then.

Mr. DENISON. No. The Speaker might recognize anyone to suspend the rules and pass such legislation in the extra session of Congress. The Speaker can recognize the gentleman from New York to suspend the rules and pass this bill in the extra session of Congress. I say if we are going to legislate on this matter we can do it at the extra session of Congress as well as now, and in the meantime we can have an opportunity to find out what is in the bill.

Mr. LINTHICUM. We did not have any hearings on the Jones bill even when 43 Members asked for a hearing.

Mr. MAPES. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. PARKER].

The SPEAKER pro tempore. The gentleman from New York is recognized for three minutes.

Mr. PARKER. Mr. Speaker, I simply want to state that the position of the committee of which I have the honor to be chairman is not so much in opposition to the bill as in opposition to the method of procedure. We are not discussing the merits of this bill, because we know nothing about the bill itself.

I was requested yesterday to ask for a suspension of the rules and take this bill from the Speaker's table and pass it, but I refused to do it, not because I was opposed to the bill but because I do not know anything in the world about it. I could not stand here on this floor and commend it.

Mr. JOHNSON of Oklahoma. Has not the gentleman voted for a hundred or more bills that have been passed in the House in the last few days without full and serious consideration?

Mr. PARKER. No. This is the only bill that I know of that has been brought up in this way.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield for a question?

Mr. PARKER. Yes.

Mr. VINSON of Georgia. Is there anything unusual about the procedure of considering a bill that has passed the Senate and when the House is asked to consider it?

Mr. PARKER. I did not yield for a speech; only for a question. I think it is decidedly unusual to bring up a bill of this character in this way.

Mr. VINSON of Georgia. But if the subject is important, would not that be all right?

Mr. PARKER. It is somewhat unusual, I repeat, to bring up a bill of this kind without the consent of the committee to which this character of bill should be referred.

Mr. CROSSER. Was not the gentleman's attention called to the bill the other day, when its advocates sent around to each member of the gentleman's committee a copy of it, with a request for its consideration over their signatures?

Mr. PARKER. I think so.

Mr. WATRES. Has anything been urged as an emergency that could show the necessity for the consideration of this bill under the circumstances?

Mr. PARKER. No. A request was handed to me only yesterday, asking that the rules be suspended and the bill passed.

Mr. CRAMTON. Mr. Speaker, so far as I know, I do not know of the House passing even a private bill unless an identical bill has been considered and been reported by a committee. I know of no exception to that.

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and two-thirds having failed to vote in favor thereof, the motion to suspend the rules and pass the bill was rejected.

CHARLES N. NEAL

Mr. GLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5679 for the relief of Charles N. Neal.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of Senate bill 5679, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That any disability occurred in line of duty by Charles N. Neal while serving as an officer of the Army of the United States during the World War from March 26, 1917, to December 11, 1918, inclusive, shall be deemed and considered to have been so incurred while serving as an officer of the Army of the United States other than as an officer of the Regular Army, so as to entitle said Neal to the benefits and privileges of the emergency officers' retirement act (Public, No. 506, 70th Cong.): *Provided*, That such disability rating is sufficient and said Neal is otherwise eligible for retirement under the terms and conditions of said act: *And provided further*, That said Neal shall not be entitled to any back pay or allowances by the passage of this act.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, has a similar House bill been reported by the Committee on Military Affairs?

Mr. GLYNN. It has, and I have a copy of the report here.

Mr. SCHAFER. By unanimous vote?

Mr. GLYNN. Yes; by unanimous vote.

Mr. SCHAFER. I shall not object.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I think the gentleman should give us some explanation as to why this bill is brought forward in this way. It is my understanding there is no precedent for passing a private bill for the benefit of a World War soldier, and that we have heretofore remitted such cases to the Veterans' Bureau for the payment of compensation under the general statutes.

Mr. GLYNN. I think a great many such private bills are put in. This is the case of a man who was an emergency officer and who was discharged in 1920 suffering from tuber-

culosis. Later his disability was arrested, and he was appointed a captain in the Quartermaster Corps of the Regular Army. Then later he was discharged as a captain. If he had continued as an emergency officer, or if he had been discharged originally as an emergency officer, he would have been entitled to the benefit of the provisions of the emergency officers' retirement law; but having accepted a commission, and holding it for about two years, in the Regular Army, in the Quartermaster Corps, he is barred from the provisions of the emergency officers' retirement act.

Mr. HUDDLESTON. How much disability compensation is this veteran now receiving under the compensation laws?

Mr. GLYNN. I think he is receiving none.

Mr. HUDDLESTON. Why is he not receiving it? He is certainly eligible to receive it. Is his tuberculosis arrested?

Mr. GLYNN. Yes; it was an arrested case; but it is no longer arrested.

Mr. HUDDLESTON. Is it active?

Mr. GLYNN. Yes.

Mr. HUDDLESTON. Then he is entitled to receive compensation from the Veterans' Bureau at the full rate. Let me ask the gentleman whether this veteran was retired for disability?

Mr. GLYNN. I think not; I think his case was arrested.

Mr. HUDDLESTON. As I understand, he became disabled by reason of tuberculosis while holding a Regular Army commission?

Mr. GLYNN. No; while holding an emergency officer's commission.

Mr. HUDDLESTON. Then why is he not eligible for retirement as an emergency officer?

Mr. GLYNN. Because when his case was arrested he accepted a commission in the Quartermaster Corps.

Mr. HUDDLESTON. In the Regular Army?

Mr. GLYNN. Yes.

Mr. HUDDLESTON. And then when his case became active again he was retired for disability from the Regular Army; is that right?

Mr. GLYNN. I think he was retired as an emergency officer, but having been a Regular Army officer he is not entitled to the benefit of the provisions of the emergency officers' retirement act.

Mr. HUDDLESTON. I will say to the gentleman that it is quite beyond all possibility, as I see it, that a Regular Army officer would be retired for disability as an emergency officer. I do not understand how that could happen.

Mr. GLYNN. I understand there are two or three cases——

Mr. HUDDLESTON. I see present here several members of the Committee on World War Veterans' Legislation——

Mr. RANKIN. I am just waiting for the gentleman to conclude in order to take that question up with the gentleman from Connecticut.

Mr. HUDDLESTON. The responsibility is theirs, but I want to know whether we are to start in on a system of giving benefits by private legislation to veterans of the World War or are we going to adhere to our previous policy of requiring them to seek their relief under the general law. It is time for us to make that decision now.

Mr. TILSON. Is it the purpose of either of the gentlemen to object to the consideration of this bill?

Mr. RANKIN. I am going to try to get some information about it.

Mr. TILSON. The gentleman has not made up his mind whether he is going to object or not. If he has, I wish he would let me know.

Mr. RANKIN. I am trying to find out whether or not this bill has been referred to the Committee on World War Veterans' Legislation.

Mr. GLYNN. It has not. This bill was reported favorably by the Senate Committee on Military Affairs.

Mr. RANKIN. I understand that.

Mr. GLYNN. And was passed by the Senate, and a similar bill is reported here.

Mr. RANKIN. I understand that, but has a similar bill been reported by the Committee on World War Veterans' Legislation of the House?

Mr. GLYNN. Not that I know of.

Mr. RANKIN. Or by any other committee?

Mr. GLYNN. Yes; by the Military Affairs Committee.

Mr. RANKIN. I understand that, but this legislation comes primarily within the jurisdiction of the Committee on World War Veterans' Legislation.

Mr. Speaker, this is a very important proposition. The Chairman of the Committee on World War Veterans' Legislation has consistently refused to permit legislation of this kind to come from his committee. I do not think it would be the proper policy to begin now to permit breaking around the rules of the House and start doing by indirection what we are not permitted to do by direction and I hope the gentleman will withdraw his request and let this bill go to the Committee on World War Veterans' Legislation for further consideration.

Mr. GLYNN. This is not my bill, I will say to the gentleman from Mississippi, and if the gentleman wants to block a worthy measure he must take the responsibility.

Mr. RANKIN. The gentleman from Mississippi does not mind taking responsibility whenever it becomes necessary to do so.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, in the absence of the chairman of the Committee on World War Veterans' Legislation, who is opposed to legislation of this kind, and in view of the fact that it has not been considered by the committee, I must object for the time being.

JOHN J. HELMS

Mr. GLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms.

The Clerk read the bill, as follows:

Be it enacted, etc., That in administration of the World War adjusted compensation act, as amended, John J. Helms, formerly private, Supply Company, One hundred and twenty-third Regiment United States Infantry, World War, shall be held to be entitled to the benefits thereof in the same manner and with the same effect as if a separation from the military forces of the United States on October 24, 1918, had been honorable.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, this bill has not been referred to the Committee on World War Veterans' Legislation has it?

Mr. GLYNN. In reply I want to say that this bill was referred to the Committee on World War Veterans' Legislation on February 4, 1929, and on February 19, 1929, was referred to the Committee on Military Affairs.

Mr. RANKIN. Is this a question of adjusted compensation?

Mr. GLYNN. It is a question of discharge.

Mr. RANKIN. It should go to the Ways and Means Committee and not to the Committee on World War Veterans' Legislation. This is a matter that does not come to our committee.

Mr. MICHENER. Regular order.

Mr. SIMMONS. Reserving the right to object——

The SPEAKER. The regular order has been demanded. Is there objection?

Mr. SIMMONS. I shall object if we can not have an explanation of the bill.

The SPEAKER. Objection is heard.

HON. FINIS J. GARRETT

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Without objection, the gentleman from New York is recognized for two minutes.

There was no objection.

Mr. SNELL. Mr. Speaker, as I shall be unavoidably detained from the Chamber to-morrow, I desire to say a few words regarding the retiring leader of the minority.

Probably no man on the Republican side of the House has been more intimately associated with the gentleman from Tennessee, Mr. GARRETT, for the last 14 years than I have. We have occupied places on opposite sides of the table in the Committee on Rules during this entire period. Notwithstanding the many controversial and political questions that have come before that committee during all that time, during the World War, during the reconstruction period, and down to the present time, if my memory serves me correctly, and I think it does, there has never been one unkind word or one moment of unfriendly feeling. [Applause.]

During the time I have had the honor of being chairman of that committee I have consulted Mr. GARRETT a great many times on account of his long experience and intimate knowledge relative to matters of parliamentary procedure and precedents of the House. He has always given me freely of the best advice and counsel in his power to give, notwithstanding the fact he belonged on the opposite side of the Chamber.

Now, Mr. Speaker, during my service in this House there have been very few men, in my judgment, who have combined more qualities to make them ideal legislators than has the gentleman from Tennessee, Mr. GARRETT. [Applause.] He is a student,

able and energetic. He is forceful and eloquent in debate, and, above all, he has the courage of his convictions [applause], and, in my judgment, that is a mighty essential quality for any legislator to possess.

His retirement from the House at this time is not only a loss to his district, a loss to his State, to the House, but also to the entire American people. [Applause.] We need men of his type and character in the American Congress.

I know that I speak the wish and the desire of every man on the Republican side, as well as on the Democratic side, when I say that I wish for him in his new position of public activity as long, as successful, and distinguished career as he has had in the House of Representatives. [Applause.]

Mr. GARRETT, our good wishes, our respect, our admiration go with you. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I am profoundly grateful to the gentleman from New York, chairman of the important Committee on Rules of the House, with whom I have served so long and so agreeably, for the very generous words which he has used with reference to myself. It is touching to my heart; it is a matter of profound gratification to know that I have the respect of the chairman of this important committee with whom I have served so many ins and outs in the life of the House. I thank you, Mr. SNELL, most cordially. [Applause.]

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5722) to provide for the purchase of the use of the Harriman Geographic Code System, an identical House bill being on the calendar (H. R. 16953).

The SPEAKER. The Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. JEFFERS. Mr. Speaker, it is my intention to object to the bill.

The SPEAKER. The bill is objected to.

RESTORATION OF THE LEE MANSION

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill passed yesterday.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker and gentlemen of the House, in the deficiency bill which has just passed there occurs an item of peculiar interest to many generous people North and South. I refer to the appropriation of $90,000 for the restoration of the Lee mansion as authorized in Public Resolution 74.

That this is in full accord with the spirit of our country and our times has again been demonstrated. This Congress has recently broadened the scope and increased the appropriation in the matter of placing markers at the graves of Confederate soldiers. Furthermore, the commander of the United Confederate Veterans with his organization has entered fully into the plan for the pending inaugural ceremony. From my own State come a score of veterans in gray who are occupants of the Confederate Soldiers' Home, which home was originally the estate of Jefferson Davis. These heroic old men come bearing large placards with sentiments of loyalty like these: "Hoover is our President, too"; "No more war, please"; "We are for the Union now"; "Kill sectional strife."

In the face of such fraternal demonstrations, God pity the souls of people, North or South, who would still stand for the spirit of hate, and prefer disunion to a genuine reunion.

But at this point I simply ask to repeat in the RECORD some of the remarks which I made a year ago when the Congress had passed a smaller appropriation for this same purpose.

For years there has been a growing and a commendable feeling that Arlington should in some way be marked and remembered as the home of the heroic leader of the Confederate Army. John Ball Osborne, Military Order of the Loyal Legion, says in his book, The Story of Arlington:

"Arlington will always remain closely associated with the name of Gen. Robert E. Lee, the leading military figure of the Southern Confederacy, for it was his home during 30 years and the place where his happiest days were spent."

Thirty years ago I came to Washington, as people occasionally do, with a party of sightseers, about a hundred people, all of them southerners. Most of them were on their first visit to the National Capital. I noted with grief, and yet with approval, their expressions that in and around the splendid residence of Robert E. Lee there was not one thing to remind us by atmosphere that this was once his home. There mingled into our party a stalwart New Englander, who had come to visit the grave of his father. As he heard these expressions from my southern friends, he quitely remarked, "I don't blame them; I should feel that way myself."

From that day to this I have had a growing conviction that this thing ought to be changed, and that one day it would be changed. "His enemies themselves being judges," Lee stands as one of the purest and gentlest and at the same time one of the most brilliant and heroic men in American history.

An editor of a great New York magazine referred to him recently as the most splendid and heroic character of the Civil War, and said, "I am glad to have the columns of this magazine used to honor his name." When I spoke from this floor on this subject some years ago, the lamented Congressman Osborne, from California, was the only Union veteran in the House. He wrote me a letter of cordial appreciation and assured me he considered it a privilege to join in such a cause.

Seven years ago, within two months after I began my service in the Congress, I began my advocacy of this measure with a speech in which I urged that the home of Lee should be restored, should be kept in its original form and beauty, and, like the home of Washington, should be held sacred in the hearts of our people. It has taken seven years for this to come to pass, but I remember the patriarch of old who served seven years, and then another seven, before he got the full desire of his heart.

During these years I have often discussed this matter publicly and have urged it through personal appeals and private interviews enough perhaps, to gain the reputation of a nuisance and a crank with people who were not interested in the subject. But I have found all along some happy surprises as to people who showed a vital interest in the matter. One of the most ardent advocates of the cause has been that brilliant penwoman, Mrs. Frances Parkinson Keyes, of New Hampshire, who was born in Virginia and maintains a spirit of loyalty and devotion to the Old Dominion and its people. Again, Public Resolution 74 was brought before the House and sponsored by Representative CRAMTON, of Michigan, son of a Union soldier, who has said to me that he received his high opinion of Robert E. Lee from his good father, who went south and fought against Lee for four years.

* * * * * * *

We of the South have been called on to pay tribute to the valor of the North, and gladly we have paid it. As worthy foemen we have honored the soldiers in blue; as honest foemen we have respected them; as reunited brethren we have worked with them; as comrades in arms our sons have shed blood under a common flag with theirs through two wars in a common cause. For more than half a century our money has been added to theirs to pension the veterans of the Grand Army, against which we fought; to buy, beautify, and maintain Federal cemeteries from Gettysburg to Vicksburg; to erect monuments to Federal leaders.

The loyalty of the South is established, sealed with the blood of her sons. Before the secession she had given largely to the building of the Nation. Since the reunion she has given just as generously. I would not say that she has come back to the Union conquered, because in her attitude toward the Government she has exhibited none of the animus of defeat.

The South has come back with head erect and eyes unafraid, having fought to her last energy for a principle which she considered vital, but accepting the issue of battle with good grace and honest courage.

In true southern and true American spirit we now accept this national tribute to Robert E. Lee, not as an expression of sympathy or mercy to an unworthy cause or a recreant people, but as an expression of a Nation's honor to one of that Nation's greatest heroes, who deserves every tribute that may be paid to his high character, his great ability, and his splendid achievements. [Applause.]

ADDRESS OF HON. PAT HARRISON

Mr. WILSON of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech by the senior Senator from Mississippi, PAT HARRISON, on the life and character of one of our great benefactors.

The SPEAKER. Is there objection?

There was no objection.

The speech is as follows:

SPEECH DELIVERED BY SENATOR PAT HARRISON ON SUNDAY AFTERNOON, JANUARY 6, 1929, IN THE CITY OF GULFPORT, MISS., AT THE UNVEILING OF A BRONZE BUST OF CAPT. WILLIAM H. HARDY, GIVEN TO THE CITY OF GULFPORT BY HIS SON, HON. LAMAR HARDY, OF NEW YORK CITY

Amid the false trimmings of this new and modern day it is refreshing to know that gratitude still abides in the hearts of men. Monuments are indicative of the character of a people. Truly the poet was right when he said:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay."

No greater disaster can befall a civilized people than for them to be untouched by sentiment or unmoved by tradition. It is to the credit of the finest traditions of old New England that in the populous city of Boston, cemeteries wherein lay heroes of the Revolution and historic

landmarks of that imperishable period have been maintained and preserved against the assaults of progress. No commercial or industrial emergency has ever been able to supplant those hallowed places. A nation's glories are but the accomplishments of her citizenship. The finest inspiration to posterity is found in the priceless legacies of glorious achievements. The Greek youth of old represented the highest type of physical perfection. At the Olympic games he joined in the applause which greeted the victor and returned home determined that some day he would wear the crown of wild olive.

The child of Italy, beneath the golden splendor of Italian skies, looks with rapture upon the paintings of Angelo and lies down at night to dream of the days when his own work, chiseled in marble or painted upon canvas, may rival that of his great master. The little French peasant boy is stirred by the Marseillaise because he has read in the strong lines of his Napoleon the military glories of his country. No Englishman ever visited London without a fixed resolve to wind his way up to Trafalgar Square, where he might look upon the towering monument to England's mighty hero. No greater compliment has ever been paid the Capital City of this Nation than when it was referred to as the "City of Monuments." In that city of beauty, rich in lore and history, upon every square and in every circle enduring testimonials of a grateful people rise to many of our country's illustrious dead. Throughout our State, in hamlet, town, and village, towering shafts and costly monuments have been erected to her distinguished dead, whose services in peace or war have added to the glory and progress of our Commonwealth. It is in keeping with that fine custom that this memorial is erected in this magic city by the sea to our illustrious friend and pioneer citizen, William H. Hardy. He was a remarkable character, endowed by the Creator with a grace and dignity and personality that was striking. It was impossible for his commanding figure to be lost in any crowd. His fine native ability, his studious nature, his analytical mind, his constant search for truth embellished his character and endowed him as a leader of men. As a philosopher he ranked high; as a lawyer among the best of his profession; as a statesman he left his imprint upon the pages of constructive legislation; as an orator he was most eloquent; as a jurist he was discerning, just, and able; as a citizen he was progressive and unselfish; as a Christian he was tolerant of the views of others but steadfast in his devotion to the high purposes and calling of his church; as a family man he was tender and true; as a friend he was loyal; as a soldier he was brave. As successful as he was in the many high positions of honor and trust which he held, from member of the State senate to judge of this circuit district, from codifier of our laws to counselor and advisor of governors and high dignitaries, it is not of these services that I desire to speak to-day, but of those things that I know if he were living and in this presence he would desire more to be known to posterity than all others. Coming to Mississippi immediately following his college training at the Cumberland University and before he had reached his majority, he saw the wonderful opportunities for future development that lay in the piney-woods section of Mississippi. Amid the environments of the little town of Paulding, in Jasper County, with a prophet's eye he visioned the then three great commercial metropolises of the Nation—New York in the East, New Orleans in the South, and San Francisco in the West—connected by great trunk lines of railroad. He visualized the virgin forests, the rich agricultural lands, and the fine opportunities for a great port on the Mississippi coast. The future development of this section to him was dependent only upon transportation. To carry through only capital was to be obtained and mobilized. He was the first Mississippian to conceive the necessity of a railroad connecting New Orleans with the ports along the Atlantic seaboard through the construction of a railroad running out of New Orleans in a northeasterly direction through Meridian. It was in those circumstances that he began to lay plans that meant so much to the future of Mississippi and this section.

In 1868 he wrote an article for the press that was given wide publicity, calling attention to the opportunities of south Mississippi, and the possibility, as well as the necessity, of building a trunk line through the shortest route between New York and New Orleans over Lake Ponchartrain. The idea with him was not a financial dream, but a project to which he had dedicated his talents, and was as fixed in his purpose to achieve as the stars in heaven. It was in the early seventies that he mobilized all his talents and concentrated all his efforts toward arousing interest in and winning favor for his plan. It was no little task in the early seventies to finance a great railroad construction, and yet, at that time this young piney-woods pioneer and lawyer not only gave to the country his conception, but sold the bonds that the survey might be made, and later traveled to the hard-boiled centers of financial New York to gain further financial assistance.

For one from our State in this day of high finance and fictitious values to interest New York or French or English capital in the purchase of $2,500,000 worth of bonds is no easy task, but when we think of the difficulties that confronted one without means of affluence in the late seventies or early eighties to have been able to negotiate such a loan for the construction of a railroad, we can appreciate the very efforts the more. For more than a decade this pioneer citizen kept constantly at his task, and not until 1884, nearly 16 years after he had first advocated the project, did he behold that this dream had come true. Often have I heard him describe the thrill that came to him following the completion of that railroad:

"When I first began to agitate the building of this road across this immense body of water and marsh land," said he, "I was ridiculed and charged with being a dreamer, but I had an abiding faith in the project and was given a thrill of joy as I traveled as one of the first passengers in palace Pullman cars across this 21-mile bridge at the rate of 40 miles an hour." What James J. Hill, as a builder, did for the great Northwest, Captain Hardy did as a pioneer building for south Mississippi.

With all the self-satisfaction and glory attained from such an achievement, his indomitable energy and consuming interest in the development of this section, called him to another great effort. In 1880, while lunching near the intersection of Bowie and Leaf Rivers, along the line of his almost completed New Orleans & Northeastern Railroad, he visualized another road connecting a great port on the Mississippi coast with metropolises along the Great Lakes region and crossing his own railroad at a point where he was then sitting. He then and under these circumstances laid out the city of Hattiesburg, named it after his beloved and devoted wife, and began an agitation for the construction of the Gulf & Ship Island Railroad. It was not until 1886 or 1887 when he took active charge of the construction and financing this project, revising and amending charters, entering public lands, battling and confirming those interests in the high tribunals at Washington, and laying the plan for a network of railroads in south Mississippi that was to give it a prominence and position second to no other section of the State. He did not carry to full completion the construction of the Gulf & Ship Island Railroad—general financial depression hampered and disturbed railroad construction throughout the country, but the ground work that he laid, the project he started, became a reality, and to-day our section is so linked in the arterial railroad system of the Nation that we play our part in the trade and commerce of the world.

Few lessons are found in the career of this remarkable man that more illustrate his broad wisdom and keen perception than his dream of this great harbor and the plat and plans for the building of this magic city by the sea.

Forty years ago wide boulevards and unnecessary parking spaces were ridiculed as public extravagance, and yet this seer and philosopher reckoned with prophetic accuracy the coming of such new modes of transportation as would require greater space for transportation and greater convenience for parking. It was his foresight and his genius that gave us these wide streets, constructed as though he knew more than 40 years ago that the automobile in time must be parked and space and convenience provided therefor. Great as were the many achievements of this pioneer citizen in laying out the many cities and towns in south Mississippi, bringing new industries to the section and giving its development an impetus never dreamed of before, through his railroad conception and construction, I like to think, too, of the fine patriotic qualities that blessed and endowed his manly character. He loved his country with consuming devotion. The deeds and services of the Nation's mighty dead were an inspiration to him; but the South to him was a song—it was a story—it was a sentiment.

There was no apology in his heart for the men and women of this section who sacrificed or died for principles in which they believed. His greatest oratorical efforts were manifested when describing the hardships and suffering of the Confederate soldier or the fine virtues of his vicarious leader. One of the finest incidents marking the career of this pioneer patriot was when in 1861 he formed his company of farmer boys, and, leading them to the battle front, he was tendered the commission as major. He declined it because he said: "I had promised the mothers and fathers of my country boys that I would take care of them, and I thought I could do that better as their captain than as major of their regiment."

It was the fine associations there formed and the many hardships then incurred that caused him until the day of his death to prefer being called Capt. W. H. Hardy to that of any other name.

It is so fitting that this memorial should be placed in this, as he styled it, "the town of my dreams," where in his closing days he expressed the desire that "my remains be placed in its sacred soil."

There it stands, given to us by a devoted son, who, although for many years a resident of New York City, he has never allowed that fine love of sentiment and southern tradition to be remolded in a colder caste of city environment.

There it stands, the work of one who comes from the same foreign country from which financial assistance was obtained that made possible the crowning success of our illustrious citizen's greatest effort.

There it stands, a masterpiece, the workmanship of which will not detract from the international reputation of the artist who molded it.

There it stands, mounted upon its pedestal of granite taken from the heart of his own beloved South; yes, from the hard sides of historic Stone Mountain, upon whose face is to be carved the mightiest heroes of our departed friend.

There he is in sight of the harbor of which he dreamed. There he is, with his face turned toward the cities he planned, the section he loved, and the people whom he labored to help.

May you remain there, illustrious citizen, through the years to come; and as this city grows in importance, and as this section develops, as it will, and the chariots of commerce charge by, may your spirit know that your dreams have come true. And as the girls and boys of the future gaze upon your likeness, may they with Longfellow say:

"Lives of great men all remind us,
We can make our lives sublime,
And departing, leave behind us,
Footprints on the sands of time."

NATIONAL-ORIGINS PLAN

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by my colleague from New York [Mr. LAGUARDIA] in the current issue of a magazine, on the national-origins plan.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, under permission granted to extend my remarks, I desire to read an article written by our colleague, the Hon. FIORELLO H. LAGUARDIA, of New York, on an national-origins plan, which appeared in the November, 1928, issue of Current History. The article, I am sure, will be informative to all interested in this subject.

Mr. David A. Orebaugh in his article on the immigration act of 1924 works up to the startling climax that "selfish and insincere alien groups have twice succeeded in postponing presidential proclamations putting into effect the national-origins plan." He states and charges specifically that "at the last session of the Sixty-ninth Congress alien influence procured the passage of a resolution postponing the proclamation for one year, or until April 1, 1928, and at the first session of the Seventieth Congress the same influences succeeded in postponing presidential action for another year." Let us examine the "influences" and the real reasons for postponement. The President's message of January 7, 1927, is known as Senate Document No. 193, Sixty-ninth Congress. The law required that the determination of the number allowed to the various races under the so-called national-origins plan should be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor. Here is what these officials stated in suggesting a postponement of the law:

"Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore can not assume responsibility for such conclusions under these circumstances.

"FRANK B. KELLOGG,
"Secretary of State.
"HERBERT HOOVER,
"Secretary of Commerce.
"JAMES J. DAVIS,
"Secretary of Labor."

Surely three Cabinet officers designated by the law itself to work out the plan can not be properly classified as a "selfish and insincere alien group."

It so happens that even one of Mr. Orebaugh's "own group" joined in the resolution postponing the plan—none other than the "100 per center THOMAS HEFLIN." When the resolution was before the Senate on March 20, 1928, the Senator made this statement, which may be found on page 5242 of the CONGRESSIONAL RECORD of March 20, 1928:

"Mr. HEFLIN. Mr. President, in view of the fact that this [resolution to postpone national-origins plan] in no way changes the immigration law, I shall not insist on my objection at this time. I have worked for 20 years in the two Houses to strengthen the immigration law, to restrict immigration, and I do not want any loopholes made in the law by any separate enactments from time to time. Since I am assured that the committee, composed of Democrats and Republicans and Progressives, all agree that this measure should pass at this time, I will not object."

So, after all, the alleged "victory for the enemies of the restricted principle the sinister import of which should not be underestimated," again quoting from Mr. Orebaugh, is the direct result of the recommendation of three members of the President's Cabinet, after a vain attempt for two years to determine the figures, and they were joined by the most rabid restrictionists in and out of Congress. The record is entirely bare of any other influence.

Then, again, Mr. Orebaugh, sounding the clarion call to "gird our loins for battle here and now," complains bitterly that a horde of aliens appeared before the committee at the hearings held on January 18, 19, and 26, 1927, and protested vehemently. Of the 82 pages composing the record, 64 pages are devoted entirely to the statements of the Government representative and to friends of the national-origins plan and 18 pages to the representatives of organizations in opposition thereto. (Hearing No. 69.2.1) A reading of the hearings will disclose the attitude of the committee toward the various persons who appeared before it.

THE PRESENT QUOTA

Just what the national-origins plan may really mean, notwithstanding the description contained in Mr. Orebaugh's article, may best be gleaned by simply quoting the estimated figures thereof. Under the present law the total number of quota immigrants allowed in one calendar year is 164,647. Under the estimated figure submitted by the commission in 1924 the number permitted under the national-origins plan was 150,000, and, according to the estimate submitted on February 27, 1928, it is 153,685. Neither Mr. Orebaugh nor the few individuals supporting the national-origins plan hide the fact that its sole purpose is to increase the quotas from certain countries and decrease the allowance from other countries. They describe it more eloquently and with more high-sounding names; but, stripped of all insincerity and cant, it is simply writing into the law part of the program of the discredited and disappearing order of the Ku-Klux Klan in its intolerant and bigoted program against certain races and certain religions.

The whole plan is the creation of a narrow mind nurtured by a hating heart. The first figures submitted with this novel and far-fetched plan betray the real purpose of its bigoted authors. Of the 150,000 in the original estimate submitted to Congress in 1924, 85,135 were allotted to Great Britain and North Ireland. This left less than half, or, to be specific, 74,865, to be allotted to the rest of the world, comprising 29 different countries. It allotted to Germany 20,028, which left but 54,000 to be divided among the 28 remaining countries of the world. Such allowance permitted of the boast that Jews and Catholics were practically shut off from entering the country. To prove this point it was gleefully pointed out that instead of taking Great Britain and Ireland as one or taking Great Britain and Ireland separately Great Britain was taken together with the north of Ireland, or, as the klansmen emphasized, "Protestant Ireland." This juggling naturally reduced the quota from the Irish Free State, where the emigration is mostly Catholic. The Irish Free State's quota is reduced from 28,567 to 17,427. The figures speak for themselves.

On January 7, 1927, the first official figures were submitted to Congress. The number determined for Great Britain was within a thousand of the original estimate above given; to Germany within 3,000 of the original estimate. Much to the embarrassment and confusion of the sponsors who sought in certain quarters to disguise the real mathematics of the scheme by creating the so-called Nordic idea, the figures determined by the committee did not go far enough. All arguments, estimates, and promises that the Nordic countries besides Great Britain would have a corresponding increase over the southern and eastern European countries went to pieces. Denmark, which is allowed 2,789 immigrants under the 1890 census basis, was reduced to 945 under the original estimate; Norway from 6,453 to 2,053, though pegged up later (1927) to 2,403; Mohammedan Turkey jumped from 100 to 233; Sweden from 9,561 under the present act decreased to 3,072, with a promise of about 300 more under the estimated figures of 1928. It was this predicament which first caused panic in 1927 among the sponsors of the national-origins plan. In the hope of being able to juggle figures again or to determine quotas by synthetic statistics the "study" of the problem was continued another year. The figures were so confused and, as frankly stated in the statement submitted by the President of the United States, so uncertain and unsatisfactory that it was simply impossible to put the plan in operation.

Every time consideration is given to the plan there is such variance of figures as to make the report entirely irreconcilable with its predecessor.

The whole plan is uncertain and inaccurate.

It can be figured out any way, according to who does the figuring, which proves its unscientific basis. Mr. Orebaugh would make one believe that it is very simple. He states boldly, in the face of the statements submitted by the President, that it would be possible to proclaim the determination and put the law into effect. But let the expert from the Census Bureau who worked out these figures speak. To Joseph A. Hill, assistant to the Director of the Census, was assigned the task of working out the mathematics of this strange proposition. The committee did the best they could under the circumstances and here is how it worked out. Mr. Hill says:

"Now, we realize, and I think everyone realizes, that you can not classify the population of the United States into so many distinct classes and say there are so many people here who are of English descent and so many here who are of Scotch descent, so many of Irish descent, etc., because the population through intermarriage has become very much mixed as regards national origin * * * that being the case we had to assume at the outset that by number of inhabitants of English origin, for instance, is meant the amount of English stock in the United States expressed as equivalent to so many inhabitants."

PROBLEM OF RACIAL MIXTURE

In other words, the committee which labored with this plan had the task of not only ascertaining the number of various races in the United

States from 1790 to 1920, but also to ascertain the proportionate racial mixtures in each individual and credit that particular country with so many fractions of each human being. To quote again from Mr. Hill's testimony:

"For instance, if you had four people, each of whom had one German grandparent and three English grandparents, so that each of them was three-fourths English and one-fourth German, we can say that we have the equivalent here of three English persons and one German person. In other words, we had to take the inhabitants as a unit of measure in which to express the amount of English blood or Irish blood, etc., that is found in the American people of the present day."

And yet the plan is called simple, logical, scientific, and necessary. Here are just a few of the things the committee was required to do to obtain even a semblance of a report in compliance with the requirements of the law. The committee first analyzed the number of immigrants from the records of immigration from 1820 to date; second, the decennial census from 1850 to 1900; third, a classification was made of the racial stock of the white population enumerated in the census of 1790; fourth, the white population of the United States was divided into two main portions or divisions—(a) one representing the population which is the descent of the inhabitants enumerated at the first census of 1790, which was called "original native stock"; (b) the other comprising the population which is descended from and consists of immigrants who have come into this country since 1790, including immigrants themselves, children, grandchildren, and great grandchildren. A perfectly simple matter, says Mr. Orebaugh.

Lest it be said that the scheme is purposely made intricate, involved, or even senseless by the writer, it is best to quote the statement made by the expert as to just how the proposed figures were reached. Continuing Mr. Hill's testimony, which, by the way, may be found in the hearings referred to by Mr. Orebaugh held by the Committee on Immigration on January 18, 1927 (p. 7):

CENSUS EXPERT'S TESTIMONY

"Mr. HILL. Let me explain, if you have this table before you, just what it means and how it is to be read. Suppose we take for illustration age group 35–40. Those persons who were from 35 to 40 in 1920 were born between 1880 and 1885. That generation, born between 1880 and 1885, has been enumerated four times in the censuses of the United States. It was enumerated for the first time in 1890, when it was between 5 and 10 years of age, and at that time the census showed that 76.17 per cent of these native children between 5 and 10 years of age were the children of native parents. This same generation was enumerated for the second time in 1900, when it was between 15 and 20 years of age, and, according to the census at that time, the percentage having native parents was 75.84. It was enumerated again in 1910, at the age of 25 to 30, when the percentage was 77.15, and again in 1920, when it was from 35 to 40 years of age, and 77.65 per cent were reported as having native parents.

"There is an average of those four percentages, 76.70. The percentages change a little at every census, but that might be expected. One stock may die off faster than the other, so that there is a change in the proportions.

"The result of this computation is that we have figures showing what percentage of the children born in each 5-year period had native parents.

"Again using for illustration the population that was between 35 and 40 years of age in 1920, and therefore was born between 1880 and 1885, the table shows that 76 per cent (leaving out the hundredths of per cent) of the children born in that period were the children of native parents. Then we can ask ourselves this question: What proportion of the parents of these children were themselves the children of native parents? Now, the parents of these children born between 1880 and 1885, we will assume for the purpose of simplifying the illustration, were between 20 and 35 years of age in 1880 and, therefore, between 25 and 40 years of age in 1885. Now, a parent who was between 20 and 35 years of age in 1880 was born when? Between 1845 and 1860. We find that of the population born between 1845 and 1850, 87 per cent had native parents, and of the population born between 1850 and 1855, 82 per cent had native parents, and of those born between 1855 and 1860, 76 per cent who had native parents.

"Suppose we take the middle one of these three percentages as an average, and say that 82 per cent of the parents of the children born between 1880 and 1885 were themselves the children of native parents. See how far we have got. We started with population between 35 and 40 years of age in 1920 and we found that 76 per cent of them had native parents and that 82 per cent of the parents of those children also had native parents.

"Now, a parent of a parent is, of course, a grandparent. So we can say that of the population that was between 35 and 40 years of age in 1920, and therefore born between 1880 and 1885, 76 per cent had native parents and of those that had native parents 82 per cent had also native grandparents. Eighty-two per cent of 76 per cent is 62 per cent. So of the population between 35 and 40 years of age in 1920, 62 per cent had native grandparents."

Very simple, is it not? Mr. Orebaugh implies that only illiterate, low foreigners, alien groups, and politicians fail to grasp or understand the proposition. He also charges that "the average business and professional man of American ancestry has but a vague conception of the meaning and importance of the national-origins plan." To these "groups" Mr. Orebaugh in all fairness should have added the President of the United States, the Secretary of State, the Secretary of Commerce, the Secretary of Labor, the unanimous vote of the Senate, and the majority of the House of Representatives.

THE INFLUX OF MEXICANS

As to the total number of immigrants, the difference between the present law and the national-origins plan is 14,647. That difference, with a population of 120,000,000, certainly can not produce the terrible danger so fearfully described by Mr. Orebaugh.

The sincerity of the extreme restrictionists and of the sponsors of the national-origins plan must be necessarily questioned when they seek to base their proposition on an economic necessity and a desire to keep up the American standard of living. While the doors were shut, and the wisdom is not necessarily questioned here, to the countries producing the people who built up this country, the doors were left open and are now wide open to the cheapest kind of peon labor. The advocates of the national-origins plan were conspicuously silent when the Committee on Immigration was holding hearings to prevent the importation of cheap contract labor from Mexico. The testimony before the House Committee on Immigration is voluminous. It was there disclosed that Mexicans are imported and working on sugar-beet fields at wages that American labor refuses to accept. Railroad executives appeared before the committee in opposition to the restriction of Mexican labor on the ground that they wanted that very kind of cheap labor. A conservative estimate fixed the number of Mexicans illegally in this country at 1,500,000. They are coming in at the rate of 350,000 a year. That, in comparison with the total number of 164,647 sound, clean, healthy immigrants who must undergo no less than three physical examinations, two literacy tests, and produce documentary proof of good character. Relatives who understand conditions here are able to advise the newcomer of American wages and the American standard of living. The European immigrant can no longer be exploited. The Mexican peon is preferred because he is willing to work for starvation wages and live under the most degrading and unsanitary conditions. So, is it really a desire to continue the so-called Nordic stock or is it, after all, the wish to get the cheapest kind of labor at the lowest possible wage and bring down the American standard?

In closing, no better description of the national-origins plan can be given than that offered by Mr. Orebaugh himself: "It has become a sort of 'homeless Hector' repudiated by the leaders of both the great parties." Surely everybody can not be wrong.

ANALYSIS OF APPROPRIATIONS FOR AGRICULTURE

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to print an article from the Minneapolis Tribune of February 17, 1929, by George F. Authier on funds appropriated for the Department of Agriculture.

The SPEAKER. Is there objection.

There was no objection.

Mr. ANDRESEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an article written by George F. Authier, of Washington, D. C., which was published in the Minneapolis Sunday Tribune, of Minneapolis, Minn., on February 17, 1929.

The article sets forth a comprehensive analysis of appropriations for agriculture.

UNITED STATES FARM AID TOTAL PADDED, FIGURES SHOW—FUNDS APPROPRIATED DIRECTLY FOR AGRICULTURE ARE ONLY THIRD—MUCH OF DEPARTMENT'S ALLOTMENT GOES TO ROAD BUILDING

By George F. Authier, the Tribune's Washington correspondent

WASHINGTON, February 16.—Agriculture, laboring under the mistaken apprehension it is having appropriated exclusively for it, through the Department of Agriculture, the annual sum of $155,000,000, will find upon examination the figures are padded to the extent of about three times the real amount.

Instead of an annual $155,000,000 appropriated for agriculture through the department there really is being allocated for direct benefit to agriculture $34,150,000, only a small percentage of the total appropriation for agriculture, usually described as about 4 per cent of the entire amount of governmental funds expended.

But even of the $34,150,000 appropriated seemingly for the direct benefit of agriculture, further analysis discloses that even this sum is not devoted entirely to the benefits of agriculture, much of it being used for the general public good. A conservative estimate would place the total amount expended for the direct benefit of agriculture, through its department at Washington, at approximately $20,000,000. Even with this comparatively small sum, great benefits are derived and probably there is no governmental investment which returns such practical returns or in such huge figures.

FUNDS DIVIDED

This diversion of the funds presumably devoted to the benefits of agriculture was touched upon at the recent gathering in Washington when the congressional delegations of Minnesota, North and South Dakota, and Montana met here in a conference to consider direct means of aiding agriculture by means of increased development of the county-agent system for better dairy and beef-cattle breeding. Closer scrutiny shows the extent of this diversion was not known. Here is something that such men as Representative ANDRESEN, Minnesota's member of the Committee on Agriculture; GILBERT N. HAUGEN and L. J. DICKINSON, of Iowa; the Northwest Agricultural Foundation; the various land-grant colleges of the Northwest; and others may consider with profit and interest. The figures which will be used to substantiate the startling claim made above are authenticated by the officials of the Department of Agriculture.

Let us start with the annual appropriation of $155,000,000 for the Department of Agriculture. Analysis will show the major portion spent for the "general good of the public," as Secretary Jardine describes it in his annual report, undoubtedly worthy purposes, but purposes which should not be checked up against direct benefit to agriculture as an argument for denying more funds for that great industry.

While this fund is 4 per cent of the total Government expenditures, we can wipe out at the start $90,000,000 devoted to Federal aid to States in road building and for the construction of forest roads and trails. This sum alone, certainly not devoted to the exclusive benefit of agriculture, makes up nearly 59 per cent of the total appropriation devoted to the department as a whole and reduces the percentage for agriculture of the total Government expenditures to about 1⅛ per cent instead of the 4 per cent with which we started.

FARMER'S BENEFIT SMALL

Of course the farmer benefits from good roads, but certainly no one looking over the post-office addresses of automobile owners, including foreign touring cars, passing through this State, will have the temerity to say that the farmer is the sole beneficiary or even the chief beneficiary. This is especially true of forest roads and trails. So much for this item.

Let us take up some others. For example: The Bureau of Animal Industry spent last year $13,000,000 or 8½ per cent of the total of the department appropriation.

That sounds like direct benefit to the farmer and agriculture in general. But—let us see! Of this sum, $5,000,000 was for the Government meat inspection service in the packing houses throughout the United States and $6,000,000 was for cooperation with the States for the eradication of tuberculosis from the dairy herds and other cattle, and most of it went for the Federal Government's share of indemnities paid to owners of tuberculous cattle slaughtered as part of the campaign for healthy herds and pure milk supply.

Now, this work was not done for an altruistic interest in the welfare of the cow. It was done to preserve the health of the community and the resident of Hennepin Avenue, Minneapolis, or Woodward Avenue, Detroit, or Fifth Avenue, New York, was as much a beneficiary as the farmer. Tuberculosis is no respecter of persons, or occupation, or residence.

ANOTHER CUT

Again the Forest Service spent $12,500,000, or 8 per cent, of the department's total for 1928. Presumably trees are products of the soil and might be classed as coming under the head of agriculture. They might come under the jurisdiction of the Department of the Interior with as much justice. The bulk of this large fund went for the management and supervision for the general public use of the 159,000,000 acres of the national forests owned by the Federal Government for the benefit of the entire public. More than 20,000,000 people are visiting these forests each year in search of recreation and health. The number is increasing by leaps and bounds. All this is very fine, but how much does it benefit the milkman in Omaha, the corn raiser in Iowa, the wheat growers in North Dakota, or the fruit grower in Michigan?

The Forest Service cooperates also with States and private timberland owners in promoting scientific utilization and the best practices for the protection and conservation of all our forests and conducts research in tree growing, and of processes of vital interest to the wood-using industries of the country. This is all to the good, but of just what superior advantage is this to the farmer?

Suppose we take a look at the weather—concerning which Mark Twain remarked much was said about it, but little done. They do about $2,600,000 worth of it in the Weather Bureau. Some one had the happy thought once that there must be an essential relationship between weather and crops. No weather, no crops. Hence, with irresistible logic, the Weather Bureau was put in the Department of Agriculture.

WEATHER BUREAU'S SHARE

Of course the farmer benefits by weather forecasts, although how much is a matter of speculation. Everyone is familiar with the general local weather forecasts issued by the department, but how many farmers know that his Weather Bureau is at work with its valuable meteorologists giving storm warnings to ships at sea, forecasting weather conditions in forest areas as part of the campaign against fires, and forecasts of upper-air meteorological conditions as an aid to aviation, just to mention a few of the major purposes to which it is put. Certainly no one will deny these activities, valuable as they are, are for the benefit of the general public and might well be paid for directly out of the Public Treasury.

Take the food, drug, and insecticide administration for which the department spent last year $1,300,000. This law is better known as the "pure food law." Also for the enforcement of the tea act, the milk import act, the caustic poison act, and other laws which the general public has come to regard as indispensable as health-protective measures. This administration enforces also the naval stores act (greatly to the benefit of agriculture, no doubt) providing for the handling of rosin and turpentine products used so extensively in the paint and varnish trades, and the insecticide act, which regulates traffic in preparations entering into interstate commerce used for killing bugs, whether on the farm or in the city home, together with disinfectants and similar products.

The Biological Survey spent over $1,000,000 in protecting and conserving the birds and wild life of the United States, including such species as elk and bison. The open and closed seasons on migratory game birds are also supervised in this bureau. Something like more than half of its funds were spent for these purposes, and the remainder was used for cooperative campaign to control and exterminate wild animals, such as wolves, coyotes, and the like, which prey on the herds of stockmen, and injurious rodents, including rats and mice, the latter operating in city homes as well as those in the country.

The Bureau of Home Economics spent over $100,000 for research work on food, clothing, and household equipment, designed to make city homes as well as farm homes happier and better places in which to live.

FARM BENEFITS

This brings us to the items which more correctly may be described as being devoted directly to the benefit of agriculture. They are—

Bureau of Plant Industry	$4,000,000
Bureau of Animal Industry (exclusive of $5,000,000 for meat inspection)	8,000,000
Extension Service	1,600,000
Payments to States for agricultural extension work	6,000,000
Office of Experiment Stations	350,000
Payments to States for State experiment stations	3,350,000
Bureau of Entomology	3,170,000
Bureau of Chemistry and Soils	1,100,000
Plant Quarantine Board	1,000,000
Bureau of Dairy Industry	550,000
Grain Futures Administration	100,000
Bureau of Agricultural Economics	5,000,000
Total	34,150,000

Secretary of Agriculture Jardine has pointed out in his report that it is not correct to assume that these expenditures, totaling $34,150,000, are all for direct help for the farmer. On the contrary, practically every one of these bureaus just listed, seemingly designed for the exclusive benefit of the farmer, are carrying on activities of direct interest to the general public.

OTHER DEPARTMENTS

Look into the administration of the Bureau of Entomology, for example. While primarily it works out methods for control of insect pests injurious to crops, it is as vitally interested in controlling or eliminating those injurious to man and animals. House moths are not exclusively the luxury of the farm home nor are their operations on last winter's overcoat or the new davenport confined to the farm area. Yet this is a pest against which the bureau is at war. None are too humble for the eagle-eyed entomologist to seek out, as, for instance, the humble bed bug, concerning which the entomologists know a lot. He may be taboo in polite society, but certainly no one will assert he thrives better in the country than in the city.

Consider the Bureau of Farm Plant Industry. This has a tang of the soil about it. But one of its chief activities is the development of drug plants which can be grown in this country in place of menthol imported from the Orient. It will be admitted this is of as much value to industry as to agriculture.

Again some of the department's money is being spent in searching the world over for species of trees that can be grown here in place of the chestnut tree, rapidly approaching extinction. Presumably the farmer could get along without chestnut trees or their substitutes, but the chestnut happens to be the chief source of supply of the tanning materials for the leather industry. If a domestic supply can not be obtained, we will have to depend upon foreign countries. This would not be so good for industry.

The Bureau of Agricultural Economics is spending more than $5,000,000 a year, but the greater part of this goes for service activities in connection with the marketing of farm products and the enforcement of laws to regulate and promote the orderly marketing of these crops.

These include the grain standards act, the cotton standards act, the cotton futures act, the United States warehouse act, that vitally touch the conduct by the public of everyday business. Also the extensive market news and inspection services of this bureau are of the same direct benefit to the shippers and handlers of farm commodities as they are to the farmers. The relationship of the department's activities to the

nonfarming population permeates practically every one of the so-called farming bureaus.

The point of it all is that agriculture will be denied its share of Government funds so long as activities that are not essentially part of agriculture are charged up against it.

CHAMP CLARK

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker and gentlemen, in the closing hours of this session, however important the business may be, I can not let this opportunity go by without calling the attention of Members of this House to the fact that this is the eighth anniversary of the death of one of the greatest men that ever sat in this body. Eight years ago on the 7th of this month there was laid to rest in the beautiful cemetery in Bowling Green, Mo., that great statesman, great Missourian, great American, whom many of you knew and loved. I want to take this opportunity to call our minds back to him and to the great service and the good that he has been to the country, the Hon. Champ Clark. May his rugged honesty, his sterling democracy, and his great character be an inspiration to the youth of our land. [Applause.]

THE BLUE AND THE GRAY

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for two or three minutes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Nebraska is recognized for two and one-half minutes. [Laughter.]

Mr. HOWARD of Nebraska. Mr. Speaker, I have secured this time for the express purpose of calling the attention of this body to a very odd situation. One year ago I introduced a bill to provide for a joint reunion, here in Washington, of the survivors of the mighty armies of the Blue and the Gray. Instantly kindly sentiment developed in favor of the legislation. It was referred to our Committee on the Judiciary, and there it met much favor. Hearings were held, and when the printed hearings were distributed they brought back to the author of the bill a flood of commendation from the veterans of both the Blue and the Gray. But the Judiciary Committee in its wisdom declined to report the bill, and now it is inevitable that the joint reunion planned for 1929 must go over until 1930. The refusal of the committee to report the bill was based solely upon the absence of indorsements by the Grand Army of the Republic and the United Confederate Veterans. We hope to get those indorsements when the two great organizations of veterans shall hold their reunions during the present year. I do not like to see the joint reunion go over for another year because the best estimates agree that between this day and the autumn of 1930 more than 25,000 of the aged veterans of the two armies will have "gone away to meet Grant and Lee." My chief purpose in this moment is to direct the attention of my every colleague toward effort to procure, during the present year, the official indorsements of the Grand Army of the Republic and the United Confederate Veterans, and thus brush away the only obstacle confronting a favorable report on the bill by the committee.

SUNDAY OBSERVANCE

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the question of Sunday observance.

The SPEAKER. Is there objection.

Mr. KNUTSON. Mr. Speaker, I object.

Mr. TILSON. The gentleman has the right to do that, and an objection will not prevent it.

Mr. LANKFORD. Mr. Speaker, I wish to thank Mr. TILSON, the majority leader, for the many, many courtesies he has shown me from the time I came as a Member of Congress to the present moment. Mr. TILSON has always been most considerate not only of me but of every Member, without regard to party, section, or the merit of their contention.

When I first came to Congress Mr. TILSON, a leading legislator, came to me, a halting, timid, ignorant new Member, and stated he would help me whenever opportunity presented itself. These words, though few, were golden to me. He has not only kept his promise to me but has helped every Member whenever opportunity presented itself. I shall not forget, and Congress and the country can not forget, the unselfish, patriotic, magnificent service of Mr. TILSON.

But, as indicated, I wish to say a few words about Sunday observance. There are many throughout the Nation who will attempt to construe this Sunday session of Congress as a deliberate desecration of the Christian Sabbath of the American people. In behalf of the great majority of Congress and the overwhelming majority of the very best people of America, I deny this vicious imputation. A round of applause came from the galleries as this morning's session convened. In 10 years' service this is the first applause I have seen or heard from the gallery upon the convening of Congress. Evidently the enemies of the Christian Sabbath were rejoicing at what they thought was a desecration of the Sabbath and a further destruction of the faith of our people in the Bible and its teachings.

Oh, what a mockery of all that is highest and best in our civilization is sought by this gloating over everything that can be distorted into a thrust at Sunday observance, the Bible, and the faith of our fathers.

Our honored and beloved Speaker, those in charge of legislation here, and the majority of Congress did not determine to hold a session of Congress on Sunday as an affront to the great Christian masses of the American people who believe Sunday is a day to be kept holy.

Congress is about to adjourn. A situation has arisen which our leaders feel constitutes such an emergency as authorizes a meeting of Congress for a short time on Sunday. The majority of the Members of Congress are neither atheists nor Sunday haters. The Senate, I understand, has just adjourned on a direct vote on whether that body should remain in session or not on Sunday. I have been assured by those in control here that a recess until Monday will be moved in a few minutes in order to allow the fullest recognition of Sunday compatible with the dispatch of urgent, important business which would not be transacted if left over until to-morrow.

This occasion demonstrates more fully than ever before the favorable sentiment of the Congress in behalf of Sunday observance. I am now convinced more than ever that a reasonable Sunday bill will pass both Houses of Congress whenever presented. Members of Congress represent the American people and the people favor at least some sort of a Sunday law for the Capital of the greatest Christian Nation on earth.

I know there are a few Members of Congress that do not associate with the Christian people of their districts or do not ascertain their views who say their people believe in rampant, notorious desecration of the Christian Sunday in the Nation's Capital. I wish these Members would find out just what their people want, in order that they may represent the good as well as the bad.

Hundreds of petitions in favor of Sunday observance have come to my office for presentation to Members for filing. These petitions were signed by many, many thousands, and came from almost every congressional district in the Union. In each case the petitions were sent to the Members of the districts from which they came with the request that they be filed, but stating in each case if the Member did not wish to file them, that I would be glad to call for them and file them myself. With only a few exceptions each Member has expressed himself as being glad to file the petitions for their constituents, and have since filed them. A number were courteous, but stated they did not wish to file the petitions, but would be glad for me to do so. This I have done.

Less than a dozen out of the entire membership was discourteous to my clerk when presenting the petitions, ignored and disregarded the express desires and wishes of their constituents and not only refused to file the petitions, but destroyed them in order to keep me from filing them.

It matters not how many petitions I receive in future from the constituents of these Members, I shall never present any more to them for filing. I shall make proper acknowledgment of the petitions and file them myself. I have never refused to file any petition presented by my people, regardless of whether is was contrary to my view or not.

At this time I do not propose arguing the merits of a reasonable Sunday law for the District of Columbia. I have done this heretofore and hope to do so again. I only wish to make this statement, and to predict that as soon as Congress senses the true sentiment of our people a Sunday observance law for the Nation's Capital will be passed by an overwhelming majority.

JOHN J. HELMS

Mr. SIMMONS. Mr. Speaker, I objected to the consideration of the bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms. I have since had an opportunity to read the report and find that compensation is now being paid by the Veterans' Bureau to the heirs of this service man, that he had a dishonorable discharge due to insanity, and, in my judgment, the probability is that the bill is a fair one. I wish to withdraw that objection, and I ask unanimous consent that it may be taken up now and considered.

The SPEAKER. The gentleman from Nebraksa asks unanimous consent for the present consideration of the Senate bill 5386, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That in administration of the World War adjusted compensation act, as amended, John J. Helms, formerly private, Supply Company, One hundred and twenty-third Regiment United States Infantry, World War, shall be held to be entitled to the benefits thereof in the same manner and with the same effect as if a separation from the military forces of the United States on October 24, 1918, had been honorable.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL FOREST RESERVATION COMMISSION

The SPEAKER laid before the House the following communication which was read:

WASHINGTON, D. C., *February 26, 1929.*

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the National Forest Reservation Commission.

Most respectfully,

SAM D. MCREYNOLDS, M. C.

The SPEAKER. Without objection, the resignation will be accepted. To fill the vacancy the Chair appoints the gentleman from Louisiana [Mr. ASWELL].

CELEBRATION AT NEW BERN, N. C.

The SPEAKER. Pursuant to House Concurrent Resolution 60, the Chair appoints the following committee on the part of the House to participate in the celebration of certain historical events at New Bern, N. C.: Mr. WILLIAMS of Illinois, Mr. ANDRESEN, and Mr. ABERNETHY.

MIGRATORY BIRD REFUGE COMMISSION

The SPEAKER. Pursuant to Senate bill 1271 (Public Act 770, 70th Cong.), the migratory bird refuge bill, the Chair appoints on the part of the House the following committee: Mr. ACKERMAN and Mr. MCREYNOLDS.

A. ROY KNABENSHUE

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider the bill (S. 3809) conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue, covered by Letters Patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907, and consider the same.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill S. 3809, and consider the same. Is there objection?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object. What is it about?

Mr. STRONG of Kansas. Mr. Speaker, a similar bill passed the House, being H. R. 11764.

Mr. TILSON. As I understand it, Mr. Speaker, the Senate and the House have each passed identical bills.

Mr. STRONG of Kansas. Exactly.

Mr. TILSON. And it is necessary that the House pass the Senate bill or both will be lost.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. SCHAFER. We are about to pass the Senate bill to-day?

Mr. STRONG of Kansas. Yes.

Mr. SCHAFER. Mr. Speaker, this House worked until 11 o'clock on several evenings passing House bills, while the Senate announced that they had no time to call meetings of their committees to consider House bills. Why should we be called upon to pass the Senate bill, when they will not consider House bills?

Mr. STRONG of Kansas. If you want the bill to become a law you must now pass the Senate bill.

Mr. SCHAFER. In view of the fact that we might show the Senate, by passing this bill, what the proper procedure is, I shall not object.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, our calendar states that House bill 11764, which is said to be identical with this, has passed and become Private Law No. 10. I think if we pass these House bills once that is sufficient. If the gentleman can show that that record is wrong I will withdraw my suggestion.

Mr. STRONG of Kansas. The House did pass an identical bill, but the Senate did not pass it. Now, the Senate passed this bill.

Mr. CRAMTON. But the calendar says that House bill 11764 was approved by the President on May 3, 1928, and became Private Law No. 10. The gentleman may have had the number wrong or something of that kind. I am taking the number that has been given.

Mr. STRONG of Kansas. Senate bill 3809 is on the Speaker's table now.

Mr. CRAMTON. That is Private Law No. 110.

C. C. SPILLER, DECEASED

Mr. STRONG of Kansas. Mr. Speaker, I desire to call up the bill S. 5787, which is identical with a House bill which passed the House and has not passed the Senate.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follow:

A bill (S. 5787) for the relief of the estate of C. C. Spiller, deceased

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of $8,000, found to be due him by the Court of Claims, in congressional case No. 10549, as appears by Senate Document No. 173, Fifty-ninth Congress, second session, being his share of the reasonable charter value, together with the destruction thereof, of a small steamboat, known as the *Paint Rock*, taken and used by the United States, and while in their possession accidentally destroyed and never paid for, all while the said C. C. Spiller, deceased, was a loyal citizen of the United States, as evidenced by the findings or report, dated June 27, 1864, of a board of claims designated by the commanding officer of the Department of the Cumberland, by Special Field Orders, No. 104, dated April 12, 1864, still of record in the War Department.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, the House Calendar says H. R. 11339, for the relief of the estate of Mr. C. C. Spiller, passed the Senate.

Mr. BYRNS. The Senate bill passed the Senate, but since that time the Senate passed the House bill.

Mr. CRAMTON. Then you do not want this passed?

Mr. STRONG of Kansas. No, sir.

Mr. BYRNS. I am very much obliged, however, to the gentleman from Kansas for calling it up.

LEAVE OF ABSENCE

Mr. WAINWRIGHT, by unanimous consent, was granted leave of absence on account of serious illness in his family.

NATIONAL ORIGINS

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks on the national-origins resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, the resolution reported by the House Committee on Immigration and Naturalization deferring the operation of the national-origins clause should be adopted. The time is too short to give proper consideration to the repeal of this unfair and discriminatory provision. To defer its operation for another year is the only safe step to take at the present time. Necessity compels those who believe in its repeal or who are seeking further information on this subject to adopt this course. To permit it to go into operation will mean that its repeal will be less possible than if it is deferred at this time.

Furthermore, this action is the keeping of faith with the American people on the part of the Representatives in Congress of both parties. The reporting by the committee of the resolution delaying its operation is an effort on the part of the majority party to keep the promises that its standard bearer made during the campaign. On February 14, 1929, in discussing this subject before the House, on page 3477 of the CONGRESSIONAL RECORD I said:

Both parties through their standard bearers in the recent campaign went on record as favoring the repeal of the national-origins clause. Between now and March 4 action will have to be taken in order to prevent its operation. While both parties have responsibilities the party in the majority will be directly responsible for this iniquitous, discriminatory law unless proper action is taken to repeal or defer its operation.

On February 14 my purpose in addressing the House on this important subject was to call to your attention the necessity for action; the brief time remaining, and whether or not the promises made during the campaign were, like many others in the past, to be thrown into the wastebasket. Members of both parties owe it to the American people to keep faith. During the course of my remarks of February 14, I presented evidence showing the practical impossibility of the basis of determination for national origins, and that it depended upon guesswork to determine the quotas in the main. The absence of records of any definite kind prior to 1850, with no official record prior to 1790, were called to your attention on the question of uncertainty. The fact that President-elect Hoover looked upon this clause with such disfavor as to unreservedly favor its repeal and to advocate it, was also called to your attention. The differences in the reports of the President's commission in 1927 and 1928 were also referred to. Another year has gone by and another report has been made showing further changes. Every year that a report has been made changes have been recommended. This clearly shows the uncertainty of the basis of determination and therefore its unfairness.

It must be borne in mind that the controversy over the national-origins clause does not involve the question of restrictive immigration. We already have a restrictive policy existing in America. Under our present policy 164,000 immigrants are the maximum number admissible to the United States each year from quota countries, while under the national-origins clause about 154,000 will be admissible each year from the same countries. There is no restrictive policy with reference to the Western Hemisphere. People should not be deceived in this respect. The real issue should be understood.

The permitting of this clause to go into operation results in many of our important elements being affronted. Such a condition will bring about dissatisfaction, all of which is unnecessary upon careful consideration of the facts. Those of Scandinavian, French, German, Swiss, and Irish birth and descent will be affected by the provisions of this clause. While none of our racial elements, which term is merely used descriptively, should receive any marked benefits under any law, on the other hand none of them should be discriminated against by the operation of an unwise, impracticable, un-American law.

Under this law each and every one of us must ask ourselves, "What is my national origin?" It compels every one of us, no matter how far back our ancestry in this country goes, to ask ourselves that question. Under it we must ask ourselves, "What am I? Irish, German, French, English, Scot, Italian, Swedish, Norwegian, Armenian, and so forth?" But under no interpretation of this clause can any American ask himself or herself the question, "Am I an American?" For the purposes of determining the quotas established by this law the American type of citizen, the product of generations of intermarriage by citizens of different births and descents, is destroyed. To anyone who prides himself on his American citizenship this must be distasteful, and such a situation must bring to the rational mind the realization of its inadvisability and dangers. This is particularly true when the uncertainty of determination is appreciated and considered. This uncomfortable and un-American situation should be avoided. The only way that it can be avoided is by passing this resolution deferring the operation of this law, and during the first session of the Seventy-first Congress it should be removed from our law and the necessity of further consideration by the people by Congress repealing its provisions.

PRESIDENT COOLIDGE

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, whether the President of the United States and the Congress get along well together is always a matter of the greatest interest to the whole country. Theoretically, our Government is divided into three separate branches, the legislative, the executive, and the judicial, and this separation has been regarded as one of the strong points of our Government making for progress as well as stability. The separation of the judicial branch from the other two is quite clear and complete, and this is generally recognized as one of the very wise and fortunate features in our system.

In the very nature of things the legislative and executive branches can not be so distinctly separated. The system of checks and balances established between the two has in a measure made them interdependent, but on the whole has worked well. The veto power, for instance, is essentially a legislative function, making the executive to this extent a vital part of the legislative machinery. Making appropriations for the conduct of the executive branch of the Government is a legislative function, but by reason of the fact that funds thus appropriated are disbursed under the law by the executive department, these two branches of the Government are closely tied together. While the legislative branch makes the laws, it is the function of the executive to enforce them, and this again connects most vitally these two branches of the Government. It will thus be seen that the entire country is deeply interested in having the relations between Congress and the President of the most satisfactory character, because it is not only important, it is vitally necessary, that Congress and the President shall cooperate.

Different Presidents have used widely differing methods in dealing with Congress, with varying degrees of success. President Cleveland failed to command through much of his administration the support of even his own party in Congress, and both he and the country suffered from it. McKinley, by reason of the fact that he had served for many years in Congress, was able to influence legislation very largely through his personal knowledge of the workings of Congress and personal contact with the Members, many of whom he had known intimately during his service in Congress. During the Roosevelt administration that dynamic individual used such persuasive powers as he had, and in addition he used the "big stick," a large part of the press, and a very considerable degree of support from the people to help work his will. President Taft, most amiable of men, lacked much of being successful in securing the full cooperation of his Congress. President Wilson ruled at first very largely through a wholesome fear inspired by him in his own party, but in the stress of war had the good fortune to receive the support of his political opponents in all matters necessary for the conduct of the war. President Harding, fresh from a term in the Senate, where he had established many close friendships, had less vital contact with the House than most Presidents, but always listened most courteously to all Members of the House, while maintaining the most intimate relations with his former colleagues of the Senate, but he did not live to thoroughly test out how effective his policy of working with Congress would prove to be.

President Coolidge's relationship with Congress has been different from that of all his predecessors. Quite often disagreeing with Congress on matters of legislation, there never developed any rancor or bitterness over the differences. He has impressed everyone with the feeling that he acts at all times conscientiously, without the slightest influence from fear or favor, and with an eye single to the general good as he sees it. He seems to have proceeded upon the theory that others will do their duty in the same spirit, and, therefore, has not attempted unduly to sway others toward his own point of view. Who has been in the right, and who in the wrong when differences of opinion have arisen, culminating in a veto, can never be settled, because in the last analysis they are, and must remain, simply differences of opinion; but in the light of what has since transpired, including the high degree of abiding confidence which the President has inspired and continues to hold throughout the country, he can safely leave to the judgment of his countrymen the final decision as to whether he or Congress has been right in the greater number of individual instances. It would depend somewhat upon the score keeper, of course, but the President would probably have nothing to fear on this score in a fair reckoning at the bar of public opinion.

The point I now rise to make and to emphasize is that during the entire period of the Coolidge administration the President has been a quiet, though mighty, force in legislative matters. Without ostentation, without threatening or wheedling, but in a straightforward, dignified, and strictly constitutional manner, he has used the power and influence of his great office effectively in the advancement of wise legislation, as well as in opposition to unwise, unnecessary, and expensive legislation.

President Coolidge has earned and retained the highest personal regard of the individual Members of Congress, not only by the firmness and consistency of his attitude toward public matters, but by always hearing with patience such Members as came to him, and by doing whatever he could properly do to aid them in solving their problems. In fact, I recall no instance where the President has failed to meet Congress halfway in trying to work out difficult legislative problems, as, for instance, in the complicated flood-control problem, or where he has ever failed in showing the respect and consideration due the elected Representatives of the people, so that he retires from the Presidency with the highest personal regard of all Members of Congress. The result is that although the President at times has not been found in agreement with Congress, as shown by his vetoes, I recall no period during my long service in the House when there has been such universal confidence

among its Members in the soundness, patriotism, good faith, and good judgment of the Chief Executive as in the period now drawing to a close. [Applause.]

A personal word will be excused in my own case. As majority leader of the House, it has been my duty and my privilege to confer frequently with President Coolidge. These conferences have always been helpful to me and of the most satisfactory character so far as a thorough understanding is concerned. It would be an intolerable, if not disastrous, situation if the President and the responsible leaders of his party in Congress were not able to work together in substantial cooperation. President Coolidge has at all times shown a desire to work with Congress, and, in cases where he could properly do so, to make every effort to so adjust matters as to reach substantial agreement. In endeavoring to work toward this end I have found, as everyone else has found who has come in contact with the President, that while he is ready to yield in nonessentials, he stands firm and unwavering in what appears to him to be matters of principle.

It is well known that President Coolidge is in all cases most careful in making promises, being at all times slow to commit himself, but having arrived at a decision, and having committed himself to it, there is no need for fear that he will deviate or swerve one hair's breadth from the path he has indicated. One fortunate enough to receive from him an assurance as to any matter whatsoever may safely go home, go to bed, and sleep soundly, not dreading to greet the new day lest it bring the disturbing tidings that the President has changed his mind over night.

The people of the United States are most fortunate in having as their President at this period in our history a man of the soundness, firmness, high purpose, and fine practical common sense of President Coolidge. It is not eulogy, but in my judgment only a plain statement of fact, to say that no one could have filled the position with greater resulting good to the entire country, or while filling it would have inspired greater confidence in the minds of all the people during the period in which he has served the Nation as its Chief Executive than has President Coolidge. [Applause.] As he now, by his own choice, lays down the cares and responsibilities of the greatest office in all the world, I am sure that I voice the universal sentiment of this House in wishing him the fullest enjoyment and benefits of a well-earned vacation in whatever manner he may choose to spend it, and the most abundant success, with long life, health, happiness, and prosperity in whatever field of activity he may choose to enter. [Applause.]

WILLIAM S. WELCH

Mr. STRONG of Kansas. Mr. Speaker, I wish to call up Senate bill 2127, an identical bill with one passed by the House, and ask for its consideration.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to the Joliet National Bank, $15,000 to the Commercial Trust & Savings Bank of Joliet, and $10,000 to the Sharpe family, consisting of H. William, John J., Edward F., and Ellen C. Sharpe, of Joliet, Ill.

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

EXTENSION OF REMARKS—THE FORTHCOMING TARIFF REVISION

Mr. TILSON. Mr. Speaker, as the floor leader in the House of Representatives of the party again placed in power upon a protectionist platform, and after a campaign in which no subject was more frequently referred to, it is appropriate that I should say something on the subject of the proposed tariff revision. It is not my purpose to make a tariff speech. The result of the last campaign would seem to make this unnecessary. It is fitting, however, that I say something in regard to how the subject of revision is to be approached and to what extent the revision will probably go or ought to go. I shall undertake to speak for no one but myself, although I shall do my best to impress members of the Ways and Means Committee and others with the wisdom of my views on the subject.

In order to have something in the way of a proper background for what I am about to say I wish to refer briefly to the origin of the present demand for tariff revision and the circumstances leading up to it. During the last three Congresses the question of farm relief in one form or another has been acute. A bill for relief bearing the names of its coauthors, Senator MCNARY, of Oregon, and Mr. HAUGEN, of Iowa, was finally formulated and submitted to Congress, but was defeated. A little later it came up again in a slightly different form and passed both Houses, but failed to receive Executive approval. At the first session of the Seventieth Congress another McNary-Haugen bill, like the previous one, again passed both Houses of Congress and was again vetoed by President Coolidge.

During the long period covered by the discussion of the farm relief bill in three Congresses quite naturally some feeling was developed on the part of the proponents of the bill and reprisals by way of reduction in the tariff were more or less openly threatened in order to punish the industrial but recalcitrant East for its supposed hostile attitude on farm-relief legislation. Finally Senator MCMASTER, of South Dakota, introduced in the Senate a resolution calling for the immediate revision of the excessive rates of the present tariff, the obvious inference being a drastic downward revision of duties on manufactured articles. In the floundering attitude in which many found themselves this straw was grasped and the resolution came near to being adopted. It did pass the Senate by almost a 2 to 1 majority.

The Members of the House were in the same desperate straits as were the Senators, as they faced the approaching election without farm-relief legislation, and some were disposed to vote for this measure as a last-resort remedy for helping the farmer. Finally, by the narrow margin of only 8 votes in the House, a motion to refer the resolution to the Committee on Ways and Means—the committee having charge of tariff revision—was laid on the table.

During the agitation caused by the McMaster resolution there grew up a kind of understanding, and it helped to defeat the resolution—that an early revision of the tariff with special reference to farm relief would be undertaken. Certain industries other than farming, which were suffering for lack of adequate protection, also joined in the demand for tariff revision. It had become apparent that in their desperation some of those earnest in their espousal of the farmers' cause were ready to accept almost any remedy offered, and so were willing to go the length of demanding a drastic downward revision of the tariff on manufactured articles upon the theory that the farmer would be indirectly benefited. Better counsels prevailed, however, and the false theory upon which this proposal was based failed of acceptance.

In reaching the very wise conclusion to reject the method of hostile attack upon the tariff it was in effect agreed that the better course to pursue was for the friends of the tariff to beat its enemies to a revision, by sponsoring a revision by its friends along protective lines instead of the opposite plan proposed in the McMaster resolution. I then believed that if we, the friends of protection, were not willing to undertake such a revision, the McMaster resolution, or something worse, would prevail.

At the Kansas City convention I was one of those to go before the resolutions committee and urge that the Republican Party, the traditional friend of the protective tariff, should stand sponsor for such a revision of the tariff as recent developments and changed conditions would warrant. A plank to this effect was inserted in the platform adopted by that convention, as follows:

We reaffirm our belief in the protective tariff as a fundamental and essential principle of the economic life of this Nation. While certain provisions of the present law require revision in the light of changes in the world competitive situation since its enactment, the record of the United States since 1922 clearly shows that the fundamental protective principle of the law has been fully justified.

The campaign was carried on with this as one of the major planks of the platform, and on the stump was more often referred to than any other plank in it.

Farm relief and the tariff were inseparably connected from the beginning of the agitation for a revision, and they remained so throughout the campaign. Before the end of the campaign the conclusion was reached that unless something definite were done in connection with farm relief at the short session it would be wise to call Congress into early extraordinary session for the consideration of these two subjects, and with the decisive Republican victory came the obligation to take prompt steps in this direction.

It will be seen by reference to the protection plank in the platform from which I have quoted, that it declares the tariff law as it has stood since 1922 to be on the whole satisfactory; and that only such changes are promised as will readjust and

bring into line any portions of the act which by reason of new developments or changed conditions need readjustment. We stand upon this promise and assume whatever responsibility may be necessary for redeeming it. The House of Representatives took this view of the situation and began promptly the necessary preliminary preparation for carrying out its obligation in the premises.

In order to make ready for an early and prompt tariff revision general hearings by the Ways and Means Committee of the House were begun on January 7 and continued until the last of February just passed. The entire field of the tariff act was necessarily covered, because it is impracticable to attempt to revise one portion of the act without at the same time considering all parts of it. If this were not done, the action upon those portions revised might throw other related or interdependent portions of the act out of line, making the last state of the law worse than the first. Therefore, the entire field covered by the act was included in the hearings, and the information thus gathered is now undergoing a thorough study by subcommittees of the Committee on Ways and Means.

While it is necessary to consider the entire tariff act as a complete whole, it is hoped and expected that it will not be necessary to make material changes in a very large proportion of the very great number of items covered by the law. A test of seven years' actual experience has demonstrated that the present law is basically sound, and this makes it possible within the shortest time and with the least amount of difficulty to ascertain and readjust such rates as changed conditions or new developments have made necessary.

In the tariff hearings recently closed the majority of those who appeared, whether they so intended or not, made it evident that a very large share of the myriads of articles produced in this country are already reasonably protected and do not need additional duties. On the other hand, many cases were clearly shown to the committee where changed conditions have made changes necessary, and to the making of such changes the committee will now address itself.

A thorough study of the vast mass of information brought out during the hearings is to be made and may prove all demands well founded, but meanwhile it is feared that some of those presenting their case before the committee took counsel of their fears rather than of their necessities, and in so doing asked for too much in order that they might the more surely receive enough, or at least that they might not have taken away from them a portion of that which they already have. I believe in being careful and in taking reasonable precautions. Coming from Connecticut, the land of steady habits, it is but natural that I should be favorably inclined toward proper safeguards for the future. Some of those who appeared before the Committee on Ways and Means, however, went beyond what I consider reasonable caution and attempted to enter the realm of sure things even beyond what a Connecticut conservative could justify.

The overcautious ones to whom I have referred remind me of a Connecticut friend who, I think, is making for himself a record in taking care for the future. He was a little over 60 years of age when prohibition came, and seeing it coming he laid by an ample store. Being over 60 years of age, as I have said, he knew something of his imbibing capacity, and stocked his cellar accordingly. Almost 10 years have passed, during which he has kept careful statistics. He is now threescore years and ten. I met him the other day, and he is still going strong, but was worrying. I asked him what was the trouble and he told me his story. He said that the statistics carefully kept by him show that at the same rate at which he has been drinking, the normal rate for a gentleman, his supply of liquor will last for only 37 years longer, and he is now worrying about what he will do for liquor after that. Some of those who appeared before the Committee on Ways and Means have sufficient protection for the immediate present, but by their testimony are evidently beginning to worry about what is going to happen to them some time in the future. I believe that if we can secure the protection now needed we may with assurance trust future Congresses to continue the same sound policy of providing protection as the need for it shall be made to clearly appear.

As I said in the beginning, I speak only for myself when I say that in my judgment reasonably adequate protection as appears from the facts will be given in the coming tariff revision to every article and every industry making its case. On the other hand, I feel quite certain in my own mind that those who are asking rates of duty not shown by the facts to be necessary for proper protection are doomed to disappointment. If I sense aright the spirit and purpose of those who are charged with the writing of the new tariff bill, a very sincere and earnest effort will be made to find as nearly as humanly possible the line which accurately measures the need for protection, as shown by the facts to exist, and having found it will stick to this line.

It is my hope and, I may say, my ambition that the action of the present Congress, with its comfortable protectionist majority, may demonstrate that the protective policy is not only correct, but that it is capable of being so carried out that revisions of the tariff may be made at comparatively frequent intervals; in fact, I believe that this can be done whenever the need may appear without alarming business and without producing any substantial disturbance in our industrial life. The present revision will be the test. If it can not be done promptly and without business disturbance at this time and under present conditions, it can not be done at any time. If my hopes and ambitions in this direction are realized in the coming revision, I shall be not only content, but shall be proud of having been a Member of the Congress that has brought it to pass.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3047. An act for the relief of J. Edward Burke;

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death;

H. R. 10817. An act for the relief of the Merrill Engineering Co.;

H. R. 12106. An act to erect a national monument at Cowpens battle ground;

H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 15430. An act continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted service certificates, and for other purposes;

H. R. 16440. An act relating to declarations of intention in naturalization proceedings;

H. R. 16878. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 17122. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash.;

H. R. 17208. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 17218. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 17223. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes;

H. R. 17262. An act authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River at or near Francis, Okla.;

H. R. 17237. An act to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.;

H. R. 17311. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill.;

H. R. 17322. An act to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy";

H. J. Res. 355. Joint resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, furthering the building of an inter-American highway or highways; and

H. J. Res. 434. Joint resolution to appoint HOMER W. HALL a member of the subcommittee of the Committee on the Judiciary established under House Joint Resolution 431 to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 264. An act for the relief of Margaret I. Varnum;

S. 382. An act for the relief of Joseph F. Thorpe;

S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department;

S. 4237. An act for the relief of Antoine Laporte, alias Frank Lear;

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;*

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes;

S. 4566. An act authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.;

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near the Great Falls, and to authorize the use of certain Government land;

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger;

S. 4848. An act for the relief of T. L. Young and C. T. Cole;

S. 5094. An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law;

S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868;

S. 5386. An act extending benefits of the World War adjusted compensation act, as amended, to John J. Helms;

S. 5512. An act to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia;

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes;

S. 5717. An act for the relief of the State of Nevada;

S. 5843. An act to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes;

S. 5875. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

S. J. Res. 9. Joint resolution to establish a joint commission on insular reorganization;

S. J. Res. 132. Joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington as a tribute to the negro's contribution to the achievements of America;

S. J. Res. 216. Joint resolution to establish a joint commission on airports; and

S. J. Res. 223. Joint resolution to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 349. An act to supplement the naturalization laws, and for other purposes;

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 6705. An act for the relief of Clotilda Freund;

H. R. 6698. An act for the relief of William C. Schmitt;

H. R. 7174. An act granting compensation to William T. Ring;

H. R. 8401. An act for the relief of Jack Mattson;

H. R. 8691. An act for the relief of Helen Gray;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy;

H. R. 10321. An act for the relief of B. P. Stricklin;

H. R. 10431. An act to amend section 101 of the Judicial Code, as amended.

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 13801. An act for the relief of John Bowie;

H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 14583. An act for the relief of A. Brizard (Inc.);

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia";

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes;

H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16839. An act to provide for investigation of sites suitable for the establishment of a naval airship base;

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 17007. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.;

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes;

H. R. 17060. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;

H. R. 17101. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio;

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.;

H. R. 5995. An act for the relief of John F. O'Neil;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;
H. R. 13734. An act for the relief of James McGourty; and
H. R. 13440. An act for the relief of Howard P. Milligan.

RECESS UNTIL 10 A. M. TO-MORROW

Mr. TILSON. Mr. Speaker, I move that the House now take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; accordingly (at 1 o'clock and 58 minutes p. m.) the House stood in recess until to-morrow, Monday, March 4, 1929, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rules XIII,

Mr. LETTS: Committee on the Public Lands. H. R. 12780. A bill to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets; with amendment (Rept. No. 2814). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Interior Department (Rept. No. 2815). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DRIVER: A bill (H. R. 17333) to provide for the aiding of farmers on wet lands in any State by the making of loans to drainage districts, levee districts, levee and drainage districts, counties, boards of supervisors, and/or other political subdivisions and legal entities, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 435) to create a commission to study the immigration and naturalization laws; to the Committee on Immigration and Naturalization.

Also, resolution (H. Res. 348) providing for the appointment of a committee to investigate conditions concerning the illegal entry of aliens into the United States, and for other purposes; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13610. By Mr. DEAL: Petition of the Granby Street Baptist Church, of Norfolk, Va., with a membership of 2,000, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13611. By Mr. HOWARD of Oklahoma: Resolution of the Chamber of Commerce, of Miami, Okla., relative to operation of Seneca Indian School, Wyandotte, Okla.; to the Committee on Indian Affairs.

13612. By Mr. LINDSAY: Petition of Consolidated Lithographing Corporation, Brooklyn, N. Y., urging Ways and Means Committee to decide upon American valuation rather than foreign valuation for fixing duties in tariff bill; to the Committee on Ways and Means.

13613. Also, petition of Amalgamated Paper Co. (Inc.), 79 Washington Street, Brooklyn, N. Y., urging support of House bill 10287, known as national stolen property act; to the Committee on the Judiciary.

13614. Also, petition of J. H. Werbelovsky's Son, Brooklyn, N. Y., urging passage of national stolen property act; to the Committee on the Judiciary.

13615. Also, petition of 37 citizens of Brooklyn, N. Y., urging against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13616. By Mr. MEAD: Petition of Geo. Laub's Sons et al., re tariff duty on sole and belting leather; to the Committee on Ways and Means.

SENATE

MONDAY, *March 4, 1929*

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

ENLARGEMENT OF THE CAPITOL GROUNDS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, House bill 13929.

The Senate resumed the consideration of the bill (H. R. 13929) to provide for the enlarging of the Capitol grounds.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. KEYES. Mr. President, I dislike very much to take even a moment of this closing hour of the Seventieth Congress, but I do want to appeal to the Senate to allow the pending bill to come to a vote. It is an extremely important measure. It will have to go back to the House because of very slight amendments, but I am sure that action on the amendments will be taken in the House.

I ask the Senator from Wisconsin [Mr. BLAINE] if he will not be willing to forego action upon his amendment at the present time?

Mr. BLAINE. Mr. President, I understand it is contemplated that the war section of the Government hotels will be undisturbed for at least two more years. I am also convinced that the amendment which I have proposed, if agreed to by the Senate, could not receive the approval of the House of Representatives at the present session of Congress. I have no desire to retard the progress of the bill providing for the improvement of the plaza and I therefore ask unanimous consent to withdraw the amendment which I have offered.

The VICE PRESIDENT. Is there objection? The Chair hears none and it is so ordered. The bill is in the Senate and the question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

J. H. B. WILDER

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5715) for the relief of J. H. B. Wilder, which was, on page 1, line 8, to strike out the word "interest" and insert "increased."

Mr. HARRIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 2127. An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt; and

S. 5386. An act extending benefits of the World War adjusted compensation act, as amended, to John J. Helms.

The message also announced that the House had passed a joint resolution (H. J. Res. 402) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the concurrent resolution (S. Con. Res. 11) to investigate the problem of the control of aircraft for seacoast defense.

The message also announced that the House had passed the following resolution (H. Res. 350):

Resolved, That a committee of three Members be appointed by the Speaker to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

And that pursuant to the foregoing resolution the Speaker had appointed Mr. TILSON, Mr. HAWLEY, and Mr. GARRETT of Tennessee members of the committee on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine

Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 382. An act for the relief of Joseph F. Thorpe;

S. 2127. An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt;

S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department;

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes;

S. 4566. An act authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near the Great Falls, and to authorize the use of certain Government land;

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger;

S. 4848. An act for the relief of T. L. Young and C. T. Cole;

S. 5386. An act extending benefits of the World War adjusted compensation act, amended, to John J. Helms;

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes;

S. 5717. An act for the relief of the State of Nevada;

H. R. 3047. An act for the relief of J. Edward Burke.

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death;

H. R. 10817. An act for the relief of the Merrill Engineering Co.;

H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;

H. R. 16440. An act relating to declarations of intention in naturalization proceedings;

H. R. 17218. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 17223. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes;

H. R. 17237. An act to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.;

S. J. Res. 9. Joint resolution to establish a commission on insular reorganization;

S. J. Res. 132. Joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America;

S. J. Res. 216. Joint resolution to establish a joint commission on airports;

S. J. Res. 223. Joint resolution to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928;

H. J. Res. 355. Joint resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, furthering the building of an inter-American highway or highways; and

H. J. Res. 434. Joint resolution to appoint Homer W. Hall a member of the subcommittee of the Committee on the Judiciary established under House Joint Resolution 431 to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York.

NOTIFICATION TO THE PRESIDENT

Mr. WATSON. Mr. President, I move that the Chair appoint a committee of two members to join the committee appointed by the House to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The motion was agreed to, and the Vice President appointed as the committee on the part of the Senate Mr. WATSON and Mr. ROBINSON of Arkansas.

JUVENILE COURT OF THE DISTRICT (S. DOC. NO. 265)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, ordered to lie on the table and to be printed.

To the Congress of the United States:

I transmit herewith for the information of the Congress a communication from the judge of the Juvenile Court of the District of Columbia, together with a report covering the work of the juvenile court during the year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 4, 1929.*

FIELD SERVICE OF THE PROHIBITION BUREAU (S. DOC. 267)

The VICE PRESIDENT laid before the Senate communications from the Acting Secretary of the Treasury and the Secretary of the United States Civil Service Commission, in response to Senate Resolution 332, relative to employees and eligible lists for employment to the field service of the Bureau of Prohibition, which, with the accompanying papers, were ordered to lie on the table and to be printed.

AIRPORT COMMISSION FOR THE DISTRICT OF COLUMBIA

The VICE PRESIDENT. Pursuant to Senate Joint Resolution 216, which has passed the House, creating an airport commission for the District of Columbia, the Chair appoints five Senators to this commission as follows:

The Senator from Connecticut, Mr. BINGHAM;
The Senator from Washington, Mr. JONES;
The Senator from Michigan, Mr. VANDENBERG;
The Senator from Maryland, Mr. TYDINGS; and
The Senator from Alabama, Mr. BLACK.

NATIONAL ORIGINS CLAUSE OF IMMIGRATION LAW

Mr. SMOOT obtained the floor.

Mr. BINGHAM. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. Will the matter which the Senator has in mind take any time?

Mr. BINGHAM. I desire to ask the Senator to yield for the purpose of making a motion after the Chair lays before the Senate a message from the House of Representatives.

The VICE PRESIDENT. The Chair lays before the Senate a House joint resolution which will be read.

The joint resolution (H. J. Res. 402) was read the first time by its title and the second time at length, as follows:

Joint resolution (H. J. Res. 402) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1929" and inserting in lieu thereof the figures "1930."

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. Mr. President, if it is going to lead to any debate, I must decline to yield.

Mr. REED of Pennsylvania. Will the Senator yield to me to enter a motion?

Mr. NORRIS. If the Senator yields he will lose the floor.

Mr. SMOOT. I am not going to yield to any business that will take me from the floor.

Mr. BINGHAM. I merely wish to move that the Senate proceed to the consideration of the joint resolution which was just laid before the Senate.

Mr. SMOOT. I prefer that the Senator make that motion at a later time.

Mr. BINGHAM. Very well.

A TRIBUTE TO SENATOR CHARLES CURTIS, VICE PRESIDENT ELECT

Mr. SMOOT. Mr. President, some one has said:

A rose to the living is more
Than sumptuous wreaths to the dead.

Happy is he who lives to hear deserving tributes of himself, for eulogies are empty praises when life's work is done.

It is my privilege to pay honor to one of our associates who has been a Member of this body since 1907, except for two years. He has been promoted from membership in the Senate to its Presiding Officer, under the Constitution.

This promotion is additional evidence that the American people do reward faithful and honest public service.

Senator, now Vice President CURTIS, began life amid primitive and humble surroundings. In his veins runs the blood of a Puritan Englishman, a French-Canadian, and an Indian maiden. That remarkable fusion brought forth a real American,

whose career demonstrates the boundless possibilities in the land we love.

Senator CURTIS has lived a most interesting and unique life. The key lies in industry, courage, self-reliance and good cheer. He has made himself what he is, without riches and without powerful influence.

He seized every opportunity to earn an honest living, to acquire an education, to succeed in private and public undertakings. In every sphere of activity he has summoned all of his mental and physical powers to the task.

At 69 our honored and beloved colleague can look back upon a life journey with pride and satisfaction, in which a grateful people share, for he is now the chosen guardian of the people's interests in a larger and wider field.

CHARLES CURTIS is a child of the West. He is nearer than the rest of us to being a real native American, for his mother was the daughter of an American Indian, the real natives of our land.

In his public career he has absorbed the spirit of the West and until this hour has carried in his breast a sturdy and tender devotion for those who sacrificed so much to build America. He has been one of the first to take a stand for the development of the West. He helped make all Indians citizens of the United States. He helped to secure homes for settlers in the West.

He was one of the first in Congress to recognize the need for farm relief. He has supported every measure of interest to the farmers and producers, protecting the products of the farm. Thus he has responded to his birthright.

He was one of the first to stand for woman suffrage, and has promoted every cause for the advancement of the welfare of women.

He has always taken a stand against unnecessary debate in the Senate, and assisted in bringing about an amendment of the rules permitting two-thirds of the Senate to close debate under certain conditions.

As a Member of the House of Representatives, CHARLES CURTIS's record was clean and brilliant. He was a colleague of the great statesmen who guided legislative affairs in the House from 1892 to 1906. He served on the most important committees, and was a safe adviser and counselor. He was one of a committee of 11 selected by Speaker Reed to draw up the gold standard act of 1900, which settled a long controversy.

He never yielded to any unsound experiment in our money standards.

When CHARLES CURTIS first came to the Senate, he already was a seasoned legislator, and brought with him an experience and a wisdom that commanded the attention of the leaders. Defeated in 1912, he returned in 1914 and crowned his career with added laurels. He was made assistant Republican floor leader, and in 1924 floor leader.

Few Senators have held the esteem, regard, and, I might say, the affection of their colleagues, as has Senator CURTIS. He has always displayed unusual ability and zeal, and worked unceasingly for his country, his State, and his party. His record in this body has won the personal friendship of all, even in times of party strife. He has been uniformly fair and just. These qualities have attracted friends and held them.

He has taken high rank as a Senator, serving on the most important committees, Finance, Appropriations, and chairman of Rules.

Senator CURTIS, the time has arrived when your colleagues in the Senate, many of whom have worked with you for several years, must now bid you farewell as a Senator. You are soon to take an important place, and preside over us as the Vice President of this great Nation.

From prosecuting attorney in a small county in your State of Kansas to the position of Vice President of the United States, you have won laurels you richly deserve—a reward of merit.

As your honors grow and shine, so will our love and affection for you. We will feel more tolerant, more considerate, and more wise, as we look into your kindly eyes. We will profit by the example you have set us.

Yet, no honor, no exalted position can add to your lofty character, your warm heart, and your serene sincerity.

We salute you as Vice President! [Applause.]

Mr. ROBINSON of Arkansas. Mr. President, the party system of government which has prevailed since soon after the adoption of the Federal Constitution is continued because, on the whole, it is promotive of efficiency and patriotism in government. During political campaigns the currents of partisanship run strong. Following a national election partisan tension relaxes. On behalf of the Democrats in the Senate, not with enthusiasm, but in a spirit of acquiescence [laughter], I rise to pay a deserved tribute to the Vice President elect. He is a worthy successor of the genial gentleman, the able statesman [Mr. Dawes], who to-day retires from the chair. The experience of Senator CURTIS in the legislative affairs of the Nation has been prolonged. He has to his credit a long record of usefulness in both Houses of the Congress of the United States. Notwithstanding the proper partisanship which he has displayed, his frankness, fairness, and courage have earned the respect, the confidence, and the admiration of his political antagonists. We feel that the best traditions of the Senate of the United States will be observed and continued during his service as the Presiding Officer of this great body. [Applause.]

NATIONAL ORIGINS CLAUSE OF IMMIGRATION LAW

Mr. BINGHAM. Mr. President, I ask the Chair to lay before the Senate a joint resolution coming over from the House of Representatives.

The VICE PRESIDENT. The Chair lays before the Senate House Joint Resolution 402, which will be read.

The Chief Clerk read the joint resolution (H. J. Res. 402) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, as follows:

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1929" and inserting in lieu thereof the figures "1930."

Mr. BINGHAM. Mr. President, it will be remembered that on Saturday last the House of Representatives rather unexpectedly received from its Committee on Immigration this joint resolution, with the recommendation that it pass. The joint resolution proposes to amend the so-called "national-origins" clause of the immigration act by providing that, instead of it being put into effect by the President this year, it shall not go into effect for one more year. This is in line with what has twice been done by Congress, and is also in line with what was stated by the President elect of the United States in his speech of acceptance as his belief as to what should be done.

The House of Representatives on Saturday proceeded to adopt a rule whereby the House would meet in extraordinary session on Sunday, and, breaking the usual precedents against Sunday meetings, would transact business. Evidently the House of Representatives believed that this measure was in the nature of an emergency or otherwise it would not have broken the precedents by meeting on Sunday in order to transact business.

When we on this side of the Capitol learned of this action on the part of the House and of the probability that not only would it meet on Sunday but that it would act and would pass this joint resolution and send it over, realizing that there would be very little time to-day for its consideration, we ourselves, endeavored on Saturday evening to secure a Sunday session, meeting 1 hour and 10 minutes after the House of Representatives would meet on Sunday, in order to give that body time to act, and so that the Senate might be in session to receive a message from it and act also on this joint resolution.

It will be remembered that after a considerable parliamentary struggle those in favor of this procedure won by a majority of 1, and the Senate recessed until 11.10 o'clock yesterday. On the meeting of the session yesterday, the very distinguished and greatly beloved leader of the minority party, the distinguished Senator from Arkansas [Mr. ROBINSON,] in a very urgent and beautifully worded appeal to the Senate, expressed his belief that the Senate ought not to break its usual practice, even though the House of Representatives had done so, and that the Senate, out of regard to the Sabbath, ought to recess until to-day. There would have been no objection whatever to that motion, nor would there have been any votes against it, had he been willing to agree that to-day we might secure a vote on this important measure, in order that the Senate might be permitted to go on record as to how it felt with regard to the joint resolution sent over by the House of Representatives.

However, Mr. President, the Senator from Arkansas objected to the Senate doing even so much business as agreeing by unanimous consent to vote to-day and pressed his motion for a recess until to-day at 11 o'clock. That motion carried by a majority of 1.

The junior Senator from North Dakota [Mr. NYE], in an effort to secure a reconsideration of that motion, changed his vote, and endeavored to secure the attention of the Chair after the motion had been carried by a majority of 1. It was obvious that the Vice President could not recognize anyone for any purpose after the Senate had recessed. Therefore, it was impossible for the Senator from North Dakota to make the motion to reconsider.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. Certainly.

Mr. REED of Pennsylvania. Mr. President, is it not possible for the Senator from North Dakota, having placed himself in

the majority, to make his motion this morning to reconsider the vote by which the Senate took a recess yesterday?

Mr. BINGHAM. I should be very glad to yield to him for that purpose, but I am surprised that the Senator from Pennsylvania should make such a suggestion.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. BINGHAM. I yield.

Mr. EDGE. I take it, the Senator from Connecticut is very anxious that the joint resolution should be adopted by the Senate. Does the Senator think there will be any possible opportunity to adopt the joint resolution, if he shall occupy all the time up to 12 o'clock?

Mr. BINGHAM. I do not intend to occupy more than 30 seconds more; and I would not be on my feet now had I not been interrupted. I move, Mr. President, that the Senate consider and pass the House Joint Resolution 402.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut that the Senate proceed to the consideration of House Joint Resolution 402.

Mr. REED of Pennsylvania. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. GLASS. I suggest the absence of a quorum.

Mr. HEFLIN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. HEFLIN. I suggest the absence of a quorum.

Mr. REED of Pennsylvania. I do not yield for that purpose.

Mr. President, under Rule XIV of the Senate, it is very wisely provided that all bills and joint resolutions from the House shall be read three times on three different days. This joint resolution has been read the first time to-day. I can scarcely believe that the Senator from Connecticut [Mr. BINGHAM] would disregard the rule and try to have the joint resolution read three times on the same day, and try to have it passed on the very day on which it has been messaged to the Senate. If he should attempt to do so or if that should be the meaning of his motion, I should feel compelled to make the point of order that the bill must be read three times on three different days.

But, Mr. President, this question ought not to be left to the country on a mere point of order, and for a few moments only I wish to make a statement about this controversy which has been so generally misunderstood. It is the sentiment of the people of the United States, by a vast majority, that immigration into this country must be limited in number. That is the sober and considered judgment of the country, and if the last election meant anything on any issue it meant that.

Five years ago the Congress adopted the permanent immigration law of the United States, limiting the number of persons that might come to this country from Europe. It was obviously necessary. Because of the far higher rates of wages and far better living conditions here than in foreign countries, America drew immigrants like a magnet and, had we not restricted immigration, every employment office in the United States would have had its queue of aliens waiting to take the positions now filled by Americans. I need not debate that, nor need I debate the wisdom of the existing law.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. Not for a moment, if the Senator please.

Having settled the point that numerical restriction was necessary, the Congress had to decide how to apportion that aggregate among the various nationalities that sought admittance to our doors. It was obviously impossible to say that we would admit immigrants after a qualitative examination, because no two persons could agree as to what sort of immigration was best in quality. Some of us might think that a worker with his hands was preferable to a clerk. We never could agree on that. Some of us might prefer some nationality, and think that the peasant from one corner of Europe was better than the best man from the opposite corner. Some of us might think that illiteracy was a conclusive bar, and others might think that that was immaterial. We never could agree to divide these immigration visas according to a qualitative examination; and so it became necessary to establish quotas for the different nationalities according to some rule.

As a temporary measure, frankly so declared in the immigration law, the foreign-born persons who were listed in the census of 1890 were taken as the basis, and the quotas were apportioned among the countries in exact proportion to the foreign-born reported in that census.

It has been generally stated and assumed that that meant an exact method. It has been said by disputants on this question that the 1890 method, whatever its defects, at least furnished something that was accurate and sure. But, Mr. President, that census was, of course, taken in terms of pre-war geography.

There was no list of persons born in Yugoslavia, for example; and when we came to establish the 1890 quotas it was only by a process of elaborate guesswork that quotas were established for Yugoslavia, for Poland, for Czechoslovakia, for Lithuania, for Estonia, for all the new countries that came out of the storm of the war and the treaty of peace. Necessarily, that involved elements of speculation and uncertainty; and I ask the Senate to remember, when these two methods are criticized, that the 1890 method involves a vast amount of uncertainty and speculation.

And then, Mr. President, when we consider the essential fairness of the thing, it is obvious at the first glance that the temporary 1890 method was wholly unfair to us who were born in America. It took as a basis all of these foreign-born persons, whether they were naturalized or not, and it ignored every one of us who was born in this country. It ignored the descendants of the signers of the Declaration of Independence. It ignored the descendants of the men who made the Constitution. It ignored the descendants of the men who fought the War of the Revolution and created this country. It ignored the descendants of the men, and the men themselves, who had fought so bravely on both sides in the Civil War. It ignored all of us native born, who have at least as much at stake in the welfare of America as has a recently arrived unnaturalized European.

Obviously, that was unfair; and the Congress cast about for some method that might take account of those of us who were born here. We did not want to claim that we native born were in any way superior to these recently arrived Europeans, but we did want to claim that we were their equals, for the purposes of matters so important to the future of America. And so, Mr. President, out of that reflection grew what was called the national-origins feature of the immigration law.

That provides, in effect, that the aggregate immigration to America shall be 150,000 a year instead of 164,000, as under the temporary method. It reduces the aggregate to 150,000, plus normal quotas of 100 to a lot of small countries which do not use them but must necessarily be listed. In practical effect, it reduces the inflow of immigration about 14,000 persons per year. It provides, not that we shall take each present living individual and try to trace his pedigree and determine what percentage of him is German and what percentage French and what percentage British. Of course, that is absurd. It provides, on the other hand, that the process shall be worked from the past down to the present by taking the record of immigration into the United States from various countries, and determining from that, with the known factor of increase, what percentage of the present population of the United States owes its origin to each of the European nations from which immigration is permitted. That process had been worked out long before immigration was restricted. It had been studied coolly and scientifically long before the matter of national origins was ever heard of in connection with immigration matters.

In 1910 the Census Bureau had put out a most carefully studied publication dealing with the composition of the stock of America at that time; and that, made up without any partisanship, without any strife among these different nations, was the foundation of the work of the quota board in establishing these national-origins quotas. The results can be well tested by the claims that these different nationalities made before this became a contentious question. The best authorities among the German element in the United States have claimed for Germany that she was the mother country, directly or through the ancestors of the present population, of 17 per cent of the present-day population of America. Working quite apart from them, working through this method that I have outlined, the national-origins result is almost exactly 17 per cent of the aggregate quota for Germany. The quota gives them substantially exactly what they claim in their own publications, written before this became a debated question.

And so it is with the Irish. I need not stop to quote from publications, but it has all appeared in the hearings of the Senate Immigration Committee. The quota board has given them what they claimed before immigration became a subject of dispute; and see what the temporary basis does. Fifty-one thousand out of 164,000 is the German quota under the temporary 1890 basis.

I yield to no man in admiration of the Germans as desirable immigrants. They are desirable immigrants. They blend well with our population. They soon learn our system of govern-

ment. They behave themselves well. They are a desirable immigrant stock. But why in the world should Germany, having one-sixth of the present-day population of America as its origin, have one-third of all our immigration? Who can defend that basis?

And so with Ireland. Her quota to-day is more than twice what her proportion in the national stock entitles her to. It is not that we are trying to reduce the immigration from those nations because of any prejudice against them. It is only that we are trying to put the immigration on a basis of impartiality which will endure. It is not that we are trying to say that Nation A is better than Nation B. We cheerfully admit that all of them are absolutely equal for this purpose.

Mr. BINGHAM rose.

Mr. REED of Pennsylvania. Just indulge me a minute. But, Mr. President, if we want our immigration policy to endure, if we want to protect the America of our grandchildren and their grandchildren, we must make it impartial. Only such a law as is impartial can endure, and that is why this national-origins controversy goes to the very essence of the law and controls its permanency; and that is why some of us have felt it imperative upon us to insist that it be maintained.

I ask to have incorporated in my remarks at this point telegrams which I have exchanged with Mr. William Green, president of the American Federation of Labor, in which he expresses most emphatically his approval and that of the executive committee of the American Federation of Labor of the national-origins part of the immigration law. It is no superficial opinion that they give, because they have studied this matter since long before we ever passed an immigration restriction act.

I ask that the telegrams may now be read by the clerk.

The VICE PRESIDENT. Is there objection? Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

WASHINGTON, D. C., *February 20, 1929.*

Hon. WILLIAM GREEN,
President American Federation of Labor, Miami, Fla.

I am very much interested in your stand with respect to immigration restriction as reported in the newspapers. We have just succeeded in blocking proposals further to postpone the application of the national origins law. While this ends the prospect of action during the remainder of regular session, subject is bound to come up in next session with renewed pressure for larger quotas. It would be of great assistance if the executive council of the federation should find it consistent to indicate its opposition to any change in the national origins law, or as an alternative ask for further restrictions to protect the position of American labor. Should be glad to discuss immigration question with you upon your return to Washington. Best regards.

D. A. REED,
United States Senate.

MIAMI, FLA., *February 21, 1929.*

Hon. DAVID A. REED:

Your telegram has been received and the information you convey is very much appreciated by the executive council, American Federation of Labor. You may rely upon us to support legislation which has for its purpose the protection of existing immigrations laws and to oppose with all the power we possess any proposal for a change in the quota provisions which would provide for an increase in immigration. We propose to ask for further immigration restriction to protect American labor. Will be glad to discuss this question with you at the earliest possible date after my return to Washington.

WILLIAM GREEN.

Mr. WILLIAM GREEN,
President, American Federation of Labor,
Alcazar Hotel, Miami, Fla.:

Have I your permission to read your telegram to Senate? Welcome you as ally in immigration fight.

D. A. REED,
United States Senate.

MIAMI, FLA., *February 25, 1929.*

Hon. DAVID A. REED:

Yes, you have my permission to read my telegram to the Senate if in your judgment it would be advisable and helpful to the cause of restrictive immigration legislation.

WM. GREEN.

COMMITTEE TO WAIT ON THE PRESIDENT

Mr. WATSON and Mr. ROBINSON of Arkansas, the committee appointed by the Vice President on the part of the Senate to wait on the President of the United States to ascertain whether he had any further message to transmit to Congress, appeared below the Vice President's desk, and Mr. WATSON said:

Mr. President, I desire to make a privileged report. The committee appointed to wait on the President to ascertain his wishes, if any, with reference to any further communication to the Congress has performed that duty, and beg leave to report that the President has stated that he has no further message to communicate.

JOINT COMMISSION ON INSULAR REORGANIZATION

The VICE PRESIDENT. In pursuance of Senate Joint Resolution 9, creating a Joint Commission on Insular Reorganization, the Chair appoints as members on the part of the Senate the Senator from Connecticut [Mr. BINGHAM], the Senator from Pennsylvania [Mr. REED], the Senator from Maine [Mr. HALE], the Senator from Louisiana [Mr. BROUSSARD], and the Senator from Arizona [Mr. HAYDEN].

JOINT COMMITTEE TO INVESTIGATE CONTROL OF AIRCRAFT FOR SEACOAST DEFENSE

The VICE PRESIDENT. In pursuance of Senate Concurrent Resolution 11, creating a joint committee to investigate control of aircraft for seacoast defense, the Chair appoints Senators BINGHAM, REED of Pennsylvania, HALE, FLETCHER, and SWANSON.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds.

The message also announced that the Speaker had affixed his signature to the following bills, and they were signed by the Vice President:

S. 5715. An act for the relief of J. H. B. Wilder; and

H. R. 13929. An act to provide for the enlarging of the Capitol Grounds.

HEARINGS BEFORE THE BANKING AND CURRENCY COMMITTEE

Mr. DENEEN. Mr. President, I have sent to the desk two reports from the Committee to Audit and Control the Contingent Expenses of the Senate. I ask unanimous consent for their immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. NYE. Let them be read.

The Chief Clerk read Senate Resolution 340, submitted by Mr. NORBECK on February 25, 1929, as follows:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, hereby is authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

The VICE PRESIDENT. Is there objection?

Mr. BLEASE. I object.

The VICE PRESIDENT. Objection is made.

ASSISTANT IN SENATE DOCUMENT ROOM

The resolution (S. Res. 342) submitted by Mr. WATSON February 26, 1929, was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to appoint an assistant in the Senate document room, at a compensation of $1,800 per annum, to be paid out of the contingent fund of the Senate, until the end of the Seventy-first Congress.

REPORT OF THE COMMITTEE ON CLAIMS

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (H. R. 13638) for the relief of Weymouth Kirkland and Robert N. Golding, reported it without amendment and submitted a report (No. 2074) thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on the 3d instant that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 264. An act for the relief of Margaret I. Varnum;

S. 382. An act for the relief of Joseph F. Thorpe;

S. 2127. An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt;

S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department;

S. 4237. An act for the relief of Antoine Laporte, alias Frank Lear;

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;*

S. 4385. An act to establish the Teton National Park, in the State of South Dakota, and for other purposes;

S. 4566. An act authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.;

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Great Falls, and to authorize the use of certain Government land;

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger;

S. 4848. An act for the relief of T. L. Young and C. T. Cole;

S. 5094. An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law;

S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868;

S. 5386. An act extending benefits of the World War adjusted compensation act, as amended, to John J. Helms;

S. 5512. An act to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia;

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes;

S. 5715. An act for the relief of J. H. B. Wilder;

S. 5717. An act for the relief of the State of Nevada;

S. 5730. An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stats. p. 1161), as amended by the act of March 21, 1918 (40 Stats. p. 458);

S. 5843. An act to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes;

S. 5875. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

S. J. Res. 9. Joint resolution to establish a joint commission on insular reorganization;

S. J. Res. 132. Joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America;

S. J. Res. 216. Joint resolution to establish a joint commission on airports; and

S. J. Res. 223. Joint resolution to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928.

CALL OF THE ROLL

Mr. BINGHAM. Mr. President, it seems to me that on this occasion, the very last meeting of the Senate of this Congress, there should be a record of those present, and therefore I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Heflin	Phipps
Barkley	Edge	Howell	Pine
Bayard	Edwards	Johnson	Pittman
Bingham	Fess	Jones	Ransdell
Black	Fletcher	Kendrick	Reed, Pa.
Blaine	Frazier	Keyes	Robinson, Ark.
Blease	George	King	Robinson, Ind.
Borah	Gerry	McKellar	Sackett
Bratton	Glass	McLean	Schall
Brookhart	Glenn	McMaster	Sheppard
Broussard	Goff	McNary	Shortridge
Bruce	Gould	Mayfield	Simmons
Burton	Greene	Metcalf	Smith
Capper	Hale	Moses	Smoot
Caraway	Harris	Norbeck	Steck
Copeland	Harrison	Norris	Steiwer
Couzens	Hastings	Nye	Stephens
Dale	Hawes	Oddie	Swanson
Deneen	Hayden	Overman	Thomas, Idaho
Thomas, Okla.	Tyson	Walsh, Mass.	Waterman
Trammell	Vandenberg	Walsh, Mont.	Watson
Tydings	Wagner	Warren	Wheeler

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent.

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is ill, and confined to his home.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions;

On March 2, 1929:

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics;

S. 2360. An act relating to the tribal and individual affairs of the Osage Indians in Oklahoma;

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes;

S. 1781. An act to establish load lines for American vessels, and for other purposes;

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions;

S. 3736. An act for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women, at Alderson, W. Va.;

S. 5332. An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio;

S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; and

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.

On March 4, 1929:

S. J. Res. 132. Joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America;

S. J. Res. 216. Joint resolution to establish a joint commission on airports;

S. J. Res. 223. Joint resolution to amend the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928;

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 264. An act for the relief of Margaret I. Varnum;

S. 382. An act for the relief of Joseph F. Thorpe;

S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department;

S. 4237. An act for the relief of Antoine Laporte, alias Frank Lear;

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;*

S. 4385. An act to establish the Teton National Park in the State of South Dakota, and for other purposes;

S. 4566. An act authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.;

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River, at or near Great Falls, and to authorize the use of certain Government land;

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger;

S. 4848. An act for the relief of T. L. Young and C. T. Cole;

S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868;

S. 5512. An act to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia;

S. 5598. An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes;

S. 5717. An act for the relief of the State of Nevada;

S. 5730. An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stats. 1161), as amended by the act of March 21, 1918 (40 Stats. 458);

S. 5843. An act to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes;

S. 5875. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

S. J. Res. 9. Joint resolution to establish a Joint Commission on Insular Reorganization;

S. 5094. An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law; and

S. 5386. An act extending benefits of the World War adjusted compensation act, as amended, to John J. Helms.

Act approved and signed at the Capitol March 4, 1929:

S. 5715. An act for the relief of J. H. B. Wilder.

EXECUTIVE MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT. As in executive session, the Chair lays before the Senate a certain message in writing from the President of the United States, which will lie on the table.

The time has come when the Senate will receive the Speaker and Members of the House of Representatives, and debate is closed.

GUESTS OF THE SENATE

At 11 o'clock and 45 minutes a. m. the First Assistant Sergeant at Arms of the Senate, Carl A. Loeffler, announced the Speaker of the House of Representatives and the Members of the House of Representatives.

The Speaker and the Members of the House occupied the seats reserved for them.

A few minutes later the ambassadors extraordinary, envoys plenipotentiary, ministers plenipotentiary, and chargés d'affaires ad interim to the United States were announced and escorted to the seats provided for them.

The members of the President's Cabinet were announced by the second assistant sergeant at arms, Edwin A. Halsey, and shown to the seats assigned to them.

The Chief of Staff of the Army, the Chief of Naval Operations, and the Commandant of the Marine Corps and their aides were announced, respectively, and shown to the seats provided for them.

The Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States were announced and escorted to the seats provided for them.

Soon thereafter the Sergeant at Arms, David S. Barry, announced CHARLES CURTIS, of Kansas, the Vice President elect, accompanied by the chairman and members of the joint committee on arrangements, consisting of Senator GEORGE H. MOSES, of New Hampshire, chairman; Senator FREDERICK HALE, of Maine; Senator LEE S. OVERMAN, of North Carolina; Representative BERTRAND H. SNELL, of New York; Representative LEONIDAS C. DYER, of Missouri, and Representative EDWARD W. POU, of North Carolina.

The Vice President elect was seated on the left of the Vice President.

Several minutes before noon the Sergeant at Arms announced the President of the United States, accompanied by the chairman and members of the joint committee on arrangements. The President of the United States was seated in the space in front of the Secretary's desk.

The Sergeant at Arms then announced Herbert Hoover, of California, President elect of the United States, accompanied by the chairman and members of the joint committee on arrangements. The President elect was seated on the left of the President of the United States, the chairman and members of the joint committee on arrangements occupying the seats on either side.

ADMINISTRATION OF OATH

The VICE PRESIDENT administered the oath of office prescribed by law to the Vice President elect.

ADDRESS OF VICE PRESIDENT DAWES

The VICE PRESIDENT. In a few minutes it will be the last official duty which I am to perform to adjourn the Senate of the Seventieth Congress of the United States.

The passing of a Congress is but an incident in the life of our great Republic, now entering the one hundred and fortieth year of its existence, never stronger in that which is its greatest bulwark, the love and devotion of a united and a happy people. But to many in this Senate Chamber it means the breaking of close ties formed by the association of years in a common endeavor, human ties, whose strength is never realized until the time of their sundering is at hand.

I want to express my heartfelt gratitude to the Members of the Senate, and to the Members of the Senate staff, and especially to Mr. Charles L. Watkins, the parliamentarian of the Senate, for his invaluable aid to me; and for the courtesy, and the kindness, and the consideration, and the generosity with which you have all treated me.

I have tried to be worthy as best I could, and in the occupancy of this chair I have never consciously deviated from the duty which inseparably attaches to it, that of impartiality in partisan, personal, and sectional differences. [Applause.]

At the time of parting between friends, there is no place for acrimony, and I assure you there is none in my heart. But I could not be true to myself and to my conception of the duties of this position if as I leave it for the last time, when, if ever, disinterestedness should characterize my convictions, I did not speak again of the collective error of this great and powerful branch of the Government. Alone of all the deliberative bodies of the world, the Senate of the United States, under its rules, has parted with the power to allot its time to the consideration of the subjects before it in accordance with their relative importance. This defect of procedure is fundamental. I take back nothing. [Applause.]

To my successor in office, my dear friend and the dear friend of us all, Senator CURTIS, I wish the great success which his fine character, his ability, and his long experience in this body make certain.

I declare the Senate of the Seventieth Congress adjourned sine die.

HOUSE OF REPRESENTATIVES

MONDAY, *March 4, 1929*

(Legislative day of Saturday, March 2, 1929)

The House met at 10 o'clock a. m. at the expiration of the recess.

COMMITTEE TO WAIT UPON THE PRESIDENT

Mr. TILSON. Mr. Speaker, I send a resolution to the clerk's desk and ask for its immediate consideration.

The SPEAKER. The clerk will report the resolution.

The clerk read as follows:

House Resolution 350

Resolved, That a committee of three Members be appointed by the Speaker to join with a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The resolution was agreed to.

The SPEAKER. The Chair appoints as the committee the gentleman from Connecticut [Mr. TILSON], the gentleman from Oregon [Mr. HAWLEY], and the gentleman from Tennessee [Mr. GARRETT].

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 13929. An act to provide for the enlarging of the Capitol Grounds.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 5715) entitled "An act for the relief of J. H. B. Wilder."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 27, 1929:

H. R. 9168. An act for the relief of Simon A. Richardson;

H. R. 9597. An act for the relief of Fred Elias Horton; and

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, to authorize the erection of a public warehouse for the storage of Government supplies, and for other purposes.

On February 28, 1929:

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;

H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.; and

H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit.

H. R. 2474. An act for the relief of the San Francisco, Napa, & Calistoga Railway;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;

H. R. 12390. An act for the relief of Frank C. Messenger;

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;

H. R. 13632. An act for the relief of Ruth B. Lincoln;

H. R. 13658. An act for the relief of Hugh Anthony McGuigan;

H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York;

H. R. 15712. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;

H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928; and

H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes;

On March 1, 1929:

H. R. 5952. An act for the relief of Robert Michael White;

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;

H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States;

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 11722. An act to provide for the commemoration of the Battle of Monocacy, Md.;

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C. title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 13721. An act for the relief of Edwin I. Chatcuff;

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium;

H. R. 13857. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended;

H. R. 13931. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;

H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;

H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 16565. An act authorizing the Hawesville and Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes,"

enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";

H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co., under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L., p. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L., p. 356);

H. R. 15651. An act for the relief of Leonidas L. Cochran;

H. R. 15700. An act for the relief of the heirs of William W. Head, deceased; and

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

On March 2, 1929:

H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 15330. An act authorizing the acceptance by the United States Government, from the Women's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;

H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ucmulgee River at or near Fitzgerald, Ga.;

H. R. 15850. An act authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16612. An act granting the consent of Congress for the construction of a dam or dams in Neches River, Tex.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.;

H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.;

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13593. An act to legalize a bridge across the Fox River at East Dundee, Ill.;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.;

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 3044. An act for the relief of Leon Freidman;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital Numbered 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11500. An act for the relief of Ella Mae Rinks;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens;

H. R. 16867. An act for the relief of H. E. Jones;
H. R. 2659. An act for the relief of Annie M. Lizenby;
H. R. 3537. An act for the relief of William F. Goode;
H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;
H. R. 4029. An act for the relief of Maude A. Sanger;
H. R. 5399. An act for the relief of George Heitkamp;
H. R. 7552. An act for the relief of Bertina Sand;
H. R. 9546. An act for the relief of T. D. Randall & Co.;
H. R. 10045. An act for the relief of Robert S. Ament;
H. R. 11508. An act for the relief of Kirby Hoon;
H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;
H. R. 12650. An act for the relief of John F. Fleming;
H. R. 14873. An act for the relief of Chesley P. Key;
H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;
H. R. 15421. An act for the relief of D. B. Heiner;
H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;
H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;
H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;
H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;
H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge across Cherry Creek on the Cheyenne River Indian Reservation, S. Dak.;
H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;
H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;
H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus;
H. J. Res. 399. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia and supplements;
H. R. 4215. An act for the relief of Frank L. Merrifield;
H. R. 4611. An act for the relief of Marion M. Clark;
H. R. 5341. An act for the relief of the Staunton Brick Co.;
H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;
H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;
H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested;
H. R. 7230. An act for the relief of Charles L. Dewey;
H. R. 8598. An act for the relief of James J. Dower;
H. R. 8987. An act for the relief of John R. Butler;
H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;
H. R. 14242. An act for the relief of Everett A. Dougherty;
H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;
H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;
H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;
H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;
H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;
H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River, at or near Chattanooga, Hamilton County, Tenn.;
H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;
H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;
H. R. 349. An act to supplement the naturalization laws, and for other purposes;
H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;
H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;
H. R. 7174. An act granting compensation to William T. Ring;
H. R. 10321. An act for the relief of B. P. Stricklin;
H. R. 10431. An act to amend section 101 of the Judicial Code;
H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;
H. R. 13260. An act for the relief of Josiah Harden;
H. R. 14583. An act for the relief of A. Brizard (Inc.);
H. R. 14728. An act for the relief of J. A. Smith;
H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia";
H. R. 16342. An act for the relief of Clyde H. Tavenner;
H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;
H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;
H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;
H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;
H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;
H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;
H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;
H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;
H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;
H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;
H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;
H. R. 16431. An act extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;
H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;
H. R. 16433, An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;
H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes;

H. R. 17060. An act to readjust the commissioned personnel of the Coast Guard and for other purposes;

H. R. 17079. An act to repeal the provisions in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 5995. An act for the relief of John F. O'Neil;

H. R. 6698. An act for the relief of William C. Schmitt;

H. R. 6705. An act for the relief of Clotilda Freund;

H. R. 8401. An act for the relief of Jack Mattson;

H. R. 8691. An act for the relief of Helen Gray;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 13801. An act for the relief of John Bowie;

H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes;

H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16839. An act to provide for investigation of sites suitable for the establishment of a naval airship base;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 13734. An act for the relief of James McGourty;

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 17007. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio;

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.;

H. R. 15220. An act for the relief of Francis X. Callahan; and

H. R. 17101. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes.

On March 4, 1929:

H. J. Res. 355. Joint resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, furthering the building of an inter-American highway or highways;

H. J. Res. 434. Joint resolution to appoint Homer W. Hall a member of the subcommittee of the Committee on the Judiciary established under House Joint Resolution 431 to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York;

H. R. 3047. An act for the relief of J. Edward Burke;

H. R. 10817. An act for the relief of the Merrill Engineering Co.;

H. R. 12106. An act to erect a national monument at Cowpens battle ground;

H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 15430. An act continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth;

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted service certificates, and for other purposes;

H. R. 16440. An act relating to declarations of intention in naturalization proceedings;

H. R. 16878. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 17122. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash.;

H. R. 17208. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 17262. An act authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River at or near Francis, Okla.;

H. R. 17237. An act to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.;

H. R. 17311. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill.;

H. R. 17322. An act to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders in the line of the Navy";

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 17223. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes;

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; and

H. R. 17218. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 13929. An act to provide for the enlarging of the Capitol Grounds.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2127. An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt;

S. 5715. An act for the relief of J. H. B. Wilder.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on March 2, 1929, present to the President, for his approval, bills of the House of the following titles:

H. R. 3047. An act for the relief of J. Edward Burke;

H. R. 10817. An act for the relief of the Merrill Engineering Co.;

H. R. 12106. An act to erect a national monument at Cowpens Battle Ground;

H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;

H. R. 13929. An act to provide for the enlarging of the Capitol Grounds;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 15089. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 15715. An act authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River, at or near its mouth;

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 15430. An act continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted service certificates, and for other purposes;

H. R. 16878. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 17122. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River, at Entiat, Wash.;

H. R. 17208. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River, at or near Niobrara, Nebr.;

H. R. 17223. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years to provide supplemental appropriations for the fiscal years ending June 30, 1929, June 30, 1930, and for other purposes;

H. R. 17237. An act to extend the times for commencing and completing the construction of a bridge across the Calumet River, at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.;

H. R. 17262. An act authorizing H. L. Cloud, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Canadian River, at or near Francis, Okla.;

H. R. 17311. An act to extend the time for completing the construction of a bridge across the Mississippi River, at or near Cairo, Ill.;

H. R. 17322. An act to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders, in the line of the Navy;"

H. J. Res. 355. House resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, furthering the building of an inter-American highway or highways;

H. J. Res. 434. House resolution to appoint HOMER W. HALL a member of the subcommittee of the Committee on the Judiciary, established under the House Joint Resolution 431, to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York;

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death;

H. R. 16440. An act relating to declarations of intention in naturalization proceedings; and

H. R. 17218. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River, at or near Maysville, Ky.

MORTON ARBORETUM AT LISLE, DU PAGE COUNTY, ILL.

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to arboretums and to include therein a description of the Joy Morton Arboretum in Du Page County, Ill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. REID of Illinois. Mr. Speaker, I desire to call to the attention of the House, and to the country at large, a laudable undertaking by Joy Morton in establishing at Lisle, Du Page County, Ill., in my congressional district, one of the great arboretums of this country.

In 1921 he created a foundation to be known as the Morton Arboretum for—among other things—

to increase the general knowledge and love of trees and shrubs and bring about an increase and improvement in their growth and culture.

This arboretum is so well equipped and has been so intelligently conducted that already many thousands of trees and shrubs have been raised in the propagating department from seeds collected in all parts of the world, and there are more than 3,000 different species and varieties of woody plants now growing, besides great numbers of rare specimens of plant life, a full description of the arboretum appearing later herein.

The Government maintains no arboretum at the present time, although it does have in Washington a small Botanical Garden, but the Secretary of Agriculture is now engaged in purchasing land near the Anacostia River here in Washington for a national arboretum, under a law enacted March 4, 1927.

An arboretum is an area devoted to the trial and experiments upon trees of different regions and localities. Arboretums serve as trial grounds in which we may know whether or not a given species is adapted to the local soil and climatic conditions in which the trial is made. They afford an opportunity to test the suitability of trees for various purposes as to their rate of growth and their ability to fruit and flower under the trial conditions. They are research centers of the highest type and many more of them are needed in America to fill in the gaps in our knowledge of trees.

What is called an arboretum in the United States is usually called in foreign countries a botanical garden.

A number of arboretums have been started in the United States to determine for the specific locality in which established the suitability of trees for that region. Most of these have been established by institutions, a few have been established by the individual States. Others have been established

through the efforts of far-seeing men who have seen the need and envisioned the place that these will occupy in the future life of the Nation.

Among those who have seen the vision of what an arboretum can provide in the way of an opportunity for the improvement of our native forests and trees and contribute to the future welfare of our country is Mr. Joy Morton, who created the foundation to be known as the Morton Arboretum at Lisle, Du Page County, Ill.

It is through the public-spirited efforts of such men as Mr. Morton that the scientific foresters are able to tell us what they can about our trees and shrubs, about the possibilities of new species and varieties for American conditions and of the possibilities of these species when our own are attacked or threatened by foreign diseases and insects.

So that one may see how important this kind of work is and how our future welfare may be dependent on it, I will make a short statement on the subject. But before I do so, I desire to state that this country needs more far-seeing public-spirited men like Joy Morton and those men who are able to do so, on account of success in the commercial world, and who desire to perpetuate their memory in a praiseworthy way and at the same time help a great cause in a great way, could do no better than to follow his example.

When the first voyagers came to the American shores they discovered in the new land, a wealth of trees and of forest such as had never before been found. The forests presented such an alluring and inviting appearance that the returning adventurers told wondrous tales in the homeland which served only to whet the curiosity of other adventurous spirits who desired to explore further the unknown lands. Thus, the early accounts show that the first voyagers and explorers noted the large varieties of trees and shrubs possessed in the new lands, ranging from the stately pines and the dark spruces of the North Atlantic region, to the magnificent hardwood and pine forests found in the neighborhood of the Jamestown colony in Virginia, and to the extensive pine forests of the Florida coast.

Throughout the early literature are constant references to the wonderful possibilities that these forests afforded, and the First Supply of the London Virginia Company brought to our shores artisans who were to supply the British Isles with material from the Virginia forests. In fact, of the three boats in this First Supply expedition in 1608, one returned to England laden with forest produce consisting of cedar planks, posts and shingles, pitch, tar, and turpentine, and pot-ashes. American forest tree seeds were also taken in this first supply and planted in the royal gardens of the Queen, who had in part financed the expedition.

Explorers and travelers in America in the eighteenth century reported with delight the many new varieties and species found, species that afforded opportunities in agriculture no less than in forestry. Walnuts and hickories there were in abundance with their supply of nuts for human consumption as well as for livestock; sassafras there was for its medicinal values; mighty oaks, suitable for shipbuilding, produced abundant acorns for fattening the hogs of the colonists; mulberry trees grew in a profusion that suggested the production of silk in early colonial times; pines there were of great value for their pitch, tar, and turpentine; cedar, cypress, locust, and other durable woods for building purposes abounded.

It was not necessary in those early days to introduce other tree species into the new land, although Micheaux, the famous French botanist, and others did so on an exceedingly limited scale. The American forest was looked upon in many instances as a barrier to settlement, and the object of the early agriculturists was to eliminate the forest that crops might be planted. This was unlike many another region which man has since visited for elsewhere he has generally found the local forest inadequate to supply him with the kind and character of wood, fruit, or shelter, suited for his local needs. Thus, for example, early colonists of Australia and South Africa found the eucalyptus hardwood forest furnished wood unsuited for building purposes, and it was not long before they had introduced the Californian Monterey pine to supply them with lumber for construction material.

However, in America, as time passed and the dense forest was supplanted by farms, need arose for species of trees most suitable for particular American conditions. Thus in the settlement of the western prairies, wood was needed for fuel, posts were needed for fencing, shelter was needed for livestock.

This need of the early prairie settler was met by extensive experiments carried on by a professor of Illinois College who, in a small arboretum of his own development, discovered that the Osage orange met fully the requirements of the prairie farmer. This discovery hastened the settlement of prairie lands not only throughout Illinois but in the western prairies where, before the days of the railroad, fuel, fencing, and shelter was difficult, if not impossible to obtain.

Other needs have developed. Our main wood-pulp species, the spruce and the fir of the Northeast and Canada, have been seriously depleted by fire, insects, and by overcutting, the result of our tremendous use of paper. To assist in meeting the need for a fast-growing species of tree commercially adapted for pulping the manufacturers have turned to the trial grounds, the arboretum, and have discovered certain improved strains of trees that grow faster than any of the wild aspens or poplars from which the strain was developed. Manufacturers of high-grade furniture are looking for strains of maple and walnut that will breed true and furnish the curly grain wood we so desire in our cabinets and interior finish. Naval-stores operators would obtain greater returns from their pine orchards did they have a tree of high resin production adapted to growth under American conditions.

For the most part the forester in America must deal with the wild stock of the forest as it has come to him, modified by no human considerations. In agriculture, we are dealing with plants that have been in the process of evolution for hundreds of years, and in some cases probably thousands. Plants of rapid growth, of quick bearing, of high yields, of resistant strains, have been developed and are being developed. In forestry no such enterprise on an adequate scale has been yet attempted, but here and there, at arboretums, are men who have been studying and working to develop our trees and to procure for us trees of higher yields, better growth, and more suited for our uses than the species our forefathers found at their hand.

What the scientist has done for agriculture, and what the horticulturist has done for our flowers and fruits, only serves to focus attention upon the great gains which can accrue to our country through research in forestry at arboretums and at the forest experiment stations.

There is another side to the development of these trees that should be considered distinct from the mere utilitarian development of the rapid-growing trees with special manufacturing qualities, a side which makes the development of arboretums a national economic necessity and stresses their importance as a potential resource. This is the use of the arboretum to test out the suitability of foreign trees for American conditions and their resistance to disease and insect pests which continually threaten our own native species.

As America has developed and as commerce has brought plants from many lands to our shores, there has also been brought to us tree diseases and forest insects which threaten our trees and forests. Among the most notable of these may be mentioned the chestnut blight which has spread with previously unheard-of rapidity for a tree disease, throughout the entire range of the chestnut, resulting in the loss of this most valuable timber species from our eastern hardwood forests. The chestnut is passing rapidly out of the picture, and in a few years will be practically extinct in America. The gipsy and brown-tail moths, introduced insects, have caused tremendous damage to the forests of New England and have destroyed many shade trees throughout southern New England. So also the larch canker, now found in scattered localities in the northeast, is making a serious threat to the valuable Douglas fir forests of our Pacific coast. Such forest diseases and insect pests were known abroad for many years, and in fact they have caused serious damage there.

But in their natural habitat, enemies and climatic conditions have either kept these destructive agencies in check or the trees have developed a resistance which has enabled them to overcome their troubles. Whether or not the trees to which these insects and diseases are hosts are equal or superior to our native trees which the diseases are attacking here, is not known, and neither is it known whether many of these resistant tree species are suitable for American conditions. As trial grounds, for this reason if for no other, arboretums in America are of exceedingly great importance.

MORTON ARBORETUM AT LISLE, DU PAGE COUNTY, ILL.

It seems that it still is little understood by the general public what really is the aim of the Morton Arboretum and what it does propose to accomplish for the common good.

Most frequently the arboretum is mistaken for a nursery and is requested to supply certain plants, or it is looked upon as a private park, which is open to the public. In reality it is neither of the two.

The term "arboretum" is usually explained as designating an "outdoor museum of woody plants," but the Morton Arboretum expects to do more than to merely collect all the hardy woody plants of the world, and to exhibit them in museum fashion, though in a living state. To test all the hardy

woody plants under various conditions, to find out for what they may be used, and in particular, to test and study all the hardy timber trees of the world, which may be used for reforestation purpose is, in short, the aim of the Morton Arboretum. No plants are for sale at the Morton Arboretum, which is raising plants only for its own needs. The public is welcome to visit the arboretum, but is requested to refrain from picking flowers, which they are trying to preserve, and not to walk through the newly planted groups until paths have been prepared to make them accessible.

Primitive man, we are told, was dominated by the forest, and history is rich in evidence of the achievement of human progress through knowledge derived from wood.

With wood man learned to build homes and create architecture; to construct ships and master navigation; to build bridges; and through the agency of wood to acquire more fundamental knowledge of related subjects than he has of the properties of wood itself.

Abundant forests have made the United States the greatest wood-using nation and also the greatest wood waster of the world. Conservation of the remaining forests in the public domain and the full utilization of cut-over lands, now barren and practically worthless, by comprehensive, persistent, and systematic reafforestation is unquestionably the duty of our Government and should receive the approval of all good citizens.

With due appreciation of America's future need for lumber and after careful investigation of the few arboretums of the northern temperate zone, the Morton Arboretum at Lisle, Du Page County, Ill., was founded in 1921 by Joy Morton for the purpose of giving facilities for forestry observation, study, and research.

The fine achievements of the Arnold Arboretum at Boston, for more than half a century under the forceful direction of Prof. Charles S. Sargent, the Royal Botanical Gardens of Kew at London and the splendid work that has been done in France, Belgium, and Germany, all suggested to the founder that Illinois could have and should have an arboretum growing all the woody plants capable of withstanding the climate of Illinois.

The purposes and aim of the Morton Arboretum, as expressed in the declaration of trust establishing it, are stated as—

"Creating a foundation to be known as the Morton Arboretum," for practical, scientific research work in horticulture and agriculture, particularly in the growth and culture of trees, shrubs, and vines by means of a great outdoor museum arranged for convenient study of every species, variety, and hybrid of the woody plants of the world able to support the climate of Illinois, such museum to be equipped with an herbarium, a reference library, and laboratories for the study of trees and other plants, with reference to their characters, relationships, economic value, geographical distribution and their improvement by selection and hybridization; and for the publication of the results obtained in these laboratories by the officials and students of the arboretum, in order to increase the general knowledge and love of trees and shrubs, and bring about an increase and improvement in their growth and culture."

LOCATION

The 400-acre tract selected for the arboretum is situated about 25 miles west of Chicago, in Du Page County, and is easily reached by motor cars over Ogden Avenue or Roosevelt Road or by train to Lisle on the C. B. & Q. Railway. The arboretum is 1 mile north of Lisle.

The land is rolling and well watered by the east fork of the Du Page River; bordered by timbered hills, about 80 feet higher than the valley, with a good stand of native trees, and it is believed, is so far away from the railroads and the city of Chicago that the veteran trees of the old forest, as well as the valuable new plantings will never be injured by smoke or gas.

Visitors are welcome except in wet weather, when the roads are muddy. There are over six miles of good dirt motor roads and several miles of foot paths which afford visitors an opportunity to see all parts of the arboretum.

NURSERY AND GREENHOUSES

In developing an arboretum it is necessary to do a large amount of propagating because many of the varieties wanted can not be otherwise obtained. New plants are derived from seeds, cuttings, layering, or dividing. For this reason it is necessary to have a propagating department including an equipment of greenhouses and nurseries.

Some seeds, like those of hawthorns, require two seasons to germinate. In some cases, therefore, propagating is a matter of years. Many thousands of trees and shrubs have already been raised in the propagating department of the Morton Arboretum from seeds collected in all parts of the world; many seeds, cuttings, and scions have been obtained from the Arnold Arboretum, including seeds of several hundred kinds of hawthorns.

About 3,000 different species and varieties of woody plants are now growing at the Morton Arboretum.

GENERAL PLAN OF THE ARBORETUM

The trees and shrubs are generally arranged according to their botanical classification so that related plants may be easily compared, but there are also geographical groups, areas to illustrate forests, and planting for landscape effect.

The plantings for landscape effect are chiefly along the boundaries of the arboretum and borders of streams, lakes, and drives. All the various groups are made to harmonize with each other.

In the forestry plantings are large groups of trees valuable for forestry purposes, whose economic and practical value is being tested.

GEOGRAPHICAL GROUPS

The geographical groups in the arboretum now include and will include further specimens of trees forming typical collections from Japan, northern and central China, Amurland, Siberia, Balkans, Caucasus, the Pyrenees, and elsewhere.

A—THE JAPANESE GROUP

The Japanese group is not yet complete, but is well started, and the arrangement of the trees and shrubs has been made in such a way as to represent five zones of vegetation found in the rapid rise of the surface from sea level to everlasting snow on the mountain peaks, so noticeable in Japan.

These five bands or zones of plant life are: I, the pine forest of the lower levels; II, the deciduous forest of the lower region; III, the prairie region which has afforded many garden flowers grown in all parts of the world; IV, the deciduous forest of the upper levels; and V, highest of all, the coniferous trees of the upper regions extending up to the timber line.

The first or lowest zone includes some curious and beautiful evergreens, of which may be mentioned the peculiar Sciadopitys verticillata, specimens of which are making good growth.

The second zone contains, besides several kinds of the famed Japanese cherries, catalpas, and magnolias, a thorny tree with leaves like the castor bean, Acanthopanax ricinifolium.

A very handsome evergreen ilex (Ilex crenata), trees of the apple groups, firs, spruces, junipers, and larches are to be found in the fourth and fifth zones. Forms of quinces, Cydonia, occur in both the upper and lower zones.

B—THE EUROPEAN FOREST

East of the Rose Garden several acres are used for European plantings such as larches, oaks, mixed wood, alder grove, beech wood, spruce forest, birch grove, and pine forest.

As elsewhere throughout the Morton Arboretum, the trees are set to give a parklike effect, like little islands with openings between, separating the various groups. The grass paths, as well as the roads, are also used as boundaries between the various plantings.

NATIVE TREES AND PLANTS

A printed list of plants—trees, shrubs, perennials, annuals, and ferns—growing naturally in the territory of the Morton Arboretum has been published, identifying about 300 different plants native to the locality. A more complete list will be issued later.

FORMAL GARDEN

Specimens of various unusual forms of trees, such as those with pendant, weeping, or drooping branches, trees with leaves of different color from normal types, such as yellow or red foliage, have been gathered together in the Formal Garden. Here are growing such trees as weeping dogwood, similar forms of red-leaved and cut-leaved birch, and pendant and creeping evergreens, including Norway and Colorado spruce in various garden varieties, also nurserymen's variations of junipers and cedars, and good specimens of the red-leaved beech, birch, and Japanese maple. These odd or freak specimens would be out of place in the general botanical collections, so here they have a place by themselves, inclosed by a hedge and surrounded by the collection of woody vines.

THE ROSE GARDEN

Adjoining the Formal Garden on the south is the Rose Garden. The northern part of this space is to be devoted to the best roses for this locality. The collection now includes about two hundred kinds of hybrid garden roses. On the west side of the middle path are the hybrid tea roses, on the east side the hybrid perpetual roses, while edging the middle path are the polyantha roses. Two beds on a little slope on the north end of the main rose collection are filled with several plants of each of the "Twelve best roses of America," as determined by a questionnaire sent out by the American Rose Society.

THE LABELING SYSTEM

For the identificatiion of the plants growing in the arboretum a zinc label is attached to each specimen plant on which is embossed the botanical name of the plant and a number which refers to the card catalogue. In this catalogue a card may be consulted which bears the number given and from which information as to origin, date of planting, and so forth, may be secured. Information as to the location of other plants of the same kind is also recorded.

To the south is the collection of wild roses, of which many are growing in groups showing their relation to each other.

THE HERBARIUM

Additional information to that given in the card index will be found in the herbarium, which contains flowering and fruiting specimens, and seedling specimens of everything raised from seed that is growing in the arboretum. If the seed came from trees cultivated in the Arnold Arboretum, the herbarium usually contains specimens also from the parent tree, and information as to where its seed was collected.

THE MORTON ARBORETUM LIBRARY

The library, which is intended to be more a working library of up-to-date books than a book collection, contains nevertheless some rare works. Among them: A complete set of Curtis' Botanical Magazine, of the Gardeners Chronicle, the Botanical Cabinet, the Botanical Register, and many other famous works of botanical writers of all countries. Fortunately, just at the time when the Morton Arboretum Library was begun a number of large English private libraries were being broken up and sold, and thus books have been secured that ordinarily would be unavailable.

BIRDS IN THE MORTON ARBORETUM

The Morton Arboretum is a bird sanctuary, and with protection, many places for nests, and an unusual amount of food, including varieties not found elsewhere in this locality, the conditions are so favorable that many birds are now making the arboretum their home. Other birds visit the arboretum, including water fowl attracted by the several bodies of water.

Bulletins of popular information are issued by the Morton Arboretum to plant and tree lovers, containing reports on work accomplished in the arboretum, and are devoted to the spread of knowledge of worth-while plants, practical observations on cultivation of hardy plants, and the outcome of experiments in the arboretum. Crabapples, lilacs, roses, cacti, shrubs, spring flowering trees and shrubs, trees and shrubs with colored foliage, conifers, hedges, and a short report on some observations of general interest made during a winter trip through parts of Germany, France, England, and Holland were some of the subjects covered last year.

AIRCRAFT FOR SEACOAST DEFENSE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 11, and pass the same.

The SPEAKER. The clerk will report the resolution.

The clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of Congress, to consist of five Senators, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is authorized and directed to make a full investigation of the problem of the control of aircraft for seacoast defense, and to recommend to Congress as soon as practicable such legislation concerning aerial coast defense as it shall deem necessary or proper.

For the purpose of this resolution such committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures, as it deems advisable. The expenses of the committee, which shall not exceed $2,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

The SPEAKER. The Chair appoints as members on the part of the House of the joint committee created by the resolution just adopted, the gentleman from New York [Mr. TABER], the gentleman from Pennsylvania [Mr. RANSLEY], the gentleman from California [Mr. EVANS], the gentleman from California [Mr. LEA], and the gentleman from New York [Mr. BOYLAN].

JOINT COMMITTEE ON INSULAR REORGANIZATION

The SPEAKER. Pursuant to Senate Joint Resolution 9, to establish a joint commission on insular reorganization the Chair appoints as members of the commission on the part of the House the gentleman from Pennsylvania [Mr. KIESS], the gentleman from New York [Mr. BACON], the gentleman from Iowa [Mr. THURSTON], the gentleman from Texas [Mr. WILLIAMS], and the gentleman from Arkansas [Mr. RAGON].

JOINT COMMISSION ON AIRPORTS

The SPEAKER. Pursuant to Senate Joint Resolution 216, to establish a Joint Commission on Airports, the Chair appoints the gentleman from Maryland [Mr. ZIHLMAN], the gentleman from Massachusetts [Mr. UNDERHILL], the gentleman from Maine [Mr. NELSON], the gentleman from Georgia [Mr. WRIGHT], and the gentleman from New York [Mr. OLIVER].

CELEBRATION OF THE CANALIZATION OF THE OHIO RIVER

The SPEAKER. Pursuant to House Concurrent Resolution 51, celebrating the completion of the canalization of the Ohio River, the Chair appoints as members of the committee on the part of the House the gentleman from Ohio [Mr. KEARNS], the gentleman from Kentucky [Mr. THATCHER], and the gentleman from Illinois [Mr. ARNOLD].

FOCH AT THE TOMB OF WASHINGTON

Mr. RANKIN. Mr. Speaker, when Marshal Foch was over here during the disarmament conference, I happened to be at Mount Vernon when he came out to lay a wreath on the tomb of Washington. I am possibly the only living man in public life to-day who witnessed that scene, one that will be an inspiration for poets and painters for centuries to come.

The chances are that before we meet again that great leader of the allied armies will have passed away.

I wrote a short description of that incident, and I am going to ask unanimous consent to extend my remarks in the RECORD and to include my article written at that time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The article referred to reads as follows:

On Saturday, October 29, 1921, I witnessed one of the most solemn and impressive scenes that ever transpired on this continent when Marshal Foch, the venerated leader of the allied armies in the World War, paid his respects to the memory of the Father of his Country. Without military pomp or affected ostentation this celebrated hero, who less than three years ago commanded the greatest army the world has ever seen, visited the tomb of Washington and placed a floral wreath above the remains of America's most distinguished patriot.

Congress was not in session, the House having adjourned on Friday over until Monday, and Mrs. Rankin and I had gone out to Mount Vernon with a party of friends who wished to see the Washington home. The old darkey who watches the vault in which rest the remains of the General and Mrs. Washington informed us in a spirit of confidence that Marshal Foch would more than likely come out some time during the day to visit the home and pay his respects to Washington's memory. As we turned to leave he called our attention to a couple of photographers who had arrived and were adjusting their instruments, and alluded to the fact as almost positive evidence that the distinguished Frenchman was on his way.

We then decided to wait and get a glimpse of the "man of the hour" in the world's greatest tragedy. While we were waiting the old darkey enlightened us with a lecture on the various and sundry objects of importance connected with Mount Vernon, including himself. He said his ancestors belonged to General Washington, but that he himself was reared in an adjoining county, which he described as the "gyarden" spot of the world; that he had been on the estate for a great many years, and was familiar with every foot of its ground and every incident of its history. While engaged in this monologue, he glanced around at several young men who had approached the double iron gates of the vault and were looking in at the Washington tomb, upon which rested a beautiful floral tribute, recently placed there by General Diaz, of Italy, and, seeing that the boys wore their hats, the humble old servant said in a quiet, courteous tone, "Gentlemen, please remove your hats in the presence of the Father of his Country."

He then continued his discourse as if nothing unusual had happened, pointing out and naming the different trees near by that had been planted by distinguished hands. An acacia bush that had been planted near the tomb by some noted visitor, he said, had come from the Holy Land; a European fir tree just to the right of the walk that led down to the boat landing was planted by the Prince of Wales; a beautiful maple with spreading boughs and brilliant foliage was placed there by Li Hung Chang, the noted Chinese statesman. Another one was planted by Grover Cleveland, another by Theodore Roosevelt, and others by various and sundry persons of distinction from all parts of the earth.

While he was thus entertaining us some one announced that General Foch had arrived and was going through the mansion, and in a very few minutes we saw the famous visitor and his small party coming briskly down the walk. He was dressed in a gray uniform, which gave him somewhat the appearance of a Confederate soldier, with laced boots and a brilliant red cap. His strong face wore a sublime expression of profound solemnity as he passed through the open gate and quietly placed a wreath of flowers on the marble casket. I leaned forward and peeped into the somber silence of that vault, and as I did I looked upon one of the most serenely inspiring pictures that ever met the gaze of mortal man. There in the twilight of the tomb the greatest soldier of the twentieth century stood with bowed, uncovered head above the remains of the greatest figure of the New World, his lips moving in silent supplication.

Words can not describe that scene. The camera could not penetrate the shadows of the dusky precinct, and, unfortunately, there was no painter present who possessed the genius to reproduce it on his canvas, give it to the world, and transmit it to the generations yet to come.

He turned and left the vault, hastily inspected the surroundings, and began to retrace his steps to where his car was waiting to carry him back to Washington. With boyish interest and enthusiasm, he seemed to observe everything in sight. As he passed the old carriage house, he turned aside and placed his hands up to his face to shade his eyes from the light while he looked in on the cumbrous vehicle driven by Washington a century and a quarter ago. He went from there to the old kitchen, and as he wound his way out through the old flower garden, he glanced back several times, as if to get a last, long, lingering look at the most interesting house in America—if not in the entire world.

At the front gate his car stood waiting, and as he stepped into it he looked back again, surveyed the crowd, smiled, saluted, and disappeared.

We had looked upon the unassuming great.

HON. DANIEL R. ANTHONY, JR.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection, it is so ordered.

Mr. WOOD. Mr. Speaker and Members of the House, I expect that the two hardest words in our vocabulary to pronounce when they are fraught with sincere feeling are the words "good by." These words will be feelingly spoken many times here to-day.

There are separations to be made that will be trying. One of the great compensations in being a Member of this House is the friendship that is created and cemented here. This friendship is not parted by the center aisle. There is no division when it comes to such friendships. Some of the warmest friends I have had since I came into this House 14 years ago are on this side, and were on this side, many of whom have passed beyond.

To-day we are to say good-by to one who has rendered splendid service in this House for more than 20 years. I refer to our colleague, our fellow committeeman, DANIEL R. ANTHONY. [Applause, the Members rising.]

For 20 years he has been a faithful Member of this body, discharging the duties that fell upon him with conscientious devotion. He is to leave us in person, but in memory he will long abide; and the goodly deeds in and out of this chamber that he has done will be remembered for a long, long time. [Applause.]

I know I am voicing the sentiment of every Member of this House when I say that we regret his going. When he has gone we will have lost a valuable Member, his State a valuable servant, the country a valuable statesman, and I know I am also voicing the sentiment of every one here when I proclaim that when we say to him good-by we will do so with the full force of what those words literally mean—God be with you. [Applause.]

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BYRNS. Mr. Speaker, I wish to join in the tribute which has been paid by the gentleman from Indiana [Mr. WOOD] to the chairman of the Committee on Appropriations, the Hon. DANIEL R. ANTHONY, who is voluntarily retiring from Congress. [Applause.] I am sure that I express the individual and personal sentiments of every Member of Congress on both sides of this Chamber when I say that we regret that the condition of his health impelled him not to seek reelection to the Seventy-first Congress, and that we hope that the rest and his relief from the arduous duties under which he has labored for the past 20 years will soon restore him to a vigorous state of health and that he may soon return to public life. [Applause.] The country can ill afford to lose a man in public service of the character, fidelity, and ability of DANIEL R. ANTHONY. [Applause.]

During my service on the Committee on Appropriations it has been my fortune to serve under five chairmen—Mr. Fitzgerald, Mr. Sherley, Mr. Good, Mr. Madden, and Mr. ANTHONY. All of them have made great chairmen, all of them have been faithful, devoted, conscientious public servants, interested not only in conserving the Public Treasury but in seeing that every proper activity of the Government was given every opportunity to function as it should function in the interest of our Government and of the people.

And may I say in this connection that, since the people have determined to continue the Republican majority during the next Congress, I am very glad that we are to have another chairman in the person of the distinguished gentleman from Indiana [Mr. WOOD] [applause], who will measure up in ability, in fidelity to duty, with all of those who have preceded him.

The position of chairman of the Committee on Appropriations is an exceedingly difficult and arduous as well as a most responsible position. Frequently the time comes when he has to deny the request of some of his closest friends. It requires a great deal of labor, a great deal of work, and I wish for Mr. WOOD in his administration the same degree of success that has attended the other gentlemen under whom I have served.

We all love DAN ANTHONY because he is a genial, kindly, lovable humane fellow. [Applause.] We admire him and respect him because of his great ability, his devotion to duty, and the splendid service which he has rendered throughout the years he has served in the Congress of the United States. [Applause.] I express the wish of everyone when I say that we trust he will prosper in his every undertaking and that he may decide to again enter public life in the interest of the public service. [Applause.]

Mr. CRAMTON. Mr. Speaker, if the control of the Government should change in this House from one side of the aisle to the other the gentleman who has just spoken, the gentleman from Tennesee [Mr. BYRNS] would, in the natural course of things become the chairman of the Committee on Appropriations and under him it would be a great pleasure to serve, and the interests of the country would be very safe. [Applause.] Gracious, generous, and broad-minded, the tribute which he has just made to the retiring chairman, the gentleman from Kansas [Mr. ANTHONY], and to the incoming chairman, Mr. WOOD, is emphasis of the fact that politics do not prevail in the consideration of matters in the Appropriation Committee. That is proper, because whether one is a Republican, Democrat, or Socialist, he is expected to bear his full share in the contributions for the support of the Government, and is likewise entitled to equal consideration in the operations of the Government through its various activities.

It has been my good fortune, one of the rich experiences of my congressional career, to have had at times a close personal contact in committee work with the gentleman from Kansas [Mr. ANTHONY], both in the committee room and in the field.

He is a lovable character, he is a devoted public servant, he is gentle and unassuming and courteous, and considerate always, but I have found him in his committee work and in his official duties possessed of an abundance of independence of spirit, the highest integrity of character, and an unyielding devotion to what he considers to be right. [Applause.]

He came to the Committee on Appropriations immediately following the World War. He was chairman of the Subcommittee on Military Appropriations in the period of demobilization, the transition from the Army of the World War time to the Army of peace times following. It was my pleasure to serve on that subcommittee under his chairmanship. Other members of that subcommittee were the gentleman then from Virginia, Mr. Slemp, who later became Secretary to the President, and our late, lamented friend, the gentleman from Mississippi, Mr. Sisson. That was before the Budget system was fully inaugurated. The appropriation estimates for the Army came to the Congress at $660,000,000. When the committee had completed its work under his wise leadership, his painstaking effort, and his devotion to the proper expenditure of the public funds, that bill was reported to the House, not at $660,000,000, but at $328,000,000, and that without any interference with the proper performance of the functions of the Army. That merely instances his wise leadership, his knowledge of the subject, and his devotion to public service. I have seen him in the field, I have traveled with him, and I know what a delightful companion he is always.

He is leaving us now and if anyone was ever entitled to a vacation from public service after years of service well done, it is DAN ANTHONY, and now, giving preferred attention for the

first time in 20 years or more to his own affairs and his own health, we all wish to him prosperity and a complete return to health. [Applause.]

HON. EUGENE BLACK

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore (Mr. BACON). Without objection, it will be so ordered.

Mr. RANKIN. Mr. Speaker, Thomas Jefferson once said that there were only three questions necessary to be asked of a candidate for public office: Is he honest, is he qualified, is he faithful?

We are to-day losing one of our Members who, measured by that standard, has not had a superior in this body since I have been a Member of Congress. I refer to EUGENE BLACK, of Texas, who is now about to retire. [Applause.]

I did not rise to make a speech, but to express what I know to be the sentiment of every individual in this House, Democrat and Republican, that from the standpoint of honesty, of courage, of faithfulness, of diligence, of devotion to duty, and to the best interests of the country, we are losing one of the most valuable public servants the American Congress has ever seen. We all regret to see him go, and we wish for him a long, happy, and prosperous career in the enjoyment of those laurels he has so richly won in this House, when, regardless of circumstances, regardless of criticism, regardless of opposition, he has had the courage to do what he thought was right. [Applause.]

HON. JOHN M. MORIN

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, ladies, and gentlemen of the House, I think it is fit that I, from the Democratic side of the aisle should, without any prompting or suggestions from anyone whatever, say a word about the public services of a gentleman who comes from the State of Pennsylvania, who professes a different political faith from mine, and who for 16 years has been a faithful and unassuming and useful Member of this House, and who for the last four years has been chairman of the Committee on Military Affairs, on which I have the honor to serve. As a testimony of the esteem in which the members of that committee hold the Hon. JOHN M. MORIN, when we realized that his term of service was about to expire, all of us joined in signing a statement testifying our confidence in his integrity as a man, in his faithfulness as a public official, and in his fairness and justice as the presiding officer of that committee. And we evidenced in a material way by a beautiful gift our esteem of him as a friend.

Therefore I have asked this privilege to record in the permanent records of the Nation the fact that this courteous, gracious, unassuming gentleman has for 16 years been a patient and a faithful and effective worker in the welfare of the Republic, and that he goes to other fields of labor with the confidence and well wishes and the affectionate regard, not only of the members of the committee with whom he was intimately associated day after day but with the regard and esteem and confidence of all of the Members of this House. [Applause.]

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, ladies, and gentlemen of the House, we are coming now to the close of this session, and I rise to offer one word that may go down in the records of this country, to the effect that after all is said and done we Members of the House know that there is no dividing line in this membership. We have our differences of opinion, we have our differences in political beliefs. I have been a Member of the House now for six years or more and have received the same fair consideration from the Republican side of the House that I have received from the Democratic side of the House. I had the extreme pleasure to spend 60 days on an extensive trip from New York to Alaska and return with the distinguished gentleman from Kansas [Mr. ANTHONY], and I pledge you my solemn word that I never thought of him as a Republican until we got back here to Washington, and I don't believe in his heart he is a Republican—I think he is a Democrat. [Laughter and applause.] That is the way I feel about it. I want also to pay a tribute to the gentleman from Texas, [Mr. BLACK]. He is a good fellow, and my friend TOM BLANTON is a good fellow and so is JOHN MORIN—they are all good fellows, and I wish that we could fix some way so that the membership of this House would not be disturbed every two years. [Laughter and applause.]

HON. MEYER JACOBSTEIN

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker and ladies and gentlemen of the House, most of the men about whom reference is made to-day are Members of long service in this body; but there is voluntarily retiring from this House of Representatives to-day a man who in just a few terms has exceptionally distinguished himself as an economist, a professor of economics, and a philosopher. I refer to the Hon. MEYER JACOBSTEIN, of New York. [Applause.]

Few men have come to Congress better qualified to discuss the great economic questions which confront us than Professor JACOBSTEIN. You will readily recall how on the questions of farm relief, of reapportionment, and of the census he clearly demonstrated to this House what a young man, a man with only a short service, can do when he is properly equipped and willing to work. It is therefore a real loss to the State of New York and to the Nation when Congressman JACOBSTEIN retires from the service of his country. [Applause.]

HON. ASHTON C. SHALLENBERGER AND HON. JOHN NATHANIEL NORTON

Mr. HOWARD of Nebraska. Mr. Speaker, may I speak for two or three minutes?

The SPEAKER. Without objection the gentleman is recognized for two and three-quarter minutes. [Laughter.]

Mr. HOWARD of Nebraska. I rise to express the regret of all the Nebraska delegation, and I think the regret of many of you, with reference to the untimely retirement of two of my colleagues. They fell outside the breastworks in the late battle, but their faces were to the fore. I refer to Governor SHALLENBERGER [applause] and to our newer colleague, Mr. NORTON. [Applause.]

Mr. SHALLENBERGER lives out in what we call the short-grass country of Nebraska, and I can recall the time before his coming when no Democrat was able to raise his head higher than the Buffalo grass in Nebraska. [Laughter.] And if you people are acquainted with the Buffalo grass, you will know that it grows very close to the ground. But Mr. SHALLENBERGER has the habit of coming back. I think he has been defeated about three times and elected six or seven times, and he always comes back. [Applause.] And he will come again two years from now if he shall want to come, and he will bring NORTON back with him, because all the world seems to feel that two years from now there will be a righteous revolution that will bring back many good men. [Applause and laughter.]

REPRESENTATIVES WEAVER, BULWINKLE, AND LYON

Mr. DOUGHTON rose.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. DOUGHTON. Mr. Speaker and Members of the House, while it seems to be in order to express regret concerning those who are voluntarily or involuntarily retiring as Members of this House, and I concur in all that has been said, it is a matter of very deep regret to me, as I am sure it is to each Member of this body, that North Carolina is losing the services of three of her ablest and most distinguished Representatives, to wit, Mr. WEAVER, Mr. BULWINKLE, and Mr. LYON.

Representative WEAVER, of the tenth district of North Carolina, is and has been for some years a member of the Committee on the Judiciary. Mr. WEAVER possesses every qualification of mind and character necessary and essential to the making of a first-class Congressman, and his retirement is a distinct loss to this House, the country, his State, and his district. [Applause.]

Then there is Major BULWINKLE, of the ninth district of North Carolina, a man who equals in character and ability, in fact every qualification, any Member of this body. Major BULWINKLE has displayed diligence and efficiency of the highest order. He has been for some years a member of the Veterans' Committee of the House and has specialized on legislation in behalf of our ex-service men. Major BULWINKLE measures up to the highest standard of excellence in the American Congress. [Applause.]

It is also regrettable that the Hon. HOMER LYON, of the sixth district of North Carolina, has seen cause to voluntarily retire and return to the practice of law, his chosen pro-

fession, having been an ornament to the bar in North Carolina before coming to Congress. Mr. LYON has rendered conspicuous service as a Member of the House and especially on the Committee on Rivers and Harbors. [Applause.]

I know I can truthfully say the retirement of these three capable and faithful Representatives is regretted by every Member of this House.

Should Major BULWINKLE and ZEB WEAVER desire to come back, I have no doubt they could do so. The cause of their defeat was in no way chargeable to anything in their records, but only due to the vicissitudes of politics and an unfortunate situation in North Carolina for which they were not in the least responsible and over which they had not the slightest control.

Gentlemen and ladies of the House, I thank you. [Applause.]

ENLARGING THE CAPITOL GROUNDS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13929, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The clerk will report the bill by title and the Senate amendments.

The clerk read as follows:

A bill (H. R. 13929) to provide for the enlarging of the Capitol grounds.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

HON. VICTOR BERGER

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, it seems that I always have a peculiar mission to perform. In these closing hours of tribute, when both sides of the House have been represented, I want to pay a tribute to a Member who leaves the House, perhaps unsung, but with the affection and respect of every Member of the House, the gentleman from Wisconsin, Mr. VICTOR BERGER. [Applause.]

When Mr. BERGER first entered political life in this country he represented a school of thought and a political and economic philosophy which was considered in this country as radical and in the countries of Europe as the extreme left.

To-day that same school in Europe has become, in many countries, the extreme right, the conservative wing, while in our own country many of the policies and principles he has advocated have been adopted and accepted and some of them do not appear so extreme and radical to-day. Many of the things which in his early days seemed paternalistic have been accepted as a proper and necessary municipal, State, or governmental function to-day. [Applause.] For instance, his views on common carriers, on the railroads, were considered so absurd as not to even receive consideration, but 25 years later they were accepted, adopted, and advocated by the Great Commoner, whose talented and charming daughter will sit in and grace the Seventy-first Congress. [Applause.]

Mr. BERGER serves our Nation in the capacity of a pioneer, popularizing ideas of political and social reform long before they are accepted by the many, and while they are still frowned upon by the majority and denounced by political leaders. It is, for the most part, a thankless and unenviable task, but it must be done. It is part of the price that is paid for political and social progress, in all ages and in all lands. Pioneering requires courage, devotion to the common weal, ability to defend one's views and faith in their ultimate vindication. Mr. BERGER possesses all of these qualifications.

In this House, to which he was the first Socialist elected, Mr. BERGER had a peculiar mission to perform. As he stated a few days ago, he was not in a position to pass legislation, but he was here to point out the defects he finds in our political and economic structure, to focus attention on economic and political wrongs, as he sees them, and to indicate what his party would do to remedy these defects if it had the power. In doing this he sets the pace, as it were, just as he set the pace many years ago for many of the reforms that have since become the law of the land. He performed his mission in this House faithfully and ably, with credit to himself, his district, and his party, and in a manner that attracted the attention of the House and gained for him the respect of its membership.

Mr. BERGER returns to private life to continue, in a somewhat different capacity, that of a newspaper editor, his work for the principles in which he believes, and his service to the people. He is now well advanced in years. He leaves this House with the good wishes of us all. [Applause.] I am sure the membership will join with me in wishing him good health and happiness in the years to come. [Applause.]

OLD-AGE PENSIONS

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my remarks and to insert a statement by Governor Roosevelt on the question of old-age pensions.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks and to insert a statement by Governor Roosevelt, of New York. Is there objection?

There was no objection.

Mr. MEAD. Mr. Speaker and Members of the House, within the last decade a number of States have adopted legislation for the relief of the aged and several other States have created commissions to study the problem. In Europe a number of countries have already adopted laws granting old-age pensions. Numbering amongst these progressive nations can be listed England, Belgium, France, Austria, Germany, Greece, Iceland, Italy, Poland, Portugal, Rumania, Spain, Sweden, Switzerland, Yugoslavia, and Czechoslovakia. South American nations are also seriously concerned with regard to the problem of caring for their aged, and Chile and Argentina have already passed laws providing for old-age insurance. In far away Australia and New Zealand similar legislation has been approved. The great State of New York, which I have the honor to represent in part in the House of Representatives, has a commission studying the question at the present time, and it is expected that legislation will be adopted without much further delay. The Hon. Franklin D. Roosevelt, the progressive and humanitarian Governor of New York, in a recent message to the legislature, takes an emphatic stand in favor of the immediate adoption of a measure which will make provision for the aged of our State. Governor Roosevelt's message follows:

The majority party in your honorable bodies has stricken out from the appropriation bill which I submitted to you pursuant to the constitution an item to defray the expenses of a proposed commission to study the question of security against old-age poverty and want in this State. I can not believe that it was your intention summarily to dismiss in this manner all consideration of the pressing needs of our numerous aged poor. For that reason there is being introduced for your consideration a bill creating such a commission, and I urge upon you its immediate adoption.

New social conditions bring new ideas of social responsibility. The problem of how to take care of the aged poor outside of State institutions is now occupying the attention of other States of the Union as well as of foreign countries. We can no longer be satisfied with the old method of putting them away in dismal institutions with the accompanying loss of self-respect, personality, and interest in life.

This State abandoned some time ago the principle of institutional care for poor children and adopted the method of helping them in their own homes. Similar provision should be made for old age.

Poverty in old age should not be regarded either as a disgrace or necessarily as a result of lack of thrift or energy. Usually it is a mere by-product of modern industrial life. An alarmingly increasing number of aged persons are becoming dependent on outside help for bare maintenance. While improved medical science has increased man's span of life, the rapid pace of modern industry has proportionately increased the number of years during which he is an unsought employee. While the worker of to-day, on the average, may look forward to a longer life than did his grandfather, he must necessarily count on a shorter period of industrial availability. No greater tragedy exists in modern civilization than the aged, worn-out worker who, after a life of ceaseless effort and useful productivity, must look forward for his declining years to a poorhouse. A more modern social consciousness demands a more humane and efficient arrangement.

Some of our States and some foreign countries have dealt with the problem by adopting a straight pension system, where the government distributes a certain periodic stipend to aged persons fulfilling the requirements as to residence, citizenship, etc. I am informed that such a system has been adopted in Montana, Kentucky, Wisconsin, Alaska, and Nevada, and in Australia, Denmark, the Irish Free State, New Zealand, Norway, and Uruguay. Objections have been made to this method on the ground that it savors too much of a straight governmental dole and that it is likely to sap a man's self-reliance and discourage thrift.

On the other hand, a number of countries have adopted a system in which workers really insure themselves with the aid of the State against old-age want. They contribute certain fixed weekly amounts into a capital fund, during their more youthful years of industrial productivity. These contributions are equally matched by the government itself; so that the worker and his government are equally sharing the burden of insuring against the needs of old age. Provision is made under such plans, for temporary cessation of such contribution by the worker during enforced unemployment. In general, this scheme of old-

age insurance is followed out in England, Belgium, France, Argentina, Austria, Chile, Czechoslovakia, Germany, Greece, Iceland, Italy, Poland, Portugal, Rumania, Spain, Sweden, Switzerland, and Yugoslavia.

There is no reason why our State, which is one of the foremost centers of industry in the world, should not now investigate the plans of these various jurisdictions as well as other proposed methods, and, indeed, the entire question of security against old-age want, to determine what, if anything, should be done by it to meet this rapidly growing problem within our own borders.

It must be borne in mind that, although the adoption of any plan of old-age pensions or old-age insurance will be expensive, the present method by which the State's aged poor are being taken care of in institutions is also expensive. Four or five years ago the United States Department of Labor, through the Bureau of Labor Statistics, made a study of the poor farms and almshouses throughout the Nation, with a view to ascertaining the expense of maintaining them and the value of the capital invested, including the land, buildings, and equipment.

In the State of New York, the investigation covered 61 institutions housing 9,203 inmates. The report shows that the capital value of these institutions was $16,321,338, or $1,773.49 per inmate, and that the annual maintenance cost was $2,753,327, or $299.19 per inmate. In other words, there were then invested almost $1,800 of public moneys for each inmate of our poor houses in this State, and almost $6 per week was being spent by the public to maintain each person. This present high cost should be carefully considered in deciding upon the advisability of making a change in our policies of providing for the dependent aged. I look forward hopefully to the day when our poorhouses will be used, if at all, only for the helpless incurables of the State who by virtue of physical or mental handicaps are unable to provide for themselves.

Apart from the apparent justice of making some provision for our aged poor outside of institutions, a wise public policy dictates the necessity of an early formulation of a definite intelligent policy along these lines. The sooner this problem is met scientifically, the more economical will be its operation.

Our changing economic structure makes imperative the necessity for a proper and immediate solution of this great question. While the progress now being made in medicine and surgery adds to the expectancy of life, industry, on the other hand, prompted by a desire for greater efficiency in production, has adopted methods prohibiting the employment of workers who have reached or advanced slightly beyond middle age, thereby adding to the number of our people who must turn elsewhere for relief in their advanced years.

There are many reasons and causes which make a man dependent in his later years. Many are impaired by loss of health, for sickness and disease must of necessity exact their terrible toll. Occupational and other maladies likewise contribute their great share. Bankruptcy in business, financial failures, poor investments, and other causes tend to increase the number. The prevalent discrimination practiced almost everywhere against the older employee and in favor of youth is likewise a contributing factor. Aside from the very few States which now have old-age pension legislation upon their statute books, our dependent aged are cared for in almshouses and similar institutions. In many of these public almshouses are to be found the unfortunate imbecile, the criminal, the idiot, and other wrecks of humanity, housed with the aged citizen who, through no fault of his own, has become an object of public charity, but who may enjoy at least fair health, an honorable reputation, and an intellect that has been strengthened rather than weakened in life's struggles. The brutal system which compels the aged and infirm to spend their few declining years in the poorhouses of the Nation is a pitiful and tragic indictment against the civilization of our time. It is neither fair, just, nor humane. Its cost is expensive and its results are destructive.

My colleague from New York, the Hon. WILLIAM I. SIROVICH, has introduced a resolution, which has been referred to the Committee on Rules, and which, if adopted by the Congress of the United States, will provide for the appointment of a commission to study this important question. I trust this legislation will be adopted within the very near future, so that a nation-wide investigation and report can be made on the subject, which I am sure will be beneficial to the Nation as well as to the several States. Representative SIROVICH has also introduced a bill designed to have the Government of the United States appropriate a sum of money to every State that is willing to apply the principle of old-age pensions to its citizens. If this legislation should be adopted by the United States and subsequently by the several States of the Union, the Federal Government would appropriate a part of the money, leaving the remainder to be appropriated by the individual States.

HON. WILLIAM P. COLE

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. LINTHICUM. Mr. Speaker, there came into our midst in the Seventieth Congress a gentleman from the second congressional district of Maryland, the Hon. WILLIAM P. COLE, the successor of our distinguished Marylander, Senator TYDINGS, who went to the Senate. This young man, Capt. WILLIAM P. COLE, came from a line of men distinguished in statecraft and in public life, a graduate of the University of Maryland, distinguished for his service on the battle fields of France in the World War. He entered this House and has made an excellent record as a member of the Committee on the District of Columbia. He has been one of our very best associates and has made a most excellent record as a Member of this House and is beloved by everyone who knows him. He represents the largest district in the State of Maryland and has represented it as efficiently as any man could possibly have done.

It is with a great deal of regret on the part of the Maryland Members of this House, and I am sure on the part of all who know him, that the Hon. WILLIAM P. COLE, because of the tidal wave in the last election, has been swept from our midst. I feel there is destined for him a brilliant career in public life and that he will again be among us to finish the splendid and most useful work he commenced. The lovable, useful, and brilliant young statesman that he is. [Applause.]

HON. B. G. LOWREY

Mr. QUIN. Mr. Speaker and gentlemen of the House, we have a good man from Mississippi, our distinguished colleague, Mr. B. G. LOWREY, who goes out of this House to-day. This gentleman, high, great, honorable, known all over the State of Mississippi for his splendid work in educational and religious matters, as a Member of this House has a splended record.

This splendid man, who retires to private life, carries with him the hearts of this great body back yonder to Mississippi where the men and women and the school girls whom he has helped to educate for the last forty years know and love him, and I want you gentlemen to remember our dear friend and splendid colleague after he has gone. Our hearts are with him. God bless you, Mr. LOWREY. [Applause.]

HON. DANIEL R. ANTHONY

Mr. FRENCH. Mr. Speaker and gentlemen of the House, I was called out of the House Chamber a few moments ago when several Members of the House expressed their regret at the withdrawal from our membership of DAN ANTHONY, of Kansas. My regard for my colleague is such that I must voice something of my appreciation of the life and services of this distinguished man. [Applause.]

There are only eight Members of Congress who have had service in this House for a longer period of time, and only five other Members whose services have approached in length his service.

I suppose there is no organization in the world that more promptly takes an appraisal of those who become members of its group than does the House of Representatives. Rather the impression the Members of our body have of their colleagues is the impression that the Members themselves compel us to have. The impression we have is the impression that they compel us to have through their daily life. If a Member, as did DAN ANTHONY, comes to occupy a high place in our regard, it is because of industry, because of his habits of study and application as applied to the tasks given him to do, because of his candor in debate, and because of strength of character that sustains him in the heavy hours of responsibility.

DAN ANTHONY was a stalwart man physically, and he had not been among us very long before we came to regard him as a stalwart man mentally, as a stalwart man in that general ability that enabled him in brief time to take a commanding place in the actions and the deliberations of this Chamber.

Our colleague is withdrawing voluntarily on account of ill health, and yet, although he had been afflicted for several years, last spring when the distinguished and beloved chairman of the Apppropriations Committee and an outstanding leader of this body, the late Martin Madden, was called from us by death, DAN ANTHONY was drafted as his successor as chairman of that committee. He was like a soldier who, though wounded, is willing to carry on, and he has carried on admirably and well during the eight or nine months of his chairmanship, and he has still further enriched his record of things accomplished.

In his public service Mr. ANTHONY has so borne himself as to command the respect of the membership of this House and to challenge the admiration and confidence of his fellows who have served with him and under his leadership upon the Committee on Appropriations. As he separates himself from further activities in this body, the best wishes of the entire member-

ship go with him for the greatest abundance of health and strength for continued service during many years that we hope may stretch out ahead. [Applause.]

HON. JAMES T. BEGG

Mr. KEARNS. Mr. Speaker, there is one of our colleagues who is leaving the House to-day who is perhaps as well known as any man who has served amongst us in many years. I refer to the Hon. JAMES BEGG, of Ohio. [Applause.]

Mr. BEGG has a name in this House that perhaps few in the history of the membership of the House have ever enjoyed. He has been one of the leaders for the last four or five years. I do not suspect there has ever been a visitor to the Capitol who has not met JIM BEGG.

He is retiring, not because he was defeated, because such an occurrence as that could not have happened in his district. He was one of the most popular men that the district ever produced. He was one of the most popular men who has ever had a seat in this Congress, perhaps, in the history of the Congress.

He retired because he was a candidate for Governor of the State of Ohio, and it must be one of his fond recollections that he was only defeated for the nomination by a very small majority. I am sure that if a greater effort on his part had been put forth he would have been nominated. I know it is with a tinge of sadness that the membership on both sides of the House note his leaving to-day. But when he leaves here he will find a field of activity that will be for the benefit of the country, because whenever JIM BEGG is in action there is going to be a benefit to all the people, not only in his own district, but in the entire State and Nation. [Applause.] We all know that in whatever occupation he is engaged he will be one of the leaders wherever he is.

Again I say, I hope for him, as you hope for him, a prosperous continuance in public life, because a man with the talent of JAMES BEGG will always be in demand.

Therefore it is with sorrow to all of us that we witness his departure to-day. [Applause.] Jim, we wish you well, happiness and every success. [Applause.]

HON. IRA G. HERSEY

Mr. WHITE of Maine. Mr. Speaker and gentlemen of the House, on this day my colleague the Hon. IRA G. HERSEY [applause] closes his present congressional services. He came to this body with unusual qualifications; he was a lawyer, grounded in the fundamental principles of the law, and of wide experience gained through practice of many years in all the courts of the State of Maine.

He came with long legislative experience in both the house and the senate of his native State. He came with habits of industry, independence of spirit of thought and of judgment, and with character. This experience and these qualifications have made of him one of the useful and respected Members of this body. [Applause.] As he served his State with distinction and with credit, so he has served the country here. I express for him my respect, my feelings of personal affection, and I am sure that the entire membership of the House join with me in these sentiments toward him. [Applause.]

ADDRESS OF HON. ANDREW J. MONTAGUE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a scholarly address by the gentleman from Virginia, the Hon. ANDREW J. MONTAGUE, on the one hundred and fiftieth anniversary of the Battle of Lexington, delivered at Lexington, Mass., on Sunday, April 19, 1925.

The SPEAKER pro tempore (Mr. CHINDBLOM). Is there objection?

There was no objection.

The address referred to is as follows:

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BATTLE OF LEXINGTON

Mr. Chairman, ladies, and gentlemen, I would not construe the invitation that brings me into this presence as a compliment to myself. I would, rather, think of it as a recognition by Massachusetts of her associations with Virginia when these two Commonwealths led in the Revolution as well as in much of its subsequent accomplishments.

Massachusetts and Virginia were the first of the Colonies to sense the rising storm and the first to discern that the solution of the conflict must be found not in protest, not in resistance, but in independence. To this end Lexington was the first to shed her blood and Yorktown the last to stanch the gaping wound.

Virginia is affectionately mindful of the confidence and good will of Massachusetts. She recalls that in the old formidable days John Adams and Samuel Adams sat in high and holy council with Jefferson and Henry and Lee. She proudly remembers that Massachusetts summoned Washington to command the armies of the united Colonies and that she named Marshall for the judgment seat of the new Republic.

Patrick Henry, writing to John Adams on May 20, 1776, from the Constitutional Convention at Williamsburg, which five days before had declared Virginia's full independence of Great Britain, and had ordered her delegates in the Continental Congress to propose a similar resolution for the action of that body, said:

"Would to God you and your Sam Adams were here! It shall be my incessant study so to form our portrait of government that a kindred with New England may be discerned in it; and if all your excellencies can not be preserved, yet I hope to retain so much of the likeness that posterity shall pronounce us descended from the same stock. I shall think perfection is obtained if we have your approbation."

John Adams, replying on June 3, 1776, and referring to Henry's part in framing the first written constitution known to man, said:

"I know of none so competent to the task as the author of the first Virginia resolutions against the stamp act [the resolutions of May 29, 1765], who will have the glory with posterity of beginning and concluding this great Revolution."

This comradeship, this patriotic alliance, between the two Commonwealths was evidenced by the resentment of the people of Virginia to the arbitrary writs of assistance, and later to the Boston port bill, a measure apparently designed by the British Parliament to punish the people of Boston for their resistance to the tea tax and to compel the colony to submission. Your great Senator, the late George F. Hoar, in speaking of this occurrence, said:

"But George III and his councilors had Virginia as well as Massachusetts to reckon with. Her generous people rose as one man. Not only letters of sympathy came pouring in to the selectmen of Boston but there came substantial contributions of money and food, which, considering the poverty of the time and the difficulty of communication and transport, are almost without parallel in history. The House of Burgesses appointed a day of fasting and prayer, and ordered 'that the members do attend in their places to proceed with the speaker and the mace to church for the purposes aforesaid.' But they did not leave Boston to fast. Meetings were held all over the Old Dominion. In Fairfax County George Washington was chairman and headed the subscription with 50 pounds. The convention over which he presided recommended subscriptions in every county in Virginia. Mason ordered his children to keep the day strictly and to attend church clad in mourning. In Westmoreland County John Augustine Washington was chairman. He inclosed in his letter a bill of lading for 1,092 bushels of grain. The generous flame spread among the backwoodsmen. Not only from tidewater but from over the mountains, where the roads were little better than Indian trails, the farmers denied themselves to make their generous gifts. Their wagons thronged all the roads as they brought their gifts of corn and grain to tidewater."

Senator Hoar has alluded with great feeling to the march of Daniel Morgan with 12 companies from Virginia to Boston in 21 days. If accomplished within this time, and the evidence is uniform to this effect, the rapidity of the movement exhibited not only a high sense of duty but tremendous enthusiasm.

I make these allusions with no purpose of stressing the sympathy or generosity of Virginia, but rather that we may not forget or outlive the comradeship of the olden days—days when Virginia's eyes beamed with delight in beholding the deeds of Massachusetts—days when Massachusetts heard gladly the words of counsel and affection from Virginia. Hand in hand these two Commonwealths entered the great struggle, and hand in hand they undertook to consummate its incomparable achievements in the establishment of a mighty Republic. They have in the past sometimes differed in opinions, but their ancient ties and heroic memories should forever solder their affections.

The deed we this day commemorate is an event not alone in the history of Massachusetts and America but in the history of the world.

"What wonderful things are events," cries Disraeli; "the least are of greater importance than the most sublime and comprehensive speculations!" But I venture to observe that the explanation of an event, the complex antecedent instances and consummating circumstances, the inexorable trend and environment, is sometimes of more importance than the event itself. Surely if one could accurately assemble and assess, could truthfully identify and apply, all the precedent causes of this potent event, it would seem almost to have been predetermined.

Let us first consider the event itself. Some 800 British troops on the night of the 18th of April moved from their protected areas in Boston for the purpose of rescuing the military stores at Concord and arresting Samuel Adams and John Hancock in Lexington. The march of these troops was made known to the people along the roads and in Lexington by Paul Revere and William Dawes in their daring and famous rides, one coming by way of Charlestown and the other by way of Roxbury, recorded in song and story, in rhythmic verse and glowing orations. The alarms given by these brave riders occasioned the assembling in Lexington of Captain Parker's company of some one hundred and forty members, but the British not appearing the company was unfortunately dismissed, only shortly to reassemble on the Lexington Green at the beating of a drum by William Diamond between 4 and 5 on the morning of the 19th, with 77 men, the others not returning

or not found in company formation. This small band, confronting an overwhelming number of British regulars, was ordered by Major Pitcairn to lay down their arms and disperse. This they refused to do, thereby stamping themselves as types of the new man in the New World. In obedient response to Captain Parker's strict orders, the militia did not at first fire or assume the offensive. A volley was fired by the British, resulting in no casualties, and then followed by a second volley of deadly character, which was returned in a desultory manner by the militia, wounding some three or four of the British regulars. Ten of the historic Minute Men were killed—John Brown, Samuel Hadley, Caleb Harrington, Jonathan Harrington, jr., Jedediah Munroe, Robert Munroe, Isaac Muzzey, Jonas Parker (the bravest of the brave), John Raymond, and Nathaniel Wyman. Their blood marks the beginning of the War for Independence, and their names should be embalmed in our memories and handed down as heirlooms from generation to generation. Early in the eighteenth century a desperate charge upon an Austrian center was saved to the French by the daring and death of a private soldier, Latour d'Auvergne, whose name was ever after called first at the parades of his battalion, when the oldest sergeant, stepping to the front, would answer, "Died on the field of honor!" To-day, if the roll of Parker's company could be called, and if the gallant captain could answer for the 10 immortal absentees, sorrowfully and proudly would he respond, "Died on Lexington Green, the field of honor!" And then might not the tragic agony be assuaged by the inspiring salutation of Samuel Adams, "O, what a glorious morning is this!"

It is the first step that counts. That step had now been taken. Oppression by King and Parliament and governor will now be answered by sword and not by word. War will be both the reply and the argument. And war had begun, and the great event is beginning to reveal itself in its portentous potentiality. The crisis must be met, and it was met, and greatly met.

I have suggested that Lexington was somewhat predetermined. It is said that history does not so much solve questions as it teaches us to examine them, and perhaps our understanding of history is sometimes spoiled by knowing too much of the event. We are too close to its activities, we are too disconcerted by the proximity of its forces, our sympathies cloud our judgments and warp our conclusions; later we may more truthfully arrange and proportion the predisposing incidents and influences and causes that effectuated the culmination. This, of course, should not be done on this occasion, though a brief and unmethodical survey may throw light upon the memorable event and the historic sequel.

The dominant idea in the Colonies as well as in England was that taxes should only be imposed by the consent of the people through their representatives. Hence the popular conviction that taxation and representation go hand in hand. Lord Camden had said in the British Parliament that, "Taxation and representation are inseparable," and the Colonies declared that "taxation without representation" was tyranny. The Colonies had no representation in Parliament, and the exercise of the right of taxation by colonial legislatures had been revoked by Great Britain, therefore revolution and war seemed the inexorable alternative.

In 1765 the famous stamp act was passed by Parliament, resulting in excitement and anxiety throughout the Colonies, especially in Massachusetts and Virginia. Her House of Burgesses, on May 29, under the spell of the eloquence of Henry, whom Byron appraised as "the forest-born Demosthenes, whose thunder shook the Philip of the seas," adopted a resolution condemning the right and validity of the act, and asserting that taxation was alone within the power of the several Colonies. Massachusetts looked with approval upon this resolution, and the Boston Gazette wrote that—

"The people of Virginia have spoken very sensibly, and the frozen politicians of a more northern government (British) say they have spoken treason."

Washington, little accustomed to public speech, but with commanding dignity and compelling earnestness, asserted—

"I will raise 1,000 men, subsist them at my own expense, and march myself at their head for the relief of Boston."

But condemnation of British action and the ominous resentment of the Colonies were unavailing. The British fleet and troops thronged the harbor of Boston, resulting in the massacre of March 5 and the military occupation of the city.

The Boston port bill came as a further reprisal, provoking thundering protests from the Colonies, especially South Carolina and Virginia, the latter declaring, "That the cause of Boston is the cause of us all"; for it was evident that if the Parliament could close the port of Boston, and revoke her charter, the right and safety of every colony was likewise menaced. Virginia appealed for the cooperation of the Colonies to prepare to meet these ominous dangers, and on the 5th of September, 1774, a convention composed of delegates from 12 of the 13 Colonies met in congress at Philadelphia. On the next day Henry, with a prescience almost unbelievable, sounded the first note of nationality heard in America, crying out—

"British oppression has effaced the boundaries of the several Colonies; the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I am not a Virginian, but an American."

The township system of Massachusetts, that kindling flame of democracy, which never found its way into Virginia to the deepest regret of Jefferson, was uprooted for the time being by the regulatory acts of Great Britain.

The act of Parliament restraining the New England people from the privilege of fishing on the banks of Newfoundland, and soon thereafter extending the prohibition to all of the Colonies except New York and North Carolina, further aroused the resentful passion and patriotism of the Colonies.

While not in chronological order but as one of the contributing causes of the Revolution, I should not omit to recall the extraordinary juridical procedure employed by Great Britain in issuing "writs of assistance" (so powerfully resisted by James Otis), and the right of deportation of the citizens of the Colonies to Great Britain for trial for certain offenses, thus violating the elementary common law of vicinage and community rights.

Criticism and condemnation of the attitude of Great Britain by the Colonies evoked the deepest sympathy from many in that ancient island, among whom were Pitt and Burke, Horne-Tooke, and Wilkes, great friends and advocates of the rights of the Colonies, and whose reason and eloquence lent approval to their policies and encouragement to their aspirations.

In May, 1774, the Virginia House of Burgesses declared that the common interest of all the Colonies was in jeopardy, and appealed for a general congress to consider the course to be pursued. Speaking of this congress in the British Parliament, Pitt declared "that though he had studied and admired the free states of antiquity, the master spirits of the world, yet for solidity of reason, force of sagacity, and wisdom of conclusion no body of men could stand in preference to this congress."

The confidence of the Colonies was immediately extended to this Congress, which reassembled in Philadelphia on September 5, 1775, and quickly threw down the iron gauntlet of defiance to the foes of independence, and soon gave to the world the Declaration of Independence, that scroll of light and leading and of hope and courage to a waiting and forward-looking people.

British taxation was not resisted by reason of the rate or amount of the tax imposed, but resisted because such an exercise of the taxing power was among the "unalienable rights" of the people of the Colonies asserted in the Declaration of Independence. These "unalienable rights" were believed to be the gifts of nature and not of government. Government existed to protect and preserve these rights that were possessed by man in defiance of government itself, and "to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

I need not argue the philosophy of this declaration. I need not discuss the doctrine of "unalienable rights," whether or not they are founded in nature, and whether or not governments are established by contract in order to assure them by appropriate and adequate guaranties. The colonists were confronted by stubborn facts of oppression which they were determined to resist upon two grounds; first, that the action of Parliament was unconstitutional; and, second, that if not unconstitutional this action was against the natural or "unalienable rights" of the people of the several Colonies. Wise, practical, and courageous statesmen were developing these arguments and their conclusions into revolutionary convictions and activities.

An accumulation of incidents and accidents, of passion and prejudice, of instinct and aspiration, of oppression and resistance, of truculent obstinacy and offensive arrogance, of many trials and tribulations, all swelled and vexed the fast-rising waters; but greater than all was the new environment, within which man gained an aspiring stimulus and an invigorating independence that could only come from the powerful forces at play in a "new world."

The civilization which first discovered and occupied the southern portion of this hemisphere expended its energy and philosophy in an environment of languor and enervation. The English-speaking Colonies found their genesis in 1607 in the great liberalizing and energizing environment of which I have just spoken, and with the first two colonizations came the active operations of a great force, namely, the perfection of printing, and its consequent distribution and communication of information and knowledge upon the readable page. Consider these inherited liberties and "unalienable rights" planted by such sturdy stock in an environment so transcendent, separated by vast and rolling seas from the intimate touch of the mother land, and who can fail to see that the forces of destiny would sooner or later sweep the Colonies into revolution and independence?

It is not my province to speak of Concord and Bunker Hill and Boston; of Ticonderoga and Saratoga; of Washington at Cambridge and the attack upon Charlestown; of Trenton and Princeton; of the crossing of the Delaware; of Bennington and Brandywine; of Germantown and Valley Forge; of Savannah and Charleston; of Camden and Kings Mountain; of Cowpens and Guilford; of Ninety-six and Eutaw,

save to observe that they are all commanding stations along the epic road from Lexington to Yorktown.

Most generally have I spoken of Lexington—the event, its antecedent and auxiliary causes—and I would beg your brief consideration of the mighty result. Lexington and Yorktown would have been the unavailing incidents in the train of events between these two historic towns, unless the result could have bodied itself forth in some righteous and liberal and stable government. This result was accomplished to the wonderment of the world in the form of a written Constitution drafted in Philadelphia in 1787. This Constitution is the most progressive contribution to government known to mankind. Under it we have grown from a nation of 3,000,000 to one of 115,000,000, existing in a state of liberty and order, progress and comfort, prosperity and happiness not so fully possessed by any other nation of the world.

This incomparable instrument, with its authorizations, its limitations, and its reservations has established the path wherein our civilization has thus far moved and developed. This Constitution, the "greatest work ever struck off at one time by the brain and purpose of man," as avowed by Gladstone, was the work of the thirteen original Colonies. It is the matrix of "an indissoluble Union of indestructible States," in the words of your great Webster, upon which depends in a large measure the progress and the civilization of the world. Does it not behoove Massachusetts and Virginia and the remainder of the original thirteen Colonies to renew with increasing responsibility and courage their faith in the Government thereby established? In view of its immeasurable accomplishments and transcendent contributions to the peace and happiness of man should we not resist all the reactionary forces which make for its bespoilment?

The Union did not create the States, but the States created the Union. The preservation of these governments in constitutional proportion and vigor is the need and duty of the hour.

Some 60 years ago a great and tragic war nearly destroyed the Union. Now there is grave apprehension that the Union may destroy the States.

Local and State governments provide the best opportunity for the citizen to learn the duty and art of self-government, without which the State and Nation will decay at the roots.

Massachusetts is rich in nourishing traditions and in the successful administration of government. These precious assets she can best preserve within her own radiant orbit. To-day Massachusetts possesses more Federal power than any other American State. She sits in council, in Cabinet, on august judgment bench, and in the mighty Magistrate's chair. But with responsibility comes duty, and as she won the hearts of her sister Colonies at Lexington, so may she exert her present prestige to quicken the ties between all of the American States and to balance and preserve the vital equilibrium between State and Nation.

EXTENSION OF REMARKS

Mr. GUEVARA. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement of Hon. Angel Suntay, member of the Philippine Legislature, who is now in Washington on the free-trade relations between the United States and the Philippine Islands; and a statement of Mr. Vicente Villamin.

Also a statement by Gen. Frank B. McIntyre.

The SPEAKER pro tempore. Is there objection to the request of the Delegate from the Philippines?

There was no objection.

STATEMENT OF HON. ANGEL SUNTAY

Mr. GUEVARA. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement of Hon. Angel Suntay:

THE UNITED STATES TARIFF AND THE PHILIPPINES

The most important problems confronting the United States Government to-day with respect to the Philippine Islands, is the status of trade relations between the United States and the Philippines.

There is at present a strong agitation before the Congress of the United States for the enactment of laws restricting the free entry of Philippine products into the United States market. A satisfactory solution is necessary to both the United States and the Philippines, in order to maintain the good relations now existing between the two countries.

The stand of the Filipino people on this important question has been ably presented before the House Ways and Means Committee by our official representative in Congress, Resident Commissioner Hon. PEDRO GUEVARA and Gen. Frank McIntyre, the Philippine trade commissioner, whose statements have been reported in the press throughout the length and breadth of the United States.

In my capacity as a member of the lower house of the Philippine Legislature, may I state that any favorable action by Congress on any of the measures that have already been presented embodying such restrictions against the interests of the Philippines, would be considered by our people as a grave injustice and it may bar not only the harmony and cooperation that now happily exists in the islands toward the United States but also such would create distrust on the part of the people of the islands as to future trade relations between the Philippines and America.

The Philippine Legislature has on many occasions shown a desire to encourage not only American business in the islands but also American trade in general. To cite only a few instances of the good will and confidence of the people of the Philippines toward the United States, the Philippine Legislature in the last regular session amended our corporation laws giving all the opportunities and advantages to American capital that might be employed in the islands. The Philippine Legislature also, in friendly accord has passed legislation appropriating funds for the employment of technical advisers to the Chief Executive, although it did not consider such service necessary because we have always considered that the legally constituted agencies of our Government are sufficient for this purpose. It would indeed be a source of great disappointment on the part of the Filipino people if the United States Congress in view of these friendly acts of the Philippine Legislature, would pass laws discriminatory to the Filipino people just for the sake of certain selfish commercial and industrial interests in America.

When our missions for independence have been sent here by our people to ask for our freedom and to plead for the fulfillment of the most solemn promise of America not only to the people of the Philippines but to the whole world, our adversaries then stated that the Filipinos should not demand their independence because their welfare would be better protected under the American flag, than as an independent nation, and that by remaining with America, the Philippines would enjoy the benefit of free trade.

Thus the protest of the Filipino people against such unfair treatment is fully justified, should such discrimination take place, yet they have not lost faith in America, that this country will act with justice as she always has in the past in her dealing with the islands, for America stands to-day not only for individual freedom but for freedom of trade between all the peoples under the dominion of the American flag.

Despite the fact that certain elements in America are attempting to violate America's code of fair dealing, our people nevertheless will never lose their confidence and their faith in the United States, the greatest Republic in the world. We hope the American Congress will never depart from the policy that has always characterized this Government for a square deal and justice and has repeatedly enunciated that their purpose in establishing their Government in the Philippines is "not to exploit but to develop, to civilize, to educate, and to train in the science of self-government." Any attempt to restrict our trade with the United States while we are under the protection of America would mean a backward step in the American policy, it would mean going back to the old doctrine of colonial relations in which the colony of a country is held for exploitation and benefit of the mother country.

If the United States desires to eliminate competition with the products of the Philippines, the only right thing to do is to place the islands in the category of a foreign country by granting her complete independence, but while the United States retains the islands America is in duty bound to extend the privilege of free trade and to protect the islands from any discriminatory laws against her interests or economic development, and we should be permitted to enjoy the privileges that the American flag extends to all that come and are under it.

STATEMENT OF MR. VICENTE VILLAMIN

Mr. GUEVARA. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following concluding statement of Mr. Vicente Villamin, Filipino lawyer and economist, at the final hearings before the Ways and Means Committee of the House of Representatives, February 25, 1929:

THE ECONOMIC EXPATRIATION OF THE PHILIPPINES

Mr. Chairman, we keenly regret the injection by our opponents of the explosive element of political independence in the economic questions under consideration by this committee. We interpret their action to mean that they are unwilling to place their case on purely economic grounds.

Our opponents have fallen in love with the Filipinos head over heels. It is so sudden they are ready for a wedding even outside of heaven. They are wishing liberty on the Filipinos, alas, wishing it on them with a vengeance. That liberty, sir, is the liberty that is wished on a man when he is discharged from employment. We refuse even to be amused by their siren's song and we tell them right now we reject their love overtures.

Mr. Chairman, when I addressed your committee on Saturday night last upon section 1626, copra, I promised, in answer to questions from several members, to define my position on Philippine independence. I do so now with pleasure.

Opposed to immediate separation but committed to eventual independence and militantly against the integration and annexation of the Philippines to the United States—such is my position. It is

dictated by prudence, common sense, and the aspiration to see a real and enduring Filipino nation.

That position may be explained by the answer to the two queries which I am going to propound now:

Are the Filipinos mentally prepared to maintain an independent government? I reply yes emphatically. Mental capacity to maintain a government is a question of relativity, depending on a multiplicity of conditions and circumstances. We can establish a government. It may not be as good and effective a government as we now have, but it will be a government, I hope, that will be satisfactory to the Filipinos. In the last analysis, Mr. Chairman, the satisfaction of the governed is the test of a good government.

The next query is this: Is it wise for the Filipinos to separate from the United States now and thereby lose the political, the diplomatic, the economic and the military protection of the United States? My reply is an emphatic negative.

Mr. Chairman, at this juncture, I desire solemnly to state as a Filipino citizen, proud of that birthright, that I would deserve nothing but immitigable scorn if and when we are economically prepared I should not favor independence for my country. Categorically expressed, if we have the economic preparation now, to-day, yea, this fateful hour, I would be for immediate, complete and absolute independence with all my heart and soul, publicly and privately, tenaciously and actively.

With these prefatory statements permit me now, Mr. Chairman, to say a few valedictory remarks in the closing hours of these congressional hearings in which I have the honor to have participated.

The courtesy with which the official and unofficial spokesmen for the Philippines have been heard by your committee deserves the grateful acknowledgment of the Filipino people.

The appearance at these hearings of Filipinos and Americans jointly in defense of the Philippine cause proves once again that nationally and internationally there exists an identity of interests between the United States and the Philippines.

The privilege accorded to Filipinos of being heard by committees of Congress in the formulation of legislation and policies affecting them is a reminder of the fact that the Philippines is a member of the American commonwealth of States, Territories, and possessions, and that carries the guaranty that the rights of the members are sacredly equal as they are equally sacred.

Mr. Chairman, since the inauguration of these congressional hearings nearly two months ago I have witnessed an impressive procession of American interests inveighing against other American interests and bringing to bear against each other their respective arsenal of facts, both genuine and synthetic facts. It is in this atmosphere of contention that the Philippine case is found.

Therefore I wish to let it go from this hall to the Filipino people that they should not overly despair of their present case if it appears shrouded with anxious forebodings, for if it is reasonable and just it will surely prevail.

I desire now to restate the simple and vital but oft-forgotten fact that the free entry of Philippine products to the United States is reciprocated by the free entry of American goods to the Philippines.

The proposal of our opponents is to restrict the movement of Philippine products to the United States without a corresponding action respecting the goods moving the other way.

Such a proposal, sir, is patently unjust both to the Philippines, by reason of its one-sidedness, and to those industries in the United States which sell their products to that country, by impairing its purchasing capacity.

The American people, Mr. Chairman, are going continuously to hear our protest against the economic expatriation of the Philippines, a peculiar form of expatriation that is complicated and aggravated by the fact that the political responsibility of the United States is not mitigated or surrendered thereby.

We now rest our case under the palladium of American justice with the plea that, since the Philippines has no representation with voice and vote in Congress, Members of that body when dealing with the Philippines may forget their congressional constituencies and function as national legislators for that noble political entity known as the United States of America whose territory extends to the other side of the globe.

STATEMENT OF MAJ. GEN. FRANK M'INTYRE

Mr. GUEVARA. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following statement of Maj. Gen. Frank McIntyre, of Washington, D. C., representing the Philippine government and the Philippine Sugar Association:

General MCINTYRE. At this time it is desired to refer to the general trade relations between the United States and the Philippines embodied in section 301 of the tariff, only as it is necessary to make that question understood, and the remarks will be confined principally to the importation of sugar.

It is probable that a fuller discussion of this subject will come up when the administrative provisions of the tariff are under consideration. At this time it is desired to discuss only the Philippine sugar industry, its relations to the United States market, its likelihood of interfering in any way with the progress of sugar elsewhere under the American flag, and the necessity of retaining the special-trade relations unless it is desired to destroy an industry in the islands which is of great importance to the progress of the people.

It will be shown that even under the stimulus of the free admission of sugar into the American market, the growth of the sugar industry in the Philippine Islands has been slow, due to other handicaps which do not exist in any other large sugar-producing country.

It will be shown that the admission of Philippine sugar free of duty into the United States has no effect on the price of sugar grown elsewhere under the American flag.

It will appear that the suggestion that the amount of sugar from the Philippines to come to the United States free of duty be limited has its origin with those interested in the production of sugar in Cuba and was later taken up, through misinformation, by those producing sugar elsewhere under the American flag.

The trade relations between the United States and the Philippine Islands, as set forth in section 301 of the United States tariff act now in effect, are in accordance with principles enunciated since we first took possession of the Philippine Islands. Business between the islands and the United States has been built up on the principles so stated. The development of the islands has, to a large extent, been guided by confidence that the United States would not change its principles in dealing with the islands.

The act of March 8, 1902, provided, in section 2:

"That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty aforesaid."

At the time of the passage of this act Article IV of the treaty of peace with Spain was, in effect, as follows:

"The United States will, for the term of 10 years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States."

In 1905 the question of amending this act of 1902 was taken up and the majority of the Committee on Ways and Means submitted a report. In the majority report it was stated:

"The only logical result from our possession of the Philippine Islands is free trade between the islands and the rest of the United States. It is definitely settled that we retain them until the people are prepared for self-government. To bring about this will require at least a generation. The question of their final disposition must be postponed for many years. In the meantime they are wards of the United States, a part of our common country, and are entitled to fair trade relations. It is now as much our 'plain duty' to give them free trade as soon as practicable as it was in the case of Porto Rico.

"It would be manifestly unjust, however, to give them free access to our markets while they collect the same rate of duty upon articles imported from the States that they do upon articles coming from the rest of the world. The free entry of our products into the Philippine Islands is impracticable at the present time. The treaty of Paris provides that Spain shall have the same advantage in tariff duties on exports to the Philippine Islands that the United States receives for a period of 10 years. This treaty stipulation expires by its own limitation in January, 1909. Until that time we can not give our products free entry into the Philippine Islands without giving the same privilege to Spain. Such a measure would greatly cripple the revenues of the Philippine Islands."

The recommendation of the committee was, briefly, to reduce the 75 per cent imposed under the act of March 8, 1902, on Philippine products entering the United States to 25 per cent of the tariff imposed on like goods from foreign countries.

The minority report provided in respect of this matter in a substitute bill:

"That all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago shall hereafter be admitted free of duty."

Neither the bill reported by the majority nor the minority substitute passed, so the act of March 8, 1902, continued to govern until the passage of the United States tariff act of August 5, 1909.

When the tariff act of 1909 was under consideration, the 10 years during which Spanish ships and merchandise were admitted to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States, under Article IV of the treaty of peace with Spain, had expired, and there no longer existed the reason given in 1905 for not admitting into the United States products of the Philippine Islands free of duty. In fact, it should be noted that the minority, even in 1905, were desirous of doing this.

So that in the United States tariff act of 1909 it was provided, with certain limitations and under certain conditions, that articles the growth and product of the Philippine Islands should be admitted into the United States free of duty. The provision, in so far as it parallels the section quoted of the act of March 8, 1902, was as follows:

"That there shall be levied, collected, and paid upon all articles coming into the United States from Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That, except as otherwise hereinafter provided, all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except rice, and except, in any fiscal year, sugar in excess of 300,000 gross tons, wrapper tobacco and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco in excess of 300,000 pounds, filler tobacco in excess of 1,000,000 pounds, and cigars in excess of 150,000,000 cigars, which quantities shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *And provided further*, That sugar, refined or unrefined, and tobacco, manufactured or unmanufactured, imported into the Philippine Islands from foreign countries, shall be dutiable at rates of import therein not less than the rates of import duty imposed upon sugar and tobacco in like forms when imported into the United States."

This section included also provisions that producers of sugar in small amounts should be given preference; that in consideration of these exemptions, all articles the growth, product, or manufacture of the United States should be admitted to the Philippines from the United States free of duty; that in order to obtain the benefit of this free entrance, shipments should be direct; exempting articles which came from the Philippines to the United States free of duty from the payment of the export tax in the Philippine Islands; imposing internal-revenue taxes on such articles as were so taxable in the place of their consumption.

The operation of this tariff was beneficial to the islands in many ways. It also greatly increased American trade with the islands. However, when the next revision of the United States tariff was taken up, it was decided that the time was appropriate to make those changes which experience indicated would be naturally beneficial and at the same time definitely establish trade relations in accordance with the oft-enunciated principles which should govern.

The limitation in the tariff act of 1909 on the amounts of sugar and tobacco which could be brought into the United States free of duty was a compromise designed to placate those persons interested in sugar and tobacco in the United States. From the Philippine point of view, these limitations were decidedly unfair in that there was no corresponding limitation on imports of American goods into the Philippines. From the American point of view, they were temporarily wise in order to demonstrate to the interests in the United States that the free admission of Philippine sugar and tobacco would not affect the market in the United States.

It was notorious to those acquainted with affairs in the Philippine Islands that, under the conditions governing distribution of land and labor supply, development must necessarily be slow, and unless capital in considerable quantities was introduced into the islands, even the hoped-for progress could not be made. It was later found that the announcement of a limit beyond which the industry would not receive the encouragement of the American market placed it at the greatest disadvantage.

There had likewise been included in this section in 1909 a prohibition against the introduction of Philippine rice into the American market. The demand of American rice growers for this provision arose from a complete ignorance of conditions in the Philippine Islands, the Philippines being then and having been for a great many years one of the greatest importers of rice and not an exporter.

In other words, while the tariff of 1909 contained these limitations and restrictions, which have since been removed, they were not placed there in accordance with any accepted principle or any definite policy, but simply to ease the passage of a tariff bill and to accord a certain relief to the Philippine Islands. This was essential if the market in the islands was to be made a free market to American exporters.

In reporting the tariff law of 1913, with reference to the trade between the United States and the islands, the House committee said:

FREE TRADE WITH THE PHILIPPINES

"Paragraph C is a substitute for Section V of the Payne tariff law. The material changes in this paragraph provide for the granting of absolute free trade between the Philippine Islands and the United States without the limitations that exist in the present law prescribing the amount of rice, tobacco, and sugar that may be imported from the Philippine Islands into the United States free of duty. Under the present law the imports from the United States to the Philippine Islands and from the Philippine Islands to the United States are limited to articles the growth, product, or manufacture of the two countries, except articles the product of the Philippine Islands which do not contain foreign materials to the value of more than 20 per cent, were admitted free of duty. At the suggestion of the War Department the per cent of foreign material that may be contained in these articles admitted free of duty has been increased from 20 to 50 per cent to encourage the development of certain lines of manufacture in the Philippine Islands, notably handmade lace made by the native women of the islands."

The minority report, signed generally by the very gentlemen who in 1905 had said, "The only logical result from our possession of the Philippine Islands is free trade between the islands and the rest of the United States," naturally did not oppose the granting of free trade. This brings us to the conditions existing to-day.

In 1895 there were exported from the Philippine Islands 336,075 long tons of sugar. This represented the peak during the Spanish administration of the islands. It was muscovado sugar, the product of the old mills then in use. From the same cane there would have been secured by modern centrifugal mills 560,000 long tons of sugar; that is, if modern mills had been in use the exports of sugar in 1895 would have exceeded the export in any year up to and including 1927.

The question not unnaturally arises why, when the production in Hawaii had gone from 205,000 to 745,000 long tons, in Porto Rico from 54,000 long tons to 596,000 long tons, and United States beet from 32,000 to 974,000, the Philippines had in the same period but barely attained the production of 1895?

All of these Territories were under the American flag, but Java had in this period increased from 715,000 to 2,359,000; Formosa, in a lesser period (1904–1927), had increased from 68,000 to 489,000; Cuba from 336,000 to 5,000,000 long tons.

The answer to this question will allay any reasonable fear of any producer of sugar under the American flag that the Philippine Islands' production will in future in any way disturb his own progress, affect the price of his product, or fill the place which his production leaves vacant in the American market.

The reply will be, for convenience, included under the following headings:

1. The treaty with Spain: The treaty with Spain provided that:

"The United States will, for the term of 10 years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States."

This meant, of course, that products of the United States could not be admitted free of duty for the period of 10 years into the Philippines. It was admittedly unfair to grant to the products of the Philippines free admission into the American market for that period. However, as has heretofore been pointed out, the products of the Philippine Islands were admitted into the United States on the payment of 75 per cent of the tariff duties. This was of no practicable benefit to the Philippines, however well-intentioned.

The Philippine Commission and the several Secretaries of War and the Presidents, following the passage of the act of 1902, urged a more liberal treatment of the Philippines, and in general urged that the 75 per cent be reduced to 25 per cent.

The progress of Philippine sugar during these 10 years, or its lack of progress, demonstrates clearly that it required for its welfare more than was offered.

The depression in cane production due to the insurrection in the islands had not been overcome in 1909, the total production in the islands being still materially less than that in the last years of Spanish sovereignty. The annual exports for the five years ending 1909 averaged 125,964 long tons; the average for the five years ending in 1897 was 245,392 long tons.

It should be noted that during these 10 years Cuba had progressed from 336,000 to 1,559,000 long tons; the United States beet production had increased from 32,000 to 451,000; Hawaiian production had increased from 205,000 to 478,000 long tons; and Porto Rico from 54,000 to 479,000.

2. The land laws: Stated in hectares, the customary unit in the Philippines (a hectare being equal to 2.471 acres), the area of the Philippine Islands is 29,629,600 hectares. Of this, in 1918 there were in private ownership 4,563,723 hectares, of which 2,415,778 hectares were cultivated and 2,147,945 uncultivated. That is, something over five-sixths of the land in the Philippines was public land. This is still true.

The cultivated land in private ownership was and is devoted largely to food crops, principally to the cultivation of rice. There were large areas cultivated to coconuts and other areas in fruit trees.

The coconut tree comes to bearing normally at the end of seven years, and areas devoted to coconut trees can not be used for other purposes.

Obviously any great development in the Philippine Islands must result from the placing in beneficial use those parts of the public land suitable for cultivation.

In the Philippine organic law of 1902 the Philippine Commission was authorized to enact a public land law, but was restrained from providing for the sale or lease of public lands to any corporation in excess of 1,024 hectares. This effectually prevented the utilization of

any part of the public lands to the sugar industry, for under the well-recognized theory of efficiently and profitably cultivating sugar in the Tropics several times that amount of land was necessary, and without control of a large area it was difficult to secure the erection of a modern mill. Furthermore, it was provided in that act that "every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed 1,024 hectares of land."

This applied to private lands, so effectual development of the sugar industry in the way with which we were accustomed and which is effective in Cuba, Porto Rico, and Hawaii was impossible. These laws are still in effect in the Philippine Islands. The effect of this will be explained later, showing why the sugar industry in the Philippine Islands is different from the industry in these other places.

In 1916 Congress granted to the Philippine Legislature authority to enact land laws subject to the approval of the President. The Philippine Legislature adhered in principle to the congressional legislation of 1902, and did not in its act of 1919 liberalize the land laws in a way to encourage sugar development.

It should be observed that these restrictions were embodied in and made effective by the local corporation law. Even the amendments to the corporation law enacted at the last session of the legislature continues these limitations.

3. Labor: The area of the Philippine Islands is 114,400 square miles, and in 1918 there was an average of 90 inhabitants per square mile. In certain Provinces the population was materially denser.

Congress by the act of April 29, 1902, extended the Chinese exclusion laws to the Philippine Islands. It is notable that in the far eastern Tropics there has been no serious development in a large way except by the free use of Chinese labor. This exclusion, together with the sparse population of the Philippine Islands, was another deterrent to the development of sugar in a large way. These exclusion laws are still in effect. It is, of course, true that so long as the existing land and corporation laws are effective the question of immigration is purely academic.

4. Capital: As a result of the three preceding conditions, capital has been slow to enter the Philippine Islands. Another deterrent has been the uncertain status of the Philippine Islands, and particularly the disposition to urge radical changes in the principles which have governed our relations to the islands, thus not granting to business in the islands that security which is necessary to continuous progress.

The restraint in the development of the Philippine Islands due to the treaty with Spain passed at the expiration of the 10-year period in 1909. The other restraints to development enumerated—the land laws, the labor situation, the restriction on Chinese immigration, and the absence of capital—continue.

Observe, please, that the sugar industry in the Philippines has labored under the following restrictions not effective in any district producing sugar for the American market:

First. For the 10 years from 1899 to 1909 Philippine sugar was not admitted free of duty into the United States market, but paid 75 per cent of the duty imposed on foreign sugar. This was a period of great progress in the industry in Hawaii, Porto Rico, and Cuba. There was no progress in the Philippines.

Second. The Chinese, the only available outside labor, is excluded from the Philippine Islands. The industry is based on local labor. In Cuba there was a steady flow of Spanish laborers. Later the industry was based on the importation of contract labor from Haiti, Jamaica, and so forth. This labor being deemed unsuitable to Cuban citizenship is required to be sent out of the country at the end of the contract and crop season. If labor in Cuba were restricted to the local supply, or to persons deemed by Cuba suitable to citizenship, other limitations on sugar production would be unnecessary.

In Hawaii dependence is on recruited contract labor from outside of the islands.

Third. Land and corporation laws: The restrictions placed by Congress in the organic law of 1902 on the disposition of public lands and limiting the activities of agricultural corporations have effectively prevented the use of public lands for the cultivation of sugar, and the restrictions on agricultural corporations have prevented the highly efficient cultivation of sugar customary in Cuba, Porto Rico, and Hawaii.

If these restrictions were effective in those islands, the United States would be forced to struggle for sugar.

The act of Congress in question has received the approval of the Philippine government. The land law enacted by its legislature in 1919 continued the public-land restrictions, and the corporation law continues the provisions limiting the activities of agricultural corporations.

Prior to American occupation sugar held a prominent and at times a leading position in the agriculture of the Philippines. A considerable area of the land had been exclusively devoted to the cultivation of sugar cane for several generations. Not unnaturally, in the effort to overcome the depressed condition in the Philippines following the insurrection, the Philippine Commission looked to the development of the sugar industry.

It attempted to secure from Congress, by annual recommendations a modification of the land laws with this largely in view. It attempted to secure a liberalization of the corporation laws. Nothing was accomplished in either of these two directions.

To the credit of the commission no effort was made to evade the plain intent of Congress. Outside capital for the sugar industry during the period of commission government was therefore out of the question.

The improvement of the sugar industry required improvement in agricultural methods, and every effort was made to secure this and the establishment of modern sugar mills. This latter required capital, and the capital was not available.

The Secretary of the Interior, whose department included the bureau of agriculture, urged that the government, at its own expense, for the educational advantage thereof, construct a modern sugar mill. This was not deemed practicable because it injected the government into the sugar industry and because the government itself was struggling with inadequate funds to meet the many demands on it.

Governor General Forbes in 1911, in his message to the legislature at its opening, recommended that he be "authorized to purchase bonds of companies organized by proprietors of sugar estates in Provinces where there are considerable numbers of sugar haciendas, for the purpose of assisting the owners thereof in building sugar centrals, under terms and conditions which will amply secure the government in the matter."

Similar efforts were made later, and legislation was enacted by which private investments in sugar centrals would be guaranteed a reasonable income.

No sugar mill was ever erected in the islands as a consequence of the efforts in this direction.

Congress has also felt the need of assisting the industries of the islands. By the act of 1902 it authorized the admission of Philippine products, including sugar, into the United States on the payment of 75 per cent of the duty. Had there not been a number of handicaps to which reference has been made, this might have assisted the sugar industry. It, however, had no such effect, and the several administrations in the islands and in the United States supervising the islands urged a reduction of this 75 per cent to 25 per cent. In 1906 a bill passed the House of Representatives by a large majority which would have done this, but the bill did not reach a vote in the Senate. In 1909, on the expiration of the 10-year period from the ratification of the Spanish treaty, Congress provided for the admission, free of duty, into the United States of 300,000 tons of Philippine sugar, and in 1913 Congress, in its tariff act, provided for the free admission of sugar without limit into the United States.

The foregoing indicates briefly the efforts of Congress and of the Philippine Government to stimulate the sugar industry in the islands.

Due to the public land and corporation laws, to which reference has been made, the Philippines did not, even with the free admission of sugar into the United States market, attract at once the investment of outside capital. The Mindoro Sugar Co., which represents the pioneer effort of American capital in this field, has not been a success. The mill on this property was erected in 1910. It has not at any time proven profitable, and is now being administered by one of the banks in the islands, to which it is heavily indebted.

The first successful modern mill was erected at San Carlos in Occidental Negros by Hawaiian capital. This San Carlos Milling Co. began to operate in 1914. It has been and continues to be a successful investment. The mill was placed in a district which had long been devoted to the cultivation of sugar cane. The mill did not in any way enter into the agricultural field other than by advice and suggestion. It milled the cane of the planters in the district, and these planters are still the owners and administrators of their property.

This was followed by the construction of several mills, principally by residents of the islands who owned sugar estates. Generally these were small mills of a type which has been abandoned in Cuba, Porto Rico, and Hawaii as unprofitable.

The relatively important development of modern sugar mills in the islands began in 1916 through the operations of the Philippine National Bank. Of the 36 mills now operating in the islands, the following owe their construction exclusively to the Philippine National Bank, a bank practically owned by the Philippine government, and the funds used were funds of the Philippine government. The possibility of this was due to the prosperity of the islands during the war and to the exceptional conditions which permitted the utilization of this money. These mills are: Bacolod-Murcia Milling Co., Binalbagan Estate (Inc.), Isabela Sugar Co. (Inc.), Ma-ao Sugar Central Co., Talisay-Silay Milling Co., Central Bearin (Kabankalan), Central Palma, and Pampanga Sugar Development Co.

The first five of these companies are still heavily indebted to the bank. The total investment of the bank amounted to something over $24,000,000, and the amount still due from the five first enumerated centrals is something over $15,000,000.

Of the total centrifugal sugar produced in the islands in 1927 of 567,000 metric tons, 219,000 was produced by these centrals, the existence of which was entirely due to the Philippine National Bank.

It will be recalled that the Philippine National Bank became seriously involved financially when the government in the period of depression following the postwar boom found it necessary to demand the return of certain of its deposits from the bank. In 1921, when General Wood

and Governor Forbes made an examination of the situation in the Philippines, they employed the far eastern representatives of Haskins & Sells to report on the Philippine National Bank, and this report incidentally included a report by the company's expert on the sugar investments of the Philippine National Bank. This report estimated a loss on these investments of $7,000,000, and in rehabilitating the bank the government provided over $5,500,000, estimated to be the losses from these investments at that time.

The Mindoro Sugar Co., which erected the first modern sugar central in the islands in 1910, has not up to date shown any profit on the investment, the company being at this time in the hands of Philippine banks.

On the other hand, there are centrals in the Philippine Islands that have operated at a profit, but these centrals very generally are not engaged in the cultivation of sugar cane, but simply in milling cane secured by contractual arrangement from planters.

It is important to note well the result of the activities of the Mindoro Sugar Co., because it is the outstanding and only case in which a large mill has been erected in the Philippine Islands in a district theoretically well suited to the cultivation of sugar cane, but in which sugar cane had not been cultivated over a long period of years. Any future mill in the Philippine Islands must be similarly erected, because the mills now in operation in the Philippines cover adequately the territory which has been heretofore devoted to cane culture. Progress in the industry for some years will result from improved agricultural methods. There is no doubt that such improved methods will increase the amount of sugar produced in the islands.

This is the hope of everyone who has the interest of the islands at heart, and it is obvious that a great deal in the way of improvement can be done. That this improvement will be slow is a natural result of the methods of farming in the Philippine Islands.

As stated, with two or three exceptions, the centrals are not engaged in the cultivation of cane. In most cases the centrals own only the land necessary to their operation, the land in general being owned by the planters, whose families have owned it for generations. The cane is cultivated by these landowners or by their tenants. In practically all cases the cultivation of cane in the Philippine Islands is done exclusively by Filipinos.

In Hawaii, Cuba, and Porto Rico it has been found that efficient cultivation requires the ownership of large tracts of land, and the cane is in great part cultivated administratively by the central or a company subsidiary to the central. Where there was a large number of independent farmers it was found extremely difficult to introduce modern methods of culture, improved varieties of cane, or efficient methods of financing. In Cuba and Porto Rico the small independent cultivation of sugar cane has practically disappeared. In Hawaii it probably never existed.

It is not desired to go into the social value of the Filipino method, but it is necessary that we understand that the method in the Philippines, however socially beneficial, is not the method which in Hawaii, Cuba, and Porto Rico has resulted in great and economical production of sugar cane, and it is reasonable to suppose that under the Philippine method the high efficiency of cultivation in these other territories will be attained slowly if it is ever attained.

When we speak of the profits of producing sugar in the Philippine Islands we should clearly distinguish whether we are referring to a sugar central cultivating no cane but operating under a milling contract, or the landowners cultivating cane on their own property, or tenants of such landowners cultivating cane, or even landowners who lease their lands.

Occidental Negros is the greatest sugar-producing Province in the Philippine Islands, and under the customary contracts existing there the landowner gets 12 per cent of the total cane produced, the central 45 per cent, and the tenant 43 per cent. If the landowner cultivates his land, he receives 55 per cent of the cane.

It is entirely possible and not unusual that the central and landowner may operate at a profit and the tenant, who actually produced the sugar cane, may operate at a loss. A continuance of such a loss, however, necessarily involves the planter and the central if the latter are engaged in advancing to the tenant. This is also customary.

As is well known, there has been in recent years something approaching a crisis in the Cuban sugar industry. Those engaged therein have naturally sought various forms of relief. As is usual in such cases, some of the suggestions would probably, if adopted, afford little or no substantial improvement in present conditions.

Under date of September 21, 1927, a circular under the caption, "The Future of the Philippine Sugar Industry," was given wide distribution by the United States Sugar Association, 81–83 Beaver Street, New York. The heading of this circular showed that the executive committee of the association was composed of the following gentlemen:

George A. Zabriskie, chairman; Frederick B. Adams, president Cuban Dominican Sugar Co.; E. H. Costello, vice president Czarnikow-Rionda Co.; Thomas A. Howell, director Cuban-Dominican Sugar Co.; George E. Keiser, president Cuban-American Sugar Co.; Frank C. Lowry, president Lowry & Co. (Inc.); Walter E. Ogilvie, director Cuba Cane Sugar Corporation; M. E. Rionda, vice president Czarnikow-Rionda Co.

The spirit of the circular is, I think, briefly set forth in the following quotation:

"The United States can hardly be called a natural market for Philippine sugar. We have ample supplies nearer home. These sources are:

	Tons
Porto Rico	559,473
Hawaii	714,000
Domestic beet	801,246
Cuba	4,500,000

"(Without crop curtailment it is possible for Cuba to make 500,000 to 1,000,000 tons more.)

"This gives us a total supply, without any Philippine sugar, of 6,574,719 tons.

"The annual consumption of the United States is running at approximately 5,600,000 tons, refined, so that we have enough available from the above-named sources. Therefore it is clear that it is only by displacing this other supply that Philippine sugar can come into the United States."

Why these gentlemen did not add the exportable sugar produced in Santo Domingo, Haiti, and other near-by countries is not apparent. There is no doubt that at present ample sugar is produced nearer home than the Philippine Islands, but this has little to do with our obligations to the Philippine Islands, and would be a poor justification for the destruction of what must necessarily be one of the principal industries of the islands.

It is noted, however, that in this article, which is an argument for restricting to 500,000 tons the amount of sugar that may enter from the Philippine Islands free of duty, there is no suggestion that the entry of this sugar free of duty from the Philippine Islands affects in any way the sugar industry under the American flag. There is every indication that those responsible for the circular had no such thought. It is, however, very concisely set forth in the article:

"As we now admit Philippine sugar free of duty, while Cuban sugar is required to pay a high tariff rate, naturally the Philippine sugar is able to displace the Cubar sugar."

This is the only effect which the admission of Philippine sugar under the present conditions has in the American market.

Briefly, the total production of sugar in the Philippines affects in no way the price of sugar, and this is true likewise of the production in each of the Territories under the American flag. In recent years the production of sugar in Louisiana has been cut in half. This has in no way affected the price of that sugar. Recently a hurricane was reported to have destroyed one-third of the Porto Rican sugar crop. This had no effect on the price of Porto Rican sugar or on sugar in the American market, which, instead of a rise, as a result of other conditions, declined in value.

Sugar produced under the American flag commands in the market of the United States a price based on the price of Cuban sugar and increased by the tariff which that sugar must pay on entering the United States.

These gentlemen were interested that there should be left in the United States market a place for 5,000,000 tons of Cuban sugar, or, possibly, 6,000,000 tons.

It would be difficult to produce a more convincing proof that Philippine sugar coming in free of duty does not affect the price of sugar produced under the American flag than is the omission of the contrary statement from this circular. Surely such an obvious argument, if the facts justified it, would not have been omitted.

By the treaty of Paris, terminating the Spanish War, the Philippine Archipelago was ceded to the United States and Spain relinquished all claim of sovereignty over and title to Cuba. The United States, occupying Cuba on this relinquishment of sovereignty by Spain, proceeded to establish therein as rapidly as possible an independent government and relinquished its sovereignty to that Government.

The relations of the United States to the Philippines, its own Territory, over which it exercises unqualified sovereignty, and to the independent Republic of Cuba are naturally entirely different.

The United States negotiated with Cuba a trade convention, under which preferential tariff treatment was given by each country to the products of the other. This convention by its terms (Article XI) "shall continue in force for the term of five years from date of going into effect, and from year to year thereafter until the expiration of one year from the day when either of the contracting parties shall give notice to the other of its intention to terminate the same."

Congress may legislate for the Philippines in tariff and other matters as it sees fit, and the resulting legislation shall be in effect so long as Congress desires. Congress, however, is without authority to continue the present trade relations with Cuba after the expiration of one year from the day when that Republic gives notice of its intention to terminate the same.

Against unfair treatment in American legislation Cuba may protect herself under the terms of the treaty. Against unfair treatment in congressional legislation the Philippines have no such remedy; in fact, have no remedy.

This power of Congress imposes on it an obligation which would not be imposed by any treaty, an obligation of benevolent, considerate

treatment which it has always given to the Philippine Islands and which is the source of the greatest pride to our people. It is not to be believed for a moment that this treatment will not be continued.

However liberal Congress may have been to the Philippines, illiberal treatment of Cuban sugar is certainly not evident from the result. With one-fourth the population of the Philippines, Cuba to-day produces eight times the sugar produced in the Philippines, and the United States market still procures nearly three-fifths of its sugar from Cuba and approximately three-fortieths from the Philippines. This, gentlemen, is after 30 years of American sovereignty.

The United States Department of Commerce Yearbook for 1928 says:

"The sources of our sugar supply in recent years, while varying considerably from year to year, may be divided roughly as follows: Domestic production, one-fifth; imports from our insular possessions, one-fifth; and imports from foreign countries, three-fifths. Domestic production has shown comparatively little change during the past decade, but imports from our insular possessions and from foreign countries have substantially increased."

It will be observed at once that those conditions which call for curtailing crops and other steps to take care of an exportable surplus do not apply to the sugar industry in the United States. Not only do we not have an exportable surplus, but we are the largest importers of sugar in the world. The domestic producers are not approaching a condition in which they can supply the demand for sugar. The price of sugar in the American market still continues to be the price of Cuban sugar, plus the duty which Cuban sugar must pay on entering the United States market. This, of course, is a general and approximate, but accurate, statement.

One-eighth of the sugar which we bring into the United States comes from the Philippine Islands. This sugar has no appreciable effect on the market. The excluding of this sugar would mean the bringing in of an equivalent amount of Cuban sugar, and the price of sugar in the United States to the domestic producer would continue to be approximately the price of Cuban sugar, plus the duty on Cuban sugar on entering the United States.

Before consideration is given to any act which would discourage the production of sugar in the Philippines, it might be well to consider the conditions in the Philippines and in other territory which is now producing sugar for the American market.

An important element to be considered is the one easily fixed, of area and population:

	Square miles	Population	Production (in tons)
Porto Rico	3,435	1,384,075	550,000
Hawaii	6,449	285,576	714,000
Cuba	44,218	2,899,000	4,508,521
Philippines	114,600	11,244,867	577,390

It is observed at once, comparing the territories exterior to the continental United States which furnish its sugar, that sugar production in the Philippine Islands has not been developed, even approximately, as it has been in Hawaii, Porto Rico, and Cuba. The production of sugar per capita is far smaller in the Philippines for the area of the islands is far smaller, and it constitutes by far a lesser per cent of the export products. In other words, the Philippine Islands to-day is in a far better position than any of these territories in the matter of diversification.

This is shown not only with reference to the export products but it is more markedly shown with reference to the production of a local food supply. The Philippine government has devoted itself more to increasing the production of rice than to the increased production of sugar or any other article.

In the calendar year of 1928 there was imported into the Philippine Islands rice to the value of $1,074,885. In fact, the importation of rice into the Philippine Islands has been reduced from 37 per cent of the total imports in 1903 to less than 1 per cent for the calendar year 1928. On the other hand, in Cuba rice, corn, and wheat flour constituted approximately 10 per cent of their importations in 1927.

It is important to note also that while Porto Rico, Cuba, and Hawaii have increased largely the production of sugar, due to the advantages which sugar from this source receives in the United States, the exportation of sugar from the Philippine Islands is relative to other exports not so great as it was in the Spanish domination of those islands, and the total quantity produced is still materially less than double the greatest production in the time of Spain.

When viewed as a whole, the outstanding fact is that the Philippine Islands produce to-day less sugar per capita, less sugar for its area, and a less percentage of its total products in sugar than does any sugar producing external territory tributary to our market. Obviously, therefore, if there is to be a curtailing of the production of sugar, it should not begin with the least of the offenders, if it be an offense to produce a product so natural to these territories. A requirement that the Philippines should not produce more sugar per capita than is produced in any of these territories, or more sugar for its area, or a larger percentage of its total products in sugar, would not affect in any way the actual trend of production in the Philippine Islands.

The first and perhaps a conclusive reason why the United States should do nothing in its tariff legislation to slow up progress in the Philippine Islands is that based on the employment of the people.

The Hawaiian sugar producers, to keep up their present production of sugar, employ at present approximately 26,500 Filipinos, and recruit annually in the Philippine Islands approximately 7,000 Filipinos for the cane fields of Hawaii. Some of these men remain in Hawaii, others return to the Philippine Islands, and quite a number add to the numbers of Filipinos on the Pacific coast, which has been a source of complaint by American labor on the coast. It would certainly seem that we should not take the position that the Filipinos, to produce sugar, must migrate to Hawaii.

The Cuban interests, who are at present the largest producers of sugar, admit that no more sugar can be produced with the Cuban people, but if the American market will, at a paying price, absorb Cuban sugar then the Cuban interests may import Haitians and labor from the other West Indian islands. In other words, increasing the production of Cuban sugar does not mean a peculiar advantage to the Cuban people, but an advantage to the holders of stock in Cuban sugar properties and possibly an advantage to seasonal labor imported for the cane fields, labor of a type which the Cuban does not desire to include in his citizenry.

In Porto Rico the situation is different. The laborer of the sugar fields is a Porto Rican, but at present all Porto Rican land available for the production of sugar is so utilized.

The beet-sugar producer in the United States and the Louisiana producer of cane sugar are in different positions. Their industry is, and should be, highly protected. The market of the United States absorbs many times the total of their production. While they may be, with propriety, interested in the tariff, their interest can not, with propriety, extend to the sources from which the people of the United States secure the sugar which they themselves can not produce. In other words, the sugar industry in the United States may urge a necessary tariff, but having secured the tariff they can not, with propriety, urge that other people be prohibited from producing a natural product.

The interest of the Philippine Islands calls for the diversification of its products. The Philippines at present produce Manila hemp (abacá) and the production may not be increased without a lowering of the price below the cost of production, due to the fact that there is a constant and adequate supply of Manila hemp for the purposes for which it is used. If there be an increased production prior to an increase in the purposes for which it is utilized, the industry in the islands will suffer.

The islands are among the largest producers of copra and coconut oil. This industry, in so far as the production of coconuts—that is, the agricultural end of the industry—is concerned, is being steadily extended. The coconut-oil industry is on a competitive basis and has passed through several crises.

The Philippines produce tobacco and manufacture cigars for home consumption and export and cigarettes largely for home consumption. The agricultural end of this industry is fostered and efforts are being made to improve the quality and quantity of tobacco produced.

The great agricultural product of the Philippines is rice, and there has been a continuous effort to improve the methods of cultivation and to increase the quantity produced. It looks to-day as though the Philippines had reached the point where an adequate home supply of rice could be produced. The effort of the Philippine government should be directed to maintaining this position with reference to rice, to increase the production of other food products, including a further development of the animal industry, and to diversify, to the extent possible and fairly profitable, the production of other tropical products. It has taken to heart the position of other agricultural territory in the Tropics which has been favored by the American tariff in the matter of sugar, and is careful not to overdevelop sugar at the cost of other products.

The Statistical Bulletin of the Philippine Islands for 1927 gives the following as the area cultivated to the five leading crops (the area is given in hectares):

Rice	1,807,060
Corn	561,430
Coconuts	500,110
Abacá (Manila hemp)	480,150
Sugar cane	237,350

It is quite impossible to give even approximately the cost of the production of sugar in the Philippine Islands. Even where this industry is highly developed its cost varies from year to year and with the efficiency of cultivation and milling.

The average production cost on seven sugar estates in northern Occidental Negros was found to be 2.9367 cents per pound. This corresponds to an average cost in Cuba of 2.4966 cents per pound.

The freight rate to New York of Philippine sugar is approximately two and one-half times the freight from Cuba. It should be noted that the seven haciendas in northern Occidental Negros taken are those exceptionally favored, and that the average cost throughout the islands would be far greater.

I have dwelt but little on this because the cost of producing sugar varies so greatly with the amount per acre produced. In the Philippines the average yield of centrifugal sugar is 2.03 short tons per acre. The highest yield is on the land tributary to the San Carlos mill, where the production is 3.3 short tons per acre. The yield on land producing for muscovado mills averaged but 0.86 short ton per acre. It will be observed that the maximum does not approach the yield of sugar elsewhere. This is due to the agricultural methods and to the very limited use, and sometimes nonuse, of fertilizers. There is no doubt that these yields will be increased, and any increase in the total production of sugar in the Philippines in the near future will be due entirely to that.

As stated, 36 modern mills are operating in the Philippine Islands. Fifteen of them produce each less than 5,000 tons per annum. Of the 21 larger mills, which are comparable to the mills in other sugar-producing territory from which we get our sugar, one operating since 1910 is now in the hands of the banks; five of those constructed through the efforts of the Philippine National Bank are still indebted to the bank in the total sum of $15,000,000. It is true that these centrals were floated without capital available to the stockholders.

As will be noted from the quotation from Governor Forbes's message to the Philippine Legislature in 1911, the hope of the Philippine government has constantly been to develop a sugar industry in the islands in which the mill would be owned by the planters supplying the cane thereto—would, in fact, be a cooperative farmers' mill. If the mills tributary to the bank are enabled to pay off their indebtedness to the bank, this will have been brought about with reference to more than one-third of the sugar-producing territory in the Philippines.

This is very different from what is happening in the West Indies in the sugar industry and is deserving of the encouragement which has been given it by the admission of its products into the United States. On the other hand, any curtailment of the present privileges would mean the absolute failure of this experiment, the success of which would redound to the credit of our Government in the Philippine Islands.

On a recent visit to the Philippine Islands I was impressed with the fine spirit of the people throughout the islands, with their deep appreciation of the many benefits extended to them by the United States, by their fine spirit of cooperation with the government established there, and with the Governor General. There was a spirit of hopefulness everywhere. Politics was subordinated to a keen interest in economic welfare of the people. There existed a spirit in the Philippines of which any American could be proud, and the pride would be the greater when this spirit was contrasted with that existing generally in the Far East. The fact that we had been coworkers in creating this mutual understanding and hopeful spirit could not but be a source of pride. The prestige of the United States in that part of the world and in all parts where our labor in the Philippines is known is an asset which we could not, if it were appreciated, think of giving up, and yet, without the most liberal treatment of those islands, we will have departed from the policy which has earned us this prestige and will merit its loss. Furthermore, we will lose it.

Governor General Stimson is quoted as saying when the threat of limiting the Philippine sugar to be admitted into the United States free of duty was brought to his attention:

"No words can adequately express the depths of my feeling on that subject, because the attempt to restrict freedom of trade between the islands and the United States represents about the worst possible backward step that could be taken in American policy. It would mean going back to those old doctrines of colonial relations of 300 years ago, which held that the colonies of a country existed solely for the benefit of the mother country and could be exploited at will by that country. It would mean going back to a doctrine which caused the withering up throughout the centuries of the flourishing colonies of Portugal and Spain and would have done it for Great Britain if it had not been for the American Revolution.

"Now, I can not believe that any such backward step will be taken by America to-day. The American flag stands to-day not only for individual freedom but for freedom of trade for all people under that flag; and so long as we retain these islands under that flag we are in duty bound to give them the advantage of trade with the home country. Not only would it be wrong to do otherwise, but how foolish would it be from the standpoint of American policy.

"At this time America is engaged in an attempt to cultivate trade relations in the Orient, where trade relations to-day can only be cultivated through the cultivation of a confidence in American character and justice, and they can only exist when people believe in America's reputation for fairness. Just think what it would do to that attempt on the part of America to cultivate oriental trade if our rivals could turn around and point to an attempt at unfairness and injustice to our own people under the American flag in these islands."

The granting to Philippine products free admission into the United States market is in accordance with the principle which, to the extent practicable, has guided Congress since our taking over those islands. It has been enunciated as the only logical result of our sovereignty by both majority and minority of the Committee on Ways and Means of the House of Representatives. Nobody is more competent to enunciate a policy in regard to trade than this body. The result of the application of this policy has been most advantageous to the people of the islands. It has created in those people a spirit of hopefulness and a feeling of affection and gratitude to the United States. It has set up a model for the treatment of dependencies for all times, showing that the treatment of dependent peoples is not to be guided by the selfish interests of a country, but largely by what is best for the dependent peoples.

We have, in a manner, by legislation, entered into an agreement with these people. Section 301 of the existing tariff provides for the admission into the markets of the United States of Philippine products and continues:

"*Provided, however,* That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty."

That is, we give ourselves a right in the market of the Philippine Islands, not arbitrarily and because Congress has the power so to do, but justified by the treatment which we give to the products of the Philippine Islands in the United States.

There is no suggestion that we should give up the privileges that we now have in the Philippine market. There is no suggestion that cotton textiles from the United States in excess of a certain limit should pay duty on entering the Philippine Islands.

Until such time as we shall have materially built up the Philippine Islands the advantages will be on the side of the Philippines, intentionally so and properly so, but we do receive very material benefits—benefits to our shipping, benefits to our banks in the United States which are the custodians of the funds of the Philippine government, and benefits to all of our industrial interests who ship their products in part to the Philippine Islands.

I have mentioned incidentally cotton textiles, which is one of the largest imports into the Philippine Islands, and the Philippines receive more cotton textiles from the United States than does any foreign country, however great, with which we deal.

The present arrangement has well been called one of "enlightened selfishness" on our part.

One has little difficulty in showing that the free admission of Philippine sugar into the United States market does not injure any producer under the American flag. There has been a great deal of loose talk on this subject, however. There is always a disposition to say that where there is so much smoke there must be some fire. Against this, however, we now know that a very effective smoke screen may be laid without fire. In this particular case there is no fire. There is absolutely no merit in the contention of any producer of cane in Louisiana or of beets in Utah that he is injured by the importation into the United States of Philippine sugar under present conditions or any conditions that will come in the near future.

HON. CHARLES E. WINTER

Mr. LEAVITT. Mr. Speaker and Members of the House, the western part of the United States must depend for its representation not on numbers or the power within the House which comes from large delegations. It must depend upon devotion. We have had in the House of Representatives from a great State of the West for three terms a man who has represented the West in the fullest and most complete sense, a man who understands the vital problems of the West and who has been an able and effective laborer for its interests as well as those of the entire Nation He is now going from among our number.

It would not be proper for us to let him leave this Chamber and the membership of this House without paying to him our sincere tribute of appreciation, the tribute of regret that he is going from us, the hope that the years to come will be years of rich reward, and that he will come back again to public life in a way to continue the representation of the great western country, as in the past. The man to whom I pay a western tribute together with that of all our Members is Judge CHARLES E. WINTER, of Wyoming. [Applause.]

FAREWELL AS A MEMBER

The SPEAKER pro tempore. The Chair takes great pleasure in recognizing the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I have always considered it an honor to speak to the House. Noting the face of the clock, I shall not have much time in which to say just a word in parting. I have counted it a distinction to be a Member of this House for the past 12 years. During that time our country has passed through stirring and momentous periods. During that time I have had the pleasure of serving with Members of this body who, in character and ability, are not surpassed by those in the governmental service of any other country on the globe, not surpassed by those in any other branch of the Government of the United States. [Applause.]

As the time approaches for leaving this body I do so with a distinct sense of regret. This is the popular body. I can not believe that there is elsewhere in Washington any body in

which the associations are as warm and as lasting as are those formed in this Chamber. [Applause.]

Since I have been a Member of the House I have been, as some of you perhaps have suspected at times, a partisan. [Laughter.] I have been a partisan without apology, because I believe that the Congress of the United States supplies a great forum of public opinion and that here, in the crucible of debate, ought to be fought out for the benefit of the people the political questions and the political issues that are to determine the course of the Government of the United States. Having political opinions, and expecting to have them in the future, I have not hesitated to utter them here in this House.

I know that important events are pressing for attention. Noon is almost here. I rose to express my deep sense of indebtedness to the membership of this House for the lasting friendships and for the associations of the past. I know that in the years that are to come you will meet the responsibilities and duties which fall to your lot as ably and as patriotically as you have met them in the past, and when you fulfill that measure of duty there need be little fear as to the future of the Republic. I bid you an affectionate farewell as a Member of this House.

However, at least for the next six years, I shall be a Member of the Senate, and I hope to continue contact with the Members of this body. I thank you very much. [Applause.]

HON. JAMES T. BEGG

Mr. NEWTON. Mr. Speaker, I rise to add just a word of appreciation for the privilege of having served in the House here and in the committee with two very pronounced partisans. You have just heard from one, the gentleman from Texas [Mr. CONNALLY], who is about to go into another body. We shall miss his partisanship, but we shall miss even more his good fellowship, his courtly manners, and his polished phrases. [Applause.]

It was also my privilege to serve on the Committee on Foreign Affairs with another great partisan, the gentleman from Ohio [Mr. BEGG]. [Applause.] I think you will all agree with me that we shall miss the partisanship of that sturdy fighter, the gentleman from Ohio. Having the courage of his conviction he is powerful in debate, forceful and convincing in argument. Strong and sturdy fighter that he is, his fighting is always done aboveboard and in the open. In addition he is always willing to stand up and take blows just as he is willing to give them. I am sure that we all hope in the interest of the country that sometime later our colleague, genial friend, and comrade in arms, JIM BEGG, will come back to the House. [Applause.]

MESSAGE FROM THE PRESIDENT

The SPEAKER laid before the House the following message from the President of the United States, which was read, and referred to the Committee on the District of Columbia, and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress a communication from the judge of the Juvenile Court of the District of Columbia, together with a report covering the work of the juvenile court during the year ended June 30, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 4, 1929.*

MESSAGE FROM THE PRESIDENT—PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, communicated to the House in writing that the President had approved and signed the following acts at the Capitol to-day, March 4, 1929:

H. R. 12666. An act for the relief William S. Shacklette; and

H. R. 13929. An act to provide for the enlarging of the Capitol Grounds.

EXTENSION OF REMARKS

TARIFF ON HIDES AND LEATHER

Mr. BEGG. Mr. Speaker, during the closing weeks of Congress Members have been receiving petitions protesting against any tariff on hides or leather. These petitions on their face seem to come from the retail dealers in shoes throughout the country.

It so happens that an association called the Shoe Leather Dealers' Association, 16 Bridge Street, New York City, headed by Monroe Einstein, president; Frank I. Hecht, vice president; F. L. Kraemer, treasurer; and L. M. Real, secretary, formed themselves into said association for the purpose of furthering propaganda against tariff on hides and leather. The following letter was sent to the retail shoe dealers throughout the United States, together with copies of blank petitions similar to that which is printed hereafter:

NEW YORK, N. Y., *January 22, 1929.*

To the Shoe Retailer:

A danger exists that Congress may put a tariff on hides and shoe leather, which are now on the free list.

If this new tariff goes into effect, you will have to pay more for your shoes, and you know it will not be an easy matter to pass this increase on to your customers.

At present there are only enough hides raised in the United States to manufacture about one-half the shoes worn by the public.

It is therefore very much to your interests to see that hides and leather are kept on the free list.

You can help prevent the passage of this proposed tariff by signing the inclosed petition—and by having your customers sign it also—getting as many names as you can, and then filling in the name of your Congressman and mailing it to him at Washington, D. C., using the inclosed stamped envelope, on or before February 15, 1929.

Twenty thousand letters and petitions, like this one, are being mailed to shoe dealers all over the country, and we wish to impress on you the importance for immediate action on your part.

When you send the petition it also might be advisable for you to write a personal letter to your Congressman, saying that any duty imposed on hides and leather will increase the cost of shoes, and this will mean loss of sales, less profits, and less customers.

Put these petitions on your show cases now! Instruct your clerks to get as many signatures as possible! Remember they must be mailed before February 15, 1929.

Respectfully yours,

SHOE LEATHER DEALERS' ASSOCIATION,
F. L. KRAEMER, *Treasurer.*

P. S.—Be sure to fill in the name of your Congressman, your congressional district, and your State, on the top of the petition in space provided. On the envelope merely write the name of the Congressman. If you do not know offhand who your Congressman is, make it your business to find out immediately.

We, the undersigned, retail shoe dealers, with our customers, respectfully request that you vote against any change in the present tariff on hides and leather used in the manufacture of shoes.

We realize that any duties assessed on such leathers must increase the price of shoes. This will certainly lower sales for the retailer and increase the cost to the consumer.

Name	Address
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You will notice there are no facts accompanying any of this material, simply the flat statement that to put a tariff on hides and leather will increase the price of shoes and curtail the sales. If that is so, I would like to have the Members of Congress ask this association why it is that during the past year hides depreciated in price 46 per cent, with no decrease in the price of shoes but rather an increase.

I undertook to find out the personnel of this so-called shoe leather dealers' association, and for the information of the Members of the House I shall have printed in the RECORD a letter received from Mr. W. V. Anderson, assistant cashier of the National Bank of Commerce in New York City:

NATIONAL BANK OF COMMERCE,
New York, February 6, 1929.

Mr. ARTHUR T. GODING,
Assistant Treasurer Armand Schmoll (Inc.),
41 Park Row, New York.

DEAR MR. GODING: We are informed that the Shoe Leather Dealers' Association was formed a few months ago to fight the new tariff laws on the importation of leather which was begun by the Republican Party. Their funds have been raised entirely by donations and they are not soliciting members. There are very wealthy men behind the association and they are not seekers of credit. The association will terminate as soon as they have done their best to modify the trade laws. They say that in reality they are fighting for the consumer, for if leather is cheaper shoes will also be cheaper. Mr. Monroe Einstein is president, and he has various other connections, the principal of which being J. Einstein (Inc.). Mr. Frank I. Hecht, vice president, is also president of one of the largest shoe shops in Paris. Mr. F. L. Kraemer, treasurer, has for a long while been a customshouse broker, dealer in freight of all kinds. Mr. L. M. Real, secretary, has been in the leather business for a long while.

Trusting the above answers your inquiry, we remain,

Very truly yours,

W. V. ANDERSON,
Assistant Cashier.

At this point I want also to have inserted in the RECORD a letter sent out to the sales representatives of the American shoe industry. This letter hardly needs to be commented upon, it is so preposterous and distortive of the truth.

THE NATIONAL SHOE TRAVELERS' ASSOCIATION,
Boston, Mass., February 1, 1929.

To the Sales Representatives of the American Shoe Industry.

GENTLEMEN: The American shoe industry is faced with a very strong movement to impose a duty upon hides and skins.

Such a duty must mean higher prices for all leather and shoes. Higher prices for any commodity inevitably spell fewer unit sales. Therefore the effect of such a duty upon our industry would be disastrous.

We feel that some of the representatives from certain districts have a misconception of the influence of such a duty upon their constituents.

We further feel that the sales representatives of the shoe industry, through their routine travels, have the opportunity to do much in pointing out the economic effect of a duty on hides and skins to the farmer, for whose supposed benefit this duty is requested.

We are inclosing a brief pamphlet pointing out some of the facts, which will amaze many of us. We urge you to use every method in your power to propagate every argument at your command to relieve this pressure for a duty on hides and skins.

We emphasize the fact that there is very little time left for effective work, and that any work to be effective must directly or indirectly influence the opinion of Congressmen and Senators who now favor a duty upon hides and skins, or bring pressure to bear upon them from their own constituents.

It seems impossible that a farmer who is acquainted with all of the facts on this subject would insist upon such a tariff. We feel that its benefit to him will be doubtful, while at the same time it will seriously injure one of the Nation's most important industries, with an attendant economic effect upon all people who sell the wage earners in the shoe industry. This naturally would have a serious effect upon the farmers' sales to general industry. Such a principle sufficiently multiplied amongst many industries would so reduce the farmers' market as to make prosperity impossible for him under any conditions.

We would be very glad to send to you, or to any addresses that you might designate, any reasonable quantity of these pamphlets which you might request.

Please address your requests to T. A. Delany, Secretary National Shoe Travelers' Association, 429 Statler Building, Boston, Mass.

Cordially,

(Signed) A. F. BANCROFT,
Chairman of Sales Division of National Boot and Shoe Manufacturers' Association, Tariff Commission.
J. FRANKLIN MCELWAIN,
Chairman Tariff Commission of the National Boot and Shoe Manufacturers' Association.

Here are a few facts I should like to give to the Members of the Seventy-first Congress:

Are not hides and calfskins much lower in price to-day than they were in 1912, while the prices of shoes are 80 per cent higher than they were then?

If the price of shoes fluctuates with the price of hides and leather, as stated by this Shoe Leather Dealers' Association, how do they explain this disparagement?

One year ago light packer cowhides sold at 24 cents per pound. Now they are selling at 13 cents a pound, a slump of 11 cents, or 46 per cent.

Raw calfskins sold a year ago for 29 cents a pound and to-day the same grade of calfskins sells for 18 cents a pound. A slump of 11 cents, or 38 per cent.

What has happened to the prices of shoes? They have certainly not decreased. Generally speaking, they may have remained stationary.

This shrinkage in the prices of calfskins reflected in dollars means what to the producers of hides or the farmers? The average cowhide weighs 50 pounds. That makes a shrinkage of $5.50 per hide. There were 14,000,000 cattle slaughtered last year in the United States. The loss on hides alone would be five and a half times 14,000,000, or $77,000,000.

There were 11,000,000 calves slaughtered in this country last year. A calfskin averages about 10 pounds, which would make a loss of $1.10 per skin, or a total loss of more than $12,000,000 on calfskins. Take the loss on cowhides, $77,000,000, and add to that the $12,000,000 loss on calfskins, and we have a total loss to the farmers of $89,000,000. When I say loss to the farmers, I mean that, whether the farmer slaughtered the animal or the packer slaughtered it. The value of the carcass plus the value of the several by-products are all reflected in the price paid the farmer for the animal on hoof.

Now, the question arises naturally, if the producers of hides, or the farmers, received last year $89,000,000 less for hides than they did the year before, did the buyers of leather products, shoes, and so forth, save that? If this so-called Shoe Leather Dealers' Association can offer any evidence to show that the masses of the people who buy shoes paid $89,000,000 less for their commodities last year than previous, there might be some justification for their claim that to put a tariff on hides would increase the prices to the ultimate consumer. Mr. L. J. Wilbur, of Swift & Co., said over the radio on January 26 of this year that every loss of hide value was deducted from the price paid to the farmer for the animal. I quite agree with that statement; hence the only conclusion to be drawn is that agriculture received $89,000,000 less last year for this one item of their production than they should have received by reason of a lack of a tariff. That statement could not stand alone unless supported by some import facts.

Let us look into the importations. There was imported into the United States in the year 1928, last year, $44,000,000 worth of leather or 41 per cent of the total consumption. We find that 54,000,000 square feet of calf and kip leather alone was imported into this country last year. I am anxious for the Members to get this statement. While the price of raw hides decreased 46 per cent last year the importations of leather products in volume have increased 587 per cent from 1923 to 1927, inclusive. Can any Member of Congress who believes in the principle of protective tariff say that in the face of the above figures the farmer is being adequately protected on one of his products where protection could easily be given.

From what countries have these importations come? Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Netherlands, Switzerland, United Kingdom, and Canada.

Notice in one particular class of importations what happened. In 1913 we imported $127,735 worth of calf and kip leather. In 1928 we imported $14,000,000 worth of similar grades.

What has been the effect on business in this country in face of these facts? We have invested in the leather business in the United States approximately $300,000,000. In 1925 and 1926 that industry lost heavily. In 1927 the business earned 0.8 per cent on their investment. Of all the major industries we have, the calf-leather industry is in about the worst financial condition. For the information of Congress I will list a few of our industries with the percentages of their earnings:

Agricultural implements	9.5
Automobiles	23
Construction materials	11.55
Chemicals	13
Copper and brass	5.43
Cotton goods	1.67
Iron and steel	6.73
Packing	5.66
Sugar	4.3
Calf leather	.8

Another effect on the calf-leather industry has been a decrease in the employment of about 10,000 people or a falling off of an annual pay roll of $73,000,000. These 10,000 people of necessity must have sought employment in some other line of activity as well as contributed to the line of the unemployed.

Compare the wages paid in the leather industry, the calf and kip leather industry in the United States, with that of their competition. In that industry in this country we pay 54 cents per hour. On a 10-hour-a-day basis it makes $5.40 per day. In Germany similar labor is paid 25 cents per hour, or $2.52 per day, while in Czechoslovakia this labor receives 17 cents per hour, or $1.73 per day.

Now, by applying just the rules of common reason for a minute and granting that a leather laborer in Germany or Czechoslovakia can make as many square feet of leather in 10 hours as similar laborers can in the Ohio Leather Co. factory at Girard, Ohio, and by assuming for the sake of the illustration that one man working in a leather factory can make 100 square feet in 10 hours, whether he works in Ohio, Germany, or Czechoslovakia, we find the labor cost on these 100 square feet of leather in the United States to be $5.40, in Germany $2.52, and in Czechoslovakia $1.73.

When the factory salesman calls upon his trade to sell calf leather he must necessarily quote higher prices on American-made leather. That answers itself. The salesman representing the American plant must in quoting his price for leather keep in mind that $5.40 is paid to the laborer for every hundred square feet; while the German has only a $2.52 labor cost to care for, or 50 per cent less; and the Czechoslovakian has but $1.73, or 66⅔ per cent less labor cost.

So one readily concludes there is only one decision to make for the American Congress—either furnish protection to the calf-leather manufacturers in this country or say by their refusal that they are willing to surrender that great industry to our competition, that in Germany and Czechoslovakia in particular.

Knowing as I do the desire of the Republican Members to furnish adequate protection to American producers to offset the difference in cost of labor for their competitors operating in countries having available cheap labor, I am confident that the

Seventy-first Congress will recognize the necessity for a tariff on calf and kip leather, as well as leather products.

NATIONAL ORIGINS

Mr. JENKINS. Mr. Speaker and ladies and gentlemen of the House, by way of extension of remarks I shall attempt to answer some of the arguments advanced by the opponents to the national-origins system for establishing quotas in the session of March 3. It is to be regretted that a discussion of almost any immigration question excites personal and national animosities. The reason for this is that the immigration question is intensely human. It deals exclusively with humanity and the personal rights and privileges of human beings and their families.

The discussion of the resolution under consideration in the session of the House on March 3, 1929, was on a high plane and was singularly free from personalities. The question was of great importance. Sufficient time should have been given for its consideration. There is hardly any justification of the program of having it called up on the Sabbath and on the day before adjournment and passed upon with only about one hour's total discussion.

To make this discussion logical I must refer to the resolution again and thereby repeat in substance a part of my remarks made on the floor when the resolution was under discussion. This resolution sought to postpone for another year the going into effect of the national-origins provisions of the 1924 immigration law. This provision of the 1924 law would have gone into effect in July, 1927, had it not been postponed one year by a resolution of Congress. Later it was postponed another year. The same procedure is attempted again. The first postponement was taken because the census authorities having charge of the matter had not completed their investigations to their own satisfaction. The second postponement was for the same and for other reasons that did not go to the merits of the question. The census authorities have now completed their investigations and have presented their findings to the President. Doctor Hill, the census expert, says in his testimony taken before the Senate Immigration Committee on February 4, 1929, and speaking of the accuracy and sufficiency of the national-origins survey:

The CHAIRMAN. Then the second postponement which was made was equally valuable, was it not?

Doctor HILL. In the way of studying and checking our figures; yes. I have more confidence in them now than I had a year ago.

The CHAIRMAN. You have more confidence in them now than you had a year ago?

Doctor HILL. Yes.

The CHAIRMAN. Within another year do you think you might have still more confidence, or less?

Doctor HILL. I doubt it.

The CHAIRMAN. Sir?

Doctor HILL. I think we are about as near accuracy as we can get.

It is therefore very clear that a postponement can not be justified upon the claim that more accuracy may be secured by further investigation. A thorough investigation has been made. Then, how can it be justified? It can not be justified except upon the theory that the national-origins system is vicious and should not be put into effect. That it is vicious is denied by most restrictionists and by all or nearly all patriotic organizations in the country. If it is vicious, it should be repealed and not postponed. There was strategy in the plan to postpone rather than to repeal, for more votes could be had for a postponement than for a repeal. This was the first step in a movement seeking the repeal of the law. Why repeal the law? This brings us to the merits of the matter. We are, therefore, in effect, involved in a controversy to see if we should not repeal a law duly passed by Congress and approved by the President without putting that law into effect, although we were not asked to vote for repeal. To refuse to put a law into effect that has been passed with all the formality incident to the passage of laws is a very serious matter. Until the law is repealed it is in full force and effect. Congress having adjourned without repealing or postponing the law leaves it in full force and effect. Further procedure in the program to prevent the law from going into effect will be watched with interest.

That the position of the American Legion may be made clear on this proposition, and in reply to statements made in the former discussion of this question, as shown by the CONGRESSIONAL RECORD, I hereby insert copy of resolution passed by the American Legion in its annual convention:

SECTION 1. Whereas it seems a proper function of the American Legion to voice its attitude toward nonpartisan questions of public interest and concern, to the end that life and government in the United States may be improved: Therefore be it

Resolved by the American Legion in convention assembled at the tenth annual national convention, San Antonio, Tex., October 8 to 11, 1928, That we favor and recommend continuance of the method of restriction upon immigration in the 1924 immigration law with its fundamental national-origins provision, so that American citizenship and economic prosperity may be maintained at the highest possible level.

That the correct attitude of the Sons of the American Revolution on this great question may be had, I am inserting a portion of a letter received by me from Mr. Frank B. Steele, secretary general of the national society:

The attention of the officers of the Sons of the American Revolution has been called to a statement made in the debate on the national-origins resolution on Sunday, March 3. I wish to say in reference to this statement that at the national congress of the Sons of the American Revolution held in the city of Washington, D. C., May 20 to 23, 1928, the report of Hon. Josiah A. Van Orsdel, chairman of the committee on immigration of the National Society of the Sons of the American Revolution, contained the following statement:

"Your committee, after investigation, regards the national origins law as the key to the solution to the immigration question and recommends that the National Society of the Sons of the American Revolution, by the adoption of this report, place itself on record as strongly supporting this law. It has practically the unanimous support of all other patriotic organizations in this country, and we believe that our society should no longer hesitate to take a firm stand in this matter."

This report was unanimously adopted by the congress of the National Society Sons of the American Revolution and was published in the official bulletin of the society, entitled "The Minute Man," which is sent to every member of the society for his perusal and information.

It goes without saying that no plan of restricting immigration will be entirely satisfactory to all of those restricted. In our program of restriction we have already determined that those best qualified to fit into our body politic should be favored and those least qualified to advance our standards of life and citizenship should be held back. This test should not be applied in any spirit of unkindness or injustice. Those physically unfit are excluded, regardless of their nationality. Smaller quotas are granted to countries whose customs and laws and whose background is different from ours. Larger quotas are given to those countries whose institutions most nearly resemble ours. This theory is well understood and accepted. The trouble does not come from countries whose institutions are different from ours, but from the countries that closely resemble us in many ways. Under the census of 1890 plan Germany and the Irish Free State and the Scandinavian countries are granted quotas that are considered by many as out of proportion to quotas granted to other countries when the total population of the nation is considered. On the other hand, many people claim that Great Britain, Scotland, and North Ireland are granted a larger quota under the national-origins plan than they are entitled to when the total population of the nation is considered. The difference in quotas as provided under these two systems is so great as to cause serious consideration. The two plans are very different. One must be more equitable than the other. The 1890 plan is based on the foreign-born population exclusively. The native born is not considered. This is a serious objection. If only foreign born are to be considered, why not permit immigration on the basis of all foreigners who have ever come into the country? The selection of any particular census would favor or discriminate against some countries, for immigration from the different countries has come in waves at different periods. The national-origins plan seeks to ascertain the number of blood stock of the various nationalities in the country. This plan is absolutely right in theory. The only objection that can be raised to it is that the scientists may not be able to arrive at exact figures. The plan is fair. The other plan is more than fair to some nationalities and discriminatory to others. Therefore it is not fair. If the national-origins plan is fair in theory, our only concern should be to see that it is not unfair in practice. That it reduces some quotas and increases others as established by the 1890 plan only proves its efficiency. At the same time, when it reduces some quotas it is only natural that those affected would complain.

If the present plan is inequitable, it is inevitable that some must lose if the inequalities are to be overcome. It is not a question of who is superior or who is inferior. It is a question of who is favored now and who is discriminated against, and if those who are favored will relinquish these favors so as to equalize the quotas. It is a question of doing justice between peoples, all of whom are on an equality as to desirability. Those to whom has been assigned the task of establishing this equality are above suspicion. This being recognized by all, their work should be approved by all and accepted by all, and this troublesome question disposed of.

It has been said many times that the quota system based upon a small group of foreign born enumerated in the United States in 1890 is established upon definite and precise statistics. Nothing is in reality further from the truth. I call your attention to the reports submitted to Congress in 1924 by the Committee on Immigration of this House, and I can assure you, that, although the tables printed therein were derived from official sources, you will have great difficulty in finding any coincidence between the quotas assigned to any country comprised within the scope of the bills to which they relate. For example, let me point out that the most significant thing about the statistics which were before Congress in these reports of 1924 is that they have no relation whatsoever to any quota which has been assigned to any country based on the 1890 census, as proclaimed by the President subsequent to the act of 1924.

Let me illustrate this fact by pointing out to you, that in Report No. 350, presented by the chairman of the House committee to this body on March 24, 1924, the quota credited to Great Britain and North Ireland was 41,772, on a basis of 2 per cent of the census of foreign born in the United States, as enumerated in 1890; whereas the quota proclaimed by the President after the passage of the act was 34,007, a decrease of 7,765, or 22.8 per cent. In the case of Germany, the quota assigned was 45,229; and now, as you know, the quota credited to Germany under the plan now in force is 51,227, an increase of 5,998, or 13.2 per cent. In the case of the Irish Free State, the estimate before Congress of the quota for this nation was 20,886, but now under the quota schedule as proclaimed by the President, the Irish Free State gets 28,567, or an increase of 7,681, or 36.7 per cent. Were it desirable for me to prolong this phase of my discussion of the quotas I could point out to you other quotas in the list which vary from those now in force by over 92 per cent. I venture to say, if you try to verify the figures which I put before you, that you will find nothing accurate or precise in the quota system based upon the census of foreign born in the United States as enumerated in the census of 1890.

Let me quote to you what Doctor Hill has to say on this point from the record of testimony before the Senate committee on March 15, 1928:

Most people, I believe, have the idea that the 1890 basis rests upon exact figures, but that is rather far from being the case, because the 1890 census does not show how many people there were in the United States in 1890 who were born in that portion of Europe which is now Czechoslovakia. That had to be estimated. It does not show how many people there were in the United States in 1890 who were born in that portion of Europe which is now Yugoslavia; that had to be estimated. It does not show how many people there were from that portion of Europe which constitutes the present Germany, or the present France, or the present Irish Free State; all through that had to be estimated. The law contemplates that. It provides that where there have been transfers of territory the number of people born in the transferred territory shall be estimated. So there is a pretty large element of estimate in the 1890 basis.

The same thing is true with all the new countries created by the war—Poland, Lithuania, Latvia, Estonia, and Finland; in fact, Doctor Hill goes on to say:

In making the 1890 allocation, as there was not very much time for careful study, the committee adopted rather arbitrarily the assumption that the immigration from the original country had been spread evenly through the parent country—say that 10 per cent of the population had been transferred from one country to another it was assumed that the transfer took with it 10 per cent of the immigration. That was the assumption we made in arriving at the quotas on the 1890 basis.

Now, when the committee of experts came to make the apportionments on the national-origins system, they only used such estimates as a last resort. Doctor Hill specifically says that if the committee could get better data and they usually did, they made use of such data.

The 1890 census of foreign born as a basis for a quota system is established on estimates. Before the quota law was established in 1924 immigrants returned to their native lands much more frequently than they do now, and the foreign-born population changed greatly from year to year. New immigration coming in would be from different countries, depending upon the tide of immigration moving at that time.

But to return to the figures. The House committee in 1924 said in its report, No. 350, it was the purpose of the bill then reported to maintain the racial status quo in the population. When Doctor Hill was asked last year, Does the distribution of quotas based on the 1890 census reflect with any accuracy the proportion of nationalities that now exist in the United States, he said, "No, indeed; it does not." And in response to a question as to the fairest way to all nationalities of apportioning the quotas, he replied that no proposition brought to his attention seemed fairer than the national-origins plan.

The stock argument that the 1890 census base apportions the immigration between northwestern and southern and eastern Europe justly was only sustained as an approximation of the truth by the analysis of the population which some Members of this House are now attacking. Let me add that the discriminatory features of the 1890 census of foreign born as a base, if it had been adhered to as a permanent method of apportioning the quotas by the House in 1924, would have prevented the passage of permanent restriction upon immigration at that time. I venture to say that no immigration act based on discrimination against large sections of our people can be permanent or a successful democracy maintained by establishing race solidarities in our midst. The opponents of national origins are making mountains out of molehills. They are asking you to perpetuate discriminations running as high as 100 per cent to avoid errors which may not reach 5 per cent. Any man and any party tying themselves definitely to such a proposition incurs a grave responsibility to the Nation.

BRIG. GEN. LLOYD M. BRETT

Mr. PORTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address delivered by me at the unveiling of the monument to Brig. Gen. Lloyd M. Brett at Arlington, September 23, 1928:

It is, indeed, fitting that we should lay aside our usual labors and journey here from our homes in many States of the Union to pay this tribute of respect and esteem to our beloved dead.

Brig. Gen. Lloyd M. Brett has "crossed over" the border into eternity. A great American, a great soldier, has passed into history.

This modest monument—in keeping with his character—which the Eightieth Division of the American Expeditionary Forces is dedicating to his memory to-day was erected with funds contributed by the "boys" he commanded. I say "boys" because that is the way he always affectionately referred to his soldiers.

Brig. Gen. Lloyd M. Brett was born in Maine and was graduated from the West Point Military Academy in 1879. He was married on the 7th day of February, 1887, to Elma Wallace, of Montana.

After graduation from West Point he was assigned to active duty on the western frontier. In less than a year Congress voted him the Congressional medal of honor, an unprecedented distinction, the highest Congress can give a soldier, the citation reading:

"For most distinguished gallantry in action against hostile Sioux Indians near O'Fallons Creek, Mont., April 1, 1880, by fearless exposure and dashing bravery, cutting off the Indian pony herd and greatly crippling the hostiles, while second lieutenant, Second Cavalry."

He served continuously on the frontier until 1897, participating in many Indian campaigns and skirmishes.

He took part in the Santiago campaign during the Spanish-American War, and after the fierce fighting there was made provost general of the American Army.

On the 7th day of July, 1898, he had the distinction of being selected by General Shafter as commander of the 100 picked men of our Army to receive the surrender of the Spanish Army, and later the surrender of Santiago de Cuba. For gallantry in action under fire at the Battle of El Caney, July 1, 1898, he was cited and recommended for the brevet of major.

From the Santiago de Cuba campaign he was transferred to the Philippine Islands, where he was an active participant in skirmishes which suppressed Philippine insurrection. On his return from the Philippines he was assigned to National Guard duty in Washington for five years. General Harries, his commanding officer, wrote of his services:

"You have had many predecessors as adjutant general, and some of them have been of the best, but no one has rendered such uncommonly useful service as you have; no one has given so freely of himself, capable at every point, whether in the office or in the field, an officer and a gentleman in the highest sense of that combined term, a loyal friend whom I shall always hold in the highest esteem, you have more than filled every expectation."

General Brett was also, for more than six years, superintendent of the Yellowstone National Park, a duty very different in all its essential features from that of straight soldiering. The Hon. Franklin K. Lane, then Secretary of the Interior, wrote:

"I never saw a more soldierlike man, or one who by tradition and attitude is more of a soldier."

In 1916 he was relieved of duty in the Yellowstone National Park and ordered to the Mexican border. On the conclusion of this service his commanding officer, General Bell, indorsed his efficiency report as follows:

"Excellent service as a brigade commander of Cavalry."

On August 5, 1917, he was ordered to Camp Lee, Va., and shortly thereafter was sent to France.

He entered the World War a colonel, but throughout the entire war commanded a brigade as a brigadier general, where, physically and mentally active, forceful and quietly fearless, he made a record of which the Republic is proud.

General Pershing said:

"The services of Brigadier General Brett have been of a very high order. During the World War he served with great ability."

He received at the close of the World War the exceptional honor of the distinguished-service medal, the citation:

"For exceptionally meritorious and distinguished services. He commanded the One hundred and sixtieth Infantry Brigade with particular efficiency in the markedly successful operations resulting in the occupation of the Dannevoux sector in October, 1918. In the actions near Immecourt and Buzancy in November his brigade broke the enemy's resistance. Due to his masterful ability and brilliant leadership these operations proved a crowning success."

The Republic of France made him an officer in the Legion of Honor and gave him the croix de guerre, with palm. The citation from the French Government:

"He commanded the One hundred and sixtieth Brigade and made of his brigade a choice unit, through which he broke the stubborn resistance of the enemy in October and November, 1918."

His long experience in Indian warfare, on the Mexican border, in the Spanish-American War, the Philippine insurrection, and his military skill enabled him to so command as to reduce his casualties to a minimum. Many a veteran of the Eightieth Division owes his life to the audacious genius of Lloyd M. Brett.

On his return from the war he said:

"The thing that I'm most proud of is that my men did so much and lost so little. Now that I am back in America, I do not have to hang my head in shame in the fear that any lives were lost needlessly. We pride ourselves in achieving such big results in our engagements at a minimum cost of human life. There was not a life wasted needlessly or sacrificed through tactical blunders. I think that our record of killed during the months of fighting, considering the character of the fighting they took part in, was lower than any other unit in the American Army. The fighting in the Argonne was the heaviest of the war.

"I feel that I can face every father and mother of the boys with a clear conscience. I never asked any of my men to do anything that I would not have one of my sons do if he were in the regiment. War means sacrificing human life, and I am thankful to God that our casualties were low—yes; remarkably low—considering the character of the fighting the men took part in."

He was retired from the Army as a colonel in February, 1920, having reached the retirement age of 64, after a continuous service of over 41 years which, for exceptional, meritorious, and distinguished performance of duty, has few equals in the records of the United States Army.

In February, 1927, the Congress, by unanimous vote, in grateful recognition of his services to his country, restored him to the rank of brigadier general, which he had held during the World War.

After the war he was elected commander of the Eightieth Division Veterans' Association and reelected in 1921 and 1922. On his retirement he was made honorary life president of the association.

He died in the city of Washington, after a brief illness, on September 23, 1927, leaving to survive him his widow and two daughters—Mrs. Lloyd B. Diehl and Miss Helen Brett. He was buried here in Arlington, the hallowed grounds dedicated by a grateful Republic to her heroic dead, with the high honor due a soldier of his rank.

I first met General Brett at Camp Lee, Va. I early admired him as a soldier and loved him as a man. Our friendship was of the enduring kind. It was a privilege to call him "friend." He was a man of fine physique and manly bearing. He had a lofty but not haughty air. Nature had endowed him with good health, a brilliant intellect, and a heart that always throbbed with tender solicitude for the welfare of "my boys."

He had an unconscious dignity that singled him out from his fellow men—not for criticism, but for admiration. His gentleness, modesty, and patience were so marked that he excited no envy. He was polished, not by art, but by nature.

Marcus Aurelius Antoninus said:

"I learned self-government, and not to be led aside by anything, and cheerfulness in all circumstances, as well as in illness; and a just admixture in the moral character of sweetness and dignity, and to do what was set before me without complaining."

This was General Brett's philosophy of life. He was my ideal of American manhood.

We dedicate this monument to him. He dedicated to us a greater monument—a life of faithful, distinguished, and patriotic service. The monument he dedicated to us will long survive the one we dedicate to him.

His great soul has taken flight. He is gone, save his memory. This we shall cherish to the end, with the assurance that in the shadowy line between time and eternity, in the glimmer and gloom of the deepening twilight, he beheld a glorious dawn.

HON. DANIEL R. ANTHONY, JR., OF KANSAS

Mr. AYRES. Mr. Speaker, I wish to say something of my distinguished colleague, DANIEL R. ANTHONY, who is voluntarily retiring from Congress. I am confident that every Member of Congress on both sides regret that the condition of Mr. ANTHONY's health was such that he did not seek reelection.

His devotion to his congressional duties and his loyalty to his State and Nation and his fairness with his colleagues have won for him the admiration and respect of all regardless of party affiliations. During his service in this House he has distinguished himself as a member of the Military Affairs Committee and then as a member of the Appropriations Committee.

Our colleague, Mr. ANTHONY, is of a distinguished family. His father, Daniel Anthony, sr., was one of the noted Kansas pioneers and was known as a fighter with unlimited courage. It was such men as Dan Anthony, sr., who fought it out with those who were determined to make Kansas a slave State. At that time Kansas was a border State, and it took men with stout hearts and iron nerves to withstand the kind of warfare then conducted. There are many things I might say concerning the father of our colleague, who helped to make the history of the Sunflower State.

Susan B. Anthony, the distinguished aunt of our colleague, was the champion of equal suffrage, labored and fought for this cause for over a quarter of a century, a cause which finally won and is a part of the Constitution of the United States.

DAN ANTHONY, Jr., who has served his State and Nation so well in Congress for the past 20 years, is also a man of vision and courage. Although a partisan he never allowed his partisanship to override his judgment, nor did he permit it to cause him to think any the less of a personal friend who might differ with him. His record in Congress shows that he always fought hard for what he believed was right.

For the past eight years it has been my good fortune to be associated with him on the Committee on Appropriations. After a 20-year service in this House he has at last reached the position which he has so well earned of being chosen chairman of the Appropriations Committee, only to have to surrender it because of ill health. He has fought many political battles in the old first Kansas congressional district, and for the past two years he has been fighting the hardest and greatest battle of his life—that is, to regain his health—and I know that it will be good news to the entire membership of the House to know that he is winning the fight. He leaves us with all of his colleagues hoping and praying that within the near future he will be enjoying the same good health as of old.

UNVEILING OF THE STATUE OF DR. EPHRAIM M'DOWELL

Mr. GILBERT. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the remarks I made at the unveiling of the statue of Dr. Ephraim McDowell in the Capitol on Sunday, March 3, 1929, at 2 p. m.

The matter referred to is as follows:

Mr. President: Reverently, in the presence of these mighty shades, we, commissioned by the proud Commonwealth of Kentucky, consign to this Hall of Fame two of her sons worthy to be placed here among the immortals.

From the selections here we are persuaded that a partiality exists among men for those who have distinguished themselves in combat either on battle field or in legislative forum.

Kentucky bows to none in the prowess of her warriors. "The dark and bloody ground" was both a description and a prophecy. Chivalry and romance brighten every page and tragedy darkens every chapter of her history. The adventures of Boone, Kenton, Harrod, and Logan are the inspiration of every American boy. The daring of Clark at Vincennes, Shelby at Kings Mountain, Johnson at Tippecanoe, Taylor at Monterey, and Morgan on his raids thrill all who love men of blood and iron, valor and action.

Kentucky's statesmen have been as able in peace as her soldiers have been mighty in war. Menifee, Wickliffe, Crittenden, Beck, Carlisle, Breckinridge, and Clay assumed commanding influence in the councils of the Nation. After Clay, of whom you have just been so eloquently told, had, with one hand on the shoulder of the southern slaveholder and the other on the shoulder of the northern abolitionist, averted the Civil War for a generation, it was Kentucky that, in those dark days of fratricidal strife, gave unsparingly and impartially of her sons to both sides and gave Abraham Lincoln to the North and Jefferson Davis to the South, each to guide the destinies of a separated nation. Pennsylvanians fought side by side for the North; Tennesseans fought side by side for the South; Kentuckians fought face to face, some for the North, some for the South.

Kentucky's list of eminent divines includes Bascom, the greatest Methodist orator; Broadus, the greatest Baptist scholar; Breckinridge, the greatest Presbyterian theologian; Campbell, the great founder of the Disciples; and Spalding, the greatest of Catholic historians.

As these great statesmen and preachers swayed the Nation with their eloquence, Prentice and Watterson lashed it with the power of their editorials.

Kentucky's jurists have been as outstanding as her statesmen. The learned and classical opinions of Robertson, Miller, and Harlan have been read and followed in the courts of the world. Kentucky to-day leads the States in the number of justices of the Supreme Court of the United States. She has two, which is more than have 42 States combined.

What giants in the court room were Davies, Marshall, Hardin, Goebel, and O'Dougherty!

Did poets ever sing more sweetly than her sons, Stanton in the Moneyless Man and O'Hara in the Bivouac of the Dead?

Her painter was the matchless Jouett, her sculptor the incomparable Hart.

Oh, Kentucky, the mother of genius, had your sons dwelt elsewhere their praise would have been heralded by a thousand messengers. As the name America is an injustice to Columbus, so in this very hall has your own son lost the credit that was his through your modesty. Why have you not sung of your doctors? In your starry heaven of achievement here is your brightest constellation.

When the tread of the warrior has passed on, the hurrahs and shouts are hushed, the strains of martial music have died away, can be heard the sob of the widow, the wail of the orphan, the groan of the dying as pestilence and famine stalk through the land.

What a relief to leave the scene and enter with the doctors into a field of human service, aiding to rise, not to fall; helping to live, not to die. In this field have your sons surpassed all the rest. You have had five presidents of the American Medical Society, which is many more than any other State. What soldiers of daring, what masters of skill, what giants of brain were these men of mercy.

This is a fitting time to mention a few of your greatest—Brashear, McDowell, Dudley, Drake, Yandell, Gross, Blackburn, Sayre, McMurtry, Matthews, Gilbert, McCormack, and Abell. Two of these performed successfully feats never before accomplished in all the world. Doctor Brashear was the first surgeon in the world to have the courage and the skill to amputate the leg at the hip joint. Doctor McDowell was the first surgeon in all the world to cut into the abdominal cavity and remove an ovarian tumor. He is the father of ovariotomy and the pioneer in abdominal surgery. Doctor Brashear's feat was performed in 1806, Doctor McDowell's on December 13, 1809, both in the backwoods of Kentucky. I have never held proximity to brick and mortar necessary to greatness.

"What though on common fare they dined,
Wore hodden grey and a' that.
Give fools their silks
And knaves their wine;
A man is a man for a' that."

Doctor McDowell was born November 11, 1771, in Rockbridge County, Va., son of Samuel and Mary McClung McDowell. He was married to Sarah Shelby, daughter of Gov. Isaac Shelby. He was the ninth of 12 children. His ancestry were Scotch on both sides. Though a Virginian by birth, he was a Kentuckian from childhood, having moved to Danville when only 13 years of age. Kentucky was then a wilderness and that now splendid city of Danville was a pioneer village of 300 people, nestled in the forests of oak and poplar. His father, Samuel McDowell, was judge of Kentucky's famous land court, and of sufficient affluence to educate Ephraim in the universities of America and Scotland. Edinburgh was then the medical center of the world, and to the great university there young McDowell was sent. His inspiration, however, was received at the feet of a private tutor who fired his imagination with the possibilities of removing diseased female organs from the vital cavities of the human body. This was Dr. John Bell, of Edinburgh, who dreamed of, but never attempted, these operations.

Perhaps it was the backwoods setting, the heroic environment, the very necessity of the thing, that gave Doctor McDowell, then recognized as the leading physician and surgeon of the South and West, that undefinable resignation of mind and soul that precedes an entry into the unknown. Columbus was the most skillful navigator of his time; he had studied deductions from all the known facts; he was inspired by a resigned faith. McDowell possessed the same qualities of mind and soul, and as Columbus sailed into the unknown areas of an uncharted sea, McDowell entered into the unknown secrets of a human life.

The circumstances were these: Jane Crawford, a woman in the prime of life who lived in Greene County, Ky., was suffering what were supposed to be the pains of childbirth. As time and suffering went on without apparent progress, Doctor McDowell was called into the case and rode horseback 60 miles through the wilderness to her bedside. A thorough diagnosis, an explanation to the attending physicians preceded the ordeal of telling the unhappy woman of her fate. It was fully explained to her that those pains, similar to labor pains, came from an ovarian tumor, that they would increase until death, shortly, would relieve her of her agony. Such then was the unhappy state of suffering womanhood.

Doctor McDowell in that crucial situation rose to sublime heights. Here was the problem whose solution Bell had dreamed of, McDowell was called upon to meet. Had he been in Philadelphia, then the medical center of the United States, learned doctors would have cautioned against his rashness; would have explained that the woman would in all probability not survive the operation; that he, having caused her death in a foolhardy attempt to do that which never before had been attempted, would naturally be censured as a man and probably disgraced as a physician, and he having shifted responsibility might have faltered.

Who will contend that the backwoods did not play a part in this achievement; that a kind Providence, who tempers the wind to the shorn lamb, did not arrange that this woman should be the bravest of her race to meet the most daring and skillful surgeon of the age.

Doctor McDowell told her that he would, if she desired, remove the diseased parts with the knife; that it had never been done before; that death would follow failure; that she must come to Danville and submit to the ordeal without even a local anesthetic, for even morphia was then unknown.

In a few days she came on horseback, 60 miles, every step an agony. Do you daughters, with the comforts and luxuries of to-day realize and appreciate the hardihood, bravery, and sacrifice of your mothers? Are you proud of this great heroine of the backwoods? The operation was performed, success crowned the effort, and 40 years were added to the life of this one woman. It has been calculated that to now at least 30,000 years of pain have been in this way saved suffering womanhood.

O Napoleon, where are your achievements? Every year of life you took from man this physician has added to woman. Oh, victories of war, how much greater tower the victories of peace!

Some would give to Jane Crawford an equal part of glory in this event. Surely in courage she bears the greater part, but McDowell added to courage knowledge and skill.

When the intelligence of this great accomplishment reached the universities of Philadelphia and Europe it was sarcastically dismissed as untrue and impossible, but three repetitions by this wonderful physician prior to 1820 brought apologies and recognition.

Doctor McDowell was unassuming and kindly, always interested in the smallest concern of his associates. He was criticized for lack of dignity and reserve by those who know not that simplicity is the companion of greatness.

McBeath's masterpiece of fame—

"Do dreams of fame thy restless soul engage?
With sword or pen thou canst inscribe thy name
Upon the brow of Envious Time himself
And bid defiance to his blighting breath;
But thou must find 'round thy human heart
An adamantine wall, impregnable alike
To love's sweet smile or pity's tear,
On the altar of thy purposes lay
Freedom and ease and rest and calm content—
The joys of home, hope, happiness, and heaven;
And when thou'st reached the lonely mountain top
And stand at sunset by the glittering thing
For which thou'st left the peaceful vale below,
Thou'lt find the brightness that had lured thee on
Above the dear companionship of men
Was but a mocking gleam of chilling light
Reflected from some bleak and icy cliff
That frowns above eternal fields of snow"—

never applied to him.

Greatness must ever be accorded men, measured by their supreme accomplishment—Poe not by his intemperance but by his Raven; Bunyan not by his dissoluteness but by his Pilgrim's Progress; Clark not by his sullenness but by his capture of Vincennes; and McDowell not by his indifference but by his ovariotomy.

These great accomplishments measure the capacity of the man—

"Like some tall cliff that lifts its awful form,
Swells from the dale and midway leaves the storm,
Though rolling clouds around its breast are spread,
Eternal sunshine settles on its head."

May I add my humble judgment to that of the able committee who selected Henry Clay and Dr. Ephraim McDowell and to that of the Kentucky Legislature who approved their finding that among all Kentucky's noble sons and daughters these should represent her here and these statues, like their lives, both remind us—

"We can make our lives sublime,
And departing leave behind us
Footprints on the sands of time."

SIXTH ANNUAL SHENANDOAH APPLE-BLOSSOM FESTIVAL

Mr. HARRISON. Mr. Speaker, perhaps no better use could be made of the privilege to extend my remarks in the RECORD than to call attention to the annual apple-blossom festival, which

has become a part of the life of the Shenandoah Valley of Virginia.

The sixth annual celebration will be held at Winchester during the coming May on a day hereafter to be named. Nothing has attracted such general attention to the growth of the South and of the State of Virginia in general and of the Shenandoah Valley in particular as these magnificent annual pageants.

Of all agricultural developments in the South, none has compared with the apple orchard in this beautiful section of the State of Virginia.

The apple orchards have developed into a tremendous industry, and we claim that no better apples are grown than in this valley.

But the valley is not only famous for its orchards as an industry. Its scenic beauty thrills the heart of the visitor as a panorama which is unrivaled in nature's most artistic handiwork. Highly improved highways pass through this section from every center of population. Seven splendid up-to-date highways come into Winchester like spokes into a hub.

In addition, the railroad facilities are excellent. The Baltimore & Ohio and the Pennsylvania have connecting lines entering the city. The Southern and the Norfolk & Western and the main line of the Baltimore & Ohio are in close contact with the town. Bus lines circulate to all points of the compass. Washington and Baltimore have direct bus lines, and busses run down the valley and up the valley and across the valley—north, south, east, and west.

Of peculiar interest is its history. In ante Revolutionary times George Washington had here his headquarters in connection with Lord Fairfax. His office headquarters is still pointed out to the tourists. From here Braddock departed for his defeat at Fort Duquesne, now Pittsburgh, from the disaster of which he was rescued by Washington. Here are the remains of the fort built by Washington as a protection after the defeat. It was from Winchester he was sent as a representative in the House of Burgesses.

Here Daniel Morgan lies in a neglected grave, and the home he built with his Hessian prisoners is still a handsome homestead. From Winchester or its vicinity departed Roger Clarke and Joseph Bowman to win for America at Vincennes the great Northwest section of this country.

In the Civil War great battles were almost a daily instance. Stonewall Jackson and his foot cavalry, some of whom are still living, made the Valley famous in history. Sheridan made his historic ride from Winchester 20 miles away. At New Market the Virginia Military Institute cadets won undying fame. At Kernstown Jackson met his first and last repulse. At Cedar Creek Sheridan ended his historic ride. In this vicinity are some of the great educational institutions of the South. The University of Virginia, founded by Jefferson; Washington and Lee University, founded by Washington and rejuvenated by Lee; and the Virginia Military Institute, and many other institutions of hardly less renown.

In this vicinity are some of the greatest natural phenomena, which attract tourists from all over the civilized world, among which I may mention the Shenandoah Caverns, Endless Caverns, Luray Caverns, the Grottoes, and Natural Bridge.

Within 20 miles of Winchester begins the proposed Shenandoah National Park, which in the next year or so will be, or should be, a reality and which will be the Nation's great playground.

Last May at the fifth annual festival, which in many respects was a duplication of previous ones on a larger scale, 100,000 visitors flocked to Winchester. On the first day 12,000 children, from sections far and near, marched through the streets of Winchester keeping step to the music of scores of bands. In the afternoon the beautiful Miss Mary Wise Boxley was crowned queen of the festival by Gov. Harry Flood Byrd. At the coronation her court included 60 princesses and 200 flower girls in beautiful costumes. On the second day of the festival a parade was staged which required two hours to pass the spectator and was over 6 miles long. It included 200 floats and nearly 50 bands, among which appeared Captain Benner and his famous Navy Band.

For the coming festival preparations are being made to surpass those of the past in splendor and brilliancy.

There will be two days of pageantry; dozens of bands, both military and civil, of national reputation will participate.

On the first day the queen of the festival surrounded by beautiful princesses and flower girls will be crowned in the stadium of the Handley School. Thousands of school children artistically costumed will parade. The children participating come from Virginia and near-by States.

On the second day scores of artistic floats will parade, accompanied by scores of military organizations. The Baltimore & Ohio and the Pennsylvania Railroads take an active part in the parade and always have an interesting program.

Automobile routes lead through the orchards amid the blossoms of thousands of trees.

An artistic program will be mailed to anyone who will write for one to Mr. J. V. Arthur, director general.

In the name of the people of the Shenandoah Valley of Virginia I extend an invitation to the Members of Congress and the public to visit this most beautiful of all valleys when by nature she is robed in her choicest apparel and is arrayed in unparalleled loveliness. Amid beautiful scenery, thrilled by the history of the Nation in critical eras, the air redolent with the aroma of the blossoms, the visitor will witness spectacular pageants portraying the struggles of the past and the magnificent developments of the present and the glorious promise of the future.

All who honor the festival with their presence will receive a cordial welcome, and I venture to predict will rejoice in the glories of the occasion.

HON. E. B. HOWARD AND HON. F. B. SWANK

Mr. McKEOWN. Mr. Speaker, to-day two of Oklahoma's most able Representatives will leave this House—Hon. E. B. HOWARD, of the first district, and Hon. F. B. SWANK, of the fifth district.

The House of Representatives is one place where men are measured by their ability. Wealth, fame, and influence make no difference in this House as to the estimate made of its Members. A Member must win his spurs, and he wins them upon his willingness to work and his ability to master the intricacies of legislative procedure.

It necessarily follows that years of service and experience with the attendant acquaintanceship with the Members of the House equips a Member for a more successful and efficient service.

Hon. E. B. HOWARD, although not permitted to enjoy a continuous service, has demonstrated his ability to render material service to his district and to his State, and he is recognized as a hard-working Congressman.

Hon. E. B. SWANK has been able to win the affection and esteem of his colleagues in the House on both sides of the aisle and has won the respect of all for his strong moral views. He has rendered great service to the farmers of the country through his position on the great Agriculture Committee of the House.

The House will miss both of these gentlemen, and their friends in the House wish them success in all their future endeavors.

THE REINDEER INDUSTRY IN ALASKA

Mr. SUTHERLAND. Mr. Speaker, this statement from the Department of Agriculture, office of information, with the accompanying bulletin, For the Information of State and Municipal Health Officers, State Conservation Commissioners, Fish and Game Commissions, and for the Information of the General Public, sets forth the status of Alaska reindeer meat with reference to the Federal meat inspection act.

It will be noted that—

No contagious disease has ever been encountered and no reason has appeared why the sale or use of reindeer meat should require Federal, State, or municipal inspection for the detection of disease.

STATUS OF REINDEER MEAT MADE PUBLIC BY FEDERAL COMMITTEE

A statement on the status of reindeer meat under the Federal meat inspection act by a joint committee of the Department of the Interior and the Department of Agriculture on the reindeer industry of Alaska was made public yesterday (February 8).

The statement was prepared to make clear to State and municipal health officers, conservation and game commissioners, and the general public that reindeer are not included in the Federal meat inspection act, but may be received into the United States and shipped interstate, and that when marked for identification they may be received and handled in Federally inspected plants. The statement was made for the joint committee by a subcommittee, consisting of Paul G. Redington, Chief of the Bureau of Biological Survey; Dr. J. R. Mohler, Chief of the Bureau of Animal Industry; and Dr. William Hamilton, assistant chief of the Alaska division of the Bureau of Education. Following is the full text of the statement:

JOINT COMMITTEE OF THE DEPARTMENT OF THE INTERIOR AND THE DEPARTMENT OF AGRICULTURE ON THE REINDEER INDUSTRY OF ALASKA

WASHINGTON, D. C., *February 8, 1929.*

For the information of State and municipal health officers, State conservation commissioners, fish and game commissions, and for the information of the general public

The reindeer industry of Alaska was initiated by the Federal Government in 1891, and during the decade 1892–1902, 1,280 reindeer were

imported from Siberia. The herds now number more than 500,000 animals. Congress now appropriates money each year for the development of the industry, and this money is expended under the direction of the Bureau of Education, Department of the Interior, and the Bureau of Biological Survey, Department of Agriculture.

Alaska now maintains large herds of reindeer, and reindeer meat and by-products are being shipped into the United States each year by the Bureau of Education and private owners.

Reindeer are not included in the Federal meat inspection act, but reindeer meat may be received into the United States and be shipped interstate, and when marked for identification may be received and handled as such in Federally inspected plants. It may also be used in the preparation of United States inspected and passed meat and meat-food products when such articles are appropriately labeled.

The Government has maintained experimental stations in Alaska and keeps in touch with the main herds of reindeer. No contagious disease has ever been encountered, and no reason has appeared why the sale or use of reindeer meat should require Federal, State, or municipal health inspection for the detection of disease. However, State or municipal inspection may be appropriate to determine whether the reindeer meat may have become spoiled due to improper storage or handling. The reindeer has for many centuries been a domesticated animal and not subject to game laws.

For the joint committee:

PAUL G. REDINGTON,
Chief, Bureau of Biological Survey,
Department of Agriculture.
J. R. MOHLER,
Chief, Bureau of Animal Industry,
Department of Agriculture.
WILLIAM HAMILTON,
Assistant Chief, Alaska Division, Bureau of Education,
Department of the Interior.

VETERANS' HOSPITAL FOR WESTERN NEW YORK

Mr. MEAD. Mr. Speaker, I desire to discuss the subject of the legislation contained in H. R. 15921, a bill to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act of 1924. Hearings were held on this legislation by the subcommittee on the hospital building program of the World War Veterans' Legislation Committee. At this point I shall insert as part of my remarks a copy of H. R. 15921:

A bill (H. R. 15921, 70th Cong, 2d sess.) to authorize an appropriation to provide additional hospital, domiciliary. and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes

Be it enacted, etc., That in order to provide sufficient hospital, domiciliary, and out-patient dispensary facilities to care for the increasing load of mentally afflicted World War veterans, and to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals, rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act of 1924, as amended, by purchase, replacement, and remodeling, or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, of such hospitals, domiciliary, and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto; vehicles, livestock, furniture, equipment, and accessories; and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital and domiciliary plants to be constructed shall be of fireproof construction, and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for domiciliary care or the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President.

SEC. 2. The construction of new hospitals, domiciliary facilities, or dispensaries, or the replacement, extension, alteration, remodeling, or repair of all hospitals, domiciliary facilities, or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

SEC. 3. For carrying into effect the preceding sections relating to additional hospitals and domiciliary and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith.

SEC. 4. The President is further authorized to accept from any State or other political subdivision, or from any corporation, association, individual, or individuals, any building, structure, equipment, or grounds suitable for the care of the disabled, with due regard to fire or other hazards, state of repair, and all other pertinent considerations, and to designate what department, bureau, board, commission, or other governmental agency shall have the control and management thereof.

During the hearings Frank Williams, of Buffalo, N. Y., representing the department of New York of the American Legion, appeared before the committee and explained in detail the great need for additional hospital facilities in the western end of New York State. Mr. Williams, a disabled veteran himself, whose record is numbered among the most heroic of those who served in France, is in a position to know the situation with regard to hospital facilities in the western New York district. He is the chosen representative of the American Legion, and among other things it is his duty to investigate and bring to the attention of the authorities the claims of disabled ex-service men. I quote here excerpts from his statement before the committee:

Mr. Chairman, Mrs. ROGERS, and gentlemen, in representing the department of New York in presenting to you the situation of veterans' hospitals, I desire to say that this is not a new proposition. It has been on our program for several years. I have a folder that I dug out of the files, which is five years old. It contains a lot of information, and I thought I would put that in, too, with my own knowledge of what the situation is. As you know, we have two regional offices in New York State; one is situated in New York City and the other office is at the extreme end of the State, Buffalo, where I happen to reside. At the present time there is a waiting list for tuberculosis patients. I am referring now, of course, to the Buffalo end of New York State, the regional office taking care of 32 counties. In Erie County of New York State, where the Buffalo regional office is located, we have 32,000 veterans. We have in close proximity to the regional office quite a number of large towns; in 60 miles we have Rochester, the third largest city in the State; in about 120 miles we have Syracuse, the fourth largest city in the State. In other words, I am trying to bring out the point that in requesting additional hospital facilities, as a general hospital, for New York State, it is largely to take care of western New York, where the Buffalo regional office is located, the veterans applying in person for hospitalization, as well as through mail and through the contacts at Rochester, Syracuse, Binghamton, etc., where Veterans' Bureau representatives are located.

We have no general Veterans' Bureau hospital in New York State at all, and the distance that we have to send them, from Rochester, Syracuse, and particularly from Buffalo and Niagara Falls, or any of the towns around the regional office, works a hardship, as you have heard here before, because of the fact that they have to travel a distance of 400 miles, or even a greater distance, to get into a general hospital. I have in mind now the 76 cases that are hospitalized at the present time from the Buffalo regional office. We had this proposition in our recommendations that were made at our last national convention. The New York State Department has authorized me, the State commander, to come down here with a view of asking for a hospital for the western part of New York. We feel, knowing as we do, and knowing as I do, what the situation is, coming in contact with the veterans in the Buffalo regional office, that there is a great need. There have been a great number of cases wherein it has worked a hardship, because when they find out the distance that they have to travel, the attitude of the Buffalo regional office being, "All we can offer you is to go down to Brooklyn," the veterans will not accept it.

The result is that we do not inform them because I do not want them to accept it, and then go away embittered because they can not get into a Government hospital which is open at the present time. We are a very patient people up there, and that is why this need has dragged on for years. It is no more acute now than it was three or four years ago, but it is acute. In our city department we are particularly fortunate there in having administered through the American Legion $100,000 worth of relief a year. That takes care of but one county in that part of the State, and I have the figures here to show that they hospitalized over 1,000 World War veterans last year that went into the city hospital, put in either as city cases or as county cases through the American Legion relief bureau.

We are not asking for a hospital for Buffalo but a hospital to take care of half the State that is not provided for now. My observation is that at the present time there are quite a number of veterans who could go into such a hosptial and it would take care of the western part of

New York State; it would take care of men who are now not being cared for, because of the fact that they will not or can not go into the hospitals away off down in Brooklyn.

I also quote from a communication received from Douglas I. McKay, department commander of the American Legion, which explains the attitude of his State organization relative to the construction of a general hospital in western New York and to additional hospital facilities in other parts of the State:

Additional Veterans' Bureau hospital facilities in New York State are sorely needed. Every available hospital is overcrowded, patients are awaiting hospitalization, and the load is increasing. Our last State convention went on record for a 500-bed hospital for the northwestern part of the State, where, as matters now stand, it frequently occurs that patients have to be transported from 400 to 600 miles in order to be hospitalized on Long Island.

Our State hospital and welfare committee, after careful investigation, found the situation so aggravated, because of the increased number of cases entitled to hospitalization, that unless additional facilities are provided many can not be cared for. That committee recommended a 500-bed hospital for western New York, a new 1,000-bed mental hospital, and a new 200-bed general hospital in New York City. Director Hines has accepted these figures subject only to some minor reduction in size.

It seems to take approximately four years from the passage of legislation to the occupation of the bed by the patient and, therefore, we feel that unless the pending legislation is passed at once hundreds of veteran patients will be unhospitalized for lack of facilities.

Even the chairman of the committee conducting the hearings, the Hon. ROBERT LUCE, of Massachusetts, recognizes the necessity for added hospital facilities in western New York. I quote from the hearings a statement made by the distinguished chairman with reference to this particular hospital question.

I am frank to say that any study of the map would lead an unprejudiced man to think that you have a better case than some that have been presented to us in the past, and perhaps some that are being presented to us now. I do not know whether it is my duty to encourage any other locality to press for recognition, but it seems to me that western New York has been lost in the shuffle.

I include also in my remarks a statement giving the existing facilities in district No. 2, which embraces the States of New York, New Jersey, and Connecticut.

Tuberculosis

	Beds	Patients
U. S. Veterans' Hospital No. 96, Sunmount, N. Y.	369	330
U. S. Veterans' Hospital No. 98, Castle Point, N. Y.	404	392
U. S. Navy Hospital, Brooklyn, N. Y.	1	1
Contract hospitals		[1]153
Total	774	876

[1]Includes 132 patients at hospitalization centers, Saranac Lake and Liberty, N. Y.

NOTE.—Present load is divided—service-connected, 463; non-service-connected, 413; excess patients over beds at present, 102. Total load on Jan. 1, 1928, 907.

General medical and surgical

	Beds	Patients
U. S. Marine Hospital, Buffalo, N. Y.	50	50
U. S. Marine Hospital, Ellis Island, N. Y.	1	1
U. S. Marine Hospital, Stapleton, N. Y.	2	2
U. S. Navy Hospital, Brooklyn, N. Y.	449	334
Contract hospitals		6
Total	502	393

NOTE.—Present load is divided—service-connected, 97; non-service-connected 296; excess beds over patients at present, 109. Total load on Jan. 1, 1928, 312.

Neuropsychiatric

	Beds			Patients		
	Psychotic	Psychoneurotic	Total	Psychotic	Psychoneurotic	Total
U. S. Veterans' Hospital No. 81, Bronx, N. Y.	888	19	907	888	19	907
U. S. Veterans' Hospital No. 108, Northport, Long Island, N. Y.	993	5	998	805	5	810
U. S. Navy Hospital, Brooklyn, N. Y.		100	100		40	40
Contract hospitals				320		320
Total	1,881	124	2,005	2,013	64	2,077

With the lone exception of the United States marine hospital, which is not a veterans' hospital and is at times filled with patients sent there from other sources, all of these institutions are located in the far eastern end of New York, an average distance of approximately 400 miles from Buffalo and the Niagara frontier. A study of these figures clearly indicates the need of a general hospital for the care of the veterans in the western end of district No. 2. When this hospital is constructed it will to a degree relieve the congestion now existing in the other hospitals of this district.

Shortly after the termination of the World War an effort was made to locate a hospital in western New York. A site was secured and offered to the Government without charge. This site was located in what is called Cascade Park at Springville, N. Y., which is but a short distance by rail or highway from Buffalo, Rochester, and cities located along the lake shore from Buffalo to the Pennsylvania State line. Both the city of Buffalo and the State of New York have placed their stamp of approval on this locality by establishing hospitals of their own within close proximity to the site which was then offered to the Federal Government. However, that offer was rejected by Colonel Forbes, the then Director of the Veterans' Bureau, although a number of my colleagues and I urged his favorable approval. At the present time we are not interested in any particular site as we are willing to leave the selection of the location to the Federal Hospital Board, to the Director of the Veterans' Bureau, or to any other representatives of the Government. Conditions, however, demand that something be done for this large district now without proper and adequate hospital facilities. The American Legion, after a thorough investigation, has indorsed and recommended the immediate construction of a hospital in this end of the State, and I join most heartily in their recommendations. I trust this legislation is only temporarily delayed by the action of the present Congress in failing to favorably adopt the measure, and it is my sincere hope that the next regular session of Congress will adopt without delay this very necessary and meritorious measure.

EDUCATIONAL ORDERS

Mr. HOFFMAN. Mr. Speaker, in proportion to national wealth guarded, the United States maintains the smallest standing army in the world. Considering population, the United States has a regular army even smaller than that of Germany as allowed by the treaty of Versailles, and that treaty was specifically designed to render Germany impotent as a military power.

Before the World War we were accustomed to speak of preparedness as if our national defense was based solely upon our ability to mobilize and train troops. Once in the war, however, we found that our capacity to organize and train the Nation's man power far exceeded our ability to arm and equip the troops. We found that, in spite of the fact that many of our industries had been manufacturing arms and munitions for the belligerent nations of Europe prior to our entrance in the conflict, we were dismally deficient in our ability to produce the articles of ordnance so vitally necessary in the successful prosecution of a war.

In 1917 and 1918 we felt the truth of the statement that hastily improvised preparation is needlessly wasteful of human life and unnecessarily expensive. With the lessons of the war still fresh in our minds, why should we not direct our best thoughts and effort to the reinforcement of the weak spots in our national defense?

It is to-day recognized that the training of industrial soldiers is no less important than the training of those men who may be called upon to do the actual fighting in the event of a war. We are definitely committed under national-defense legislation to the preparation of the latter group. We have our reserve organizations, our civilian military training corps, and other activities that prepare the Nation's man power for military service. We spend comparatively large sums in teaching our men and boys how to bear arms; we refuse appropriations to prepare for the furnishing of the arms and of munitions of war in the event of the calling of these peace-time trained soldiers to the colors.

The bill before us (H. R. 450) provides a simple and rather inexpensive method for the training of our industrial soldiers, a plan under which our industries in times of peace may be prepared for war-time production. Briefly it will give not oftener than once in three years to private plants which may appear to be especially adapted to the purpose educational orders for small amounts of selected types of noncommercial articles of ordnance. Under this program there will be prepared in our industries a nucleus of men skilled in the production of the particular type of munitions required. The necessary tools, dies, jigs, and gauges will be available; our plants

will be able to get speedily into production in the event of a war. The conversion from peace to war time production will be smooth and rapid, and the movement to the field of adequate munitions may be the controlling factor in winning a war.

Instead of this legislation being a "war incubator," as has been suggested, it will prove to be cheap national insurance. It is a direct, common-sense plan for the industrial mobilization of the Nation, which, coupled with the procurement plans of the War Department, will go a long way in the perfection of our national defense.

The placing of these educational orders is not possible under existing laws. It may be said, in reply to the arguments advanced on the floor, that our system of expending public funds will be impaired by failure to require the Secretary of War to award contracts for the manufacture of groups of material to the lowest bidder, that such a provision would destroy the very purpose of the legislation. Low bids, under the competitive system, might be received from concerns which have no interest in the Nation's defense program, but would merely utilize such orders to fill in during periods of depression. Conformity to such requirements would often mean the placing of orders with plants that would receive no allocation of work in the event of an emergency. And again, as has been pointed out by the Secretary of War, other concerns which have the experience necessary would compete, and it would be necessary to place manufactures with them without advantage to the United States.

Members of the House who are fearful that the placing of educational orders will either result in a retrenchment of activities at the various Federal arsenals, or that they will result in diverting to commercial industries orders that might well be filled at the arsenals, should be assured that there is nothing of this kind contemplated. The industrial mobilization plans provide for meeting the war requirements of the Nation with our arsenals as well as with various commercial plants. The arsenals are given schedules that will utilize their maximum capacity, but these will by no means meet our requirements, for the arsenals, in general, can make only from one-half of 1 per cent to 10 per cent of the various items required in a war of major effort. The Government arsenals are vitally necessary in our scheme for national defense and for procurement in an emergency, and it is the first concern of the Ordnance Department to care for these arsenals, keeping the plant in first-class condition and maintaining a nucleus of trained personnel.

With our commercial plants scrapping their ordnance facilities, with their munitions-manufacturing personnel disbanded, and with the art of such manufacture acquired during the war practically extinct, it is estimated that it will take our industry from 6 to 18 months to produce the munitions required at a necessary rate. Our reserves are inadequate, as General Ruggles has pointed out in the committee hearings, to bridge this gap. The most sensible method of doing this is by, under the bill before us, training selected commercial concerns in time of peace in the manufacture of these vital munitions so they can get into quantity production earlier, and before our reserves are exhausted.

Let us give our careful thought to this measure. The indications are that it will not be enacted at this session, but I am impressed by the thought that the Members of Congress who will study the plan closely will be insistent upon its passage early in the next session. They will find that it is designed to save lives and money; that it will, as my colleague from New Jersey [Mr. FORT] has said, bring to the aid of the Government in times of peace the genius of our great commercial industry for the development of our ordnance, and that it will, too, be a most effective guaranty of continued peace in the United States. When it is known that we are prepared to supply our great and splendid man power with a timely and adequate supply of munitions as they are needed, it is my belief that no nation or combination of nations will care to run the risk of drawing us into a war against them.

The need for this legislation is effectively set out in this letter from the Chief of Ordnance, which I submit for the RECORD:

Hon. HAROLD G. HOFFMAN,
House of Representatives, United States,
Washington, D. C.

DEAR MR. HOFFMAN: In reply to your recent request, I am glad to be able to give you further information with respect to the kind and amount of ordnance weapons and supplies which our arsenals will be able to manufacture in an emergency.

The total amount of each and all of these technical and noncommercial weapons and supplies which our armies would require in event of war has been carefully calculated. The amounts needed over and above those now in the hands of troops or held in reserve have been set up as requirements. The general statement has been made that our arsenals have a capacity only sufficient to manufacture from one-half of 1 per cent to 10 per cent of these noncommercial articles and supplies, depending upon the particular article. This general statement is correct. The requirements for war will have to be manufactured partly in arsenals but largely in selected commercial plants after war has started. The arsenals can get into production on those articles they have been selected to manufacture quite quickly because the full equipment for such manufacture is on hand, and the workmen are trained. But it will take, under present conditions, from 6 to 18 months for commercial plants to get into similar production, and in the meantime our reserves of many essential items will be completely exhausted, even when these reserves are augmented by the relatively small number of articles being manufactured at our arsenals.

Generally speaking, our ordnance arsenals are prepared to manufacture, within the limits of their capacity, all these special articles of noncommercial type. But, because of their small capacity for manufacturing certain articles which are required in very large amounts, it has been found most economical and wise to plan to manufacture at these arsenals, to the maximum limit of their capacity, only those articles which they are best fitted to manufacture, and the production of which articles in commercial plants would give the greatest difficulty. In many cases the articles to be manufactured at our arsenals are those which will be vitally necessary in the early stages of a war.

Coming now to our general requirements, the number of the vital weapons and supplies needed are so large that our arsenals have the capacity to manufacture only a very small fraction of our requirements. We give here a few illustrations to indicate the general situation:

75-mm. field-gun ammunition: The available supply of loaded ammunition for this gun is constantly being depleted without replacement so that the situation with reference to this item of ammunition is constantly growing worse. At the present time there is available sufficient loaded ammunition to meet the requirements of the first 13 weeks of a war, and unassembled components which only become available gradually because of the slowness with which assembling facilities will become available. There is therefore at the present time a prospective deficit beginning in the fourth month of a war, the expected supply from all sources being from one-third to one-half of requirements from the third to the ninth months of the war. Of the 75-mm. gun ammunition apportioned to all sources, totaling 7,911,000 rounds as the maximum to be produced in any one month, Picatinny Arsenal is expected to produce only 150,000 rounds, or something less than 2 per cent. Frankford Arsenal is to assist only in the production of minor components for these items, its capacity being otherwise used.

155-mm. howitzer ammunition: The situation with respect to 155-mm. howitzer ammunition is approximately the same as for 75-mm. gun ammunition as far as reserve and production is concerned. Of the 155-mm. howitzer ammunition apportioned to all sources totaling 1,922,000 rounds as the maximum to be produced in any one month, Picatinny Arsenal is expected to produce only 7,500 rounds, or something less than four-tenths of 1 per cent. Frankford Arsenal will produce no complete rounds as such, but will produce 25,000 shell per month, or about 1.3 per cent of the shell needed.

It should be understood that the above two types of ammunition are only two out of a large number of types which must be provided.

The part which Picatinny Arsenal and Frankford Arsenal play in the whole ammunition program is better visualized by a statement that Picatinny and Frankford together will produce approximately 100,000 complete rounds per month of all calibers out of a total maximum monthly apportionment of 26,023,000 rounds, and in addition Picatinny will load 92,000 more rounds.

Picatinny and Frankford together, therefore, will produce less than four-tenths of 1 per cent of the ammunition apportioned for manufacture, and in addition Picatinny Arsenal can load less than four-tenths of 1 per cent more of the total apportioned. The deficits must be met by production in commercial plants, none of which at present have equipment to make this ammunition, or trained personnel.

Artillery: Requirements under this heading in the order of difficulty of manufacture include recoil mechanisms, guns, carriages, and accompanying vehicles. They also include a large variety of complicated instruments used for the observation of fire, the measurements of angles and distances, and for the laying of artillery in azimuth and elevation. Qualitatively, Rock Island and Watertown Arsenals can produce recoil mechanisms, carriages, and vehicles. Watervliet Arsenal can make the guns and Frankford Arsenal the instruments. Quantitatively, however, the requirements are so large that only a very small percentage of the total load can be placed on these establishments, the remainder having to be done by commercial plants.

The plan therefore is to give Rock Island Arsenal practically all the recoil mechanisms, these being very difficult to manufacture. Watertown will take a small part of the recoil-mechanism requirements and a large share of the heavier and more complex carriages. A few of the recoil mechanisms and most of the carriages and vehicles must be obtained from commercial sources. Spare parts required in relatively small numbers for existing matériel will be produced at the arsenals.

Those required in large numbers or pertaining to major items procured commercially will be assigned to outside companies.

In general Watervliet Arsenal will be given orders for guns which are needed soonest and for which it already has jigs, tools, fixtures, etc. Guns required later or for the replacement of existing types will in general be ordered from commercial sources. Due to recent simplification, the new type guns can probably be manufactured by outside concerns in less time than could the old type. However, the arsenal can make the latter with less delay than either it or the civil establishments could manufacture the new models. In general, Watervliet Arsenal will make approximately one-fifth of the guns (barrel and breech mechanism) required, the remainder being made in commercial plants.

The plans for Frankford Arsenal contemplate complete responsibility for all optics (lenses and prisms), regardless of whether the metallic parts of instruments are made there or not. Frankford in turn will procure most of these optical elements from commercial sources, reserving its own manufacturing facilities for those used in limited numbers or of special characteristics.

The following list shows some of the items that must be manufactured in commercial plants at present almost entirely unequipped or trained for such work, the amounts in round numbers being the requirements for the first 24 months of an emergency:

75-mm. guns	7,000
75-mm. carriages	5,000
105-mm. howitzers	1,500
105-mm. howitzer carriages	2,000
155-mm. howitzers	300
155-mm. carriages	400
3-inch antiaircraft guns	1,700
3-inch antiaircraft carriages	1,000
155-mm. guns and carriages	800
75-mm. Infantry mortars and carriages	3,600
Light tanks	10,000
Heavy tanks	1,800

Aircraft machine gun, fixed, caliber .30: The reserve stock of these guns is 2,217 less than the estimated total requirement for the first month of war. The total estimated requirement for 24 months is 30,597. Due to the fact that the total capacity of the Government's only small-arms plant, Springfield Armory, will be required in connection with the manufacture of rifles and other articles, these machine rifles will have to be procured from private manufacturers.

Small-arms ammunition: The total procurement requirement for .30-caliber small-arms ammunition for the first 24 months of an emergency is approximately 6,000,000,000 rounds. The estimated total capacity of the Government's small-arms ammunition plant, Frankford Arsenal, is approximately 1,000,000,000 rounds. The remaining 5,000,000,000 rounds must be procured from private manufacturers.

Other small-arms matériel, for which there is no arsenal capacity and which must be manufactured after declaration of war in commercial plants, at present almost entirely unprepared for such work, include the following:

Tank machine guns, caliber .30	10,000
Antiaircraft machine guns, caliber .50	8,000
Steel helmets	6,000,000

The above gives the general situation as to the proportion of manufacture which will have to be undertaken at arsenals and commercial plants in event of war.

It should be particularly noted that in many items vitally necessary to the waging of war there is a period of months between the time when our reserves of these items are exhausted and the date when production in commercial plants and arsenals can meet the requirements. This is because of the time necessary for commercial plants to procure, manufacture, and install the necessary tools, dies, jigs, fixtures, and gauges for manufacture of the article and train their labor in the art of manufacture, which is necessary before production can start. The purpose of the bill for educational orders (H. R. 450) is to eliminate or greatly reduce the time consumed in this preparation for manufacture, thus greatly reducing or eliminating the period when our troops will be without these vital supplies.

Very sincerely,

C. C. WILLIAMS,
Major General, Chief of Ordnance.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. TILSON. Mr. Speaker, your committee, appointed on the part of the House to join a like committee on the part of the Senate, to wait upon the President and inform him that the Congress has completed its work, reports that it has performed that duty. The President sends his congratulations to the House upon the work that it has accomplished, and bids us say that he has no further communications to make to the Congress.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The SPEAKER. Under the act approved June 6, 1924, amended by the act of April 30, 1926, the Chair appoints the gentleman from Maryland [Mr. ZIHLMAN] as a member of the National Capital Park and Planning Commission.

HON. FINIS J. GARRETT

Mr. TILSON. Mr. Speaker, this day marks the termination of a very notable career in the history of the House of Representatives. Just 24 years ago there came to this House a young man from one of the western districts of Tennessee. He was not heralded by any fanfare of trumpets, nor was there apparent other evidence of an unusual character indicating that a potential national figure was there in the making. Like others who have achieved the greatest genuine success he began modestly and developed slowly, but to-day he rounds out a most enviable record of nearly a quarter of a century of noteworthy service, one-third of it as the leader of his party in the House.

Every Member of the House not only honors and respects, but admires and loves FINIS GARRETT. He has shown himself a man standing foursquare to every wind that blows, himself without variableness or the shadow of turning, and withal a real statesman. For four years he and I have faced each other across the middle aisle of this Chamber, the respective leaders of opposing parties, but in all this time there has never been a single word, not even a thought, of unkindness or even misunderstanding, much less of anything approaching rancor or bitterness. In fact, our relationship throughout has been characterized by the closest and most intimate personal friendship. Nor have I waited till the day of his departure to throw bouquets, but in private as in public, in season and out of season, have praised his worth and work, believing that a public servant of this kind should receive his just mead of praise.

As he takes up a new task in a new field on to-morrow, I am sure that the best wishes of every Member of this House will go with him in his work on the bench, which his character and professional attainments will adorn, and continue with him throughout his life, which we all hope may be a long and happy one.

Mr. Speaker, I am sure that every Member of the House would be sorry if we adjourned to-day without hearing a parting word from our very good friend, our deservedly honored colleague, the distinguished minority leader, Mr. GARRETT. [Applause, the Members rising.]

Mr. GARRETT of Tennessee. Mr. Speaker and my colleagues of the House of Representatives, this is an occasion when it might be quite proper for me to say some things of a personal nature or carrying a personal flavor; and yet I shall not do that, because if I were to attempt it I realize that I would display an emotion which, while I certainly would not be ashamed of it, nevertheless would not be of interest to the House.

I do wish that it were possible for me to express individually to each Member here the deep feeling of appreciation I have of the courtesies which have been shown me during my long term of service.

I have served here for almost a sixth of the life of this Republic. I came here imbued with certain conceptions as to the nature of the Federal Government in its relation to the States and the people thereof. Briefly stated, ever since I knew anything about our governmental systems at all it has been my opinion that the fundamental purpose in the formation of the Federal Government was that through its strength the States might be enabled to live, and that to the States the people should look for most of the laws that are to govern them. In other words, those governmental things which can be done by the States should be done by or through the States, and the function of the Federal Government is only to do the things which the States can not do. [Applause.]

By that conception I have stood through four and twenty years.

So standing it has resulted that I have opposed many legislative proposals here which I would have been glad to see the States adopt, each acting for itself, but which I did not regard as coming within the scope of proper Federal activity.

Of course, those who take that position are frequently referred to as "reactionaries" and are likely to find themselves described as "anachronisms." Nevertheless, I think it is the right position in the interest of human liberty.

It has often occurred to me that in the greatest strain through which this Nation ever passed—that of the war of secession—in the final analysis of motives, paradoxical as it may seem as a matter of first impression, each side was fighting for the same fundamental idea.

The South, believing that local self-government was endangered by certain political conditions that had arisen in the Nation, fought to secede; the North fought to maintain the Union on the theory that only by its maintenance could the States, the source of local self-government, be permanently maintained.

Time does not admit of my pursuing the thought and illustrating as I should like to. I can only say that I leave, as I came, with the fixed conviction that the end of liberty is to be served only by a proper division of and respect for the functions each government should perform.

I have been the recipient of constant courtesy, not only from my party associates but from those of the opposition as well. The majority leader [Mr. TILSON] in his graciousness and fineness symbolizes his party in so far as its treatment of me as temporary spokesman of the minority is concerned, and by thanking him I thank his party associates.

My colleagues, ladies and gentlemen, I bid you a fond adieu with the fervent prayer that richest blessings may rest upon you and each of you.

I come now to the performance of my last official act as a Member of the House of Representatives.

RESOLUTION OF THANKS TO THE SPEAKER

The SPEAKER. The gentleman from Mississippi [Mr. COLLIER] will please take the Chair.

Mr. COLLIER assumed the Chair as Speaker pro tempore.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer the resolution which I send to the clerk's desk.

The SPEAKER pro tempore. The clerk will report it.

The clerk read as follows:

House Resolution 351

Resolved, That the thanks of the House are presented to the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives, for the able, impartial and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

[Applause, the Members rising.]

Mr. GARRETT of Tennessee. Mr. Speaker, it is a most happy thing to me that I am able to offer that resolution in behalf of the minority, expressing the feeling and the heart of the minority. The Speaker of the House of Representatives—while exercising, as he should have exercised, with earnestness and with vigor, that high party leadership which inheres in the office with which he has been honored—has been uniformly fair, always loyal to the integrity of the rules of the House, just in every decision made and has been an honor to the Chair. His name will stand in the list of the great Speakers of this great body. [Applause.]

The SPEAKER pro tempore (Mr. COLLIER). The question is on agreeing to the resolution offered by the gentleman from Tennessee [Mr. GARRETT].

The resolution was unanimously agreed to. [Applause.]

The SPEAKER. My colleagues, time and the state of my voice will not permit me to say more than just a word, and that is to try to express to you, which words could not do, the great gratification I have in this renewed exhibition of your confidence and esteem, and to thank you for it.

If there is any regret I have in looking toward the future it is that I will no longer be associated on this floor with my valued and very dear friend of nearly a quarter of a century, the retiring minority leader. [Applause.]

I have never known a man in public life whose sturdy patriotism, whose ability, and whose wonderful command of the English language I have more greatly admired. [Applause.] I rejoice, though—and this is some balm—that succeeding him will be another friend of mine, a valued friend of a quarter of a century, a rather timid and retiring man, it is true [laughter], but one whose abilities as a leader are unquestioned.

And now as the time approaches for us to proceed to the other Chamber I can simply say this, I thank you one and all from the bottom of my heart. [Applause.]

ADJOURNMENT SINE DIE

Mr. TILSON. Mr. Speaker, before making the next motion, which will be the last one of this Congress, I wish to express my sincere thanks to all my colleagues on both sides of the middle aisle of this Chamber, for the uniform kindness and cooperation shown in connection with my work here as floor leader. It is an exacting task as well as one of responsibility. A single Member, were he unmindful of his own responsibility, might easily make the path which the floor leader of this House must travel a much more difficult and unhappy one without violating strictly parliamentary proceedings. None of you, my colleagues, has done this, but on the contrary all have cooperated with me, and the result has been the orderly dispatch of the public business without friction or undue delay. This courteous treatment of me I personally appreciate.

We are now to separate for a brief period. I wish for each of you just the kind of vacation each heart desires, provided it be the kind that will prove to be best. You have earned and richly deserve it. As we separate you carry with you not only my best wishes, but my earnest hope that when the recess is over you will return physically fit for the work that is ahead of us, and filled with the high purpose to help make the Seventy-first Congress the greatest in worth-while service of all our history.

Mr. Speaker, I now move that the House adjourn sine die.

The motion was agreed to.

The SPEAKER. The House stands adjourned sine die.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Comptroller General's Office (Rept. No. 2816). Ordered to be printed.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Government Printing Office (Rept. No. 2817). Ordered to be printed.

Mr. LEHLBACH: Select Committee to Investigate Campaign Expenditures. A report on campaign expenditures conducted pursuant to H. Res. 232 (Rept. No. 2821). Referred to the House Calendar.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. BUSHONG: Committee on Claims. H. R. 1392. A bill for the relief of Paine Lumber Co. (Ltd.). (Rept. No. 2818.) Laid on the table.

Mr. BUSHONG: Committee on Claims. H. R. 6151. A bill for the relief of Oswald H. Halford, Hunter M. Henry, William C. Horne, Rupert R. Johnson, David L. Lacey, William Z. Lee, Fenton F. Rodgers, Henry Freeman Seale, Felix M. Smith, Edwin C. Smith, Robert S. Sutherland, and Charles G. Ventress. (Rept. No. 2819.) Laid on the table.

Mr. BUSHONG: Committee on Claims. H. R. 11547. A bill for the relief of Catherine Panturis. (Rept. No. 2820.) Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 17334) for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama who are citizens of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A memorial of the State Legislature of the State of Wisconsin urging the Congress of the United States to promptly enact legislation either repealing the national-origins clause of the immigration act of 1924 or definitely postponing the time of its taking effect; to the Committee on Immigration and Naturalization.

Also, a memorial of the State Legislature of the State of Wisconsin urging the Congress of the United States to enact legislation favoring the Great Lakes-St. Lawrence Waterway project; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. ZIHLMAN introduced a bill (H. R. 17335) granting a pension to Elizabeth E. A. Shaw, which was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

13617. By Mr. GARBER: Petition or memorial of certain residents of Grant County, Okla., in opposition to the bill H. R. 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

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